

Decision imminent on whether to indict Ferguson cop in killing of Michael Brown

Andre Damon
15 November 2014

A grand jury deciding whether to bring charges against Darren Wilson, the Ferguson, Missouri police officer who gunned down unarmed teenager Michael Brown in August, is concluding its proceedings, and is set to issue a ruling within days.

Local officials have said a ruling could come as early as this weekend, with one report claiming that it will likely come on Monday.

All information made public so far indicates authorities do not expect the grand jury to bring charges against Wilson. Instead, state, local, and federal officials are focusing on preparing a massive police and military response against renewed protests.

On Tuesday, Missouri Governor Jay Nixon said that he plans to mobilize the National Guard against protests in the event that a grand jury fails to bring charges against Wilson. “This is America,” Nixon said. “People have the right to express views and grievances, but they do not have the right to put fellow citizens and property at risk.”

“Violence will not be tolerated,” added the governor, as he vowed a police/military crackdown. Nixon himself backed the reign of violence and intimidation meted out by the police in August, when they tear-gassed and shot rubber bullets at peaceful protestors and jailed more than a dozen reporters.

In the days leading up to the expected decision, there has been a coordinated campaign by the media and state and local officials to paint Wilson as justified in killing Brown.

This campaign is being facilitated by a grand jury hearing that is in many ways unprecedented. St. Louis County prosecuting attorney Robert McCulloch is not bringing any specific set of charges against Wilson, but is instead asking jurors to come to their own conclusions about what charges to bring.

He is likewise providing the grand jury with an enormous amount of evidence, including testimony from Wilson himself, which has been selectively leaked through major media outlets. “The grand jury is probably going to hear more about this case than any other grand jury has heard about any other case in living memory,” legal expert Peter A. Joy told the *New York Times* Friday.

“The stunt that the county prosecutor is pulling seeks to deny the right to have a public trial and to have a jury made up of representatives of the population to hear the evidence for themselves,” said John Burton, a police misconduct lawyer in Los Angeles County and a writer for the *World Socialist Web Site*.

“A grand jury has nothing in common with a jury trial: it is secret, and it is not adversarial,” added Burton. “In a grand jury proceeding the people do not get the benefit of a public trial, which is guaranteed in the Bill of Rights. Opposition to secret trials was very much part of what the American Revolution was all about.

“The grand jury trial can be manipulated by the prosecutor. It is being used as a cover so that the prosecutor does not have to publicly announce that the is not going to bring charges against Wilson.”

If it had been Michael Brown who was accused of having shot officer Wilson with more than a half-dozen witnesses to attest to it, there is little doubt that Brown would have been arrested and charges would have been drawn up immediately.

Under the law, the state has the responsibility to bring charges against those who violate the law. In this case, the prosecutor has already shirked this responsibility. In failing to recommend any specific charges against the Wilson, McCulloch is essentially giving up his adversarial relationship to the police officer. This is

why Wilson felt comfortable testifying before a grand jury, something lawyers would typically advise their clients never to do.

Sources close to the grand jury proceeding—and in all likelihood close to the prosecutor himself—have selectively released a stream of information from the secret proceedings that has been presented in major media outlets as pointing to Wilson’s exoneration. Both the *New York Times* and *Washington Post* published selective accounts of grand jury testimony, both claiming that the evidence indicated that Wilson shot Brown in self-defense.

The *St. Louis Post-Dispatch*, in publishing the previously unreleased autopsy of Michael Brown, said that its findings indicated that Brown was reaching for Wilson’s gun, using quotes from a forensic pathologist who subsequently said the newspaper misrepresented her positions.

It is notable that the grand jurors in the case have not been sequestered, meaning that it is likely that they would be affected by the biased media coverage based on selective leaks of evidence that they received first hand.

In the event that a grand jury does bring charges against Wilson, the findings of a jury trial will have already been polluted by the selective leaking of information from the grand jury hearing.

In an article posted on theroot.com Thursday, Washington-based reporter Lauren Victoria Burke reported that officials held a conference call Wednesday with Obama administration Attorney General Eric Holder, in which they set Monday as the day that they will announce the grand jury’s findings.

She clarified in an email to the WSWS that her source was someone “very high up” who was in the Wednesday call, but that she could not provide additional details.

According to Burke, the discussion in Wednesday’s meeting focused not on whether Wilson would be indicted—that was presented as a given. Rather, it focused on whether Wilson and Ferguson Police Chief Thomas Jackson would face any administrative discipline within the police department.

She wrote, “Several elected officials on the call were said to be pushing for no punishment or career repercussions for Wilson or Jackson—meaning that they not be fired from their respective positions after the

grand jury’s announcement.”



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact