

California: Police shooting of unarmed man provokes outrage, fuels protests

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The New Year's Day police shooting of a 22-year-old man by the transit police has provoked outrage and fueled protests in Oakland, California. Unlike most incidents of police abuse, the shooting was captured on video and was broadcast on Oakland news station KTVU. It can be seen at: <http://www.youtube.com/watch?v=IKy-WSZMklc>.

The footage is a chilling depiction of what appears to be a merciless police execution of an unarmed man: Several uniformed officers are seen talking to Oscar Grant on the BART (Bay Area Rapid Transit) train platform at the Fruitvale station. Behind them, three young men are seated against a wall, handcuffed as suspects in a reported fight on the train. The video shows a standing Grant raise his hands, palms open, in a gesture of peace and cooperation, as if to calm the officers.

Grant seems to offer himself for arrest and Officer Johannes Mehserle then roughly places him on the ground, face-first. Grant appears to react to the unnecessary roughness by looking back momentarily. Then—after a brief attempt to handcuff Grant—Officer Mehserle inexplicably pulls out his gun, points it at Grant—who is still laying face down—and pulls the trigger, killing him.

Grant was unarmed. The Alameda County coroner's office said Wednesday that the bullet penetrated his back, exiting his abdomen where it ricocheted off the concrete platform and re-entered his body at the torso, which ultimately killed him.

The video provides what appears to be direct evidence that Officer Mehserle committed murder in cold blood under cover of his position of authority. Nonetheless, Mehserle retained his job with BART for over a week, resigning voluntarily last Wednesday only to avoid a belated police internal affairs investigation.

Outrage over Oscar Grant's police shooting death grew steadily. On January 7, hundreds participated in a peaceful afternoon protest at the Fruitvale BART train station where he was killed. By this time, millions had already seen the video and discussed it via the Internet.

In response to the protest, the Fruitvale BART station shut down early and the protesters migrated to other BART stations. Protesters finally arrived in downtown Oakland, where they were

confronted by hundreds of aggressive riot police, firing tear gas. The once peaceful protest was thus forced into side streets where some individuals reportedly broke out car windows, set fires and damaged storefronts in anger.

Once the protest arrived downtown, several participants blocked the intersection of 14th and Broadway, near the downtown BART station entrance holding signs that read, "Your idea of justice?" and "Jail Killer Cops," and chanting "The fascist police, no justice, no peace" and "We are all Oscar Grant" before a line formation of riot police, all uniformly clad in helmets and gas masks.

It was nearly midnight before police dispersed the crowd, arresting dozens whom they had managed to corner near the Paramount Theatre. According to the *San Jose Mercury News*, at least 105 protesters were immediately arrested for a variety of offenses, including assault on a police officer, looting, vandalism and arson.

According to the *San Francisco Chronicle*, most of the 105 people arrested were cited on misdemeanor charges, while many others are still being held at Santa Rita Jail in Dublin in connection with alleged felonies.

Oakland Mayor Ron Dellums engaged the protesters earlier in the evening in an attempt to disperse the crowd. He managed to lead some of them to City Hall, where he gave a speech typifying the government inaction and impotence that was being protested in the first place: "I sense your frustration," he told the crowd. "I understand that you've lost confidence in a process because you've seen what you believe is a homicide ... But listen to me, we are a community of people. We are civilized people. We are a nation of laws."

He went on to say, "I have asked Oakland police to engage in a fair, parallel investigation, the way you'd investigate any homicide in Oakland ... If that leads to an arrest, that's what it would lead to."

"I'm asking people to disperse," the mayor pled, "Let's leave in a spirit of peace."

Mandingo Hayes, a construction worker from San Pablo, said he

participated in the protest because “we’re tired of all these police agencies getting away with shooting unarmed black and Latino males.” When asked by the *Chronicle* about protesters who allegedly damaged a police car, he responded, “For a police car to get abused, and for a person to get shot and killed, which would you rather be?”

It later surfaced that BART could have forced Officer Mehserle to talk with internal affairs investigators immediately, because unlike criminal investigations—where Fifth Amendment protections against self-incrimination would apply—officers involved in on-the-job shootings are forced to comply with administrative inquiries at penalty of losing their job.

Moreover, the Alameda County District Attorney Tom Orloff has yet to file charges against Officer Mehserle. In fact, Mehserle has not even been arrested for the incident. This stands in contrast to the hundreds of working and poor citizens who are routinely charged and jailed every month in Alameda County for the most petty and laughable offenses.

Dodging the question of whether or not charges will be filed against Mehserle in the future, Orloff said he expected a case to be “totally prepared” in about two weeks. “I know people are unhappy with that,” he said. “I know there’s a lot of emotion. I have to sit back and look at this as objectively as I can with all the facts that are available and make the decision....”

The public outrage seems mild when one considers the nature of the killing and the relaxed attitude of public officials. To date, Mehserle has refused to speak with police or the district attorney about the incident. In the meantime, new excuses are being advanced for the killing.

BART—now facing a \$25 million claim on behalf of Grant’s mother and four-year-old daughter—is investigating whether Mehserle mistook his weapon for a Taser stun gun. It should be noted, however, that this same explanation has been used as an excuse in at least two other execution-style police shootings in the last two years—most notably in *Torres v. City of Madera* (California), in which a sheriff shot a man who was already handcuffed in the back of a patrol car.

On the day of the protest, nearly 1,000 friends, relatives and community members turned out for Oscar Grant’s funeral, held at Palma Ceia Baptist Church in Hayward, where many in attendance shared memories of the 22-year-old father.

One mourner recalled that after Grant’s four-year-old daughter was born he refused to remove two huge pink flags from his car that proclaimed, “It’s a girl,” until the flags finally disintegrated. Another recounted a routine church fishing trip, for which Oscar was so excited that he dressed up in full gear: jacket, hat and 15-foot deep-sea fishing pole. “To me, Oscar was a gift of life, the very apple of God’s eye,” said his aunt, Donna Smith.

Local officials and media outlets have expressed more outrage and concern over what has been exaggeratedly referred to as the “mayhem” of the protest, or “the violence” of the “mob,” than over the real act of violence: the killing itself. The press has also attempted to depict the long simmering hostility between police and the working population in solely racial terms.

A good example is the San Francisco *Chronicle*’s description of the protest: “The roving mob expressed fury at police and frustration over society’s racial injustice. Yet the demonstrators were often indiscriminate, frequently targeting the businesses and prized possessions of people of color.” The article then goes on to interview a number of citizens “of color” who suffered property damage, prominently noting the race of each.

Racial profiling and harassment are inexcusable facts of life for working and poor minorities in California’s Bay Area, but at root the protests are a manifestation of a broader working class resentment against police abuse. These are the concerns of all workers and the poor, not just a single racial group.

Police abuse is endemic in major cities and towns throughout California and Oakland is no exception.

As recently as 2003, Oakland city officials were forced to pay \$10.9 million to scores of citizens who claim they were beaten and falsely charged by four police officers—Clarence “Chuck” Mabanag, 37; Jude Siapno, 34; and Matthew Hornung, 31, Francisco “Choker” Vazquez—known as “the Riders.”

Steven Lavoie, a longtime city resident and librarian at the Oakland History Room at the main library, told the *Oakland Tribune*, “Oakland is the venue for much larger social problems. And I don’t think the people of the privileged class ... understand the impact of injustice in this community.”

As the economic situation in the US deteriorates, leaving millions more homeless, jobless, and without access to adequate health care and other basic services, victimization of workers and young people by the police, prosecutors and the courts will undoubtedly escalate. The public outrage over Oscar Grant’s death is certainly a harbinger of what’s to come.



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