

“Ferguson, Missouri, One of a Kind?”

THERE ARE NO SIMPLE ANSWERS.

That phrase has become my mantra in delving into the situation that is our topic. In all of life it is far too easy, as citizens, as media and as elected or employed officials, to come up with simple answers but they rarely work.

What we have in the Michael Brown / Ferguson, Missouri incident is a series of concentric circles. The specifics are pretty clear: a routine traffic stop gone very, very bad. There are errors in the police work that are apparent from the DOJ reports but it seems trivial to recount the “he could/he would” analysis of the event. And there is a DOJ report outlining the specifics in great detail, and then ascribing no guilt sufficient for a trial.

Of much more importance are the expanding rings. But, we start with Michael Brown and Darrin Wilson.

Then we have a circle including the Town of Ferguson Missouri and its management style, including its police department’s very special style of operation. Special does not mean unique. Or desirable.

Next is St Louis County, home to 89 separate communities, with several under 1000. One, known as “Champ”, records 13 residents.

Then we have the ring that includes our country and issues including race relations and policing practices and expectations.

And last we have the question of racism itself. Believe me, I have no answers to these problems and again I say, THERE ARE NO SIMPLE ANSWERS.

(I am quoting from sources with credit, I have mildly edited for readability and length.)

In the second ring, let’s look at the City of Ferguson and its police department. Ferguson, Missouri, was established in 1855 by Wm Ferguson when a train station was established on the Wabash Railroad. After the coming of the railroad, seemingly the only significant event in Ferguson was the establishment of Emerson Electric. From Wikipedia: “Emerson (Electric) was established in 1890 in [St. Louis, Missouri](#), by [Civil War](#) Union veteran [John Wesley Emerson](#) to manufacture [electric motors](#). In 1892, it became the first to sell [electric fans](#) in the United States. It quickly expanded its product line to include electric [sewing machines](#), [electric dental drills](#), and [power tools](#).

During [World War II](#), under the leadership of [Stuart Symington](#), Emerson became the world's largest manufacturer of airplane armament. Symington went on to become the first [United States](#)

Secretary of the Air Force from 1947-1950, a Democratic U.S. Senator from Missouri from 1953-1976, and a candidate for the [Presidency of the United States in 1960](#).

You may have recognized the name Stuart Symington. Again from Wikipedia, the only person of note, at least to me, who was born in Ferguson, was: [Enos Slaughter](#), Hall of Fame-winning [St. Louis Cardinals](#) baseball player.

We know that Michael Brown was stopped by Officer Darrin Wilson for walking down the middle of the street. We know some of what went through each person's mind, or can imagine it. We know that things went badly and that Michael Brown ended up dead, killed by bullets from the officer's weapon. There is a DOJ, Civil Rights report on the death of Michael Brown which goes to 86 pages. And there is a DOJ, CR report on the Ferguson Police Department that goes to 106 pages.

The Ferguson police department, or FPD, is a significant income segment of the city and the City Court operates within the police department. Let me quote from the...

Investigation of the Ferguson Police Department

United States Department of Justice
Civil Rights Division
March 4, 2015

The City of Ferguson is one of 89 municipalities in St. Louis County, Missouri. (Footnote: Allen County has ten municipalities plus 18 unincorporated centers.) According to United States Census Data from 2010, Ferguson is home to approximately 21,000 residents. While Ferguson's total population has stayed relatively constant in recent decades, Ferguson's racial demographics have changed dramatically during that time. In 1990, 74% of Ferguson's population was white, while 25% was black. By 2000, African Americans became the new majority, making up 52% of the City's population. According to the 2010 Census, the black population in Ferguson has grown to 67%, whereas the white population has decreased to 29%.

...The Ferguson's municipal court operates as part of the police department. The court is supervised by the Ferguson Chief of Police, is considered part of the police department for City organizational purposes, and is physically located within the police station. Court staff report directly to the Chief of Police. Thus, if the City Manager or other City officials issue a court-related directive, it is typically sent to the Police Chief's attention. Recently, City officials

informed DOJ that they are considering plans to bring the court under the supervision of the City Finance Director.

As the number of charges initiated by the Department has increased in recent years, the size of the court's docket has also increased. At the end of fiscal year 2009, the municipal court had roughly 24,000 traffic cases and 28,000 non-traffic cases pending. As of October 31, 2014, both of those figures had roughly doubled to 53,000 and 50,000 cases, respectively. In fiscal year 2009, 16,000 new cases were filed, and 9,000 were resolved. In 2014, by contrast, 24,000 new offenses were filed, and 11,000 offenses were resolved.

City officials have consistently set maximizing revenue as the priority for Ferguson's law enforcement activity. Ferguson generates a significant and increasing amount of revenue from the enforcement of code provisions. The City has budgeted for, and achieved, significant increases in revenue from municipal code enforcement over the last several years, and these increases are projected to continue. Of the \$11.07 million in general fund revenue the City collected in fiscal year 2010, \$1.38 million came from fines and fees collected by the court. In its budget for fiscal year 2012, however, the City predicted that revenue from municipal fines and fees would increase over 30% from the previous year's amount to \$1.92 million; the court exceeded that target, collecting \$2.11 million.

City, police, and court officials for years have worked in concert to maximize revenue at every stage of the enforcement process, beginning with how fines and fine enforcement processes are established.

In combination with a high fine schedule, the City directs FPD to aggressively enforce the municipal code. City and police leadership pressure officers to write citations, independent of any public safety need, and rely on citation productivity to fund the City budget. In an email from March 2010, the Finance Director wrote to Chief Jackson that "unless ticket writing ramps up significantly before the end of the year, it will be hard to significantly raise collections next year. What are your thoughts?"

FPD has communicated to officers not only that they must focus on bringing in revenue, but that the department has little concern with how officers do this.

A. Ferguson's Police Practices

FPD's approach to law enforcement, shaped by the City's pressure to raise revenue, has resulted in a pattern and practice of constitutional violations. Officers violate the Fourth Amendment in stopping people without reasonable suspicion, arresting them without probable cause, and using unreasonable force. Officers frequently infringe on residents' First Amendment rights, interfering with their right to record police activities and making enforcement decisions based on the content of individuals' expression.

For example, in July 2013 police encountered an African-American man in a parking lot while on their way to arrest someone else at an apartment building. Police knew that the encountered man was not the person they had come to arrest. Nonetheless, without even reasonable suspicion, they handcuffed the man, placed him in the back of a patrol car, and ran his record. It turned out he was the intended arrestee's landlord. The landlord went on to help the police enter the person's unit to effect the arrest, but he later filed a complaint alleging racial discrimination and unlawful detention. Ignoring the central fact that they had handcuffed a man and put him in a police car despite having no reason to believe he had done anything wrong, a sergeant vigorously defended FPD's actions, characterizing the detention as "minimal" and pointing out that the car was air conditioned. Even temporary detention, however, constitutes a deprivation of liberty and must be justified under the Fourth Amendment.

b. FPD's Use of Canines on Low-level, Unarmed Offenders Is Unreasonable

FPD engages in a pattern of deploying canines to bite individuals when the articulated facts do not justify this significant use of force. The department's own records demonstrate that, as with other types of force, canine officers use dogs out of proportion to the threat posed by the people they encounter, leaving serious puncture wounds to nonviolent offenders, some of them children.

Furthermore, in every canine bite incident for which racial information is available, the subject was African-American.

In December 2011, officers deployed a canine to bite an unarmed 14-year-old African-American boy who was waiting in an abandoned house for his friends. Four officers, including a canine officer, responded to the house mid-morning after a caller reported that people had gone inside. Officers arrested one boy on the ground level. Describing the offense as a burglary in progress even though the facts showed that the only plausible offense was trespassing, the canine officer's report stated that the dog located a second boy hiding in a storage closet under the stairs in the basement. The officer peeked into the space and saw the boy, who was 5'5" and 140 pounds, curled up in a ball, hiding. According to the officer, the boy would not show his hands despite being warned that the officer would use the dog. The officer then deployed the dog, which bit the boy's arm, causing puncture wounds.

According to the boy, with whom we spoke, he never hid in a storage space and he never heard any police warnings. He told us that he was waiting for his friends in the basement of the house, a vacant building where they would go when they skipped school. The boy approached the stairs when he heard footsteps on the upper level, thinking his friends had arrived. When he saw the dog at the top of the steps, he turned to run, but the dog quickly bit him on the ankle and then the thigh, causing him to fall to the floor. The dog was about to bite his face or neck but instead got his left arm, which the boy had raised to protect himself. FPD officers struck him while he was on the ground, one of them putting a boot on the side of his head. He recalled the officers laughing about the incident afterward." End quote

Officers over use the concept of Failure to Comply, which should refer to a lawful instruction by a police officer. Commonly, FPD officers demand information or documents without any evidence or reasonable expectation of a crime. Failure to comply results in a citation. Failure to comply to a second request commonly results in a charge of “resisting arrest” though there is no reason to believe arrest is necessary or even legal.

And the city has backed all this up with unusual regulations. For instance, it is illegal to walk down the middle of the street. If you recall, that was in the first reports we heard coming out of Ferguson about Michael Brown. The officer stopped him for “walking down the middle of the street.”

This does not make everything that happened here the fault of the Ferguson Police Department, or of the City of Ferguson, and there is no evidence that Michael Brown was entirely innocent.

And there are 88 other municipalities in the St Louis community, many of them no different from Ferguson, except that the situation got entirely out of hand in Ferguson. It could likely have happened in most of the other communities. Obviously the merger of many of these small communities, each with its own police department, fire department, etc, would make a great deal of sense. However that always involves turf and territory.

Next is the circle of our nation. Is Ferguson part of a trend? Yes; I think so. Simply consider Cleveland and Baltimore. The only real hope I have for this situation is the aging out of officers. Newer officers generally receive training that is useful in defusing these and other situations but the long established officers are probably going to have to age out and retire.

Peripheral stories:

I interviewed Ed Lavalley, past City Manager, Newport, RI, present City Manager, Venice, FL. He has had a long career from street policing to national organizations and policing think tanks before he took up city management. This is as close to humor as I come in this paper.

Providence story.



John Gardner told me about this incident which intrigued me on several levels. The Chicago Theological Seminary published this message:

Calling Out Racism is Love Speech, Not Hate Speech

On August 18th,(2015) Chicago Theological Seminary posted a meme on social media. "If you don't think racism exists, you're white" it said. After two weeks of wide engagement, Facebook took it down. The statistics were amazing. Over 200,000 people were reached. Over 16,000 people engaged with this Internet post (meme) with either likes, comments, or sharing.

Last week, Facebook removed the meme saying we had violated "[Facebook Community Standards](#)."

The post did what we wanted it to do. We wanted to make people think; we wanted to get people talking about difficult and important matters facing our society; and we wanted to take a stand on a crucial justice issue.

--- Adie recommended Ta-Nehisi Coates and his book "Between the world and me." Diane Rehm supported Adie's recommendation by interviewing Ta-Nehisi Coates on her show yesterday morning. I was actually at my computer touching up this paper when I heard Diane introduce this writer under my elbow.

This book is an African-American writer's offering to his son about what it means to live in today's world as an African-American. It is a telling recital of the issues, concerns and fears parents need to instill in their children to get them through daily life on the street, from gangs to cops and beyond.

Ta-Nisi Coates told Diane Rehm he's moving to France. His first reason was not because there is less racism in France, but because there are far fewer guns. Remember, guns don't kill; people kill. But people with a gun find killing very much easier.

Maybe some more humor. Diane pressed him for a second reason for moving to France and he said "For the bread."

From this book came a reference to James Baldwin's book: "The Fire Next Time."

Baldwin's book was written in 1962 in the form of a letter to his nephew describing the world as James Baldwin saw it from the perspective of an African-American to a young African-American needing to know how to live in the world. The book is moving and a good read, but the most telling and moving pieces are two reviewer's comments on the back cover: "One of the few genuinely indispensable American writers" Saturday Review of Literature, which sets the time frame for the next quote: "Anguished...stabbing...a final plea and warning...to end the racial nightmare" Newsweek – 1962.

How much has changed? Why are these two books so very, very similar? You can nearly hold them up to the light and read them both at once. Why has so little changed? Specifically, what has changed in racism? Of course, today is different. We don't block bridges, we don't have governors chaining school doors and we don't turn dogs loose on African-American citizens...do we? But we do make it illegal to walk down the middle of the street, as a source of municipal income.

What has become of empathy? Or even simple sympathy? How has it become so easy to kill, both from the perspective of a law officer and the perspective of a citizen?

Too many guns - too few guns. More education – less education. Over policing, as in militarization of police forces and frequent use of dogs and Tasers. Certainly consolidation of small government entities looks easy. But what about turf, tradition, loyalty and power? Remember the outrage at the closing of Elmhurst High School.

Too many guns – that's easy for me. Not all of you will agree. An odd interpretation of a constitutional sentence establishing the National Guard has left us presumably the most heavily armed nation in the world. And as to Ft Wayne, there was a picture in the paper recently of a unit of the Fort Wayne PD returning from a situation where someone refused to come out of a home. The scene included several officers in more armor than a knight of the round table, and they were trailing behind a military machine that used to be called a tank.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Too little education? Now we are engaged in destroying this nation's, and this state's, system of public education. Apparently in order to save money and further deepen the gap between the haves and the have nots.

Racism is a form of hatred. So it isn't difficult to project from this subject to our entire world. We are told, probably correctly, that certain radical Moslems hate us and see us as a mortal enemy, though we know most Moslems are peace loving people. And so it goes with people killing people they don't like at an astonishing rate with astonishingly little concern.

Conclusion: We seem to have a nearly total loss of empathy in our society and so much of what we used to call "pent up anger" has turned to pure hatred.

Not all of the conflicts between police officers and citizens are white vs black, but in many of the most egregious are. But again, no simple answers. No one group is totally responsible. In fact, we are all responsible. And no one group is totally innocent.

Do we still have a dream? Will there ever be a day when the sons of former slaves and the sons of former slave-owners can sit down together at the table of brotherhood? Is there yet a dream?

THERE ARE NO SIMPLE ANSWERS