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Justice suffers when judgment is rushed

By Curtis Seltzer

BLUE GRASS, Va. I spent several hours this week trying to understand what happened at noon on August 9th in Ferguson, Mo., between 18-year-old Michael Brown and six-year-veteran police officer Darren Wilson.

One narrative is that Wilson was a racially insensitive white cop who executed the unarmed black teenager after ordering him and his friend, Dorian Johnson, to stop jaywalking in the middle of the street and move onto a sidewalk. Johnson says that he and Brown -- a 6-foot4-inch, 292-pound young man -- told Wilson that they were close to home. They did not move toward the sidewalk.

Johnson has said that Officer Wilson then backed his cruiser close to them, banged his door against Brown as he tried to open it, grabbed Brown's neck through the window, tried to pull Brown toward the cruiser, drew his revolver during the altercation and fired once through the window hitting Brown.

Johnson said that he and Brown ran while Wilson continued to shoot at Brown who stopped running as Johnson hid. Brown, wounded, then walked back toward Wilson, according to Johnson, with his hands raised, saying words to the effect that he was unarmed and asking Wilson to stop shooting.

Johnson said that Brown had been hit once in the back as he ran away. He said that Wilson killed Brown as he was giving up.

A preliminary private autopsy paid for by Brown's family indicated that Brown was shot at least six times, twice in the head. All entry points were from the front.

Michael M. Baden, the former Chief Medical Examiner for

the City of New York, said that one shot entered the top of Browns head, which, he said, might indicate that Brown was either charging toward the officer or giving up. (Or Brown could have been falling over from his earlier wounds.) Nothing was determined as to the distance traveled by each bullet.

An autopsy done by St. Louis Countys Chief Medical Examiner Mary Case found marijuana in Browns system. (When the marijuana was consumed cannot be determined.) Additional toxicology results will be available in several weeks. Whether Wilson was screened for alcohol and drugs on admission to the hospital or subsequently has not been revealed.

An audio recording that has not been confirmed by the FBI suggests a cluster of six shots, a pause, then four or possibly five more shots.

The alternative narrative argues that Officer Wilson got into an altercation with Brown and Johnson, but principally Brown. Wilsons account comes indirectly through St. Louis County Police Chief Jon

Belmar whose office is investigating the shooting on behalf of the Ferguson Police Department.

From his cruiser, Wilson told Brown and Johnson to move onto the sidewalk after he found them jaywalking in the middle of the street. They did not comply. Wilson then backed his cruiser close to Brown and opened the door into him as he tried to get out. Brown, according to Chief Belmar, then pushed Wilson back into the car and physically assaulted him.

A struggle commenced through the open window between Wilson sitting in his car and Brown outside and next to it. The police have yet to say whether Wilson was holding Brown by the neck or shirt.

During the altercation, Wilson drew his gun, which Brown sought to grab, control or keep from being used against him. Chief Belmar said on August 10 that Brown allegedly pushed

Wilson backed into his cruiser, assaulted him and struggled with Wilson for his drawn gun.

Wilson fired at least once from within the vehicle, hitting Brown. Brown disengaged and ran from the cruiser. Wilson got out of the car and fired more shots. Brown stopped running and was facing Wilson when the policeman's bullet killed him.

Officer Wilson, who has no disciplinary actions over six years at two police departments, has not stated publicly his version of these events.

He was treated at the local hospital for facial swelling arising from his scuffle with Brown, but not a broken eye socket as was briefly reported. The exact nature of Wilson's injuries has not been revealed.

A second officer arrived within a few minutes of the start of this incident. I've not been able to find this officer's account of what he saw and heard.

A Grand Jury is considering charges while the FBI is conducting a separate autopsy and investigation to determine whether federal laws were violated.

Both Wilson and Brown grew up in unstable family environments. Wilson joined law enforcement to acquire structure. Brown had just graduated high school and was pointed toward a technical college. He had no previous record and was not in a gang, but he had made a few errors in judgment typical of young men.

The most accurate statement that can be made about these narratives is that it has yet to be determined what exactly happened and why. Who said what? Who did what? Who felt threatened and by how much? Dr. Baden concluded: Right now there is too little information to forensically reconstruct the shooting.

We just don't know enough to know what we don't know, which means that we have to suspend judgment until we know as much

as can be known.

Two questions lie at the heart of this investigation.

First, how did the scuffling start when Wilson was sitting in his cruiser and Brown was next to its window? Who said what? Who did what? Who got physical first? How physical was it? And what or who pushed it out of control?

Second, did Wilson kill the wounded Brown as he was surrendering? If so, a police officers valid argum ent of self-defense changes into an unjustified execution.

Before 1970, civil rights advocates demanded fair trials and due process for black Americans accused of criminal acts. In the South, being black and being accused usually amounted to being convicted. Im sure this was often true in the North as well. When due process was absent, so was justice.

Today, too many people on the Left are demanding justice, which amounts to convicting Wilson on a homicide charge before the facts and his guilt have been determined.

Officer Wilson deserves the same measure of due process and fair trial that every other citizen deserves. He doesnt forfeit these rights because he is white, because he is a cop or because theres a history in Ferguson of bad blood between black citizens and the majority-white police force.

Similarly, too many people on the Right are saying that Brown brought this on himself by stealing a handful of cigarillos just minutes before his confrontation with Wilson, by refusing to stop jaywalking and move to the sidewalk, by struggling with Wilson, by going for Wilsons drawn weapon and by presenting Wilson with a reasonable sense of fear for his own safety. They want a fair trial and due process for Wilson, but have already decided that Brown was at fault and got what he deserved by a police officer legitimately and reasonably defending himself.

A different set of questions: Did Wilson get into it with Brown

because he was white and Brown was a black teenager who refused his order, and did Brown get into it with Wilson because he was a black teenager and Wilson was a young white cop in a black neighborhood who was perceived as throwing his weight around? Either or both could be true.

Regardless of those answers, however, the issue in court should be what exactly happened—above and beyond white and black. Were the circumstances reversed -- a black cop from a predominately black police force in a marginal white-minority neighborhood dealing with two white teenagers refusing to stop jaywalking that ends in a killing -- the facts and evidence, not race, should drive the legal resolution.

Its easy to see this killing and others like it as reflecting much larger unresolved issues about race relations, economic and social conditions, white privilege, white police in black neighborhoods, black manhood, justice, fairness, guilt, anger and reasonableness. All of those ideas and feelings are threaded through both narratives, as well as whatever the truth might be.

But if any criminal charges are filed against Williams, the other police officer at the scene or Johnson, they will be -- and should be -decided narrowly on the evidence and facts to the best that they can be determined in court.

If you want to see what happens when a criminal case is complicated -- and then decided -- by issues larger than whether a crime occurred look to the 1995 acquittal of O.J. Simpson for two murders that he hypothetically committed in his 2007 book, [If I Did It](#), or the white Mississippi jurys 1955 not-guilty verdict for Roy Bryant and J.W. Milam who murdered 14-year-old Emmett Till and later boasted of their deed.

Due process and fairness are fragile fabrics that are easily cut to fit whatever cloak is in fashion at the time. Its not that race is unimportant. Racial attitudes from either Wilson or Brown, or both, may very well explain why something as insignificant as jaywalking ended up in a dead teenager.

Its just that race is a bad way to decide criminal
guilt or innocence.