

Jury hears opening statements in federal trial of three former cops involved in the murder of George Floyd

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24 January 2022

Opening statements were heard on Monday in the federal trial of three former Minneapolis Police Department (MPD) officers charged with deprivation of civil rights for refusing to stop Derek Chauvin from killing George Floyd by kneeling on his neck on Memorial Day 2020.

The trial of J. Alexander Kueng, Thomas Lane, and Tou Thao is being presided over by Judge Paul Magnuson of the U.S. District Court in St. Paul, Minnesota.

The three men were charged, along with Chauvin, in an indictment by a federal grand jury in Minnesota nearly one year after the killing of Floyd. The charges of deprivation of civil rights were applied in three counts: the first against Chauvin for keeping his knee on George Floyd after he became unresponsive, the second against Thao and Kueng for willingly failing to intervene to stop Chauvin from using unreasonable force, and the third against all four of the former officers for willfully failing to provide aid to Floyd and “acting with deliberate indifference” when he was in distress and dying.

Chauvin—who was convicted of murdering Floyd in a state trial on April 10 and is now serving a 22.5-year prison sentence—pleaded guilty on December 15 to the federal civil right charges against him. He is expected to receive an additional 2.5 years of prison time for the federal offense.

A jury of five men, seven women—with an even number of white and non-white jurors—and six alternates was selected from across the state of Minnesota last Thursday. Judge Magnuson repeatedly stressed that the conviction of Chauvin on state murder charges and his guilty plea on federal charges must not

influence the proceedings against the trial of the other three. Kueng, Lane and Thao also face a state criminal trial of their own that is scheduled to begin on June 13.

Assistant U.S. Attorney Samantha Trepel opened the prosecution’s case saying that the three officers “did not lift a finger” to help George Floyd even though he said 25 times that he could not breathe. Speaking to the defendants directly, she said that Floyd was “in your custody, in your care” and then read from the MPD’s policy about how people are to be treated once taken into police custody.

Using still images from a city surveillance camera, the prosecutor described the actions of each of the defendants as they made the “conscious choice over and over again” not to act to protect a man they had in handcuffs and pinned to the pavement. Protecting those in custody is “not just a moral responsibility, it’s what the law requires under the U.S. Constitution,” Trepel said.

Trepel singled out the actions of Thao, 36, who was a veteran officer and Chauvin’s partner. She showed in a bystander video how Thao was trying to keep at bay the angry crowd that was witnessing the murder and demanding that Chauvin get off George Floyd’s neck. Instead of trying to stop Chauvin from killing Floyd, she explained, Thao cynically told the witnesses, “This is why you don’t do drugs, kids.”

The prosecutor acknowledged that both Kueng and Lane were rookie officers but said this was no excuse for their actions. She said even though it “can be awkward and uncomfortable” to criticize a fellow officer, the two had received extensive training for 1-1/2 years that use of force and the duty to intervene should have been fresh in their minds. Among the

training that Trepel mentioned was the obligation to turn a subject on his/her side when they are having trouble breathing.

As to the third charge, the prosecutor said that the officers were trained in cardiopulmonary resuscitation but took no action to help save George Floyd's life as he was rendered unconscious and lost a pulse. "Here on May 25, 2020, for second after second, minute after minute, these three CPR-trained defendants stood or knelt next to Officer Chauvin as he slowly killed George Floyd right in front of them," she said.

In conclusion the Assistant US Attorney told the jury, "We will ask you to hold these men accountable for choosing to do nothing and watch a man die."

Following the prosecution's opening statement, the attorney for Kueng, Thomas Plunkett, made a motion for a mistrial on the grounds that Trepel's presentation to the jury was more argumentative than based on the evidence the prosecutors were planning to use during the trial. Judge Magnuson denied the motion.

In his opening statement of defense, Robert Paule, the attorney for Thao, attempted to blame George Floyd for his own death by saying it was a tragedy but "a tragedy is not a crime." Paule told the jury to "look beyond the video" and see that Floyd was acting erratically and appeared to be on drugs when the officers attempted to arrest him.

According to a report in the *New York Times*, the defense "appeared to be outlining a defense built on several pillars: That by initially resisting arrest, Mr. Floyd's actions justified the aggressive police response; that Mr. Lane and Mr. Kueng were rookies, and that Mr. Chauvin was a training officer; and that Mr. Thao was busy keeping bystanders at bay, acting — in the words of Mr. Paule — as a 'human traffic cone'."

Plunkett also suggested that he would try to blame the MPD for insufficient training of the rookie Kueng, and Earl Gray, attorney for Lane, was also pointing a finger at the city police department for keeping Chauvin on the force when he had a history of abuse and misconduct. Gray said that Lane had been told by superior officers that Chauvin was "an excellent field training officer." Attorney Gray also said that his client intended to testify in his own defense, the only one of the three to do so, and said that Lane had two times tried to get Chauvin to roll George Floyd onto his side.

Legal experts have said that obtaining a conviction in

the federal trial of Kueng, Lane and Thao is difficult because the prosecution must prove that the defendants are guilty of willingly violating George Floyd's constitutional rights by not acting in his in defense rather than doing something directly to him.

The behavior of the then-Minneapolis officers is hardly unknown to working class and poor people in the US or other countries around the world. The actions of Kueng, Lane and Thao are part of an unstated law enforcement code of conduct where extreme brutality is followed by the victim being left unconscious or dying as officers mill around at the scene discussing how they will cover up their crime.

The only thing that is different in the death of George Floyd—and other similar cases recently, such as the shooting of Ahmaud Arbery in Glynn County, Georgia—is the presence of the smartphone phone video shot by Darnella Frazier that was then viewed millions of times, triggering mass protests against police violence which swept across the US and internationally during the summer of 2020.

Additionally, the case of the three officers who cooperated with Derek Chauvin in killing George Floyd shoots a hole in the racist presentation of police violence as purely a matter of blacks being killed by white police officers. The fact that Kueng is black, Lane is white, and Thao is Asian American makes clear that police violence is rooted in class society and capitalism, and the only way to stop it is by unifying the working class across all national, ethnic, racial and language barriers in the struggle for socialism.



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