

Killers of Ahmaud Arbery charged with federal hate crimes

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The United States Justice Department (DoJ) has filed federal hate crime charges against the three white men who murdered 25-year-old African American jogger Ahmaud Arbery near Brunswick, Georgia, on February 23, 2020.

Travis McMichael, his father Gregory McMichael, and William “Roddie” Bryan were charged with one count of interference with civil rights and kidnapping, with the McMichaels being charged with one count each of using, carrying, and brandishing firearms during and in relation to a crime of violence. Georgia is one of a handful of states in the United States without its own hate crime laws.

The McMichaels and Bryan chased and murdered Arbery while he was on a run through the Satilla Shores neighborhood. Neighbors testified that they had seen Arbery jogging for years and that it was not an unusual occurrence. The McMichaels pursued him under the baseless pretext that he had been burglarizing a construction site, claiming a series of burglaries had occurred in the area. The owner of the site stated this was false and that only trespassing by various people had occurred, not just Arbery, including a man and women and two small children. The only crime recorded in the area in the weeks prior to the killing of Arbery were the theft of a firearm from one of the McMichael’s vehicles and one instance of trespassing on the construction site.

The federal indictment charges that the McMichaels, “while aiding and abetting one another, did willfully, by force and threat of force injure, intimidate, and interfere with Ahmaud Arbery, an African American man, because of Arbery’s race and color” and because he was running on a public street.

The DoJ in its release on April 28 states that “Counts One and Two of the indictment allege that the

defendants used force and threats of force to intimidate and interfere with Arbery’s right to use a public street because of his race.” Count One alleges that the offense “resulted in Arbery’s death,” and Count Two alleges that Bryan joined the chase and used his truck to cut off Arbery’s route. Bryan admitted on police body camera after the killing to attempting to block Arbery’s route. Count Three is that all three defendants attempted to unlawfully seize and detain Arbery, with Counts Four and Five relating to the carrying, use, and blandishment of a Remington shotgun and a .357 Magnum revolver by Travis McMichael and Gregory McMichael, respectively.

In June 2020, during a hearing in which a magistrate court judge determined sufficient probable cause to support murder charges against the three men, a Georgia investigator testified that Travis McMichael used a racist slur seconds after killing Arbery, who was unarmed, point blank with a shotgun.

The DoJ release also states that the defendants were charged in a separate state proceeding with “malice murder [when an individual unlawfully and with malice, that is intentionally commits a murder], felony murder, aggravated assault, false imprisonment, and criminal attempt to commit a felony.”

Gregory McMichael has extensive ties to local government and police agencies. He was a Glynn County police officer in the 1980s and, at the time of the shooting, had just retired after 20 years as an investigator for the Brunswick Judicial Circuit District Attorney.

The McMichaels were arrested on May 7, 2020, more than two months after they killed Arbery. Police interviewed the killers just after the shooting and allowed them to return home, filing no charges. Police at the time told Arbery’s mother that her son was

involved in a burglary—a blatant lie.

The Brunswick District Attorney, Jackie Johnson, who previously worked with Gregory McMichael, recused herself, handing the case to the Ware County District Attorney, Gregory Barnhill, who advised police there was “insufficient probable cause” to arrest the McMichaels. The death and effort at a cover up sparked nationwide protests over the killings after footage, taken by Bryan, was released two months after the killing. The case against the killers was only launched after Barnhill recused himself and the video of the shooting went viral.

Additionally, plans have been announced by the DoJ to pursue federal hate crimes against the four officers who killed George Floyd on May 25, 2020. The federal prosecutors plan to ask a grand jury to indict three of the officers—J. Alexander Kueng, Thomas Lane, and Tou Thao—in connection to the killing of Floyd, while Derek Chauvin will be charged in connection with Floyd’s murder and the 2017 brutalization of a 14-year-old during an arrest related to a domestic assault. Body-camera footage shows Chauvin wordlessly beat the boy repeatedly with his flashlight after he refused to get off the floor, choke him unconscious, then drive his knee into the boy’s back for several minutes while ignoring the boy’s pleas that he could not breathe.

The *Minneapolis Star Tribune*, illustrating the concerns of the government and ruling elite motivating the decision, drew on sources from within the Justice Department familiar with the planning discussions. They explained that the civil rights charges were initially conceived as a “contingency plan” that DoJ officials came up with in the case that “Chauvin were found not guilty on all counts or the case ended in a mistrial” in order to avoid “the riots many feared could engulf the city once again.”

Speaking to the urgency with which the state apparatus viewed the situation surrounding the Chauvin case, the plan involved arresting Chauvin by criminal complaint so that “so they could arrest him immediately, and then asked a grand jury for an indictment.”

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