Obama administration signals reluctance to bring civil rights charges against killer cop in Missouri

Andre Damon
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On Friday, the *New York Times* published an article, based on unnamed sources in the federal government, implying that the Obama administration is not likely to pursue civil rights charges against Darren Wilson, the police officer who shot unarmed 18-year-old Michael Brown on August 9.

"The officials said that while the federal investigation was continuing, the evidence so far did not support civil rights charges against Officer Wilson," the *Times* reported. "To press charges, the Justice Department would need to clear a high bar, proving that Officer Wilson willfully violated Mr. Brown's civil rights when he shot him."

The article claims to reveal details of the testimony provided by Wilson to a grand jury that is deliberating separately on whether to bring criminal charges against him for the killing of Brown.

According to the federal officials who spoke to the *Times*, the forensics tests presented to the grand jury "showed Mr. Brown's blood on the gun, as well as on the interior door panel and on Officer Wilson's uniform." The article added, "Officer Wilson told the authorities that Mr. Brown had punched and scratched him repeatedly, leaving swelling on his face and cuts on his neck."

The effect of such "leaks," provided to the *Times* by the government and reported uncritically by the newspaper, is to condition public opinion for the failure not only to bring civil rights charges against Wilson, but also a decision by the grand jury not to bring murder or manslaughter charges against him.

According to federal officials who spoke to the *Times*, the information reported in the article "may prove... influential... for the grand jury" because it "speaks to Officer Wilson's state of mind, his feeling of vulnerability and his sense of heightened alert when he killed Mr. Brown."

Neither what Wilson, unnamed federal officials, nor the *New York Times* say can be taken at face value. Wilson, according to eyewitnesses and forensic evidence, committed a murder in cold blood. The Obama administration has facilitated the militarization of local law enforcement and helped coordinate the police crackdown on peaceful protests over Brown's killing. Finally, the *Times* is a mouthpiece of the political establishment, simply channeling the statements of the government.

Benjamin Crump, the attorney representing Brown's parents, told the Associated Press in response to the story, "The officer is going to say whatever he has to say to try to justify killing an unarmed teenager." He added, "And certainly, his statement should not be taken above independent eye witnesses who are completely unbiased when he has every reason to be biased." Crump concluded by noting that Wilson was "definitely not in fear of threat when Michael Brown was running away from him."

It should be noted that the material presented by the *Times* in fact has no bearing on whether or not Brown was murdered. According to the Ferguson Police Department's own account, Wilson got out of the car to chase Brown before shooting him.

"His actions contradict the presence of fear," Anthony Gray, another attorney for Brown's family, told the *St. Louis Post-Dispatch*. "You're fearful, a guy's running, but you're going to get out and chase him? How many people do you know chase something that you're fearful of?" Gray concluded, "When

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you're raising your arms to surrender, it hits a reset button."

Michael Brown was shot around noon on August 9, 2014. He and his friend, Dorian Johnson, were walking in the street when Wilson pulled up next to them, yelling "Get the f*ck on the sidewalk," according to Johnson's account to multiple media sources.

Wilson then pulled his sports-utility vehicle in front of the two young men and attempted to choke Brown through the open window of his vehicle, according to witnesses. As Brown was trying to get away, even though he "did not reach for the officer's weapon at all," Wilson shot him, according to Johnson's account.

After the first gunshot, Brown managed to free himself and ran away. Wilson then left the vehicle and continued to shoot at Brown, Johnson said. After Brown was hit again, he turned around, raised his hands in the air and said, "I don't have a gun. Stop shooting." At that point, Wilson resumed shooting, killing Brown, according to Johnson.

Multiple eyewitness accounts corroborate Johnson's claim that Wilson was surrendering and had his hands up as he was gunned down. An audio recording subsequently released by CNN reported ten gunshots, with a three-second pause after the sixth shot. An independent autopsy by Dr. Michael Baden, the former chief medical examiner for the City of New York, found that all of Brown's wounds were survivable, except one that entered the top of Brown's head, presumably as he was either surrendering or on the ground.

Prosecuting Attorney Robert McCulloch told the *St. Louis Post-Dispatch* last month that the grand jury is expected to rule on whether to charge Wilson in the "first or second week of November." The grand jury has a deadline of January 7. In a highly unusual move, McCulloch is not recommending which specific charges should be brought against Wilson.

The police murder of Brown was followed by a massive police mobilization against protests over the killing. The town was placed under de facto martial law, with hundreds of police and National Guard troops attacking demonstrators with tear gas and rubber bullets and carrying out large-scale arrests. Civil liberties were effectively suspended when police imposed a rule prohibiting residents from standing in place in certain parts of the city.

The dragging out of the secret grand jury hearing, and the possible failure to charge Wilson, is entirely of a piece with this police-state response to peaceful protests against police violence. According to reports earlier this month, the FBI and local police departments are preparing for a crackdown on protests that are expected in the event that the grand jury does not press charges.

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