

TRAYVON MARTIN, OSCAR GRANT, JOHN CRAWFORD III, MICHAEL BROWN, JR., ERIC GARNER, AND TAMIR RICE

A document from "The Racial Divide in the United States: A Reflection for the World Day of Peace."

*"God gave Noah the rainbow sign. No more warnings, the fire next time!"
— from a slave song*

Undercurrents of the racial divide in the United States have been apparent to all serious observers of events from the time of the Civil Rights Movement, spearheaded by the prophetic, non-violent work of the assassinated Dr. Martin Luther King, Jr., to the present. There have been a number of commentators who, at least until recently, have erroneously suggested that the election of a bi-racial American, Barack Obama, as President ushered in a post-racial era in America. Born to Stanley Ann Dunham (of English and German heritage) and her husband Baraka -later -Barack Obama, Sr. (of Kenyan heritage), the President, at times, seems to embody the racial divide in his own person. Because he embodies the reality of Harvard pioneer, W.E.B. Du Bois' "The Souls of Black Folk," to some African-Americans, Mr. Obama does not speak forthrightly enough about racial prejudice in America.

To some White Americans, Mr. Obama sees racism everywhere and never stops talking about it. The President is presiding over events in which the misperception of a post-racial era has been shattered by a series of events dealing with encounters between young African-American males, White representatives of law enforcement, the judicial system, and the responses of the larger Black and White communities. It is important for you to have the main points of these events before you to facilitate your conversations. While the accounts that follow are drawn completely from public records, it is impossible for them to be complete and absolutely balanced accounts. They are not provided to provoke argument about who was right and who was wrong. They are provided to give common narratives and to provide the context for discussions, since the issues before us cannot be fruitfully discussed in the abstract. They are provided to help us learn and move forward.

On February 26, 2012, **Mr. Trayvon Martin** was shot and killed in Sanford, Florida by George Zimmerman, a White neighborhood watch volunteer (NOT a police officer), who told the police he looked suspicious. The police told him not to pursue Mr. Martin on foot. However, he did. There was an altercation between the two men and Mr. Martin, who did not have a gun, was shot to death by Mr. Zimmerman. No charges were filed against Mr. Zimmerman by the police who stated they found no evidence to refute Mr. Zimmerman's claim that since Mr. Martin was attacking him, he shot in self-defense. The "stand your ground law" in Florida does not allow the police to arrest or charge someone in these circumstances. There were no eye witnesses. Later, Mr. Zimmerman was formally charged with second degree murder in a hearsay affidavit filed by special prosecutor Ms. Angela Corey. Many commentators argued that the prosecution would have had a better chance of succeeding if the case had been presented to a grand jury

considering a lesser charge. In July 2013, he was acquitted on grounds of self-defense in a jury trial.

After the death of Mr. Martin, there were protest marches and rallies across the nation. The 2012 Presidential campaign was eclipsed by the media coverage surrounding these events, which were followed by a short-lived national debate concerning “stand your ground laws” and “racial profiling.”

During the same year of Mr. Zimmerman’s acquittal (2013), the film *Fruitvale Station*, documenting the case of **Mr. Oscar Grant III**, was released to critical acclaim. On New Year’s Day 2009, Mr. Grant, who was unarmed, was shot and killed by Johannes Mehserle, a Bay Area Rapid Transit Officer in Oakland, California. Mr. Grant, along with a number of other passengers, was detained by police at the train’s Fruitvale Station when they responded to a call saying there was a fight on one of the rapid transit trains. Mr. Grant, who was resisting arrest and lying face down, was being restrained by Officer Mehserle. The officer stood and said: "Get back, I'm gonna Tase him." The officer drew his pistol and shot Mr. Grant once in the back. Mr. Grant shouted, "You shot me!" Mr. Grant died the next morning. This episode was recorded by several bystanders on cell phone cameras and digital videos. Millions of people viewed the incident, which spread quickly via websites and social media.

In 2010, the county prosecutors charged Officer Mehserle with murder for the shooting. He resigned his position and pleaded not guilty. Mr. Mehserle's criminal defense attorney argued that Mr. Mehserle shot Mr. Grant with his pistol by mistake. When he saw Mr. Grant reach for his waistband, he intended to use his Taser. The jury found Mr. Mehserle guilty of involuntary manslaughter and not guilty of second-degree murder and voluntary manslaughter. At first, there were peaceful protests against the ruling. By nightfall, nearly 80 people had been arrested because of violent protests, arson, destruction of property, and looting.

On November 5, 2010, Mr. Mehserle was sentenced to two years, minus time served. He was released on May 3, 2011 and is now on parole. In 2010, the U.S. Justice Department opened a civil rights investigation against Mr. Mehserle. However, so far, no charges have been filed. In 2011, the Bay Area Rapid Transit settled a wrongful death claim with Mr. Grant's family for \$2.8 million.

Most recently, there have been the cases of John Crawford III, Michael Brown, Jr., Eric Garner, and Tamir Rice, among others.

On August 5, 2014, **Mr. John Crawford III**, a 22 year old African-American was shopping in a Walmart store near Dayton, Ohio. He picked up a toy gun, an unpackaged BB/pellet air rifle in the toy section of the store. Another shopper who saw him walking through the store with the gun called 911 saying “a Black man” was carrying a rifle in the store. The caller later conceded that, “At no point did he (Mr. Crawford) shoulder the rifle and point it at somebody.”

The two White officers of the Beavercreek Police who arrived at the store said Mr. Crawford did not respond to their directives to put the gun down and lie on the floor. Instead, he seemed to try to escape. Officer Sean Williams thought the toy was a real gun. He shot Mr. Crawford twice and he died on the scene. The security camera recorded the incident. When he was shot, Mr. Crawford was talking on his phone. The gun was in his left hand. When the police questioned his girlfriend, they did not believe her when she stated that Mr. Crawford did not bring the toy gun into the store with him. Officer Williams was placed on desk duty. A grand jury decided not to indict the officers involved.

Mr. Crawford's family has filed a wrongful death lawsuit against Walmart and the Beavercreek Police Department. In order to prevent future catastrophic events, Alicia Reece, an Ohio State Representative has proposed a "John Crawford's Law," which would require toy guns to look like toy guns.

On August 9, 2014, **Mr. Michael Brown, Jr.**, 18, who was unarmed, was shot and killed in Ferguson, Missouri by Ferguson Police Officer Darren Wilson who said he did so to save his own life from the threat of Mr. Brown who was moving aggressively towards him. Mr. Brown's body lay in the street for hours after the shooting. On the night of November 24, after months of deliberation, St. Louis County Prosecutor, Mr. Robert McCulloch, announced that the grand jury, having reviewed all of the evidence, decided "not to indict Officer Wilson."

Officer Wilson, in his patrol car, saw Mr. Brown and a friend walking down the middle of the street. He directed them to move off the street to the sidewalk. They did not comply. As Officer Wilson drove past them, he noticed that Mr. Brown looked like the person suspected of stealing cigars from a convenience store and assaulting the salesperson. A struggle took place between Officer Wilson and Mr. Brown through the police car window. In the course of the conflict, the officer's gun was fired twice. Mr. Brown was wounded in the arm. When the officer testified before the grand jury, he said that when he (6 foot 4 inches, 210 pounds) was trying to restrain Mr. Brown (6 foot 4 inches, 292 pounds) during this altercation, he "felt like a 5-year-old holding onto Hulk Hogan."

The officer pursued Mr. Brown on foot. The analysis of blood stains on the street indicates that Mr. Brown, who had been shot a number of times, continued to move toward Officer Wilson. The policeman fired at least six shots. The fatal shot was a head wound. Officer Wilson said the race of Mr. Brown did not matter. He only shot him because he had to. Some witnesses said this was not true. This entire encounter between the officer and the unarmed teenager lasted less than ninety seconds. Feeling that some Ferguson residents and the media were judging Officer Wilson prematurely, a number of White residents organized expressions of support, raising funds for his defense.

There is no video of the event. A number of witnesses stated that Mr. Brown had his hands up in a position of surrender resulting in the later mantra, "Hands up! Don't shoot!" After months of deliberation, the grand jury announced that Officer Wilson would not be indicted. Several examinations of the secret grand jury documents, which were made public, concluded that

there were many problems in the witnesses' testimonies. There were statements that were "inconsistent, fabricated, or provably wrong." Some witnesses even admitted that they changed their testimony for various reasons. Commentators noted that the jury's refusal to indict Officer Wilson marked the fifth time that Mr. McCulloch had presented evidence to a grand jury in prosecuting a policeman involved in a shooting. In all five cases, there was no indictment. A number of observers said Mr. McCulloch should have been replaced by a special prosecutor because of his close relationship with police and because his father, a policeman, was killed in the line of duty.

(32) Once the grand jury decision was made public, protests and demonstrations erupted in Ferguson and more than 150 other cities, including St. Louis, Philadelphia, Seattle, Albuquerque, New York, Cleveland, Los Angeles, Oakland, Minneapolis, Atlanta, Portland, Chicago, and Boston. In Ferguson, some demonstrations turned violent and destructive. Businesses were destroyed by arsonists, cars were burned, and merchandise was stolen from shops. There were indications that much of the violence and destruction was instigated by outside agitators. Governor Jay Nixon declared a State of Emergency and called out the National Guard. President Obama said that he understood the disappointment and anger of those who staged peaceful protests. However, he had no sympathy for those who destroyed property because these were criminal acts.

(33) Archbishop Robert J. Carlson of St. Louis was a visible presence in Ferguson participating in a prayer service for peace and reconciliation along with other clergy on the night of the grand jury's decision. He stated, "With the grand jury decision not to indict Officer Darren Wilson, I know that many feel hurt, betrayed, forgotten, and powerless. I know anger, disappointment, and resentment, and fear abound in our community. But, we must accept this decision as the proper functioning of our justice system. In our collective desire for justice, we can be blinded by the poisonous desire for vengeance, which can be contagious and bring a desire for violence. We all want justice, so we should respect the integrity of our system of justice as something that aims for the common good."

(34) Father Robert Rosebrough, Pastor of Blessed Teresa of Calcutta Parish, moved about the community after the violence and destruction visiting with employees now out of work. People lamented the fact that the lack of economic opportunity in poor communities had been a major concern after Mr. Brown's death. Now, senseless vandalism has deprived the area of places of employment so needed by residents.

(35) Mr. Holder, the Attorney General, was critical of Mr. McCulloch's presentation of the grand jury's findings. He expressed concern about the wisdom of the late at night announcement, which could have contributed to the unrest that followed. The director of the Harvard Criminal Justice Institute at Harvard University, Ronald S. Sullivan Jr., said the case was "the most unusual marshaling of a grand jury's resources I've seen in my 25 years as a lawyer and scholar." However, Mr. Rudy Giuliani, former U.S. Attorney for the Southern District of New York, said that the prosecution could have never convicted Officer Wilson at a trial and that the grand jury made the right decision not to indict him. He said, "If you can't prove probable cause, how are you going to prove it beyond a reasonable doubt when the witnesses are contradicting themselves?"

(36) Obviously, all instances in which a White police officer shoots an African-American male are not marked by questions and ambiguities that may warrant peaceful protests. On December 23rd, an unnamed White Berkley, Missouri police officer shot and killed Antonio Martin, 18, an African-American male. The video of the event and eye witness testimony indicate that police arrived at a gas station where there had been a report of shoplifting. The officers recognized two men who fit the description of the alleged shoplifters. The officers exited their police car and engaged them in conversation. The surveillance video of the event shows Mr. Martin walking away from the officers several times. Then Mr. Martin pulls a gun from his pocket and points it toward the officer. The officer fires several shots and appears to stumble as he backs away. Mr. Martin died shortly afterwards.

(37) This is certainly a sad event because a young man's life has been ended and his family is in mourning. However, in this case, there seems to be no evidence to suggest questionable or possibly overly aggressive conduct by the officer. He did what he was compelled to do, namely to defend his life and the lives of others in the face of a person pointing a gun directly at him. A small number of protesters gathered shortly after this incident comparing the death of Mr. Martin to the death of Mr. Brown in nearby Ferguson. A physical fight broke out and some of those involved were arrested. Unfortunately, instances in which members of the community have a credible reason for peacefully protesting what may be inappropriate conduct by the police will be significantly undermined if protests take place even when the police are acting properly in difficult circumstances with regretful deadly results.

(38) On July 17, 2014, **Mr. Eric Garner**, 44, who did not have a weapon, died in Staten Island, New York, after Police Officer Daniel Pantaleo put him in what has been described as a chokehold, a tactic banned by the New York Police Department. The event was recorded on cell phones and spread rapidly via the Internet. The police suspected Mr. Garner was selling single cigarettes from packs without tax stamps, called "loosies." He had multiple prior arrests for this and other violations including assault and grand larceny. He was out on bail. Mr. Garner said that he was not selling cigarettes and told the police they should stop harassing him. When the officers were attempting to arrest him,

Mr. Garner backed away. Officer Pantaleo approached him from behind and put his arms around Mr. Garner's neck, applying what has been widely regarded as a chokehold by those who have viewed the video recording. The officers subdued him on the sidewalk with his face down. Mr. Garner, a married man with six children, said over and over again, "I can't breathe." He was taken to a local hospital where he was pronounced dead. Though he had been accused of selling loose cigarettes in the past, none were found at the scene.

(39) The city medical examiners determined that the cause of Mr. Garner's death was neck compression from the apparent chokehold, along with "the compression of his chest and prone positioning during physical restraint by police." His asthma, heart disease, and obesity contributed to his death, according to the medical examiner. After this incident, Officer Pantaleo and another policeman were transferred to desk duty and Officer Pantaleo was required to turn over his badge and his service revolver. He was the subject of two civil rights lawsuits in 2013 where plaintiffs accused him of falsely arresting them and abusing them. In one of the cases, Officer Pantaleo and other officers ordered two African-American men to strip naked on a public street in order to be searched. The charges against both men were dismissed.

(40) Many people thought the video was self-evident. This led to a widespread expectation in some parts of the New York community and beyond that Officer Pantaleo would be indicted by the grand jury. However, on December 3, 2014, the Staten Island grand jury announced its decision not to indict him. This announcement resulted in large demonstrations (including die-ins), rallies, and protests in different parts of New York as well as in Boston, Washington DC, Chicago, Oakland, Atlanta, and in Europe. These protests were organized quickly via social media. Many of the participants were young Americans of noticeably different races and different social and cultural backgrounds. They condemned racial bias and police brutality chanting “Black Lives matter!” “Hands up! Don’t shoot!” and “I can’t breathe!”

(41) The protests were largely non-violent. Nevertheless, many arrests were made of those who would not disperse. At the University of California in Berkeley, protests turned violent. There was extensive damage to businesses and many were arrested. Some of these demonstrations have now been going on for weeks and they have been covered by media from around the world. The Attorney General announced that the Justice Department would conduct a civil rights investigation that would be "independent, thorough, fair, and expeditious." Officer Pantaleo later spoke about the incident saying that his action was not a “chokehold.” It was a standard “takedown maneuver” for someone noncompliant that he learned in the police academy. He did not intend to harm Mr. Garner. Nor did he put pressure on his throat or windpipe. Skeptics rejected his statement indicating that the medical examiner’s report, which ruled the death a homicide, was clear.

(42) On November 22, 2014, just days before the December 3 grand jury ruling in the case of Mr. Garner, **Mr. Tamir Rice**, 12, was shot in Cleveland, Ohio by Police Officer Timothy Loehmann after a report that he had been seen brandishing a gun in a local park. The gun was, in fact, a toy airsoft (plastic pellet) gun, that resembled a real gun. The boy died the next day. The 911 caller said the gun was “probably fake.” Apparently, Officer Loehmann and Officer Frank Garmback, who responded to the call, did not receive this information. According to the officers, there was a very brief encounter during which Mr. Rice reached towards his waistband. However, within two seconds of arriving on the scene, Officer Loehmann fired two shots. One report stated that Mr. Rice did not threaten or point the airsoft gun at the policemen. Yet another report states that he was asked to put down the gun and he did not. How it happened that the officers were not given the information that the gun was “probably fake” has not been explained.

(43) After this incident, reports surfaced that Officer Loehmann had been deemed an emotionally unstable recruit and unfit for duty in his previous position as a member of the Independence, Ohio police force. Again, a very sad story became national and international news.

(44) A grainy surveillance video of the shooting, without audio, shows Mr. Rice pacing around the park, occasionally holding up a gun in his hand, talking on his cell phone, and sitting at a table in a gazebo. The video shows the officers' patrol car pulling up beside the gazebo. Mr. Rice then appears to move his right hand toward his waist. According to published reports, Officer Loehmann exited his car and shot him immediately.

(45) On November 24, Cleveland officials announced that a grand jury would hear the case and determine whether charges will be filed against either policeman. Meanwhile, the officers are

on administrative leave. Mr. Rice's family urged those who have mounted demonstrations and protests to do so peacefully. "Again, we ask for the community to

remain calm. Please protest peacefully and responsibly.” They have since filed a wrongful death law suit. On December 12, 2014, the Cuyahoga County Medical Examiner ruled the death was a homicide.

(46) By mid-December, growing national and international protests intensified. On Thursday, December 11, 2014, Members of Congress, staffers and other Capitol Hill employees stood silently on the House steps and raised their hands in the air to protest the killing of unarmed African-American men by police. Athletes demonstrated their solidarity in a variety of ways. On Friday, December 12, 2014, the Church commemorated the apparition of the Mother of Jesus to St. Juan Diego, an Aztec. Her features were like those of the natives, brown skin and dark hair. She is patroness of the Americas as Our Lady of Guadalupe. Significantly, on that same day, people engaged in non-violent protests by the thousands in major cities in a national day of resistance. In New York, more than 25,000 marched expressing outrage that the grand jury did not indict any officers in the death of Mr. Eric Garner. In Washington, D.C., more than 5,000 marched down the Capitol Mall calling for an end to the use of deadly force by White Police in dealing with unarmed Black men. The cases cited here and many others like them are unique. But, many people have begun to view them collectively because of similar elements: unarmed African-American males killed by White police (with the exception of Mr. Zimmerman), no judgment of guilt and no punishment (with the exception of former officer Mehserle), and the perception that racial bias contributed to the deaths of these African-American males.

(47) Near the end of December, a tragic situation was made far worse. On December 20, Mr. Ismaaiyl Brinsley, 28, a troubled, mentally unstable African-American, with a criminal record, shot his former girlfriend in Baltimore and then traveled to New York City armed with a gun and harboring intentions to attack police officers. He walked up to a marked squad car on a Brooklyn street and opened fire at the two police officers inside, **Officer Wenjian Liu**, 32, and his partner, **Officer Rafael Ramos**, 40. One witness said Mr. Brinsley “took a shooting stance on the passenger side and fired his weapon several times through the front passenger window, striking both officers in the head.” He then killed himself. Officer Liu, who had been married for only two months, was Chinese-American, and Officer Ramos, who was married with two children, was Hispanic-American. Mr. Brinsley reportedly made “very anti-police” statements and expressed the desire to revenge the deaths of Mr. Michael Brown, Jr. and Mr. Eric Garner. Through a spokesperson, Mr. Garner’s family expressed outrage on hearing of the murders of the two officers. “Any use of the names of Eric Garner and Michael Brown, in connection with any violence or killing of police, is reprehensible and against the pursuit of justice in both cases.” This horrific, senseless crime has resulted in unspeakable suffering for the families involved and heightened the growing tensions in New York, especially when some protesters rejected Mayor William De Blasio’s request to discontinue their demonstrations until after the funerals for the slain police officers.

(48) A growing awareness seems to be emerging that renewed efforts must be made to re-establish bonds of trust and respect between law enforcement, the judicial system, and local communities. There has been a call for greater racial diversity in local police departments. Body

cameras have been proposed to provide more accurate records of deadly encounters. Law enforcement personnel have acknowledged the need for better training in responding to situations which can escalate quickly to violence and death. Some young men may be becoming more aware of the importance of complying promptly with police instructions, even if they seem unfair or unjust. Religious leaders are appreciating the urgent need for them to take a more active role in bridging the racial divide especially between young African-American men and White representatives of the law.

REFLECTION AND DISCUSSION

1. When these events occurred, how much attention did you pay to the six incidents?
2. What similarities or differences do you see in the six accounts?
3. Are you aware of additional similar incidents?
4. Is it possible, in your opinion, for a person who did witness the entire episode to determine the innocence or guilt of the person who died or the innocence or guilt of the person who caused the death?
5. What is your ordinary source of information about these events?
6. Do you think the “news” provides fair and unbiased coverage of these stories?
7. Why do you think that many African-Americans and many White Americans hold opposing views about who is innocent and who is guilty?
8. What do you think about the appropriateness of peaceful protests and violent demonstrations?
9. How much do you know about the grand jury system? What is your reaction to grand jury decisions in these cases?
10. What impact did the events described in have on your thinking about the racial divide?