Judge acknowledges “intentional discrimination” in jury selection for Ahmaud Arbery case

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4 November 2021

After a two-and-a-half week jury selection process in preparation for the trial for Ahmaud Arbery’s murder in Brunswick, Georgia, a panel of 12 people—with only one black juror—was chosen on Wednesday. State prosecutors accused defense attorneys of disproportionately striking qualified black jurors, with some objections solely based on race.

Ahmaud Arbery, who was a 25-year-old African American, was killed in February last year after being chased and confronted by three white men: Gregory McMichael, 64, his son Travis McMichael, 34, and William Bryan, who recorded the incident. They each face multiple charges, including murder and aggravated assault, and have pleaded not guilty.

Cobb County District Attorney Linda Dunikoski challenged the defense attorneys’ removal of eight black jurors based on a U.S. Supreme Court ruling that makes it unconstitutional to strike people from a jury due to their race.

After reviewing the defense’s eliminations, Judge Timothy R. Walmsley acknowledged that “quite a few African American jurors were excused through peremptory strikes executed by the defense.

“But that doesn’t mean,” Walmsley said, “that the court has the authority to reseat, simply, again, because there’s this prima facie case.”

Walmsley ruled that despite “intentional discrimination,” the defense had provided a “legitimate, nondiscriminatory, clear, reasonably specific and related reason” to why each potential juror should not be seated.

Half of the town of Brunswick’s population is black. According to the U.S. Census Bureau, more than one-quarter of the 85,000 residents of Glynn County, which includes Brunswick, are black and about 69 percent are white.

During the selection process, attorneys subjected potential jurors to intense questioning about their familiarity with the case, whether they had formed opinions about the defendants’ guilt and their preferred sources of news and information.

Approximately 1,000 residents were summoned as part of the selection pool, but fewer than half turned up for questioning. Of those who came, many said they had already formed strong opinions about the case, knew the defendants or were scared to sit because of potential consequences the case could have on the community.

The case has raised tensions in the small Georgia coastal community. Two local district attorneys recused themselves from the matter because of professional connections to the elder McMichael, who had been a police detective and private investigator. Brunswick District Attorney Jackie Johnson—whose office initially handled the case—was charged in September with violating her oath of office for obstructing the arrest of the McMichaels until three months after the shooting.

William Bryan made the video of the incident publicly available in May. The 36-second clip, filmed from Bryan’s truck, shows Arbery jogging when a pickup truck stops ahead of him on the road. Arbery attempted to bypass the vehicle before he was seen struggling with Travis McMichael, who was carrying a shotgun. Muffled shouting was heard in the video before three gunshots. Gregory McMichael is then shown holding a pistol alongside his son, with Arbery no longer in view. A post-mortem examination showed Arbery had two gunshot wounds in his chest, and a

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gunshot graze wound on the inside of one of his wrists.

Lawyers from Arbery's family described his death as a “modern-day lynching” and said Travis McMichael directed a racial slur towards Arbery as he lay on the ground. The McMichaels claimed that they were defending themselves while trying to make a “citizen’s arrest” because they believed Arbery was behind a string of burglaries. They denied any racist motivation. According to a Georgia Bureau of Investigation agent, Bryan hit Arbery with his truck after he joined the McMichaels in chasing Arbery.

Lawyers for the McMichaels last month asked a judge to ban mention of a decal on their car of the Confederate flag, which was flown by the pro-slavery Southern states during the Civil War. The men said it would be “prejudicial” to the jury but failed to convince the judge, who said jurors could interpret it “in any way they deem appropriate.”

Walmsley said the trial would begin Friday after the court considered a number of motions on Thursday. Each defendant faces up to life in prison for his role in Arbery’s slaying.

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