

# Jury selection under way in the trial of Ahmaud Arbery's killers

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Jury selection for the trial of the three white men accused of chasing and fatally shooting 25-year-old African American jogger Ahmaud Arbery in February of last year began on Monday in Georgia's Glynn County courtroom.

The brutal murder of Arbery just outside Brunswick, Georgia and exposure of the attempted state cover-up provided fuel for the nationwide and worldwide protests against police killings following the death of George Floyd on May 25.

In the US alone, an estimated 15 to 26 million people participated in the demonstrations at some point in 2020, representing the largest multiethnic and multinational protests in US history and spread to more than 2,000 cities and towns globally. The demonstrations expressed not just anger towards police killings but also opposition to social inequality, capitalist exploitation, the growth of fascism and attacks on democratic rights.

The three defendants, Gregory McMichael, 65; his son, Travis McMichael, 35; and their neighbor William "Roddie" Bryan, 51, all face charges of malice murder and felony murder, two counts of aggravated assault, and one count of false imprisonment and criminal attempt to commit false imprisonment.

They will also be tried later on federal charges after a grand jury indictment in April raised federal hate crimes and attempted kidnapping charges against each in the death of Arbery, who was unarmed and was gunned down while jogging in broad daylight through a suburban neighborhood in Brunswick.

After three days of initial interviews and questioning of potential jurors, a Georgia judge has thus far deemed 15 Glynn County residents as qualified to move on to the next phase of forming a jury, which will decide the fate of the three charged in the gruesome killing. Court officials say dozens of additional candidates will be needed before a final jury of 12 jurors and 4 alternates can be picked to hear the case. They estimate that the process could take six or seven more days to select a pool of 64 qualifiers before the second round of jury selection can even begin.

Complications for the jury selection process have already emerged in the most high profile murder trial in the United States since the sentencing of former police Officer Derek Chauvin, who was found guilty of multiple murder and manslaughter charges after kneeling on Floyd's neck and suffocating him to death.

Vice News reported on Tuesday that Georgia county court representatives had mistakenly exposed potential jurors to suppressed evidence, including Arbery's mental health history, which a judge banned from the trial.

These documents contained the victim's prior criminal history that a judge ordered suppressed and never brought up in court, along with

evidence that prosecutors would like to use against the McMichaels. This evidence includes a Confederate flag vanity plate on Travis's truck and how often the father and son had used their licensed firearms.

Although the judge has yet to issue a ruling on the admissibility of that evidence, legal experts say that juror candidates who read that information would be rendered ineligible to sit on the jury. "Prominently displaying that information and it being accessible to jurors ... I would say is problematic," Suparna Malempati, a professor at John Marshall Law School in Atlanta told Vice. "When potential jurors have information that may or may not be admitted in the courtroom, the jurors may be influenced."

The oversight misstep has made ever more difficult an already onerous jury selection process, with an unprecedented 1,000 candidates pooled, more than 10 times the number normally asked. The selection of candidates for the jury is seen as a critical task given the national spotlight that has been placed on the trial.

In the federal indictment earlier this year, prosecutors alleged the defendants used force and threats to intimidate Arbery while also violating his right to use a public street because he was black. Travis and Gregory McMichael, the ones primarily responsible for the shooting, also face charges of using guns to inflict violence.

The encounter with Arbery began after Gregory McMichael saw Arbery jogging down the residential neighborhood while standing in his front yard. Gregory McMichael told police at the time he thought Arbery looked like a man suspected in several break-ins in the area.

Both the elder and younger McMichael immediately grabbed a handgun and a shotgun, got into a pickup truck and chased Arbery down, trying unsuccessfully to cut him off. William Bryan soon joined the pursuit in his own truck. In a cell phone video shot by Bryan, Arbery is seen in the residential road and is approached by a white truck, with Travis McMichael standing beside its open driver's side door with a shotgun and Greg McMichael in the bed of the pickup with a handgun.

Arbery then runs around the truck and disappears briefly from view. Muffled shouting can be heard before Arbery emerges on camera and a physical confrontation ensues with Travis McMichael outside the truck, with both seen fighting over the shotgun. The older McMichael, standing in the bed of the pickup truck, pulls out a pistol and shots can be heard coming from off screen as Arbery is shot by Travis with the shotgun. Two shotgun blasts ring before Arbery attempts to run from the assailants but he limps feebly before falling to the ground. He bled to death in the street.

All the information that has surfaced surrounding the slaying of the defenseless Arbery lends evidence that the killing was a criminal and

barbaric action undertaken through vigilante-style terror. Residents of the Satilla Shores neighborhood where the killing took place revealed they had seen Arbery jogging countless times and that this activity was not unusual. The McMichaels ran him down under the false claim that he had been burglarizing a construction site and cited several recent burglaries as a pretext for the pursuit.

The owner of the site stated the claim was baseless and that various people had trespassed through the area besides just Arbery. Moreover, 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, which hardly represent any valid reasons for hunting down Arbery and performing a citizen's arrest, let alone suspecting him of a crime.

Despite the extraordinary nature of the murder, the dashcam video which captured the killing was kept concealed for more than two months while the two killers remained outside of police custody before finally being arrested on May 7.

In the weeks leading up to the release of the video and arrests of the murderers, Glynn County Police Department and prosecutors sought to whitewash the entire proceeding and protect the McMichaels from facing criminal charges. Federal authorities subsequently launched a criminal inquiry into the two district attorneys and the police department involved in the case. Lee Merritt, the attorney representing Arbery's family, called the entire investigation leading up to the arrest "a vast conspiracy."

Glynn County District Attorney Jackie Johnson was accused of ordering police to make no arrests on the day that Arbery was shot. Johnson was forced to recuse herself from the case, due to the fact that Gregory McMichael had recently retired as a police investigator for her office. Johnson was later indicted by a grand jury on charges of violating the oath of a public officer, a misdemeanor, and obstruction of a police officer, a felony, and removed from her position as DA.

Following Johnson's recusal, the case was then handed to Waycross Judicial District Attorney George Barnhill, who was to later write in an April letter to the Georgia Board of Investigation that there should be no arrests made in the case and blamed Arbery for the shooting because he wrestled with Travis over the shotgun.

Barnhill said the actions of the McMichaels and Bryan were, "Under Georgia law ... perfectly legal." He did not recuse his office from the case until April 7, when it was revealed that Barnhill's son had worked alongside Gregory McMichael in the Glynn County DA's office. It was later revealed that both Barnhill's son and McMichael had been directly involved in the prosecution of Arbery in an incident some years earlier.

Wanda Cooper, Arbery's mother, was initially lied to by local police after learning of her son's death. Police claimed he was involved in a home burglary and was killed by the homeowner. It was another several days, however, before she learned that he was killed while jogging by the men who falsely pinned him to be a burglar.

In response to the wave of outrage, Georgia lawmakers adopted hate crimes legislation after more than a decade without one, with the state being one of the few remaining states without such a statute which adds greater penalties against those who commit crimes against someone because of their race, gender, sexual orientation or other identifiable characteristics. Legislators also abolished the state's Civil War-era citizen's arrest statute.

In a recent interview with CNN's "New Day" program, Arbery's father Marcus Arbery Sr. condemned his son's killers and placed hope on the selection of a jury who will decide a guilty verdict. "I'm

just praying to God we get the right jury," Arbery Sr. said. "It's still emotional for my family because it's a raw trauma. You know, to watch my son get lynched like that by three white men, ran him down and lynched him like that. It's really raw."

Democratic Party politicians and lawmakers from the beginning have seized on the ghastly murder to frame the issue entirely along its racial lines while concealing the inherently violent nature of the capitalist system and its reliance on the police as an armed force used to oppress the working class. On the one-year anniversary marking Arbery's death, President Joe Biden tweeted in February, "a Black man should be able to go for a jog without fearing for his life. ... Today, we remember Ahmaud Arbery's life, and we dedicate ourselves to making this country safer for people of color."

Georgia Democrat Stacy Abrams, a former state House representative, tweeted "#AhmaudArbery's time on Earth was needlessly cut short. ... Thank you to the Brunswick community for pursuing accountability." Seeking to sow illusions that the capitalist Democrats could be relied upon to defend democratic rights, Abrams said, "we need a justice system that ensures full investigations, appropriate charges and unbiased prosecutions."

The Democratic Party is a party of Wall Street and the military-intelligence apparatus and is fully committed to defending and mobilizing the police, including its most fascist and backward sections, as a bulwark to suppress any upsurge of social opposition against the capitalist system. President Biden has told states and local officials that they can use \$350 billion in funding from the American Rescue Plan to build up state and local police departments.

While racism may play a role in many instances of police violence, what unites all of the victims of police violence is that they are poor and working class, whether they are black, white, Latino or Native American. More than 1,000 people are killed by police every year in this country. It is the task of socialists to oppose every manifestation of racist violence while exposing the racist politics of the Democratic Party as another instrument of class rule, used to divert social tensions away from a struggle to overthrow the capitalist state and derail the fight to build a united movement of the entire working class.



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