

The Ferguson Verdict

Tracing the Movement Against Racism

BETH PRUSACZYK, DIVYA RAVINDRANATH, MAXINE DAVIS, WHITNEY SEWELL

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Divya Ravindranath (divya.ravindranath@wustl.edu), Maxine Davis (maxinedavis@wustl.edu), Beth Prusaczyk (beth.prusaczyk@wustl.edu) and Whitney Sewell (whitney@wustl.edu) are PhD students at the Washington University in St Louis.

The reactions to the grand jury's verdict in the Ferguson case has proved that the US government is incapable of understanding the growing resentment against racial divide and inequity in the country. A group of students from St Louis trace the events from days before the trial to the mood after the verdict.

In our recently published [EPW commentary titled "Race in Contemporary America"](#), we provided a historical context for the events that took place in August in Ferguson, Missouri, the United States (US), after Michael Brown Jr, an unarmed black teenager, was shot and killed by Darren Wilson, a white police officer. In this commentary, the perspective shifts from the past to the present. We look at the aftermath of the grand jury's verdict that decided not to indict the officer. The decision was one that few believed—but many hoped—would not come. We attempt once again to provide context for the events that have taken place over the past few days. We also present the legal process that was used for this case and describe the community's effort in organising itself, in anticipation of the grand jury's verdict. We also reflect on the state's reaction to this growing movement, and the response of the community after the verdict.



Police deployment after the judgement, in Missouri. Courtesy - A Van Veelen

The Legal Process

In the US and in the state of Missouri, there are different ways in which criminal charges can be brought upon an individual. Charges can be filed, also known as an indictment, by a prosecutor directly if he or she believes it is probable that the individual committed the crime. The other approach is through the process of a grand jury hearing, in which a prosecutor presents evidence to jurors, who weigh it to decide if there is probable cause for an indictment. This process can take place at the federal level, where the US Attorney General acts as the prosecutor. Alternatively this process can occur at the state level, where each county elects its own prosecutor to handle any crimes that occur within that county. The grand jury in a state-level case is comprised of individuals living in that county. In other words, at the state level, when an alleged crime is committed, the prosecutor and the jurors are citizens of the county in which the alleged crime has taken place.

In Missouri, a grand jury is comprised of 12 citizens and these citizens serve as the jury for all cases in that county for four months. Votes from nine of the 12 jurors are required to indict, failing which no charges are filed. At the end of the four months, 12 new jurors are selected to serve a new four-month term. During grand jury proceedings, the prosecutor presents evidence and witnesses to the jurors while a judge presides, but it is ultimately the

jury's decision whether or not charges should be filed against the defendant.

In the case of Brown's death, the St Louis County prosecutor chose to hold a grand jury hearing, instead of filing charges against the police officer himself. The grand jury, which was selected months before Brown's death, comprised of nine white individuals and three black individuals. The police officer testified in front of the jury for four hours, along with multiple eyewitnesses and medical examiners. Forensic evidence was also presented.

Many aspects of this process have sparked controversy in the community and directly contributed to the events that have occurred over the past few weeks. Since August, the community has called for the prosecutor to step down and for a different prosecutor to be assigned to the case. This request was made for several reasons. It has been alleged that grand juries in such cases are not necessarily the "independent" bodies they claim to be, and are often under complete control of the prosecutor, who presents evidence in a way that purposefully leads jurors to the desired conclusion.

Adding to this generally questionable nature of the process, in this particular case the prosecutor himself has had a long relationship with local law enforcement. His family has served with the St Louis Police Department, and in the past he has openly shown his allegiance to the police. Given the history of prosecutors steering grand jurors to make decisions they want, and in particular this prosecutor's strong loyalty to police officers, [the community did not have confidence in the grand jury proceedings from the beginning](#). Thus it has been speculated that the prosecutor led jurors to the decision not to indict the police officer through both his actions and his inactions.



Protestors on the steps of the old courthouse. Courtesy - Bret Gustafson

It is also highly unusual that the prosecutor did not recommend charges to the grand jury. Typically, a prosecutor recommends the jury to consider specific charges such as voluntary manslaughter or second-degree murder in similar cases. In this case, the prosecutor did not recommend any charges to the grand jury, which was seen by many as a clear statement to the jurors that no charges should be filed. Additionally, the prosecutor promised that when the grand jury made its decision his office would give both law enforcement and Brown's family 48-hour notice prior to releasing the decision to the public. This was supposed to be done to ensure law enforcement had time to prepare for any protests or violence that might take place (the preparation for protests and anticipation of violence are discussed below) and out of respect for Brown's family. However, the prosecutor did not provide any such notice and instead chose to announce the grand jury's decision at night.

While at this stage, at the state level, no charges have been filed against the police officer, at the federal level, the US Attorney General could still bring charges against him. And while the federal investigation is still on-going, even prior to the state grand jury's decision, the media has suggested that charges against the police officer are unlikely. This leaves Brown's family, the residents of Ferguson, the St Louis community, and the people of the US to grapple with the injustice on their own—to grieve and to cope.

Preparations for the Grand Jury Decision

For over three months, while the grand jury heard evidence and deliberated, the people of the region have waited anxiously for a decision. With little faith that the officer would be indicted, and yet hoping that it would happen, the community has been preparing for its impact.



Police clashes with the protestors at Missouri. Courtesy - A Van Veelen

In this period, police received hours of training in how to manage acts of civil disobedience. Brown's supporters organised actions and training groups. Hundreds of protestors underwent legal observer training, which trains citizens on how to recognise and document if and when their rights are violated. People were also trained extensively on how to minimise personal bodily damage inflicted at the hands of police. For example, what positions a person should take in order to protect her or her vital organs when being assaulted and how to respond to the potential of arrest. Artists and student volunteers painted colorful displays on the materials used to board up local business, with hopes of signaling that many businesses were still open to customers. Specific churches and businesses were designated as "safe spaces" for protestors seeking refuge from law enforcement or rest. Hand warmers (since the temperatures at this time of the year regularly dip below -1°C), goggles and masks (to protect protestors from tear gas), food,

medical supplies and much more were donated to support the stamina and safety of protestors.

On the other side, another faction of the St Louis community that supports police officers collected food and water to support the stamina and safety of police officers. It almost seemed like a competition to see which side could collect more supplies for their front-line members.



Protests in the Town of Missouri. Courtesy - A Van Veelen

In anticipation of the verdict, the governor of Missouri also declared that Missouri was in a state of emergency. He made this declaration on 17 November purportedly “to protect civil rights and ensure public safety in the city of Ferguson and the St Louis region” and to protect “citizens and businesses from damage and violence”. This official declaration is required in order for the Missouri National Guard to be deployed in the US and will remain in effect for at least 30 days. The governor claimed that the purpose of calling on the Missouri National Guard was to “maintain peace and protect those exercising their right to free speech”. However, it is unclear how the presence of militarised vehicles and personnel in combat gear could help achieve this goal. The fact is, it does not—it only adds to the defensiveness of citizens organising peaceful protests, raising their willingness to engage in civil disobedience and possible property destruction. The result of this action, in

combination with other actions and statements by officials, led to a fearful atmosphere throughout the region.

Even statements from some administration of local universities added to the anticipation of violence and encouraged structural distancing from Ferguson through disillusioned attempts to lower fear. These poorly planned statements however had opposite effects, raising a variety of responses from students.

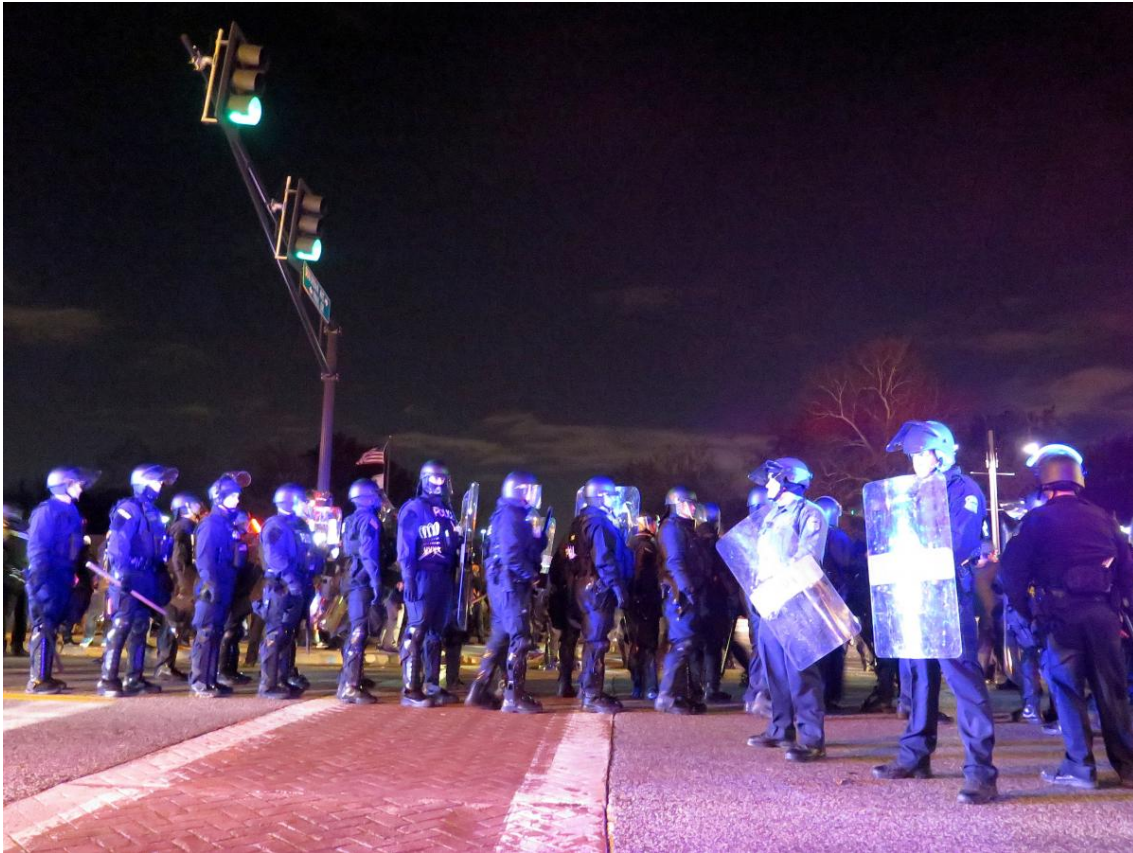
Fear of protestors, fear of property destruction, and fear of a general uprising has also revealed the racist underbelly behind the developed facade of St Louis and the US. These few months have seen increased gun sales for personal protection. Law enforcement and officials have made several public remarks and issued warnings and threats regarding the actions they would take to diffuse any and all uprisings. Armoured vehicles, reminiscent of a war situation, perused residential streets and provided surveillance to restaurants and shopping centers up to 20 miles away from Ferguson. In a paternalistic tone, news outlets and police officials use the terms “criminals”, “rioters” and “protestors” interchangeably and irresponsibly, despite the fact that most protesters are non-violent.

There is no question that the atmosphere created by authorities, in which the decision was released, had a direct impact on the responses of citizens. This incendiary approach to prepare for the grand jury’s decision created a self-fulfilling prophecy of violence.

Response to Grand Jury’s Verdict

After weeks of accruing anticipation, the indictment decision of Darren Wilson was strategically announced during the evening of 24 November 2014 after 8 PM. It is not clear why the prosecutor decided to release the verdict after nightfall. At the least it was irresponsible, and at the worst it was a move that seemed to incite violent protests that would further discredit the community. The announcement also came at a time when students of the various university campuses of the region, who have been an integral part of the movement, were preparing to travel back home for the long Thanksgiving break.

The emotional responses of the people of Ferguson and allies across the nation were diverse in approach yet harmonious in its objections to the decision and cries for justice. Some reacted by flooding the streets, and many others reacted by [flooding social media](#). Despite statements encouraging peaceful protest from the president of the US Barack Obama and the parents of Mike Brown, some responses to the decision diverged from that of peace and unfortunately included destructive riots and looting.



Police armed and prepared for clashing with the protestors. Courtesy - A Van Veelen

While many mainstream media outlets sought to focus on the provocative and inciting images of violence and looting, that was not and has never been a fair and holistic representation of the protests. The police reported approximately 60 arrests and 25 structure fires. Yet these numbers of arrests were a mere fraction of the hundreds protesting throughout the greater St Louis area. The evening of the indictment announcement, St Louis law enforcement, with the reinforcement of the Missouri National Guard, were hyper-vigilant in their goals of diffusing protests and conducting crowd control, blatantly disregarding the protesters right to assembly. The hyper-vigilance of law enforcement was undoubtedly fuel to the already emotionally charged evening filled with disappointment, anger, hopelessness and unrest. Protesters were active facilitators of crowd control, encouraging peaceful protests and deterring the few fellow protesters from engaging in destructive riots and looting.

Protests in objection to the indictment decision in Ferguson and across the nation have included [marches](#), [die-ins](#), vigils, and some communities have mental health counsellors and other helping professionals on-call to speak with those interested in support. St Louis area clergy led peaceful protests the evening of the announcement, holding well attended [prayer vigils](#). Hundreds gathered at the US Capitol in Washington DC and [protested peacefully](#).

Youth organisers and protesters including [students on university campuses](#) stood in solidarity with Ferguson and took to the streets in great numbers and with great peace across the country.

Conclusions

This has been a difficult period for the St Louis region. The international media's heightened presence in the region has had a dizzying effect as it tries to cover every minute of the region after the grand jury verdict. It is important to note that while there is no denying of instances of violence, fire and destruction, the region has been the centre of peaceful protests and a movement that has raised critical questions about racial inequities in the region.

Though the prosecutor discredited the protestors and the social media in his speech on the day of the verdict by blaming them for the tension in the region, at the least, these groups present a version of events that is vastly different from that of the state. Without this parallel narrative, Brown's death would have remained a hidden statistic in the history of the country. As the community continues to protest and pray, in spite of the onset of winter, it is paramount that attention is paid to the racial divide and inequities experienced in this region, and several other parts of the country.