
The Western Journal of Black Studies

Special Issue:

"No Justice, No Peace": Social Unrest in Ferguson

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Introduction: “No Justice, No Peace”: Social Unrest in Ferguson

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Photo by Cassandra Chaney



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Ferguson, a city in St. Louis County Missouri, was incorporated in 1894. Its nickname is “Community of Choice” and its motto is “Proud Past. Promising Future!” Sadly, the tragic death of an unarmed Black man and the national attention given to this death has resulted in the word Ferguson being synonymous with police misconduct, violence, and social unrest.

On August 9, 2014, Michael Brown, an 18-year old Black man, was fatally shot by Darren Wilson, a white policeman with the Ferguson Police Department. The incident sparked protests and acts of vandalism in Ferguson, as well as widespread calls for an investigation into the incident. After a day of vigils, the looting of businesses, vandalizing of vehicles, as well as protestors’ violent clash with policemen occurred. The Federal Bureau of Investigation (F.B.I.) opened a civil rights inquiry into the shooting of Mr. Brown on August 11th. Soldiers from the Missouri National Guard arrived August 18th in Ferguson at the request of the Governor of Missouri Jay Nixon, who ended midnight to 5:00 a.m. curfews that had been imposed. Attorney General Eric H. Holder, Jr. arrived in Ferguson, promising a full inquiry into the death of Michael Brown 2 days later. The Justice Department announced that it would open a broad civil rights investigation that would examine whether the Ferguson police had a history of discrimination or misuse of force beyond the Michael Brown case September 3rd. The inquiry accompanied the F.B.I. civil rights investigation (opened on August 11) that specifically looked into the shooting of Mr. Brown. November 24 of 2014, a grand jury decided it would not indict Wilson in the shooting death of Brown. Following the announcement of the grand jury’s decision, there were peaceful protests as well as rioting (New York Times, November 24, 2014).

March 4 of 2015, the Ferguson Police Department was criticized by the United States Department of Justice (DOJ) for “routinely violating the constitutional rights of its black residents.” During a press conference, Attorney General Eric H. Holder, Jr. revealed disturbing findings from the DOJ’s extensive, 87-page report. In that report, Holder revealed: A disproportionate amount of African-Americans were targeted for traffic stops and other low-level violations; the police relied too heavily on the use of force (almost 90 percent of “unnecessary force” incidents were against African-Americans); and “frequently escalate(d) rather than diffuse(d) tensions with the residents they encounter(ed).” Furthermore,

individuals were often denied their due-process rights in the local jail system. In essence, the city’s dependence on fines for minor offenses was merely done to fill municipal coffers (The United States Department of Justice, 2015). In order “to rebuild trust and foster mutual understanding in Ferguson and in all communities where suspicion has been allowed to fester,” the United States Department of Justice reserved “all its rights and abilities to force compliance and implement basic change” within the Ferguson Police Department and the Ferguson Municipal Court (2015). Essentially, the DOJ report revealed police brutality and mistreatment to be the routine reality for Black residents in Ferguson and that immediate government action was needed to rebuild community trust that had been so badly eroded.

Police brutality is not a new phenomenon. Over four decades ago, Albert J. Reiss (1968) revealed police brutality to be “far from rare.” Furthermore, a study in three large cities found the most likely victim to be a lower-class man of either race. However, subsequent studies found Black men to be substantially more likely than White men to be victims of police violence and homicide (Baldassare, 1994; Beer, 2015; Cha-Jua, 2014; Chaney & Robertson, 2015; Cush, 2013; Duru, 2004; Geller, 1982; Goldkamp, 1986; Milton, Halleck, Lardner, & Abrecht, 1977; Sheppard, 2015; Sherman & Langworthy, 1979).

The death of Michael Brown, the ensuing protests and riots, and subsequent military involvement mirrors to a national tragedy that occurred 23 years ago. On March 3 of 1991, Los Angeles motorist Rodney King (1965-2012) was surrounded by four white police officers, several of them striking him repeatedly, while other officers stood by. The videotaped beating of Rodney King provided documented proof of the animus many officers of law enforcement held for African-Americans (Chaney & Robertson, 2014), inflamed racial relations, and raised public concern about police treatment of minorities. Four officers were charged with assault with a deadly weapon and use of excessive force. Three were acquitted of all charges. The jury acquitted the fourth of assault with a deadly weapon, but failed to reach a verdict on the use of excessive force. The jury deadlocked at 8–4 in favor of acquittal at the state level. The acquittals are generally considered to have triggered the 1992 Los Angeles riots, where 53 people were killed, over 2,000 were injured, and riots that resulted in the cumulative loss of at least \$3.8 billion

in taxable sales and over \$125 million in direct sales tax revenue losses (Matheson & Baade, 2004). As was the reality in Ferguson, the riots ended only when the military was called and intervened.

Police hold a history of killing unarmed citizens and members of the group possess certain attitudes that increase the likelihood these incidents occur, thereby placing the public at risk (Roberg, Crank, & Kuykendall, 2000). Although several theories have been offered to explain why police use excessive force (Carson, 2015; Jacobs, 1998; Worden, 1996), police generally perceive themselves as soldiers in the war on drugs. Furthermore, the insularity and authoritarianism of some administrations has led many officers to feel their actions are beyond accountability (Bayley & Bittner, 1984; Scharf & Binder, 1983; Skolnick & Fyfe, 1993). In addition, even when there is little evidence that departmental rules have been enforced, prosecutors rarely indict police who have killed citizens (Fyfe, 1988; Kobler, 1975). As a result, the police become stable members of a law enforcement system that perpetuates and protects institutional racism (Souhami, 2014).

Statistics from the National Police Misconduct Statistics and Reporting Project (NPMSRP) compiled between the months of April 2009 and June 2010 offer evidence of the severity of this problem. According to the NPMSRP, there were 5,986 reports of misconduct, 382 fatalities linked to misconduct, settlements and judgments that totaled \$347,455,000, 33% of misconduct cases that went through to convictions, and 64% of misconduct cases that received prison sentences. The average length of time convicted officers spent in prison was 14 months (National Police Misconduct Reporting Project, 2011). And while some respondents on the NPMSRP site had respect for members of law enforcement, the overwhelming majority of them had contempt for law enforcement, were suspicious of it, and believed law enforcement to be agents of brutality (Chaney & Robertson, 2013).

Since Black teens are 21 times more likely to be fatally shot than their White counterparts (Flatlow, 2014; Gabrielson, Grochowski, & Sagara, 2014), the fatal shooting of Michael Brown serves as a painful reminder to African-Americans and other marginalized communities of their own mortality as well as the blatant disregard that police have for Black life.

The popularity of the recent film “Straight Outta’

Compton” chronicles the long term nationwide presence of police brutality and the abuse of people of color. The idea that the rap group NWA rose to high fame suggests the negative sentiments communities of color have long held of law enforcement. The result of hostility between White police officers and minority populations can be viewed as a form of both social, and for individuals, personal trauma from which we require mass healing. This volume offers voice to those affected by or have witnessed this form of trauma and their allies.

During his famous “I Have a Dream Speech,” the late Martin Luther King (2012) said, “There are those who are asking the devotees of civil rights, “When will you be satisfied?” We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality.” Those words were uttered on August 28, 1963. Significant increases in the number of unarmed Blacks killed by police make these words especially timely today.

This special issue highlights the broad perspectives of scholars, attorneys, community activists, and student protestors regarding the events in Ferguson. Structural reform in regards to the control deadly force by police in Ferguson and other cities in the nation necessitates that law enforcement entities establish an equitable balance of risk to protect police officers (from being hurt by armed citizens) and citizens (from being erroneously shot by police) (Scharf & Binder, 1983).

The special issue is dedicated to Michael Brown and all families in Ferguson who are unitedly, wholeheartedly, and untiringly committed to seeking justice through peace.

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Justice: A Seven Year Old St. Louisian Speaks

BRYCE DAVIS BOHON

Justice

It's being fair to everyone,

Treating us the same.

It's standing up for someone or something.

It's fighting for the people.

Everybody should be fair to each other.

A good person is nice to other people,

They help when something is challenging.

They are very fair.



Bryce Davis Bohon is the author of "Peace: A Six Year Old St. Louisian Speaks" published in the book "The Assault on Communities of Color" (2015). He has presented his poetry in various professional venues and looks forward to future creative works.

Ferguson, USA: A Scholar's Unforeseen Connection and Collision with History

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JONATHAN PULPHUS- SAINT LOUIS UNIVERSITY

JOSHUA JONES- SAINT LOUIS UNIVERSITY

I read an important biography of a civil rights legend some years back. In the epilogue, the esteemed scholar/author mentioned a controversy over whether the scholar's university should create a monument to the civil rights legend. The biographer explained that he/she believed it was the place of the scholar to remain disinterested on such current controversial matters, and it best for the scholar to observe and record for the sake of posterity. I could not understand that sentiment. Three of my scholarly heroes are the late John Hope Franklin, Derrick Bell, and Vincent Harding who made sure to use their talents to benefit the Black Freedom Movement. With no disrespect to the biographer, I say thank goodness some scholars chose to wade into contentious waters on behalf of righteousness and justice. In the recent campaigns and events surrounding the Ferguson Crisis, I have consciously chosen to use what few abilities I have to help the community address issues of justice.

"Now do you understand how we felt?!!," asked a participant in the now famous 1968 rebellion at Columbia University in the City of New York on November 24, 2014, the night that St. Louis County Prosecuting Attorney Robert McCulloch announced that he would

not be indicting Officer Darren Wilson for the shooting death of Ferguson teenager Michael Brown, Jr. After short-stopping an interview with MSNBC's Chris Hayes and crawling under the fence of a locked-down compound to race to my car that was twenty feet from the Public Storage building on W. Florissant Ave. that had gone up in flames, to pulling on the hot handles and entering the smoke filled vehicle, to driving through the red light, to driving on the wrong side of the road to avoid the burning garbage cans on the right side of the road, to seeing police and national guardsmen everywhere, to hearing the moans of mothers and the threats of young hopeless people, I had finally felt what I had written about for so many years. Before I ended the interview with Hayes, I explained that more than angry or shocked, I was saddened because the narrative of that night would be that the lawless, ungrateful, black youth delighted in destroying other people's property. The narrative I understood from my interactions with the people on the ground was that of hopelessness because of the poverty-stricken circumstances in which they lived and powerlessness in the relationship with the justice and political systems.

In terms of scholarship, I thought I had done a decent job researching material for the Harlem vs.



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Jonathan Pulphus is a third-year African American Studies and Women's and Gender Studies major at Saint Louis University. He is secretary of Tribe X, and a member of the African American Male Scholars (AAMS) Initiative.



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Columbia University book; I mean I spoke with many of the right people and read the documents and papers, but I could only imagine the frenzy of the moment and try to write about it the best I could. The night of the non-indictment, when the Columbia alumnus called, I felt the anxiety and fear and anger that so many others felt a half century ago when demonstrations and rebellions were more common place—when if young people had a problem with a system or a president or a war, they took to the streets or took over a building or just made noise to voice their displeasure. The Columbia alumnus told me to be careful but more importantly not to expend all my energy because there will be plenty more nights to demonstrate and many more issues to protest. He said that I should prepare for a protracted struggle for freedom and justice in addition to the emotionally charged battles that the people were waging. That was sage advice.

On Saturday, August 9, 2014, I got a text from a former student, telling me a young black man in the Canfield Green apartment complex in Ferguson had been shot and people were starting to get rowdy. I hoped it would not get out of hand, but it seemed like the boy's body lay in the street for an eternity. To understand the tragedy in this, one must spend some time in St. Louis during the month of August to experience the combination of heat and humidity that leads some residents to refer to their home city and state as St. Louis, Misery.

It just so happened that my father, Command Sergeant Major (retired) Alphonso Bradley had come to visit, so I gathered him from the airport, which is quite near Ferguson. The next day I was supposed to deliver a lecture at Washington Tabernacle Baptist Church (a St. Louis city landmark where both Martin Luther King, Jr. and Angela Davis had spent time) on the "History of Education in the Black Community." I started off by wishing my father a happy birthday and asking for a moment of silence for Michael Brown, Jr., yet another young black man who had been shot dead.

That Sunday night my phone went abuzz as a current student of mine notified me that the QuickTrip on W. Florissant Ave. was burning. I knew people had to be out of their rational minds because it seemed no one thought through setting fire to a gas station. I received a phone call from the same student just after midnight; he said he was afraid for another one of my current students who had been in a confrontation with the police near West Florissant Ave. The police had pepper-sprayed, tear-gassed, and shot my student with rubber pellets. All I heard was "shot" so I started getting dressed and reached for my knife. The student who called said his

friend had just made it to another mentor's home where he was trying to wash the pepper spray off his skin and out of his eyes.

I heard from my students later Monday morning (August 11), and they had, prayerfully, lived through it all. They said they were headed back out that evening; I told them not to and that I did not need any martyrs to know that they cared about justice. They were, however, "turned up" and not listening to my dissuasion. Even though I had personally taught them about the Black Freedom Movement, my students had seen something that changed them forever; inasmuch, they were resolute about hitting the streets again. I knew then that if I could not stop them, I would have to join them.

I have written about black revolutionaries like H. Rap Brown (Jamil Abdullah Al-Amin) and Stokely Carmichael (Kwame Ture), but I am no revolutionary—I vote and wear ties to go to work at a predominantly white institution. I am not easily given to marching in the streets or fist-pumping for causes. There was, however, the issue of my students, so I knew I had to be where they were. With that in mind, I parked my car at the auto parts store on W. Florissant Ave., and called my wife to let her know where it was in case I got arrested or worse. As I walked up on the burnt out QuickTrip, I saw two young black women writing on the asphalt with chalk. When I approached them, I read three of the most profound and unforgettable words ever. They wrote: "Black Men Matter" (this was before the phrase "Black Lives Matter" became prevalent). It was so simple but so crucial for the moment.

As I took that statement to heart, I met up with my students. Then, representatives of MSNBC's Chris Hayes show called to interview me. I told them that I would be glad to do the interview as long as my students could be there too. I stood on this position because the portrayal of young black people in the national media to that point was of the "young black thug" who was not following instructions and making life hard on the police by refusing to be quiet when their friend was shot and laid out in the street. The news was not showing young black men who did not have tattoos or who were in college or who could coherently communicate their rage to an audience that stopped listening to black men when they saw the dreads. I did not believe that college students were any better or more respectable than other youth, but I brought my students (one of whom happened to live in Ferguson) to provide some diversity to the portrayals of black youth.

We told our stories of why something was waiting to happen—that black people had been mistreated in

North County since they had begun to move out there forty years ago. I listened while a Missouri state senator tried to explain to Hayes that race had nothing to do with the crisis that was unfurling. I disagreed, knowing that decades ago black people who could afford it, moved to the county. Then when the public housing that city planners and architects in the postwar era thought would save the city closed, a large portion of those residents moved to places like Ferguson and the Canfield Green complex. Black people in the St. Louis Metropolitan area also implicitly know that it is risky to drive a car in the county because police are frequently looming to write tickets that provided revenue for the small municipal governments. Furthermore, black residents knew that the court system in the municipalities were nearly impossible to navigate. For anyone who has ever been to one of the courts, it is clear that, yes, race had something to do with it.

As people took to the streets, they were exercising maybe the last piece of power they had—their constitutional rights. It was an electric feeling to be among the people because the people believed they were right. I saw old people carrying signs and young people squaring off against the police because they believed righteousness would protect them. Later in the week, while out one night, I encountered a friend I had not seen in 12 years and we stopped to catch up and talk about what we were witnessing. At that moment, an officer with a rifle approached us and said that we had to keep moving—that we could not stand in one spot for more than five seconds. There was, of course, no law against talking on a public sidewalk when not obstructing anyone, and I challenge anyone to show me a line in the Constitution where it reads that we did not have the right to “be.” In spite of my clear knowledge of this, the officer’s rifle was persuasive. I chuckled because, again, I hardly fathomed myself as a threat in the spectacles and tie I wore. Apparently, my outfit of respectability did not convince the police that I was not dangerous. With each minute I spent on the street, I realized the situation was deteriorating. Later that night, my students and I tried to outrun the police clad in riot gear, who rode atop the armored personnel vehicles that belched teargas canisters.

After eating my share of teargas that particular night, I made it home safely to find my father still awake. He asked, “how did the CN gas taste?” He told stories about how during training he would have a good laugh at the soldiers who were exposed to the gas; I did not find the story funny that night. The previous day, we had driven through Ferguson, and when he

heard the thumping of helicopters and saw the heavy police presence, the combat veteran of the Korean and Vietnam Conflicts said, “this place is occupied!” He told me to be careful and that he was proud that I was taking a stand.

I watched the news to see that police were deeply concerned that some of the people protesting had firearms. I thought that was silly because, of course, some people had firearms; Missouri is proudly a concealed carry state, and guns are everywhere. There is even a Constitutional right to bear arms for citizens, and the members of the Tea Party have been known to exercise that right in near proximity to the president of the United States without police donning riot gear. The threat of members of the mostly black protesting crowd having firearms, however, must have been quite frightening to the police and the rest of the nation. Part of this has to do with how some people envision citizenship. Rather than looking to the Fourteenth Amendment of the U.S. Constitution, many have bought into concocted narrative that citizenship requires waving a flag or not ever criticizing the State. I realize it is hard for some to believe, but even loud, tattooed “thugs” are U.S. citizens deserving of freedom rights. I made the comment once that if U.S. citizens were abroad and treated the way some of the citizens in Ferguson had been those nights, the United States would have sent drones to ensure their freedom.

Things during those days and nights moved quickly. A group of young black and progressive professionals who had access to resources and young people met to discuss strategy. The group included a leader of a nonprofit college readiness service, a city treasurer, two state representatives, a college president, two college professors, a teacher placement administrator, an aeronautical company executive, a psychologist, diversity trainers, artists, activists, and others. We called ourselves the Young Citizens Council of St. Louis, and our purpose was to ensure that young people were being heard. Regarding the rebellion, we met with faith leaders in North County and with the Missouri Governor; some of us met several times with a U.S. Senator; others spoke with the U.S. Attorney General and the Senior Advisor to the President. Members organized events for the youth to share their experiences. We met constantly, but all the while, our nights were spent in the streets. Sometimes, feet aching from walking up and down W. Florissant Ave., we stopped for a bite to eat at the Ferguson Burger Bar. We provided commentary to nearly every major (and seemingly minor) international and national news network, demanding that the mayor and

police chief of Ferguson step down; police wear body cameras; the Ferguson police force increase the number of black officers; that a community policing model be implemented throughout the county that would include residency requirements; and, that a civilian review board with subpoena powers be instituted. We always tried to have young people flanking us if we were on television; if not, we instructed the interviewers to speak with specific young people. We spoke with the representatives from the Department of Justice and U.S. Civil Rights Commission and met with the U.S. Secretary of Education when they came to town. Members went to the United Nations to discuss the crisis in the St. Louis Metropolitan area. Eventually one of our members was even chosen to serve on the Ferguson Commission and the White House Task Force on Policing.

Indeed, life continued as we spent sleepless nights with the people. On August 25, at the funeral of Michael Brown, Jr. that was held at Friendly Temple Missionary Baptist Church, I sat directly behind his friend, Dorian Johnson who shed tears but remained strong; he sat next to the first black mayor of St. Louis, who was acting as his attorney. It is a bit of sad blur, but I also remember three rows in front of me sat leaders such as Jesse Jackson, T.D. Jakes, and other figures. I do recall there being a small controversy of who got to sit where. In those days, I constantly fielded requests for lectures and interviews. When speaking in the fall as part of the Harris-Stowe State University symposium on the 60th Anniversary of Brown v. Board of Education, I remarked that perhaps the Missouri homeboy, Mark Twain, was right: "History doesn't repeat itself, but it does rhyme." I made note of the fact that we were again waiting on a Brown decision--actually a decision regarding the indictment of Officer Wilson. I commented that everyone had a role to play in the 1954 Supreme Court case that was supposed to lead to the racial desegregation of public schools. Attorneys like Charles Hamilton Houston and Thurgood Marshall, scholars like John Hope Franklin and Kenneth Clark, parents like Gardner Bishop, and students like Barbara Johns were necessary participants in the movement toward black freedom. I made the point that it would again take people from every walk of life to achieve justice. At Washington University in St. Louis, I talked with young people about historic and current representations of black and Latino youth in the media as well as the relationship between law enforcement and communities of color. At Clark University in Massachusetts, I spoke to the need for young people to be aware of life outside campus—aware of what life was like for people their

age who could never attend a private university. I spoke to the lingering effects of the War on Drugs and War on Terrorism when I testified to the U.S. Civil Rights Commission about the events in Ferguson. At a California Western Law school, I challenged the aspiring attorneys to value justice as much as they did the law; to never put policy before people; and, to make righteousness not right their ultimate goal. I spoke with an organization of Missouri social workers about what could be learned from the Kerner Commission report and how poverty, policing, institutional racism, and a dearth of quality education make for a dangerous mix. I spoke with an educational policy group about how the crisis traumatized school children who could not breathe at night because of the teargas or could not sleep because of the noise of the helicopters, protesters, flash bombs, and sirens. I told of how mothers were afraid to let their children play outside because there were always strangers in the neighborhood. At the First Unitarian Church in St. Louis, I spoke about the "Democracy Experiment: Black Youth in America" where I explained that, historically, the nation has used black youth as test models to find out the limits of policing and justice. And, of course, I carried on with my professorial duties, which included interacting with many more university affiliates than is typical of a fall semester.

In the midst of all of this, St. Louis City police shot dead the son (VonDerritt Meyers, Jr.) of a Saint Louis University employee. The incident took place just blocks from the campus. On October 14, a night that scholar/activist Cornell West had come to a campus arena as part of an event that the university and a local ministerial alliance put together, young people rebelled against the decidedly older religious leadership and the politics of respectability that some wielded. After commandeering the microphone from their elders, some protesters lambasted the event and eventually left. When marching down Grand Ave. they decided that they were taking the protest onto SLU's campus. That was the onset of Occupy SLU, which lasted for six days. During that period, mostly black demonstrators camped out in the center of campus, at the Clock Tower. I could not help but think of the campus demonstrations of the 1960s. The administration was frantic in trying to figure a solution to the occupation. Parents called in with the most vitriolic messages imaginable, while students reacted in different ways. Some students joined the effort of the demonstrators; some observed, while others were noticeably annoyed that someone was disturbing their midterm study time. In addition to me, several other faculty members from the African

American Studies Program were in constant contact with the protesters who identified themselves as Tribe X. After some effort, I was able to get some Tribe X members (some of whom were students), their community advisors, and the president of the university in the same room, which was an incredible sight. When taking in the scene of SLU president Fred Pestello and the activists, I thought of college and university presidents S.I. Hayakawa (San Francisco State College), Grayson Kirk (Columbia University), and Kingman Brewster (Yale University) and their meetings with black militants in the 1960s and early 1970s. Back at SLU, after some tense hours and days, the occupation ended with a 13-point agreement (referred to as the Clock Tower Accords) that addressed issues of diversity on campus and SLU's role in the surrounding black community.

On March 11, 2015, the night that the Ferguson police chief announced his intention to step down, I was with the people at the police station. As an aside, the night I remember most at the Ferguson police station on S. Florissant Ave. was that when McCulloch made his announcement (November 24, 2014). Back then, I saw people standing on a car, not realizing that one of them was Brown's mother. When I heard her and the other mothers' wails of grief, frustration and pain, I shuddered. Soon after, I heard screeching tires and piercing declarations of anger. In contrast to that night, the tone of the demonstrations was celebratory and relatively light (there were people even grilling in a parking lot) on March 11. Believing that all was well, I left 45 minutes before two police officers were shot. I felt terrible for the officers, but I was also fearful that the narrative would again shift to lawlessness, with the actions of one representing the behavior of the many. My fears were realized on some cable news networks, but I was reassured that the progress that demonstrators had made regarding reform was not lost on news organs like the St. Louis American.

As I reflect, it is clear that my students have provided the impetus for my participation in this moment in history. Jonathan Pulphus is an undergraduate student-activist who is from St. Louis City and Joshua Jones is a graduate student from Ferguson.

SMB: What on earth possessed you to leave your safe homes to go to Ferguson on Aug 9-10?

Jonathan-- It was emotion. After seeing a picture of Mike's step father with a sign stating

"they shot my son," I was not only angry and confused but had friends with cars that felt similarly. Angry because young Mike had a family that felt wronged - but police only use force when they have no other choice. Confused because I kept hearing news that the police and community were in tension because Mike's body was laid out in the street for 4.5 hours in the sun - that image can cause trauma.

Joshua-- On August 9th I was actually in ATL (Atlanta) with my family for my sister's birthday and we came back home the night of the 10th. I'm a Ferguson resident, so I was in Ferguson all along. I didn't make it to West Florissant until later in that week when I heard that one of our African American Male Scholars (AAMS) members had been pepper sprayed while peacefully protesting. It was but a 3-minute drive/20-minute walk for me to get to the area. Similarly, in November when the non-indictment announcement happened, my brother and I walked from my house to downtown Ferguson in front of the police department. What "possessed" me to be there was that I had an obligation to demand that my voice as a born and raised EDUCATED & CONSCIOUS Black male resident of Ferguson be heard. Also since my initial observations were from another part of the country, it was important for me to be there for myself to gain an accurate and personal experience of what was taking place in my own city/neighborhood.

SMB: What was your reaction to what you saw in Ferguson? Were you fearful, angry, sad, etc?

Jonathan-- I felt good. Two things caught my attention: the police and the people. Organized in formation, stone-faced, and emotionally-controlled, they stood by quarantining part of West Florissant while people vented. Some vandalized the nearby QuickTrip; many more screamed their hearts out at the frontline, smoked, drank, fought, cried,

argued, mourned, laughed, and sang. This commotion was not all within the law - yet the law enforcers were just watching the crowd like tourists at a zoo.

Joshua-- Again my initial reactions were based on what I saw via social media at dinner with my family in ATL. I saw the pictures and initially thought it was one of those spams from unreliable resources that people get a hold of and run with on social media. Then I got a text confirming it from my brother who was still in STL (St. Louis). And, immediately, my heart sank. I read closer into it and found out that Mike Brown's body had been lying in the street for several hours. Then I pictured myself in Mike Brown's shoes. Knowing the location in comparison to my home, it became very personal even from ATL because Mike Brown very easily could have been me.

SMB: *Why did you keep protesting even though it was unsafe?*

Jonathan-- The reason is that it's bigger than me or the next protester - unfortunately, we (the protesters) are not the anomaly when it comes to state violence. While we do not hope to be harmed, we often accept that arrogance (of the State) and agitation (of the people) do not make the best formula for safety. I did not hope to be harmed the first time I was pepper sprayed for engaging an officer, all I had was a sign and my voice. I did accept that anything can happen so - luckily, my partner Alisha Sonnier, agreed to come with me because after the assault, she transported me away and helped me to health. As months go by, the police remain unpredictable - they know how to bend the rules while controlling the narrative in order to harass or instigate us with impunity. We accept their position and move forward in the most strategic way possible.

Joshua-- I continued to protest because my main safety concerns weren't with the protesters around me, but with those who were being paid to assure my safety (i.e. the police). The police made me the most concerned for my safety and I knew that should not be. I continued to protest because my community and I needed this all too common fearful perspective of the police force to change immediately. I continue(d) to protest because I want(ed) to be a part of the modern Civil Rights Movement that was happening, inevitably, right in my backyard.

SMB: *What did it mean for the movement to come closer to SLU (Shaw Neighborhood).*

Jonathan-- Opportunity and relevance. For one, students and residents are likelier to go to areas closer to where they live - VonDerrit's dad is an employee at SLU. When VonDerrit was shot in early October, it happened to be around the time for Ferguson October - a massive call bringing activists in and out of St. Louis to designated local areas. SLU agreed to host Cornel West. Without this and several main factors, Occupy SLU would not have happened.

Joshua-- It meant Ferguson was/is not just a Ferguson issue. It meant the beginning of some crucial progress on SLU's campus through the raising of the students' consciousness and administrative involvement through the Clock Tower Accords (CTA).

SMB: *What were you hoping to accomplish with Occupy SLU and how did your peers react to you? What about professors and administrators?*

Jonathan-- To pop the SLU bubble and get the Clock Tower Accords. From Tribe X's

perspective, this meant educating, empowering, and organizing. We educated by hosting teach-ins about student-activism, the Black Lives Matter movement, and policing. We organized by helping galvanize many liberal students through education alongside direct action such as the Grand-street shutdown and occupation. We empowered by creating an atmosphere where the university was willing to negotiate. Peer reactions varied - some against it, for it, and indifferent. Protestors, particularly non-students, were insulted (called “thugs” or “unpatriotic”) by people with negative extreme views, harassed by DPS (Department of Public Safety) by way of being stalked around campus / or selectively asked for their I.D., and denied access to bathrooms in university buildings recently made inaccessible to non-students. A lot of snide comments and threats were made towards me or passed along - but none to my face. Professors also varied; some letters of support for the occupation bore some faculty signatures but there are many more faculty at SLU than signatures on the letters. I had more positive experiences with my professor in African American studies who took her students to the occupation to better inform the class. Administration - those that mattered - were welcoming. Pestello (President Fred Pestello), as a representative voice of administration, even added clarifying line items to the demands for CTA.

Joshua-- Being an MSW student, my academic experiences were different than what I know happened for many undergrad students. Social workers (i.e. my peers and professors) tend to be very socially conscious and active people, so they were very passionate about the actions taking place as well. And many spent late nights at the Clock Tower dialogues along with me. From a professional standpoint as a graduate assistant in the CCC (Cross Cultural Center) under the Student Development Division, I was hoping to assure to the students that I serve that they have a powerful voice and that I could not be more proud of them for their work and diligence in this movement on campus. I wanted to actively listen, so that I could accurately present the perspective of

the students and occupiers to those who were watching from afar with a dangerously skewed perspective (i.e. parents, alumni, co-workers, community members, etc.)

SMB: What did you learn from all of this about yourself and your peers?

Jonathan-- That we've got to continue to press forward. Reverend and activist Traci Blackmon once stated that the CTA (Clock Tower Accords) is the only tangible institutional change made since the movement began. With CTA, we need a timetable for each line item. With the Ferguson movement, we need more gains.

Joshua-- I learned/reconfirmed that everything that happened in my life leading up to August 9th happened for a reason that's so much bigger than me alone. Becoming the AAMS graduate assistant on SLU's campus as a born and raised Ferguson resident who is studying to be social worker, I have been placed exactly where I need to be for the betterment and empowerment of my people and community which means the betterment/empowerment of self. Prior to this situation I knew that my various mediums of privilege gave me obligations to serve those who may not have the same privileges. After all of this, it became very clear that while my privileges and gifts have been given to me for the benefit of all in need, I have an obligation to represent, serve, and grind for Black communities in a unique and special way. As for my peers, let's just say my true friends and family are still around.

The young people may not know it, but they have been effecting change in the region and all over the nation. In the St. Louis Metropolitan area, the city established a new civilian review board. Then, several of the smaller county municipalities have revised or are revising their court procedures and fining systems, and some are even combining police departments. The

Ferguson police chief stepped down and the Ferguson city council now has two new black members. There are several more progressive steps that have been made possible only because young people took action. My students motivated me to move beyond the archives, classrooms, and lectures to demonstrate for freedom. Their courage was infectious. I owed them my support. Before August 9, I tried to correct the injustices that affected the community quietly as an individual, but my students helped me to realize that there is a time to be loud and for seemingly disparate groups of people to act as one. In that way, they taught the teacher. By risking their lives and access to socioeconomic security and status, these young people are rescuing American democracy by challenging the nation to reconsider how it polices black bodies.

Conclusion

To answer the Columbia alumnus who called on the night of the non-indictment announcement, I feel at least some of what the demonstrators at Columbia and in Harlem felt in 1968. Perhaps some may feel that it is not appropriate for me to play a part in the Ferguson and Occupy SLU crises, but I argue that history collided with me. As an historian, I know that there were those who felt that people like me should have never had the opportunity to read; or should not have been admitted to college; or should not have had access to a program in Black Studies. When, however, the people I have most admired in life paved the road by choosing to act when they observed injustice, then the least I could do was represent the voices of those who may not have the opportunity to be heard. I doubt that anyone will ever remember me as an esteemed scholar, but someone will remember me as a person who used whatever little talent and influence I had to help others toward freedom and justice. In that way, I hope I am living in the spirit of Franklin, Bell, and Harding.

State v Wilson: An Analysis of Legal Processes and Problems

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Abstract

The shooting death of Michael Brown by Darren Wilson was a tragedy that shocked the St. Louis community and the nation. In the aftermath of Brown's death, there were riots, protests and civil unrest. Many commentators thought that the case was mishandled. This article critically evaluates the handling of State v Wilson from a legal perspective. Despite the plentiful criticism, the use of the grand jury as an investigative organ is not contrary to existing law or historical practice. Other aspects of the grand jury proceeding, particularly providing grand jurors with Missouri's unconstitutional statute permitting law enforcement officers to use deadly force against any felon if necessary to make an arrest, at the beginning of the proceedings, are more problematic. Reforms to help the criminal justice system better meet contemporary demands for justice are discussed. Specifically, the need to amend existing law to bring it into compliance with the Constitution, provide a mechanism for neutral evaluation of proposed legal instructions, allow the Attorney General's Office to bring cases involving law enforcement officers suspected of misconduct and require the use body cameras to corroborate eyewitness testimony are all proposed.

In the months after the shooting of Michael Brown, an unarmed African-American teenager, by an on-duty police officer of European descent, Darren Wilson, the airways, Internet and print media were jammed with commentators and purported experts dissecting and speculating upon nearly every aspect of the case. Criticism was heaped on the prosecutor, Bob McCullough, for his handling of the case and failure to secure an indictment (Hamill, 2014; Milbank, 2014). An indictment is a charging document written by the prosecution which specifies particular charges against a particular defendant and serves as the basis for a criminal trial once it is approved by a grand jury. The grand jury approval process is discussed in more detail later in the article. More than one commentator has embellished their claim of McCullough's supposed malfeasance

by loudly proclaiming that any decent prosecutor can indict a ham sandwich (Bello, Toppo & Eisler, 2014; Milbank, 2014).

While the comment is absurd on its face, it nevertheless captures the notion, albeit in hyperbolic fashion, that the grand jury is a process run by the prosecutor and potentially easily subverted by that office (§ 540.140 R.S.Mo. 2014). More than one source implied that McCullough was an experienced prosecutor and his office could have easily obtained an indictment (see, e.g., Hamill, 2014). The fact that no indictment was forthcoming was taken as evidence that McCullough's office must have done something nefarious and somehow persuaded the grand jury not to issue a true bill.

A true bill, for those unfamiliar with the term, is the grand jury's "verdict" and indicates that a majority



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of grand jurors believe that there is probable cause to support the proposed charge(s). Probable cause requires sufficient evidence to convince a reasonable person to conclude that it is more likely than not that the accused committed the crime(s) charged. It is the grand jury's job to determine whether there is probable cause to support the charges proposed by the prosecutor in the indictment. If a majority of the grand jurors determine that the evidence indicates that it is more likely than not that the defendant committed the charged offense(s), the grand jury is supposed to issue a true bill, otherwise the grand jury should decline to indict, indicating that less than a majority of the grand jurors believe there is probable cause to support the charges. It should be noted that a grand jury's failure to issue a true bill does not preclude later prosecution so long as the later charges are brought within the applicable statute of limitations period and properly approved.

While the criticism heaped on McCullough for his handling of the case against Darren Wilson was plentiful, it often lacked nuanced legal analysis. In other words, just because the outcome was unpalatable to many people does not necessarily mean that McCullough did anything legally improper. This article will examine the handling of *State v. Wilson* from a legal perspective and will assess the extent to which it comported with the law and normal practice and will make recommendations for legal reforms to address noted short-comings.

History and Function of Grand Juries

The grand jury is an institution that arose in England during the common law era (Rees, 2001). Prior to the grand jury, there was no real check on the executive's (king's) authority to bring charges against citizens. The government could prosecute whoever it wanted for whatever reason it chose. From its inception, therefore, the grand jury was meant to protect citizens from a government bent on bringing arbitrary and abusive charges (Myers, 2012). The grand jury was meant as a check on over-zealous prosecution and as a means of ensuring that there was some basis in fact for any charges brought. It was not designed to ensure that charges that were appropriate were actually brought, apparently on the theory that prosecutors do not need any encouragement to prosecute.

Our Founders were so enamored with the grand jury that they enshrined the principle in the 5th Amendment of the U.S. Constitution. As a result, at the federal level, charges must be formally initiated by a grand

jury issuing a true bill on an indictment. The grand jury guarantee is one of the few rights contained in the Bill of Rights, which has not been incorporated via the Due Process clause of the Fourteenth Amendment. As a consequence, states may, but are not required, to use grand juries.

In states without grand juries, charges are initiated through an information which is filed with a court of competent jurisdiction. The court holds a preliminary hearing to determine whether there is probable cause to support the charges in the information. If the court finds probable cause, the defendant is bound over to stand trial. Either process is permissible throughout the state of Missouri (§ 545.010 R.S.Mo. 2014). However, in larger counties, like St. Louis, which has a sitting grand jury, charges are usually initiated by indictment. Smaller counties, without sitting grand juries, will usually initiate charges with an information (§ 540.021 R.S.Mo. 2014).

Grand jury proceedings usually occur in secret and prosecutors need not inform putative defendants that the proceedings are occurring, much less afford them an opportunity to present a defense (Kadish, 1996; Richman, 1999; Serio, 2008). Prosecutors also have no constitutional duty to present exculpatory evidence to the grand jury (evidence that suggests the accused is innocent) (*United States v. Williams*, 1992). Consequently, most grand juries do not hear evidence favorable to the defense, although defendants (or targets as they are often referred to at the grand jury stage) are sometimes required to testify. Prosecutors usually interrogate defendants before the grand jury without benefit of counsel in the hopes of eliciting incriminating, not exculpatory, evidence (Decker, 2005).

In short, as a practical matter, prosecutors control what evidence the grand jurors hear, especially if it is an unremarkable case, which receives little or no media coverage. Under such circumstances, the grand jurors have no independent source of information and must rely on what the prosecutor tells them about the case. In such cases, the prosecutor's power to decide what evidence is shared with the grand jury and what is withheld assumes immense significance and is likely to influence the outcome.

But, while using the grand jury to indict on a spurious case (i.e. the proverbial ham sandwich), is possible, it certainly is not prudent. The Missouri Supreme Court's Rules of Professional Conduct, Rule 4-3.8(a), specifically prohibit prosecutors from prosecuting a charge if they know it is not supported by probable cause (2007). Other jurisdictions have similar ethical rules.

Violations of the ethical rules can result in disbarment, suspension or other discipline. The National District Attorneys Association goes further in its standards, insisting that charges should not be filed unless the prosecutor “reasonably believes [those charges] can be substantiated by admissible evidence at trial” (NDAA, 2012, p. 52). In other words, it is unethical for prosecutors to bring charges against individuals to appease constituents or meet other needs unless they have a good faith basis to believe they can get a conviction.

Even if a prosecutor does not feel constrained by the ethical rules, there is little incentive to violate them because they also serve the prosecutor’s long-term interests. Prosecutors carry the burden of proof at trial and must establish the defendant’s guilt beyond a reasonable doubt. Failure to do so results in an acquittal. Acquittals go in the loss column for prosecutors and adversely affect the prosecutor’s conviction rate. A poor conviction rate will almost certainly be used against the prosecutor at re-election time. Consequently, prosecutors do not normally want an indictment unless they are confident they can get a conviction at trial.

Having to get the agreement of a grand jury before proceeding with charges places some, although many argue not enough, constraints on the government’s ability to use the criminal justice system against its citizens (Kuckes, 2004). When acting in this capacity, the grand jury can operate as brakes to prevent an abusive use of prosecutorial discretion. In such cases, the prosecutor has already decided that charges are warranted and the grand jury simply serves as a check on overzealous prosecutions. While grand juries were originally intended as a check on the prosecutor’s ability to bring charges, today, they are often preferred by prosecutors. Grand juries tend to be faster and more efficient than preliminary hearings. They also prevent the defendant from getting a preview of the state’s case and an extra chance to cross-examine the state’s witnesses, rights which attach at a preliminary hearing but not the grand jury (*Coleman v Alabama*, 1970). Moreover, evidentiary rules are generally relaxed before the grand jury so hearsay evidence and even illegally seized evidence can be used to secure an indictment even though such evidence cannot be used at trial (Gray, Cooper & McAloon, 2012; *United States v R. Enterprises, Inc.*, 1990).

Where grand juries are used as an efficient mechanism for securing the required formal charging document, the evidence presented to the grand jury is usually brief and may involve no more than one investigator telling the grand jurors what she found during the course of the investigation (*Costello v United States*, 1956).

In such cases, the prosecutor has usually reviewed the evidence and determined that she can get a conviction. In other words, in such cases, there really is no question, at least in the prosecutor’s mind, that there is enough evidence to get a conviction, she just needs to “go through the motions” to secure a charge.

In other cases, however, the existing evidence is not so clear. In cases with ambiguous or scant evidence, the grand jury provides a mechanism for further investigation (§ 540.031 R.S.Mo. 2014). This investigative authority grew out of its power to approve or, more rarely, disapprove indictments. Grand juries have broad and wide-ranging investigative powers, which are unique to that institution (see, e.g., § 540.031 R.S.Mo. 2014; § 540.160 R.S.Mo. 2014; Shampo, 2014; *United States v Williams*, 1992). In order to facilitate candor and protect innocents under investigation from reputational damage, grand jury proceedings are shrouded in secrecy backed up by criminal sanctions (§ 540.320 R.S.Mo. 2014). Releasing the grand jury transcript in Wilson was unprecedented. While identifying information was redacted for most witnesses, both Dorian Johnson and Darren Wilson’s testimonies were identified. The legality of these disclosures is debatable.

Because grand jury secrecy is believed to protect witnesses and record holders, it is usually very difficult to quash a grand jury subpoena (*United States v R. Enterprises, Inc.*, 1990). Moreover, grand juries may investigate upon mere suspicion or rumor of wrong-doing, they need not establish probable cause, reasonable suspicion or other legal standard to justify their actions (*United States v R. Enterprises, Inc.*, 1990; *United States v Williams*, 1992).

While the investigative powers of grand juries may provide a useful mechanism for ferreting out concealed criminality, they are also sometimes used to provide political cover. Some cases are so politically charged that it is difficult for prosecutors to perform the screening function they normally perform in cases subject to less public scrutiny. Given the outcry that the decision to forgo charges against Wilson produced after a lengthy grand jury process, one can only imagine the outrage if McCullough had reviewed the evidence, determined there was insufficient evidence to warrant prosecution and decided not to file any charges. By turning the case over to the grand jury, McCullough avoided having to make a decision that could have only cost him politically.

Instead, he left it to the grand jury to sort through all of the evidence and determine whether charges were appropriate. While McCullough’s action was atypical

because the prosecutor usually reviews the evidence, determines there is a prosecutable case and then shares with the grand jury only as much evidence as is necessary to establish probable cause, it was not contrary to existing law (§ 540.031 R.S.Mo.2014; § 540.130 R.S.Mo.2014; § 540.140 R.S.Mo.2014; § 540.160 R.S.Mo.2014). Indeed, where a prosecutor, based on the evidence, does not have a reasonable belief that charges can be proven at trial, but is faced with an electorate demanding charges, the grand jury may be the only way to meet both the demands of legal ethics and political self-interest.

Problems with the Wilson Grand Jury

In this case, the grand jury was asked to investigate whether charges against Wilson arising from the shooting of Brown were warranted. They were given all of the available evidence, which included 24 volumes of testimony and hundreds of pages of supporting documentation. At the conclusion of the evidence, the grand jury was presented with multiple potential indictments. Grand jurors received indictments for murder in the first degree, murder in the second degree, voluntary manslaughter, involuntary manslaughter in the first degree and involuntary manslaughter in the second degree (Grand Jury Transcript, Volume 24, p. 132-133). Grand jurors were instructed by prosecutors that agreement on one charge was not necessary and if any nine of them approved any charge there would be an indictment, the specifics of which would be worked out later (Grand Jury Transcript, Volume 24, p. 138-139).

As previously indicated, the standard for issuing a true bill is probable cause. Probable cause is proof that meets the preponderance of the evidence standard. This merely requires evidence that taken as a whole is sufficient to show the fact to be proven is more likely than not (Hager v. Dir. of Revenue, 2009). It is substantially lower than the standard of proof necessary at trial which is proof beyond a reasonable doubt. It should be noted, however, that grand juries are **not required** to indict just because the evidence presented establishes probable cause. Like petit juries (juries empaneled to determine guilt at trial), they have the power to “nullify” charges for whatever reason they choose (Fairfax, 2008).

Accordingly, the grand jury was asked to determine whether there was probable cause to charge Wilson with murder or manslaughter. Under Missouri law, a “person commits the crime of murder in the first degree if he knowingly causes the death of another person after de-

liberation upon the matter” (§ 565.020 R.S.Mo. 2014). A person acts knowingly “with respect to a result of his conduct when he is aware that his conduct is practically certain to cause that result” (§ 562.016 R.S.Mo. 2014).

Deliberation is “defined as cool reflection for any length of time no matter how brief” (*Zink v State*, 2009, p. 178). First-degree murder in Missouri does not require proof of planning or malice aforethought. The Missouri Supreme Court has made clear that “deliberation sufficient for a first degree murder conviction is not a question of time -- an instant is sufficient -- and a reference to “cool reflection” does not require that the defendant be detached or disinterested. Instead, the element of deliberation serves to ensure that the jury believes the defendant acted deliberately, consciously and not reflexively” (*State v Nathan*, 2013, p. 266).

Wilson’s own testimony suggests that he acted consciously and not reflexively when he shot Brown in the head and killed him. According to Wilson, Brown attacked him through the open window of his police car (Grand Jury Transcript, Volume 5, p. 210-214). During the struggle, Brown reportedly punched Wilson in the face twice, attempted to gain control of Wilson’s gun and tried to shoot Wilson in the hip or leg (Grand Jury Transcript, Volume 5, p.215-217, 223-224). Wilson reports he was able to wrest control of the gun from Brown and made several attempts to fire his weapon while still in his vehicle, two of which were successful (Grand Jury Transcript, Volume 5, p. 224-226). Wilson testified that Brown fled after the second successful shot and he then paused to call dispatch for additional assistance before exiting his vehicle to chase Brown (Grand Jury Transcript, Volume 5, p. 226). Wilson says he chased Brown until Brown stopped, turned on him and charged toward him (Grand Jury Transcript, Volume 5, p. 227). Wilson says he shot three separate volleys of shots at Brown while backpedaling to maintain distance (Grand Jury Transcript, Volume 5, p. 228-229).

According to Wilson, the fatal shot was delivered when Brown gets about “8 to 10 feet away, I look down, I remember looking in my sites and firing, all I see is his head and that’s what I shot” (Grand Jury Transcript, Volume 5, p. 229). From his testimony, it is clear that Wilson knew his actions were practically certain to result in Brown’s death, as very few people survive a close-range shot to the head, thus his actions were knowing.

The extended interaction between Wilson and Brown as Wilson fired multiple volleys halting in between to see if Brown had stopped advancing on him and then consciously sighting on Brown’s head before

shooting again are sufficient to establish deliberation under Missouri law. Indeed, they show considerably more reflection than other cases, which have been found to constitute first-degree murder. In *State v. Johnson*, for example, the Missouri Supreme Court noted that “proof of deliberation does not require proof that the defendant contemplated his actions over a long period of time, only that the killer had ample opportunity to terminate the attack once it began” (1997, p. 747). In another case, the Court found evidence that the defendant had taken a few steps towards the victim before grabbing and stabbing him with a knife gave rise to a reasonable inference that the defendant had sufficiently reflected before stabbing him (*State v. Clemmons*, 1988). In a more recent case, the Missouri Court of Appeals found that there was sufficient evidence to support a first degree murder conviction because the defendant had ample time to stop the attack after the first stab wound and get help and his failure to do so was sufficient to support an inference of deliberation (*State v. Olivas*, 2014). Wilson’s testimony clearly indicates he could have stayed in his car or returned to his car at any point prior to the fatal shot. Wilson’s actions, as described by Wilson, are legally sufficient to establish deliberation.

Even if the grand jurors were unconvinced that Wilson deliberated, his testimony clearly establishes the elements of second-degree murder. A person commits second-degree murder under Missouri law if he “knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person” (§ 565.021 R.S.Mo. 2014). Wilson admits he intentionally shot Brown in the head. Nothing further is necessary to establish the elements of second-degree murder.

People who commit second-degree murder under the influence of sudden passion arising from adequate cause, however, are eligible for conviction under the voluntary manslaughter statute (§ 565.023 R.S.Mo. 2014). Evidence that Brown spoke crudely and very disrespectfully to Wilson, punched him in the face multiple times and tried to grab his gun, if credited by the jurors, would probably have been sufficient evidence of provocation to warrant a voluntary manslaughter charge (Grand Jury Transcript, Volume 5, p. 208-217). Involuntary manslaughter applies to killings, which are done either recklessly or negligently. Recklessness occurs when a person disregards a substantial and unjustifiable risk (§ 562.016 R.S.Mo. 2014). Criminal negligence occurs when a person fails to be aware of a substantial and unjustifiable risk (§ 562.016 R.S.Mo. 2014). Since not even Wilson’s testimony supports a

finding of these lesser mental states, these charges are legally inappropriate.

The grand jury’s actual deliberations, as distinct from the evidence presented to them for consideration, were never made public nor was their rationale for failing to return a true bill (§ 540.140 R.S.Mo. 2014). Nevertheless, some educated inferences about what went on can be made. Given that there really was no dispute that Wilson intentionally shot and killed Brown, it is reasonable to assume that the grand jury must have declined to charge Wilson because they determined that Wilson was legally justified in shooting Brown.

There were two potential defenses the grand jury could have relied on in making this determination. The first is self-defense and the second permits officers to use force in making a lawful arrest. Missouri’s self-defense statute provide, in pertinent part:

2. A person may not use deadly force upon another person . . . unless he reasonably believes that such deadly force is necessary to protect himself or another against death, serious physical injury, rape, sodomy or kidnapping or serious physical injury through robbery, burglary or arson (§ 563.031 R.S.Mo.2014).

It should also be noted that initial aggressors are normally precluded from availing themselves of self-defense unless, among other options, they are a police officer using force to make an arrest (§ 563.031 R.S.Mo. 2014; § 563.046 R.S.Mo. 2014). While no one testified to seeing a weapon in Brown’s possession, Wilson and some other witnesses, including Witness 10, did say that Brown’s hand was reaching for his waistband in a gesture that might have looked like reaching for a concealed weapon as he ran at Wilson (Grand Jury Transcript, Volume 5, 227-228; Volume 6, p. 180; Volume 7, p. 60). The reasonableness of this inference given that Brown was attired in shorts, a tee-shirt and flip-flops is debatable. Even without a weapon, Wilson states several times that he was in fear for his life (Grand Jury Transcript, Volume 5, p. 216-217, 229). Brown was about 80 pounds heavier and slightly taller than Wilson (Grand Jury Transcript, Volume 5, 198; Post-Mortem Exam, 2014). At least one other eyewitness, Witness 10, a man working in the area at the time of the shooting, agreed that Wilson’s life was in danger at the time he shot Brown (Grand Jury Transcript, Volume 6, p 206-207). Witness 40 also supported Wilson’s account but her patent racism makes her testimony unworthy of belief.

Brown’s previous conduct, even according to Wilson, had consisted of punching and hitting and did

not appear to be directed at sexual assault, kidnapping, robbery, burglary or arson. Thus, the only remaining justification is fear of serious physical injury. Serious physical injury requires a showing of substantial risk of death, serious disfigurement or protracted loss or impairment of the function of any part of the body (§ 556.061 R.S.Mo. 2014). Wilson's injuries, as documented by hospital personnel and crime scene photos, do not suggest his prior injuries at the hands of Brown were of that nature. Nevertheless, those injuries may have been sufficient to render Wilson's fear of serious physical injury reasonable. It should be noted, however, some witnesses characterized Wilson as the aggressor trying to pull Brown into his vehicle (Grand Jury Transcript, Volume 4, p. 49-53). Other witnesses opined that Brown posed no danger to Wilson at all (Grand Jury Transcript, Volume 7, p. 21-22; Volume 8, 52-56, 185; Volume 13, p. 225). Thus, it may have been difficult, but certainly not impossible, for the grand jury to infer Wilson acted in self-defense.

Given the ambiguity of the evidence with regard to self-defense, the grand jury may have relied on the defense contained in § 563.046 R.S.Mo. 2014 which provides in pertinent part as follows:

3. A law enforcement officer in effecting an arrest or in preventing an escape from custody is justified in using deadly force only

(1) When such is authorized under other sections of this chapter; or

(2) When he reasonably believes that such use of deadly force is immediately necessary to effect the arrest and also reasonably believes that the person to be arrested

(a) Has committed or attempted to commit a felony; or

(b) Is attempting to escape by use of a deadly weapon; or

(c) May otherwise endanger life or inflict serious physical injury unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.

A diligent review of Missouri law suggests that the

grand jury must have relied on subpart 2 because no other provision of law is applicable.

In order to avail himself of this defense, Wilson would need to show that he reasonably believed that deadly force was immediately necessary to make the arrest. Wilson testifies about consciously considering other options like using his mace, his asp baton, or his flashlight (Grand Jury Transcript, Volume 5, p. 213-214). Each of these options was rejected because they were either unreachable or deemed by Wilson to be unusable in the context of the situation (Grand Jury Transcript, Volume 5, p. 213-214). Wilson also said he did not have a Taser (Grand Jury Transcript, Volume 5, 213). If the testimony of Wilson and others that Brown was attempting to escape and refused to stop, lay down or surrender was believed (Grand Jury Transcript, Volume 7, p 70-71), it is easy to see how the grand jury may have found the use of deadly force was necessary to take Brown in to custody.

In addition, the statute requires Wilson to show that Brown had committed or attempted to commit a felony, was attempting to use a deadly weapon to escape or was likely to kill or seriously injure someone if he was not apprehended. Looking at the first possibility, that deadly force was warranted because Brown had committed a felony, two possibilities present themselves. Brown took some cigarillos from the Ferguson Market shortly before this incident (Video, 2014). As is clear from the video, Brown took the cigarillos, pushed the shop owner out of his way and exited the store. Such conduct constitutes robbery in the second degree under Missouri law and is a class B felony (§ 569.030 R.S.Mo.2014). All that is necessary to establish robbery in the second degree in Missouri is evidence that the person used or threatened to use physical force upon another person for the purpose preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking (§ 569.010 R.S.Mo. 2014). Robbery is classified as a violent crime.

The problem for Wilson is he needed to reasonably believe that Brown had committed a felony at the time he used the deadly force. While what Brown did at the Ferguson Market was a felony, Wilson did not know that. By his own admission, Wilson said that he heard a report for a stealing in progress (Grand Jury Transcript, Volume 5 p. 202). A review of radio traffic from that day, confirms that it was dispatched as a stealing, not a robbery (Radio Traffic, 2014). Stealing less than \$500 is a misdemeanor under Missouri law (§ 570.030 R.S.Mo. 2014). Thus, the incident at Ferguson Market could not provide justification for the use of deadly force.

Another option is assault on a law enforcement officer (§ 565.082 R.S.Mo. 2014). Punching an officer qualifies as a felony and even Brown's friend, Dorian Johnson, conceded that punches were thrown during the altercation at Wilson's SUV (Grand Jury Transcript, Volume 4, p. 52). Testimony about punches by Brown (Grand Jury Transcript, Volume 5, 103, 210-214; Volume 13, p. 17) was disputed (Grand Jury Transcript, Volume 8, p. 52-56; Volume 13, 225). The grand jury's role, however, is to assess credibility so it is appropriate for them to determine whose testimony should be believed (*McFarland v. Superior Court Of Merced Co.*, 1948).

While the propriety of the grand jury making credibility determinations is long established, the propriety of asking them to consider this defense, in light of U.S. Supreme Court jurisprudence, is questionable to say the least. This defense essentially codifies the common law fleeing felon rule, which permitted law enforcement officers to use lethal force to prevent the escape of any felon. A similar statute was challenged in *Tennessee v. Garner* (1985). The U.S. Supreme Court in *Garner* made clear that using lethal force to apprehend a non-dangerous fleeing felon violates the Fourth Amendment. At a minimum, lethal force must be necessary to prevent the escape and the officer must have probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others before the use of lethal force is constitutionally reasonable. Missouri's § 563.046 R.S.Mo. 2014 purports to grant police officers the power to use deadly force against all fleeing felons, if necessary to effectuate their arrest. This flies in the face of clear and authoritative legal precedent.

While *Garner* was a civil suit by Garner's surviving family members, it is nonetheless controlling on the meaning of the Fourth Amendment in the context of use of lethal force by an officer attempting to apprehend a suspect. Moreover, any willful violation of the constitutional standard announced in *Garner* would constitute a crime under federal law (18 U.S. Code § 242).

The prosecutors belatedly discovered, apparently through research during the course of the grand jury proceeding, that § 563.046 R.S.Mo. 2014 was unconstitutional (Grand Jury Transcript, Volume 24, p. 134-136). Unfortunately, the prosecutors had given this unconstitutional statute to the grand jurors at the very beginning of the proceedings (Grand Jury Transcript, Volume 24, p. 134). In an effort to remedy their error, one of the prosecutors came up with a corrected statement of the law which they claim provided the grand

jury with a statement of the law that tracked the Missouri statute but also accounted for federal law (Grand Jury Transcript, Volume 24, p. 135). Disturbingly, the content of that statement did not appear in the grand jury record. It is therefore impossible to assess whether the prosecutor's statement of the law was constitutional and fair. In any event, allowing prosecutors to write up their interpretation of the law, rather than providing the grand jury with a copy of the actual law, certainly opens the door to potential distortions.

The timing and manner in which this substitution was made were also problematic. The corrected version of the law was not provided until after the grand jury had heard all of the evidence (Grand Jury Transcript, Volume 24, p. 135). It is unclear what impact having the wrong statute as a tool for assessing grand jury testimony during the course of the proceedings may have had but it probably was not beneficial. Moreover, the incorrect statute was not even taken away from the grand jurors before they began their deliberations. One of the prosecutors suggested "if you want to fold that [§ 563.046 R.S.Mo. 2014] in half just so that you know don't necessarily rely on that because there is a portion of that that doesn't comply with the law" (Grand Jury Transcript, Volume 24, p. 135). Since the grand jury's deliberations will never be made public, we will never know if any of them relied on or referred to this erroneous statute (§ 540.140 R.S.Mo. 2014; § 540.310 R.S.Mo. 2014).

The prosecutors' responses to inquiries about the old and new versions of this defense were also somewhat ambiguous and may not have conveyed the gravity of the misinformation previously supplied to them. When a grand juror asked "so we're to disregard this [presumably referring to § 563.046 R.S.Mo. 2014]?" The juror was told "it is not entirely incorrect or inaccurate, but there is something in it that's not correct. Ignore it totally" (Grand Jury Transcript, Volume 24, p. 135-136). From the record, it does not look like the prosecutors explicitly explained to the grand jurors what was wrong with the original statement of the law. An attempt to get such an explanation was met with assurances that the juror should not worry about it and that they did not want to get into a law class (Grand Jury Transcript, Volume 24, p. 136). These somewhat enigmatic responses by the prosecutors may have been confusing and certainly were not very informative.

Let this defect be dismissed as trivial, it should be noted that the difference between Missouri law and the actual constitutional standard is potentially outcome determinative in this case. None of the witnesses said

that Brown was quietly submitting to arrest. Witnesses reported that Brown was either attempting to escape or aggressively assaulting Wilson. Much of the initial controversy revolved around allegations that Brown was shot in the back or at least shot at while running away. Under § 563.046 R.S.Mo. 2014, this dispute would have been of little importance because shooting Brown in the back as he fled would have been legal so long as Wilson could show he reasonably believed Brown was a felon and there was no other way to make the arrest. A number of witnesses testified that Brown appeared to have fought with Wilson through the window of the police car, which is probably a felony under § 565.082 R.S.Mo. 2014, but insisted that at the time Brown was actually shot in the head and killed he was not a threat and was staggering around barely able to keep on his feet (Grand Jury Transcript, Volume 7, p. 21; Volume 8, p. 55).

The actual constitutional standard is significantly more rigorous in the context of this case. With that standard, grand jurors would have to believe that Wilson had probable cause to believe that Brown posed a significant threat of death or serious physical injury to himself or someone else at the time he used the lethal force. While there was certainly evidence to support that finding, including blood spatter evidence which suggested Brown was advancing on Wilson when he was killed (Grand Jury Transcript, Volume 2, p. 157), it is clearly a much closer call in the context of this case than a finding under the § 563.046 R.S.Mo. 2014 standard would have been.

Even the prosecutors recognized that the defenses were central to the case. They spent a significant portion of their instructional time reminding jurors that they needed to find these defenses inapplicable before they could indict. For example, grand jurors were told “you must find probable cause to believe that he [Wilson] committed the offense that you’re considering and you must find probable cause to believe that he did not act in lawful self-defense. Not that he did, but that he did not and that you find probable cause to believe that he did not use lawful force in making the arrest” (Grand Jury Transcript, Volume 24, p. 139). Given the significance of potential defenses to this case, providing the grand jurors with the wrong standard and then failing to thoroughly and completely remedy this defect was a serious problem, the consequences of which we may never know with certainty.

Conclusion

While the use of the grand jury as a quasi-independent investigative body charged with determining the propriety of charges after reviewing all of the available evidence is atypical, it is not illegal. Existing jurisprudence indicates that grand juries can hear more evidence than necessary to establish probable cause and while prosecutors clearly have no duty to put on exculpatory evidence, they do not appear to be precluded from doing so (*United States v Williams*, 1992). In addition, conducting investigations has long been a part of the grand jury’s duties. Under the circumstances of this case, a determination not to prosecute, based upon an internal review of the evidence by the prosecutor’s office, would probably have been regarded as illegitimate. Civil unrest, some of which turned violent, may well have been worse.

While the Wilson grand jury process comported with existing law, there were serious substantive problems. One of the most pressing legal reforms needed in the wake of this decision is amendment of § 563.046 R.S.Mo. 2014 to bring it in line with the Fourth Amendment. The General Assembly recently passed a revised criminal code for Missouri, which will go into effect on January 1, 2017. The “new” § 563.046 still permits police to use deadly force if necessary to apprehend a fleeing felon. It is essential that the General Assembly bring Missouri’s law into compliance with constitutional standards. Some prosecutors and judges may not have the time or the inclination to research the constitutionality of the statute and may simply rely on it in future cases. Over-worked defense attorneys might do the same. As demonstrated above, the difference between what Missouri purports to allow and what is constitutionally permissible is significant. Leaving this statute unchanged invites injustice in subsequent cases.

While presiding judges normally take a hands-off approach to the grand juries they supervise (*United States v Williams*, 1992), perhaps it is time to require more active oversight. Specifically, it may be wise to have the presiding judge review any statement of law provided to grand jurors for use in their deliberations. This would be similar to what judges do with regard to jury instructions given to petite juries at the conclusion of a trial. Judges are presumably neutral, or at least more neutral than prosecutors, and are certainly less subject to the vagaries of public opinion than elected prosecutors and are thus in a better position to objectively evaluate the fairness and propriety of proposed legal instructions.

Criticism of grand juries usually involves charges

that it is too easy for the prosecutor to use that institution to get charges filed (Kuckes, 2004). By contrast, the primary criticism launched at McCullough is that he used the grand jury to avoid filing charges. Preventing such uses without totally dismantling grand juries is difficult (Campbell, 1973). One approach might be for the Missouri General Assembly to give the Missouri Attorney General's Office original jurisdiction over cases involving suspected wrong-doing by local police officer including officer-involved shooting cases. The Missouri Attorney General does not have general prosecutorial authority but is afforded joint authority under various statutes and can be directed by the governor to assist local prosecutors (§ 27.105 R.S.Mo. 2014; § 27.030 R.S.Mo. 2014). Handling these cases at the state level may help blunt the impact of local political concerns, especially concerns about alienating the local police, an institution the prosecutor relies on almost exclusively to investigate crimes and make arrests.

Mandating the use of body cameras may also be desirable. *State v Wilson* highlights why such technology is critical. Witnesses gave wildly divergent accounts of what happened (Grand Jury Transcript, Volume 1 – 24). A body camera on Wilson would have helped separate fact from fiction. The need for body cameras is not limited to this case, limitations inherent in human memory practically guarantee that conflicting eyewitness testimony will occur in most cases (Fitch, 2015).

Cameras will not only resolve conflicting eyewitness testimony, they will also protect innocent police officers from false claims and save the system the expense of investigating baseless accusations. Conversely, cameras may also help ensure that officers are held accountable for bad conduct. Objective photographic evidence should also help restore public confidence in the accuracy of the fact-finding process in police-involved shooting cases. Cameras may even prevent police misconduct from occurring because officers who realize their actions are being recorded may refrain from misbehavior. Research suggests that certainty of being caught and punished deters wrong-doing especially among offenders with high stakes in conformity (Hollinger & Clark, 1983). Photographic evidence should greatly enhance certainty of punishment by increasing the odds of prosecution in appropriate cases.

But cameras are only effective if they are turned on and that does not always happen. On December 23, 2014, a white police officer shot and killed an eighteen-year-old African-American youth in Berkeley, a community adjacent to Ferguson. The officer had a dashboard camera but it was not engaged (Vanik, 2014).

He had been issued a body camera that night but it was not in use either (Keneally & Shin, 2014). Fortunately for that officer, the gas station's video equipment picked up the incident and indicated that the teen had pointed a gun at the officer prior to the officer shooting him (Onyanga-Omara & Held, 2014). The public seemed to accept the video evidence and there was comparatively little unrest in response to this incident.

As events in Berkeley suggest, a scheme requiring officers to turn on and off the cameras would probably be ineffective given the realities of police work. A person who suddenly pulls a gun on an officer is not going to wait patiently for the camera to be turned on. Nor is it wise for officers to waste precious seconds activating their cameras in scenarios where their lives are on the line. Thus, cameras would need to be constantly turned on and recording which will cause some financial strain on departments but technology is ever decreasing in cost and the cost of civil litigation is ever increasing, thus making the expenditure worth the draw on resources.

If these reforms are enacted, Missouri's law will be brought into compliance with the U.S. Constitution. In addition, an important substantive limit on the prosecutor's authority to instruct the grand jury regarding the content and meaning of the law will be imposed and an additional method of prosecution through the potentially more neutral Attorney General's office will be available. All of these legal reforms are significant and have the potential to advance the cause of justice for all citizens, especially citizens who find themselves embroiled in a police shooting or grand jury investigation. Mandating the use of body cameras will further protect citizens by curbing and exposing abusive behavior by law enforcement while at the same time protecting law enforcement officers from unfounded complaints. Perhaps if these changes are made, some good can be salvaged from the otherwise tragic case of Michael Brown and Darren Wilson.

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Through a Different Lens: Use of Terror Management Theory to Understand Blacks' and Whites' Divergent Interpretations of Race-Related Events

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Abstract

Nationwide surveys have consistently demonstrated a group-level gap between Black and White Americans in their interpretations of race-related events. This interpretive gap is often attributed to dissimilar attitudes, values, and beliefs, stemming from variant personal and historical experiences. The current paper suggests that while distinct histories and attitudes are present and relevant, continued focus on difference in the discussion of divergent interpretations of race-related events overlooks the fact that a more common process is afoot: namely, that these divergent views – at least in part – emerge following defensive, worldview-protective responses to existential threat and anxiety. To this point, we connect social-cognitive theory with Terror Management Theory (TMT), a framework to understand how the human awareness of mortality, existential threat posed in the form of mortality salience (MS) and alternate worldviews, and subsequent psychological coping mechanisms (i.e., the enactment of and steadfast adherence to a worldview), affect interpretations of race-related events and may limit one's ability to interpret them from an alternative perspective. Applications for an existential perspective to understand the divergent interpretations between Blacks and Whites in response to Michael Brown's death are discussed.

On Saturday, August 9th, 2014, a White police officer shot and killed a Black, unarmed 18-year-old male in broad daylight in the middle of a residential street. While many mourned Michael Brown's death and were incensed by the apparent injustice, others rose in staunch support of Ferguson Police Officer Darren Wilson. Days after the shooting, a report entitled,

“Stark Racial Divisions in Reactions to Ferguson Police Shooting” was issued (Pew Research Center, 2014). According to this report, 80 percent of Blacks indicated that Michael Brown's case raised important issues about race while only 37 percent of Whites provided that same endorsement. Data suggested that Whites were more apt to believe that race “is getting more attention than it deserves” (Pew Research Center,



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2014). Notably, similar differences in opinion emerged between Blacks and Whites in regard to whether the shooting of Trayvon Martin was justified (Washington Post, 2013), agreement with George Zimmerman's acquittal (Pew Research Center, 2013), and reactions to O.J. Simpson's not guilty verdict (Washington Post, 1995). The drastic divide in Blacks' and Whites' interpretations of these incendiary race-related events poses critical questions about why the racial chasm exists, the harm such a gap may be causing and/or reflecting, and how to bridge what may seem to be a considerable impasse. The current paper attempts to shed light on these very questions.

Race is a culturally constructed paradigm that is deeply embedded in the history and culture of the United States. As a facet of individual and collective identity, race can profoundly influence social perceptions, interpretations, and interactions. In the United States, Black and White racial identities are often associated with drastically different personal, vicarious, and historical experiences (Franklin, 2014; Ikard, 2013; Kinder & Sanders, 1996; Klarman, 2007; Weizmann, 2004). Indeed, empirical evidence suggests that Blacks and Whites not only exist in different perceptual worlds, but in separate - and unequal - real worlds (Orelus, 2013; Rohde & Guest, 2013; Sigelman & Welch, 1991; Smith & Seltzer, 2000). Perhaps unsurprisingly, these varied historical experiences and present circumstances have contributed to differences in opinion between Blacks and Whites. For example, the aforementioned public opinion polling regarding controversial race-related events illustrates the highly variant *group-level* interpretations that Black and White Americans report. These trends are far from new, as decades of social science research have accumulated strong evidence that Blacks identify racism and discrimination to be major problems while Whites consider them to be minor or not problems at all (Fournier & Haines, 2008; King, 2015; Kluegel & Smith, 1986; Knowles, Lowery, Chow, & Unzueta, 2014; Norton & Sommers, 2011; Page & Risser, 2008; Smith & Seltzer, 2000).

Practically, these differential interpretations may be harmful insofar as they may widen the preexisting gap between Blacks and Whites, thereby exacerbating interracial tension and diminishing opportunity for shared understanding and communality. The current paper suggests that a continued focus on racial "differences" overlooks the fact that a more common process is afoot: namely, these divergent views at their core result from defensive responses to existential threat and anxiety. To this point, we connect the social-cognitive framework

with Terror Management Theory (TMT) to more deeply understand how the enactment of and steadfast adherence to worldview serves as a psychological coping mechanism in the face of humans' unique awareness of their inevitable deaths. We assert that this terror management function of worldview is a significant contributor to the divergent perspectives that have emerged between Blacks and Whites in response to Michael Brown's death. Finally, we suggest that engaging in a discussion around the death-denying function of worldview and the impact of existential threats (such as mortality salience and alternative worldviews) on worldview adherence is a valuable addition to the discussion of race and race-related events in America.

Worldview & The Social-Cognitive Model: Interpretive Comrades

By virtue of humans' immersion in a cultural context, all individuals develop and embrace a worldview. Worldview is a conceptual framework that both represents and yields an agreed upon and shared group construction of reality. Specifically, a worldview is composed of attitudes, values, beliefs, and opinions regarding the nature of the world that affects how one thinks, makes decisions, behaves, and defines events (Ivey, Levy, & Simek-Downing, 1987; Koltko-Rivera, 2004). In our human attempts to make sense of and understand a complex, and at times, chaotic world, the worldview mechanism brings order, consistency, and certainty, all of which provide psychological comfort (Geertz, 1973).

As previously discussed, substantial evidence suggests that at a group level, Blacks and Whites perceive and interpret the social environment and their relationships to that environment differently (Aronson, 1995; Griffin, Nickerson, & Wozniak, 2012; Hunt, 1996; Kluegel & Smith, 1986; Smith & Seltzer, 2000; Sue, Lin, Torino, Capodilupo, & Rivera, 2009). These differential perceptions and interpretations may be, in great part, related to the degree to which the groups embrace variant worldviews. With worldview as the overarching, influential framework, the social-cognitive model can be utilized concomitantly to understand the acquisition of attitudes and norms of behavior (Bandura, 1977). This model posits that beliefs, behavior, and environment (i.e., experiences) constantly interact and influence each other via reciprocal, bidirectional relationships (Bandura, 2001; Ibrahim, 1991). Worldview serves as both an impetus for the development of specific beliefs and the mechanism of their maintenance. In essence, individu-

als: (1) develop beliefs about their social environments based upon prior experience; (2) behave in ways that are commensurate with those beliefs; (3) create experiences that are concordant with their behaviors; and (4) interpret experiences in ways that validate their beliefs.

The first link of the social-cognitive model postulates that people rely on prior experience and learning to guide subsequent expectations and knowledge (Bandura, 1977; Brod, Werkle-Bergner, & Shing, 2013; Takahashi, Hatano, Inaba, Onoda, & Simunovic, 2014). Experiences may be personal, vicarious (experienced by another with whom one meaningfully identifies), or historical. Upon entrance into a social system, individuals are socialized to its attitudes, values and beliefs, and this process aids in epistemological development (i.e., knowledge of the world), which in turn, forms the foundation for interpretations of it. For example, Blacks have collectively experienced a long history of unfair, racially-biased treatment in U.S. society (e.g., slavery, indentured servitude, discrimination in a variety of domains, etc.) as evidenced by once being considered by the Supreme Court to be “a subordinate and inferior class of beings” (Scott v. Sandford, 1857). This history has been a dominant precursor to individual and community beliefs about fairness and the role of race in experiences (Hunt, 1996; Peffley & Hurwitz, 2010; van den Bos & Miedema, 2000). Thus, compared to Whites, Blacks’ attunement to the relevance and impact of race may partially explain their overwhelming disagreement with the statement “race is getting more attention than it deserves” in public polling following Michael Brown’s death. In essence, Blacks have learned that race is worthy of attention, as it has had a discernible impact on their own life experiences and those of others within the Black community both presently and historically.

Secondly, the social-cognitive model asserts that beliefs impact behavior. The variant fairness beliefs that Blacks and Whites embrace impact their behaviors (Aronson, 1995; Koltko-Rivera, 2004). Within the context of the current discussion, Blacks’ mistrust (belief in a lack of fairness) of “the system” (e.g., political, criminal justice, healthcare) and its representatives (e.g., police), which is rooted in historical precedents, may lead them to avoid those individuals or systems (Maultsby, 1982; Ruedin, 2013; Scheppers, van Dongen, Dekker, Geertzen, & Dekker, 2006). Conversely, Whites’ faith in these systems, leads to more engagement and participation (behavior). Next, behavior impacts experiences, a truism that constitutes the third part of the social-cognitive model. For every behavioral action, there is a subsequent experiential reaction as every individual

interacts with his/her environment. For instance, Whites group-level respect for and deference to the police may reduce the likelihood of mounting hostilities between Whites and officers.

In the last component of the social-cognitive model, experiences reinforce beliefs. Individuals are likely to interpret personal, historical, and vicarious experiences in ways that align with their fundamental beliefs about themselves and the world around them (Aronson, 1995). In this way, Whites are likely to interpret experiences in ways that support their belief that the world is fair while Blacks may be more likely to interpret experiences in ways that support their belief that the world is unfair. As we think about the events surrounding Michael Brown’s death, Whites may be more apt to defend Darren Wilson as a representative of the system within which they have had a long history of positive and meaningful engagement, while Blacks may more quickly conclude that Darren Wilson acted in err, confirming their belief in the unfairness of “the system.” Whites’ and Blacks’ continued experiences of police as law enforcers or perpetrators of systematic abuse, respectively, may reinforce and strengthen their preexisting views of a similar nature.

In summary, the experience-belief-behavior triad operates in a cyclical and reinforcing nature (Aronson, 1995). The cycle continues because people’s beliefs directly inform their behaviors, and these behaviors directly impact their experiences. With worldview as the mechanism of interpretation, the social-cognitive model postulates that Blacks and Whites interpret race-related events in ways that support and are supported by their personal, vicarious, and historical experiences. This is the predominant framework through which race-related incidents – such as the events surrounding Michael Brown’s death – have been viewed.

Incorporating Terror Management Theory

Despite the apparent strength of a social-cognitive model in understanding what the racial chasm is and how it operates, it falls short in explaining why the chasm is so difficult to bridge. Indeed, the social-cognitive model demonstrates a series of relationships among variables, but does not provide an underlying explanatory mechanism that drives these relationships. Existential psychologists suggest that human cognition and behavior, which includes social perception and interpretation, cannot be understood sufficiently through a social-cognitive framework alone (Pyszczynski, Greenberg, & Koole, 2004). Rather, “problems must

be embraced in their full meaning,” which requires delving into the nature of existence and the meaning of life (May, 1969, p. 308). Existential psychologists posit that the recognition of the inevitability of death drives a wide range of beliefs and behaviors, including social perception and interpretation (Pyszczynski, Greenberg, & Solomon, 1999). Fear of death, then, may have important ramifications for guiding and understanding the variant interpretations among Blacks and Whites in response to race-related events. Terror Management Theory (TMT), specifically, provides a conceptual and scientifically defensible framework to understand how death recognition may impact Blacks’ and Whites’ beliefs and behaviors in regard to race-related events.

TMT offers a social psychological and empirical framework to investigate the impact of worldview threat and death anxiety on human thoughts and behavior. TMT is based on the work of cultural anthropologist Ernest Becker (1962, 1973, 1975), who asserted that humans, by virtue of sophisticated intellectual abilities including self-consciousness, abstract thought, and symbolic identity, are aware of their own inevitable deaths (Becker, 1962; Pyszczynski, Greenberg, & Solomon, 1997). This recognition can be terrifying, particularly when considering the strong and omnipresent biological drive toward self-preservation (Agroskin & Jonas, 2013; Becker, 1973; Darwin, 1859; Greenberg & Arndt, 2012; Jonas, Martens, Kayser, Fritsche, Sullivan, & Greenberg, 2008). The terror that accompanies recognition of mortality and the often unpredictable, uncontrollable nature of death is tremendous. If unmanaged, these feelings of vulnerability and helplessness in the face of ultimate annihilation would be overwhelming and debilitating (Bakan, 1971; Pollack, 1979; Solomon, Greenberg, & Pyszczynski, 1991). In response, humans have created and maintained culture – composed of (1) systems that imbue the world with meaning and a logical order (worldview) and (2) ways of attaining value within that meaning-making system – to insulate themselves from the anxiety and terror that recognition of death elicits (Becker, 1975; Solomon et al. 1991). As noted previously, worldview offers a conception of reality that “provide[s] the universe with order, meaning, value” (Greenberg et al., 1990, p. 308). Cultural worldviews provide “a meaningful explanation of life and [humanity’s] place in the cosmos” (Pyszczynski, 2004, p. 830).

Although the function of worldview is universal, the content of various worldviews is culturally specific (Heine, Harihara, & Niiya, 2002; Ma-Kellams & Blascovich, 2011). Socialization and diverse life experiences

guide worldview formation, so even individuals within the same mainstream culture (e.g., American) may hold considerably different beliefs at a subcultural level (Greenberg et al., 1990). This theory suggests, then, that by virtue of Blacks’ and Whites’ diverse experiences (personal, vicarious, and historical), they may construct meaning of the world differently and, therefore, embrace different beliefs and interpretations in response to the same event (such as Michael Brown’s death).

According to TMT, threats to worldview include mortality salience (i.e., death awareness) and alternative worldviews. Mortality salience (MS) describes the extent to which death-related thoughts are made accessible and can vary in intensity. On the low end, MS may be elicited by contemplating the physical experience of dying and reflecting on the emotions that accompany that deliberation (Arndt, Cook, & Routledge, 2004; Burke et al., 2010). Extreme forms of MS take the form of trauma, and have the effect of destroying the illusion of safety and control that the worldview mechanism usually protects (Janoff-Bulman, 1992; Salzman, 2001). MS can be elicited vicariously (e.g., hearing a news report about a murder) or personally (e.g., being in a serious car accident), consciously (e.g., writing about how one imagines his/her funeral) or unconsciously (e.g., subliminal priming of death). Typically, the processes that accompany MS occur outside conscious awareness, and therefore may not be entirely apparent to individuals when they are experienced (Solomon et al., 1991). MS threatens worldview and self-esteem because it challenges the legitimacy of individuals’ attempts to ascribe and attain meaning within cultural value systems. Death, after all, supersedes individuals’ attempts for control.

Alternative worldviews can also be threatening, as they illuminate the possibility that a person’s own worldview may not be absolutely correct, which undermines one’s confidence in his/her own conceptualization of the world (Greenberg et al., 1990). Imagine the anxiety stirred by consideration that one’s framing and understanding of the world may be erroneous. In the face of these challenges to “universal order” and interpretation, individuals cling more desperately to their worldview to counter heightened anxiety, a reaction referred to as worldview defense. In this way, if we consider Blacks’ and Whites’ divergent interpretations of race-related events as a proxy for worldview, calling for understanding about the “other” perspective is, at its core, a considerable task as it requires suspension of one’s defensive, self-protective buffer, which runs counter to our very essence given we are highly moti-

vated to minimize existential discomfort.

Decades of TMT research has shown that when individuals are either consciously or subconsciously reminded about or confronted with thoughts of death, social judgments and perceptions of others are affected (Burke, Martens, & Faucher, 2010). For example, when mortality is made salient, individuals demonstrate in-group favoritism and out-group derogation (Bassett & Connelly, 2011; Cohen, Jussim, Harber, & Bhasin, 2009; Duckitt, 1992; Turner, Hogg, Oakes, Reicher, & Wetherell, 1987; van Prooijen, Krouwel, Boiten, & Eendebak, 2015). The in-group is associated with one's cultural worldviews, so protection and elevation of the in-group is critical in buffering against death anxiety. Social judgments are also deeply impacted by reminders of mortality (Rosenblatt, Greenberg, Solomon, Pyszczynski, & Lyon, 1989). For instance, mortality salience is associated with increased stereotypic thinking about out-group members (Castano, 2004; Schimel et al., 1999). Indeed, insofar as stereotypes are part of one's worldview, individuals show more preference for stereotype-consistent out-group members when mortality is made salient than in control conditions because this conceptualization is concordant with one's worldview (Schimel et al., 1999). In essence, when death awareness is elicited, it is difficult for many individuals to see out-group members as anything but a stereotyped representation of their larger reference group. Individuals may also defend their worldviews by altering their social perceptions of others' actions. With existential anxiety triggered, individuals are more likely to see others as responsible for their unfortunate circumstances and "at fault" for the harmful outcomes that befall them (Hirschberger, 2006; Lieberman, Arndt, Personius, & Cook, 2001).

An anecdotal content analysis of the conversations surrounding the recent race-related incidents would provide ample evidence of these themes of otherness and divergent stereotyped conceptualizations of those involved and who is to blame for negative outcomes. Consider, for instance, what many would regard as stereotyped depictions of Michael Brown in mainstream media outlets following his death. TMT research suggests that dissemination of these stereotyped images and the accompanying narrative in which Michael Brown bore disproportionate blame for his death served to defend the worldview of many Whites, thereby diminishing the sense of existential fear and vulnerability they likely felt.

The Value of an Existential Framework to the Current Discussion

We contend that worldview, both as an interpretive, meaning-making tool and the primary means to alleviate death anxiety, is conceptualized differently between Black and White Americans. Yet, that these groups have different worldviews, while interesting and important, is not particularly illuminating in explaining why the racial chasm continues. Rather, we suggest that Blacks and Whites can be so adherent to their worldviews, so reluctant to acknowledge the legitimacy of an alternate perspective, so difficult to engage in collaborative discussion for the very same reason: wavering in worldview would be to compromise and, perhaps, dismantle the meaning-making system that insulates them from existential terror. To do so would be to stare vulnerability, lack of control, fear, anxiety, meaninglessness, and despair right in the eyes; needless to say, this is a daunting endeavor. Among individuals with strict and non-tolerant worldviews, acknowledging a variant perspective as viable or legitimate, therefore, requires more than just attitudinal flexibility or "open-mindedness." For those individuals, accepting or even acknowledging the value of an alternate worldview requires an existential shift that is fundamentally transformative. An existential theoretical perspective helps explain the apparent lack of movement in collaborative discussion and movement toward bridging the racial chasm. The issue is not merely about changing a person's mind; it is about spurring an existential transformation. Altering one's worldview means challenging and changing a coping strategy for existential anxiety (Greenberg et al., 1990). Recognizing what worldview does - and ultimately, how important it is to uphold - is essential in an effort to understand why the racial divide is so difficult to bridge.

The perceived relevance of race in race-related events is important. In the case of Michael Brown's death, the situation involved a White individual perpetrating violence against a Black individual. Although every interracial situation or interaction may not be race-related, these events became particularly catalyzing because it was believed by many that race was a relevant factor in the events that occurred (Pew Research Center, 2013, 2014). When race was interpreted as relevant, it became the criterion upon which in-group/out-group delineations were largely determined. Blacks and Whites thereby excluded one another and positioned the other racial group as a worldview threat. Worldview

threat triggers worldview defense, in which individuals more readily establish in-group/out-group boundaries; are more protective of their in-group and more hostile toward out-groups; and more often demonstrate increased stereotypic thinking (Greenberg et al., 1990; Greenberg, Pyszczynski, & Solomon, 1997; Rosenblatt et al., 1989). These effects of MS often lead Blacks and Whites to approach one another with skepticism and disdain rather than with respect and mutual concern. When in-group/out-group delineations based on race are so strong, it becomes exceedingly difficult to honor others' perspectives or acknowledged shared humanity because of the existential threats doing so would pose. In this way, the racial divide is maintained or exacerbated.

Further, consider the findings that under the specter of existential anxiety, individuals are less compassionate toward out-group members and more apt to assign blame to them when negative events occur (Lieberman et al., 2001). At the broad group level, with the clear acknowledgement that there are often diverse individual perspectives, the former work suggests that Whites (collectively) have little concern about Black deaths when Whites conceive that they - as Black people (i.e., out-group members) - are threats to (White) worldview. That is, "they" at some core level do not really impact me. Couple this with the latter set of findings which indicate that individuals are more likely to attribute blame to out-groups member, even when they are innocent victims (Hirschberger, 2006). The applicability to individuals like Michael Brown is clear: Whites (collectively) are so existentially terrified of the recognition that an individual could be needlessly shot and killed that they immediately find reasons to justify the tragic outcomes that involve the victims' fault or participation (e.g., Michael Brown engaged in a physical altercation or was reasonably threatening or intimidating to the individual who shot him). Not only does this immediately set a narrative into place, it affords little opportunity for movement towards truth in the face of disconfirmatory evidence. The cumulative impact of these effects is psychological distance from racially different others. Others' expressions of their perspectives intensify this distance, as alternate worldviews lead individuals to cling more desperately to their own conceptualizations of the world and to dismiss others' (Burke, Kosloff, & Landau, 2013; Greenberg et al., 1997; Hohman & Hogg, 2015; Pyszczynski et al., 1999). All these processes are rooted in the need to buffer oneself from existential terror.

To date, the question of divergent interpretations of race-related events has been met with answers that em-

phasize differences in race, experience, and perspective. The driving forces of the social-cognitive model are the variant experiences of Blacks and Whites, which are believed to impact their beliefs and subsequent behavior directly. Terror Management Theory, however, is based on the shared experience that unites all people: mortality and existential anxiety. The foundational component of the theory is inclusive rather than divisive. Further, the difference explored through the social-cognitive model in this review - race - is socially constructed. It is not inherently meaningful or "real" in an absolute sense. Death, on the other hand, is absolute. Essentially, a social-cognitive model skims the surface while TMT is based on the fundamental experience of what it means to be a human being. Utilizing a theory such as TMT is powerful because it relates all beliefs, motives, and behaviors to issues surrounding fundamental personhood. It provides the ultimate starting point by illuminating the similar and simultaneous processes that result in differential outcomes.

In conclusion, the racial divide in interpretations of race-related events is not one of merely different opinions. The divide is composed of deep-seated, largely unconscious, psychologically protective meaning-making strategies. Worldview is more than how one sees the world; it enables individuals to imbue their worlds with value, meaning, and structure. Threats to that meaning-making system are existentially terrifying and, potentially, debilitating. In light of this highly threatening and anxiety-provoking state, human beings are strongly motivated to maintain these buffers, which often take the form of clinging to their own perspectives. Whites and Blacks are engaged in the same existentially comforting process, which happens to drive them in opposing directions due to variant experiences and beliefs. The racial divide maintains itself or is intensified as a result of race-related events because it invokes MS and worldview defense.

Michael Brown's death was, in essence, an event that made mortality exceedingly salient to all observers. Contemplating the circumstances in which a healthy 18-year-old could in one moment be alive and in the next be dead was terrifying to both Blacks and Whites, and spawned reactive interpretations by both racial groups as they sought to affirm their worldviews and thereby distance themselves from the existential terror that Michael Brown's death ignited. We contend that this death-denying function of worldview contributed to the group-level hostility, mistrust, and divergent interpretations that arose between Blacks and Whites beyond what might be accounted for by the social-cognitive model.

Given the importance that management of existential terror plays in the development and sustenance of our worldviews, we are compelled as a scientific community to utilize this existential lens as we attempt to understand what Michael Brown's death means for Ferguson, MO and the United States as a whole.

Beyond Ferguson, MO, there are broader and wider implications in our call for the utilization of a more comprehensive and unifying existentially rooted conceptualization of race-related incidents. Despite claims that America has entered a "post-racial" period of development, there appears to be quite a bit of evidence that suggests, at best, a racial chasm still remains, and at worst, this chasm has been widening while we collectively pat ourselves on the back about our "progress" as a nation (Page & Risser, 2008; Smith & Seltzer, 2000). Common discourse in society about the ways in which we interact often focuses on the dynamic interplay among beliefs, behavior, and experiences. While these considerations are necessary and important, they are ultimately insufficient because they fail to address

the "full meaning" of the underlying processes at play (May, 1969; Solomon et al., 1991). The pre-existing racial chasm, born from America's distinct history in regard to race and race relations, is exacerbated when commonalities among races are ignored or diminished. Existential psychology, as outlined in Terror Management Theory, harnesses tremendous explanatory power by focusing on the ultimate driver of beliefs, behavior, and experiences: fear of death (Greenberg et al., 1990). In this way, it is a powerful reminder of the basic conflict with which we all grapple and the common fate to which we are all condemned. Death and existential anxiety transcend racial differences and unites all human beings under a shared existential circumstance. Utilizing TMT to understand Blacks' and Whites' responses to race-related events can meaningfully inform attempts to address events that maintain or exacerbate racial divisions. In the end, all Americans should have a shared interest in bridging these divides as they strive toward an increasingly diverse and, simultaneously, unified nation.

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Crisis Management: An Assessment of College and University Executive Communications Prior to the Darren Wilson Grand Jury Decision

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Abstract

In the fall of 2014, administrators at colleges and universities in the greater St. Louis, Missouri area prepared for the grand jury announcement regarding the potential indictment of police officer Darren Wilson. Weeks prior, Wilson had shot and killed Michael Brown, in the city of Ferguson, Missouri. In the wake of the shooting and subsequent grand jury proceedings the St. Louis area saw an onslaught of public debate, outraged citizens, and increased tensions between those who supported Wilson, and those who believed he should be indicted. During this time of unrest, area colleges and universities responded in a number of ways. Some were transparent in their communications, sending emails to their respective communities; others chose to abstain from sending out any formal communication about the matter. In light of the varying responses from area institutions, the purpose of this study is to analyze the major themes present in the communications sent by various administrators, and to examine how the various university officials handled the communication efforts in the weeks leading up to the grand jury decision. This analysis was done by implementing qualitative data analysis software throughout.

In a recent article, Dr. Fred Pestello, President of Saint Louis University, noted that "...in the urgency and pressures of an active crisis, we sometimes close our eyes... [and] ...automatically go into response mode, moving swiftly to take authoritative actions to neutralize or resolve the all-consuming crisis" (Pestello, 2015). One particular role that every college and university executive will encounter to some degree, is that of a crisis manager. Whether reacting to internal conflict within the institution, or external conflict within the surrounding community, modern executives must guide their institutions wholeheartedly through the process of

preparing for, reacting to, and resolving crises.

In the greater St. Louis region, college and university executives were faced with the task of crisis management in the wake of the events that occurred in Ferguson, Missouri, in August of 2014 when Michael Brown was shot and killed by Officer Darren Wilson of the Ferguson Police Department. The anticipated release of the grand jury's decision of whether or not to indict Officer Wilson elicited months of civil unrest, triggered state and federal military reinforcements and investigations, and spurred the national media such that it ran continuous coverage with what seemed like



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a never-ending news cycle. In academia, attention turned toward local college and university executives to observe how they would respond to the unfolding events and the messages they would communicate both toward, and on behalf of their respective institutions. It is the intent of this article to review several of the messages which were sent to various college and university communities by university executive officers. To begin this evaluation it is necessary to have a basic understanding about the events that transpired in the weeks prior to the grand jury decision.

Ferguson Timeline

It is not the intent of this paper to give an official account of the timeline of occurrences which manifested subsequent to the Michael Brown shooting. However, the United States Department of Justice report gives a comprehensive timeline for further investigation, which is presented below as a means of giving the reader a general linear understanding of the series of events that took place. (USDOJ, 2015).

- Aug. 9 – Michael Brown is shot by Officer Darren Wilson and subsequently dies from the injuries.
- Aug. 10 – Protestors gather in Ferguson, MO. Local businesses are damaged in the Ferguson, MO area. Thirty-two people are arrested and two officers are injured.
- Aug. 11 – Police respond to protester unrest wearing riot gear and implement tactical responses including the use of tear gas as a means to disperse and control demonstrators.
- Aug. 12 - President Barack Obama encourages peace and reflection upon the incident and promises an investigation by the U.S. Justice Department.
- Aug. 13 - Police continue to respond to protesters in Ferguson, MO and implement tactical responses in clashes with protesters.
- Aug. 14 - Missouri Governor Jay Nixon charges Captain Ron Johnson and the Missouri Highway Patrol with security of the Ferguson, MO area.
- Aug. 15 – Officer Darren Wilson is identified as the officer who shot Michael Brown.
- Aug. 16 – Missouri Governor Jay Nixon declares a state of emergency and implements a curfew in Ferguson, MO.
- Aug. 17 - U.S. Attorney General Eric Holder

orders a Justice Department autopsy on Michael Brown. Police continue to implement tactical responses in clashes with protesters.

- Aug. 18 – Missouri Governor Jay Nixon lifts the curfew and deploys the National Guard to Ferguson. A private autopsy report from the Brown family is released to the public.
- Aug. 20 – The grand jury begins hearing evidence in the indictment case against Officer Darren Wilson.
- Aug. 21-22 - The National Guard gradually begins to withdraw.
- Aug. 25 - Funeral services are held for Michael Brown.
- Sept. 3 – Missouri Governor Jay Nixon lifts the Ferguson state of emergency.
- Sept. 4 – The U.S. Justice Department announces a civil investigation of Ferguson police department.
- Oct. 21 – Missouri Governor Jay Nixon announces that a special commission will examine social and economic conditions in Ferguson.
- Oct. 22 – The U.S. Justice Department releases a statement calling leaks of information, including autopsy reports, troubling.
- Oct. 23 - Amnesty International releases a report stating that law enforcement restrictions on peaceful protesters violated international standards.
- Nov. 11 – Missouri Governor Jay Nixon states that violence will not be tolerated if demonstrations occur resultant to the grand jury announcement.
- Nov. 17 – Missouri Governor Jay Nixon declares a state of emergency and deploys National Guard troops.
- Nov. 24 – In anticipation of the grand jury decision college and university officials release statements to their respective communities.
- Nov. 24 – Prosecutor, Robert Mulloch, announces that the grand jury will not indict Officer Darren Wilson. (USADOJ, 2014)

What makes a great university executive officer?

To preface an analysis of communiqué offered by university officials prior to the unrest in Ferguson, MO, one should consider the role of the university executive officer. Contemporary expectations of successful college and university officers are typically reserved

for the college or university president. However, the changing role of executives indicates that the president of the university is not always the individual responsible for communication to key stakeholders (the board of trustees, students, faculty and staff and alumni). For instance, in this study the official messages sent out to college and university communities was not consistently sent out by the university president. Rather, the messages were sent out by chancellors, vice-presidents, and directors as often as they were sent out by presidents.

Nevertheless, the expectations of key stakeholders dictate that college and university executives not only fulfill a diverse array of roles, but perform each of them graciously and expertly. Historian Frederick Rudolph describes the college or university president as a “captain of erudition,” a leader in higher education that must match the leaders in any other industry, especially finance (Rudolph, 1990). Years later, his assessment of presidents not only rings true, but is expected of a number of other key executive officers as well.

Interestingly, Rudolph describes the college and university presidents of the 19th and 20th centuries as having little or no influence over the school; However, in sharp contrast, today’s presidents are expected to satisfy the needs of their students, faculty, staff, alumni, parents, and trustees—groups that have diverse and often conflicting demands. To do so, presidents and executive members alike must be inspired leaders, composed managers, effective communicators, good teachers, learned scholars, compassionate listeners, shrews, decision makers, and downright likeable (Rudolph, 1990)

Research Question

Rudolph’s description of the university president as being the “captain of erudition” creates an image of how we believe that they, as leaders, should handle crises. Furthermore, under the scrutinizing and watchful eye of key stakeholders and media outlets, executive officials at colleges and universities are expected to effectively communicate and lead their organizations through crisis with confidence and ease. Nevertheless, effective communication is a difficult task that can often be imprecise and left open to interpretation. This article does not deny the differences in communication between differing executives, rather it seeks to explore the common and differing themes found in the messages sent prior to the grand jury announcement of no indictment on November 24th, 2014. That is, the purpose

of this study is to analyze the major themes present in the executive communications and to examine how the various university officials handled the communication efforts in the weeks leading up to the grand jury decision. This article will first establish an understanding of some key communication themes of crisis management including agenda setting, cognitive dissonance, Aristotelian theory and Schlossberg’s theory of transition and how the messages relate to the context of the issue at hand. Next, the article will discuss the limitations of the study. The article will continue with a discussion of the methods used to gather and analyze the data as well as the expectations and results of the findings. Finally, the article will explore key findings and conclude with tips for administrators

Key Concepts

The messages and tones of the emails sent (or not sent) to constituents inherently reflect the views of the sender. Messages and tones are not always interpreted by the receiver as the sender intended. As Griffin (2012) states, “Messages do not interpret themselves” (p. 7). As we reflected on the messages and tones of each email surrounding the events in Ferguson, we noted variances in our initial responses to the messages sent out by executive officials prior to the release of the grand jury’s decision. As such, we chose to reflect upon each email from the perspectives of the theories or viewpoints as shared in this section: crisis management, agenda setting, cognitive dissonance, Aristotelian modes of persuasion, and transition.

Crisis Management

The first step in crisis management is identifying what constitutes a crisis. “A crisis can create three related threats: (1) public safety, (2) financial loss, and (3) reputation loss” (Coombs, 2011). It would be impossible to have a response plan for every potential type of crisis as many are unforeseen and each has unique variables. In some cases, a crisis may be avoided. For example, during times of severe weather, institutions have a safety plan in place. If employees follow the safety plan (such as going to the building’s basement during a tornado warning) the institution minimizes the risk to the employees. Preparedness can go one step further, however. For example, if the basement of a university building is undergoing renovation and is thus unable to serve as a tornado shelter, administrators can

avoid both confusion and risk of harm by identifying an alternative location for shelter and effectively communicating any alterations to the evacuation plan to all employees prior to the need to implement it. When this type of forethought does not happen the results can be harmful. The same principle goes for other situations as well

Coombs (2011) identifies three phases of crisis management: “(1) pre-crisis, (2) crisis response, and (3) post-crisis. The pre-crisis phase is concerned with prevention and preparation. The crisis response phase is when management must actually respond to a crisis. The post-crisis phase looks for ways to better prepare for the next crisis and fulfills commitments made during the crisis phase including follow-up information” (2011). One must consider whether or not crisis management teams at universities within the greater St. Louis region had in place crisis management plans in anticipation of the grand jury decision. Resultant to this anticipation, institutions designated public relations specialists and released emails in the pre-crisis phase prior to the release of the grand jury decision.

Institutions likely prepared for a variety of reactions and responses to the decision of whether or not Officer Darren Wilson would be put on trial. Media outlets had speculated that protests could take place regardless of whether the decision was to indict Wilson or not. Coombs (2011) notes that public safety is the highest concern in crisis management. Subsequent to the previous unrest, Saint Louis University created an on-campus safe place in the St. Francis Xavier Church for stakeholders and community members. Similarly, Saint Louis University’s President, Dr. Fred Pestello, allowed protesters (who became known as “Occupy SLU”) to utilize a designated area on campus to stage a peaceful protest. Though university officials had no means of predicting the public and university communities’ differing responses, they identified this event as one which could constitute a crisis and planned accordingly.

Coombs (2011) suggests pre-drafting messages and identifying appropriate communication channels. Crisis management teams can look to the pre-existing policies and procedures of other universities (and organizations) for best practices in crisis preparation. This allows institutions to adapt the policies to their unique needs. Policy processes should be periodically updated by the crisis management team responsible for ensuring that the designated people receive these updates. Occasionally, processes developed for one type of crisis may be adapted for other crisis plans; However, it is important, when doing so, to be aware of the different theories

(agenda setting, cognitive dissonance, and Aristotle’s theories) which may emerge throughout the crisis.

Agenda Setting

The concept of agenda setting theorizes that media and other sources structure information release in specific formats to elicit specific responses such as support of or opposition to an issue at hand. According to McCombs and Shaw (1972), the news source may not tell an audience how to think but it influences what the audience thinks about. One such example is the withholding of particular details or images while releasing others to the public. For instance, during the coverage of the Hurricane Katrina crisis in 2005, the media coverage focused on the disaster from the perspective of the government rather than the individual (Barnes, Hanson, Novilla, Meacham, McIntyre, & Erickson, 2008). While there was some appeal to safety in response to fear elicited by local media’s coverage of initial responses to the Ferguson situation, there is no in-depth discussion of the involved parties from the shooting nor of their actions or inactions (Griffin, 2012).

Cognitive Dissonance

Cognitive dissonance occurs when people “find themselves doing things that don’t fit with what they know, or having opinions that do not fit with other opinions they hold” (Festinger, 1957). The unrest in the greater St. Louis area is resultant to a great deal of the tension which evoked the necessary mental exploration that social injustices present within local communities should be addressed. As the public grappled to resolve tensions spurred on by these social issues, many independently faced conflicts of emotion which interfered with the day-to-day routines encountered at work, school, and home. Though few university officials called out existing tensions, an underlying tone of awareness is present in the messages

Aristotle

It should go without saying that one of the most influential philosophers and sophists would bear some influence upon current communication theory. Aristotle’s (trans., 1991) theoretical approach discussing ethos, pathos, and logos are considered modes of persuasion used to address an audience by any member of society, particularly those with great influence; thus

these theories could be applied to university executives. For instance, a university official may use ethos to convince an audience that he or she is a credible source of information. In order to make the same impression upon the next audience, the official gathers information from advisors and community leaders before releasing official communication. Ethos is further incorporated by referencing sources and by the timeliness of details shared.

Pathos appeals to an audience's emotions. In the case of the Ferguson decision, emotions ran high. Fear, anger, relief, and anxiety permeated St. Louis city and county. Some university officials sent messages to their key stakeholders assuming specific emotions, such as fear. Each message detailing security on campus appealed to a fear of the unknown underlying daily activities while at the same time attempting to resolve fear by ensuring the safety, security and general well-being of stakeholders. Nevertheless, some parents feared for their students whether they were commuters driving down a highway blocked by protestors or attending class on a campus welcoming student protestors. Undoubtedly, many stakeholders grappled with a wide spectrum of emotions.

Logos reminds an audience to employ logic and reason. For example, one letter suggested students inform themselves of their rights as protestors, to know which actions were legal and illegal. Rather than appeal only to emotion, or assume the credibility of the official or sender, several communications appealed to the institutional mission statements. Referencing the mission statement reminds readers that an institution's activities and decisions are based upon more than an individual perspective and focuses the message upon the mission of the institution rather than the official's personal agenda (Griffin, 2012, p. 289-298).

Schlossberg's Theory of Transition

Schlossberg, Waters, and Goodman (2006) describe a transition as "any event, or non-event that results in changed relationships, routines, assumptions, and roles" (p. 33). The situation in Ferguson led to several events and non-events within students' lives. What constituted an event or non-event differed with each student. Affected students in the greater St. Louis area were in attendance at institutions which had both faced and avoided historically pertinent social problems. Institutions may have seen both a rise in requests for safety measures on campus and in counseling appointments while others created forums for discussion, prayer,

or general support to allow students to be "actively engaged." Others still, provided resources to those students attending protests to allow them to best balance demands of schoolwork with opportunities to engage with and support social change.

Though college students' transitions are not acknowledged in the university officials' messages, those who created a supportive setting on their campuses may have been better received by students, as transition does not stop in the pre-crisis stage but continues after the crisis occurs. In terms of public safety, no crises occurred. However, whether or not financial loss or reputation loss occurred remains to be seen (Evans, et al., 1998).

Limitations of the Study

Every study will encounter limitations which alter their findings in one way or another. Our study is no different; however, the limitations are primarily due to constraints imposed by the authors of the paper by limiting classification and population of the colleges and universities which were evaluated. Further limitation was apparent due to the limits to availability of the data to be evaluated; i.e. the transparency of the college or university in sharing the messages (or making them available via the university website) which were shared with their respective communities and key stakeholders. One final limitation was the decision of some institutions not to respond to the event at all. This lack of communication can be perceived as a form of communication in and of itself and deserves to be evaluated separate from our study. As such, we do not address the institutions that chose no communication with their key stakeholders as a form of communication.

Methodology

Given the influential position of executive officers in a college or university, their official communications warrant a certain amount of respectful veneration, especially in a time of crisis. This study examines the official communications sent prior to the grand jury decision using grounded theory and concludes with a set of tips on writing effective communications. The analysis and tips can be used to inform college or university officials when preparing communications that will be sent to their constituents of diverse backgrounds and interests.

Study Population

The study's population consisted of colleges and

universities classified in the Integrated Postsecondary Education Data System (IPEDS) that had a student body size of 1,000 students or greater, were classified as public or private, not-for-profit 2-year or 4-year institutions, and were located in either Missouri or Illinois (U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, 2015). Of those colleges and universities, 21 were located in the St. Louis Metropolitan Statistical Area, as categorized by a primary address within the counties of Bond, Calhoun, Clinton, Jersey, Macoupin, Madison, Monroe, St. Clair, Franklin, Jefferson, Lincoln, St. Charles, St. Louis City, St. Louis County, and Warren (St. Louis Regional Chamber, 2015).

Of the 21 institutions that met the qualifications of the study, seven responded to requests by providing the letters sent to key stakeholders by their executive officers. Of those seven institutions, based on the Carnegie Classification of Institutions of Higher Education, 86% were private, 14% were public, and 100% were 4-year institutions. Within the St. Louis Metropolitan Statistical Area, 86% are located in Missouri counties, and 14% are in Illinois. In terms of institution size, 43% are classified as small; 29% are classified as medium; 29% are classified as large. Lastly, 43% are classified as research universities, 43% are classified as master's colleges and universities, and 14% are classified as doctoral/research universities (The Carnegie Classification of Institutions of Higher Education, 2015).

Data Collection Technique

Executive messages from the previously classified institutions were retrieved via listservs, personal contacts, publication on the institutions' websites, or social media. Most of these messages were in electronic format and retrieved via email or on the college or university website. The research team contacted each of the remaining colleges or universities via email if their communications were not made public (or readily available) to request the communications; not all college or university executives who were contacted responded. Of the 21 colleges and universities that met the criteria of the study population, eight executive messages were retrievable. Seven of the messages were sent to stakeholders no more than 72 hours prior to the release of the verdict, and one was sent at the start of the fall academic semester. The message sent at the start of the fall academic semester was excluded as it did not address any of the relevant events anticipated with the release of the grand jury decision.

Data Analysis

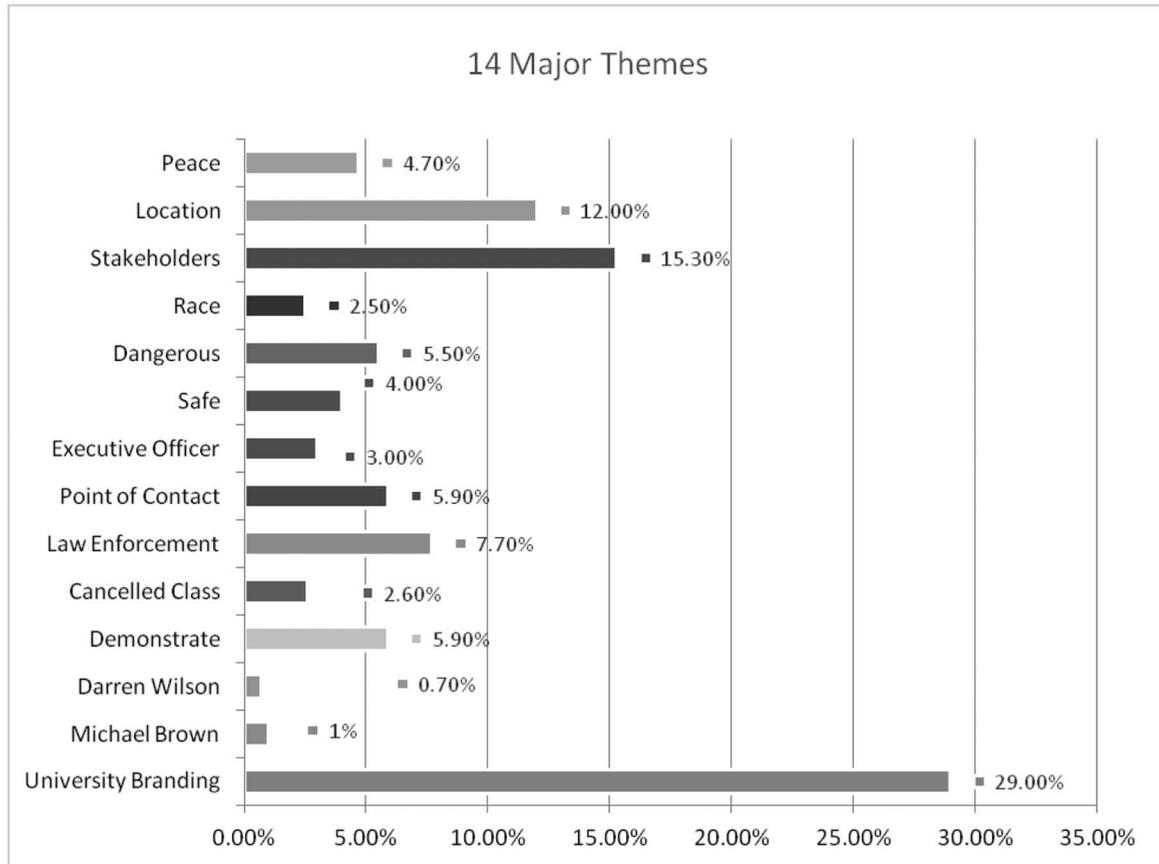
Data were evaluated first by de-identifying the data (including institutional names, email addresses, web-addresses, phone numbers, and personnel names) and then eliminating said information so as to maintain the anonymity and privacy of the respondents and institutions. All of the messages were then combined into one aggregate document to perform the initial data analysis which was conducted using Wordle (Feinberg, 2013), a web-based word cloud processing software. Common words such as "the" were excluded from the analysis. In this analysis, the frequency of key words combines to create a graphic that indicates higher frequency counts by increasing the font size of each key word in the analysis, (see Figure 1).

This initial analysis was evaluated simply to assess the emergent key themes based solely upon the frequency of the key words shown in the message as a visual representation of text size. Visually, it is easy to identify emergent themes in the primary analysis which centered upon the university (33.19%), the students (33.48%), the campus (33.33%), and time (1.4%). Time, perhaps, is one of the most interesting as it seems to be an indicator of "sensitive times," "historical times," or "times of unrest." Comparatively, time seems to appear somewhat frequently in the visual analysis. However, it was only presented a little more than one percent of the time. In contrast, the other three emergent themes appeared roughly 33% of the time with "university" and "campus" being somewhat synonymous and appearing with a combined total of 66.52% of the time. This type of analysis is useful to develop a general idea about what patterns are emerging throughout the messages, yet, they do not quite expose the underpinnings of the data.

Further analysis was conducted using Qualitative Data Analysis (QDA) Miner software by Provalis Research. Each case (a retrieved message from a university executive), $n = 7$, was individually evaluated and data were coded using grounded theory, first with the collection of the data, and then coding of the data in an attempt to identify key concepts and themes extracted from the data.

The secondary coding began in a similar manner to the primary coding. The seven messages were de-identified, and the messages were then included as cases within QDA Miner and coded using grounded theory to identify major themes. The 14 major themes which emerged included: peace, location, stakeholders, race,

Figure 2



referenced in Figure 2.

The first expectation from the emergent theme of peace was that each of the executives would have mentioned or called upon stakeholders to be agents of peace, or called for peaceful times. This was not the case as the combined total usage of synonyms of peace or coded as peace was only coded 12% of the time. Only 43% of the institutional messages encouraged peace, non-violence, or prayer within their messages. Two of the messages were from private religious institutions and the other was from a private secular institution. Codes making up the message of peace accounted for 4.7% of the cumulative total of thematic coding.

Without a doubt, it would be expected that each of the regional colleges and universities would have included an approximation of the location of concern within their messages. However, the coded locations of each of the areas of potential unrest within the greater

St. Louis region were only cumulatively coded 12% of the time. Institutional executives were observant to the importance of including the differing locations within the region as 100% of the messages included one or more of the locations of potential unrest within the greater St. Louis area including Clayton, Ferguson and St. Louis city.

It should go without saying that the value of addressing the stakeholders (students, staff, faculty, donors and trustees) is important. We expected to see 100% of the universities addressing the stakeholders in some way, however, the cumulative combined coding of stakeholders accounted for 15% of the codes and only 71% of the institutions which addressed or mentioned the importance of the stakeholders. Of those stakeholders mentioned, students were the most important as indicated by frequency of use. Alternatively, 29% of the institutions made no mention of stakeholders within

their message.

We had no expectations of reference toward race. However, 29% of the institutions referred to race, specifically to African Americans, and the disadvantages or inequalities which African Americans encounter. This emergent theme cumulatively occurred 3% of the time.

While there was an expectation of executives to discuss unrest within the greater St. Louis region there was no expectation of them to discuss danger explicitly. The combined total usage of synonyms with, or coded as, dangerous was coded 6% of the time and within 100% of messages from institutions.

While the expectation of a safety plan was not anticipated to be presented in its entirety within the messages, the combined total usage of synonyms with, or coded as safe, was coded 4% of the time. 71% of the institutions referenced safety plans, mentioned being safe, engaging in safe behavior, encouraged the safety of key stakeholders, and expressed concern for the safety and wellbeing of key stakeholders.

The expectation of the executive office in preliminary analyses was that all of the messages were sent by college or university presidents. The analysis revealed that the combined total usage of synonyms coded as “executive officer” was coded 3% of the time. This was a stark contrast as it was assumed that all of the messages would come from the college or university president. Only 57% of the messages were sent to stakeholders directly from the presidents of the differing institutions. The remaining messages were sent by executive officers from the director or vice president levels. 100% of the messages were sent by institutional executive officers and only one message referred students directly to an executive director as a point of contact.

While only one institution provided contact information for an executive officer, it was expected that 100% of the institutions would provide some point of contact for key stakeholders to utilize should they have a campus emergency, concern, or need an outlet by which to express their trepidations. However, only 86% of the institutions issued point of contact to address questions, concerns, or to find up-to-date institutional messages concerning the anticipated unrest. The combined total usage of synonyms coded as “point of contact” was 6%.

Similar to the inclusion of a safety plan and a point of contact, it was expected that institutions would include some reference toward law enforcement. The combined total usage of law enforcement was 8% and 100% of the institutions referenced law enforcement to some degree, whether it was in anticipation of the grand jury announcement or as a point of contact for safety

concerns on campus.

It was expected that all classes at all of the institutions within the greater St. Louis area would eventually be canceled due to the anticipation of civil unrest sensationalized throughout the 24-hour news cycle, and the preemptive cancellation of classes on the part of K-12 institutions (public and private). However, it was not expected for institutions to cancel classes prior to the release of the grand jury decision and in anticipation of the grand jury announcement. Nevertheless, 71% of the institutions notified stakeholders of class cancellations prior to the grand jury announcement with no indication as to when the grand jury decision would take place. Two institutions either did not cancel class or did not mention cancellation of classes within the messages sent out prior to the grand jury announcement. Synonyms coded as “cancelled class” occurred 3% of the time in the cumulative analysis.

There was no expectation to find institutional executives mentioning demonstrations or protests in their messages, as there was only speculation of such within the local and national media. However, the combined total usage of synonyms coded as, “demonstrate” was coded 6% of the time. Demonstrations, protests or protestors were mentioned in 87% of the messages and only one of institutions did not mention any expectations of the demonstrations.

As the unrest centered around Officer Darren Wilson’s actions against Michal Brown, there was a high expectation that university executives would mention either Wilson or Brown. However, the combined total usage of either (Michael Brown or Darren Wilson) was less than 2%. Specifically, Michael Brown’s name was used three times in 42% of the cases, and Officer Darren Wilson’s name was used two times in 29% of the cases. One name or the other was mentioned in 71% of the cases but neither name was used in tandem with the other (e.g. Brown and Wilson), and neither name was ever used more than one time in a message.

Finally, there was no expectation for “university branding” to occur. However, the usage of the institution’s name within in each message was very high. The combined total usage of the institution’s name or university branding accounted for the highest frequency of cumulative codes with 29% of the codes referencing a specific university. The word “campus” was used 10% of the time in conjunction with the college or university name and the word “university” was used 7.3% of the time in conjunction with the college or university name. One university used their university name 19 times while only addressing stakeholders 12 times.

Conversely, two universities only used their name twice; one of which did not address the stakeholders while the other mentioned the stakeholders five times.

Discussion

To preface the discussion, the authors wish to assert that their analysis was of a descriptive means and thus no evaluation of which institutional message were right or wrong, good or bad, best or worst was conducted. Rather, our focus was analyzing the themes which emerged through the messages. In a crisis situation, there is no “right” or “wrong” way to communicate. However, it goes without saying that communication is critical and thus warrants examination.

What is particularly revealing through this analysis is that the emphasis was clearly focused upon the branding of the university (whether intentionally or not) as was revealed in the primary Wordle analysis and the secondary QDA miner coding analysis. 54% of the coded “university branding” results were directly attributed to one of the institutions, an indication of institutional self aggrandizement. This is a staggering finding in lieu of the results within the analysis concerning the use of the names of the alleged perpetrator and victim; particularly because one would expect to see reference toward the crisis incident.

While there was no evidence of explicit agenda setting within the institutional communications which were released, there certainly could be an argument made toward fear mongering. For instance, the cancellation of classes several days prior the release of the grand jury decision coupled with the warning for travelers to “...exercise their best judgment” while traveling, and to “...avoid potential areas of unrest,” can be interpreted as provocative micro-aggressions. Primarily because these messages were sent by an institutional executive that wields power within the community, and sent on behalf (or as a representation) of an institution of higher education. Statements such as these can undoubtedly lead one to believe that the area or campus is safe. Subtle messages such as these were only exasperated by the 24-hour news cycle highlighting the unfolding sensationalism found within the area, and focusing primarily on the violence and unrest which occurred within the greater St. Louis region.

We anticipate that the communication sent or (not sent) by university officials to their various stakeholders will have a lasting impression upon those who felt affected by this regional event which will indisputably

evoke international awareness toward the research and understanding of social justice. Further research is suggested to follow up on this potentially lasting phenomena and impactful incident.

Conclusion

This study set out to analyze the major themes present in the communications of the various university officials leading up to the grand jury decision. In this case we feel that agenda setting was not at work in the institutional communications that were released prior to the grand jury announcement and that the pending grand jury decision did not lead to cognitive dissonance, the oft inclusive, paternal nature of these emails, however, reflect tensions present in the community (Griffin, 2012).

News of the shooting of Michael Brown by Ferguson police officer Darren Wilson reached millions of people around the world; illuminating the socioeconomic injustices present nationally and internationally. Some community members and social justice researchers purport that racial injustices have always been present in this community, while others are just becoming aware of such pent up emotions and feelings.

Nevertheless, the analysis of the communications sent by university officials in the greater St. Louis region reflects the themes deemed significant to this specific situation. We have discussed the variances we detected among each message. In light of these variances, and following our own reflections regarding what information is included in such a message, we offer the following suggestions for institutional administrators.

In anticipation of future crisis situations, assemble a crisis management team. Choose representatives from high-level of response departments such as residence life, dean of students, campus safety, student affairs, academic affairs, and institutional ministry. As a team, evaluate the needs and concerns of the key stakeholders: community members, alumni, students, faculty, staff, trustees, parents, donors, and campus partners. This team should then draft sample messages responding to crises, maintaining transparency, staying true to the university mission and addressing the needs of the multiple stakeholder groups. Identify which channels will be used to send messages, and assemble email lists for the communiqué. Know the media contacts with which you will share information. Decide (and designate) who will be responsible for sending official communication. Identify the multiple places you will make your message

available with the intention of making it highly visible and easy to locate (i.e. email, electronic or hard copies of newsletters and papers, websites, social media) for stakeholders. Determine how frequently to send communications making sure to include new situational developments. Lastly, make sure to revisit these plans at least every three years. Should a crisis arise, your university will be better prepared to respond.

Finally, we suggest further research into this topic. We also recommend following up with each university official whose communication was examined. Furthermore, we would be glad to receive any communication in regards to messages sent by institutions prior to or following the release of the grand jury's decision which were not previously made available to the public. We understand and stress that written communication can be tricky. Messages can be misinterpreted, and we al-

low that the content included and excluded from the institutional message is just as important as the content which has been included.

In the interim between the shooting of Michael Brown and the announcement by the grand jury, much discontent, concern, and uneasiness abound in the Saint Louis region. During that time, many institutions of higher education in that area sent out official statements to students, parents, alumni, faculty, and other key stakeholders. The purpose of this study was to analyze the major themes present in those communications. Upon assessment and evaluation of these statements, 14 themes emerged; 62 sub themes emerged. Thoughtful consideration of these themes should be given not only toward a retrospective understanding of the handling of communication, but also as a means of informing future action during crisis situations.

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Institutional Racism: Perspectives on the Department of Justice's Investigation of the Ferguson Police Department

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Abstract

On August 9, 2014, Michael Brown, an 18-year old Black man, was fatally shot by Darren Wilson, a white policeman with the Ferguson Police Department. The incident sparked protests and acts of vandalism in Ferguson as well as widespread calls for an investigation into the incident. On September 3, 2014, The Justice Department announced that it would open a broad civil rights investigation that would examine whether the Ferguson police had a history of discrimination or misuse of force beyond the Michael Brown case. On March 4, 2015, Attorney General Eric H. Holder publicly criticized the Ferguson Police Department for "implicit and explicit racial bias" and "routinely violating the constitutional rights of its black residents." In the wake of this public criticism as well as specific events detailed in the 105-page report released by the Department of Justice, I examined qualitative perspectives offered by respondents on The Huffington Post website. Qualitative analysis of the findings revealed the following themes: Theme 1: High Regard for Members of Law Enforcement; Theme 2: Disgust for Police and Government within Ferguson; Theme 3: Disregard for DOJ and its Report on Ferguson; Theme 4: Trust in DOJ Report on Ferguson; Theme 5: Police Corruption Extends beyond Ferguson; Theme 6: No Hope in Systemic Change for Ferguson; and Theme 7: Recommendations for Change in Ferguson. In general, while a few individuals had high regard for members of law enforcement or were skeptical of the Justice Department's Report on Ferguson, the overwhelming majority of respondents believed the report was valid.

"We have made enormous progress in teaching everyone that racism is bad. Where we seem to have dropped the ball... is in teaching people what racism actually IS" – Jon Stewart (American political satirist, writer, producer, director, television host, actor, media critic, and stand-up comedian).

"Things like racism are institutionalized. You might not know any bigots. You feel like "well I don't hate black people so I'm not a racist," but you benefit from racism. Just by the merit, the color of your skin. The op-

portunities that you have, you're privileged in ways that you might not even realize because you haven't been deprived of certain things. We need to talk about these things in order for them to change" - Dave Chappelle (African American comedian, screenwriter, television and film producer, and actor).

On August 9, 2014, Michael Brown, an 18-year old Black (the terms "Black" and "African American" will be used interchangeably in this manuscript) man, was fatally shot by Darren Wilson, a white policeman with



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the Ferguson Police Department. The incident sparked protests and acts of vandalism in Ferguson as well as widespread calls for an investigation into the incident (Brown, 2014; Workneh, 2015). On September 3, 2014, The Justice Department announced that it would open a broad civil rights investigation that would examine whether the Ferguson police had a history of discrimination or misuse of force beyond the Michael Brown case. On March 4, 2015, Attorney General Eric H. Holder Jr. publicly criticized the Ferguson Police Department for “implicit and explicit racial bias” and “routinely violating the constitutional rights of its black residents.” [Several key events related to Ferguson occurred between September 3, 2014 and March 4, 2015 and these are listed in Appendix A]. Examples of routine violations by police to Black residents of Ferguson included excessive use of force (“Nearly 90% of documented force used by FPD officers was used against African Americans”), canine bites (“In every canine bite incident for which racial information is available, the person bitten was African American”), and municipal court practices that harmed Blacks (“African Americans are 68% less likely than others to have their cases dismissed by the court, and are more likely to have their cases last longer and result in more required court encounters. African Americans are at least 50% more likely to have their cases lead to an arrest warrant, and accounted for 92% of cases in which an arrest warrant was issued by the Ferguson Municipal Court in 2013”) as well as racial bias among police and court staff (“Emails circulated by police supervisors and court staff that stereotype racial minorities as criminals, including one email that joked about an abortion by an African-American woman being a means of crime control”) (Berman & Lowery, 2015). According to the 2010 Census, the Black population in Ferguson was 67% while the White population was 29%. According to the 2009-2013 American Community Survey, 25% of Ferguson’s population lives below the federal poverty level (U.S. Census Bureau, 2013). All in all, these specific occurrences clearly demonstrate the institutional racism that was commonplace in Ferguson, a community that is poor and mostly Black.

In light of the Department of Justice’s report on the Ferguson Police Department, this manuscript will examine the comments provided by bloggers on The Huffington Post. This topic is significant for four reasons. First, given the increasing negative media attention on the excessive force used by members of law enforcement (Callanan & Rosenberger, 2011; Chaney & Robertson, 2014; Chaney & Robertson, 2013; Elicker, 2008; Hassell & Archbold, 2010; Jefferis, Butcher, &

Hanely, 2011; Kane & White, 2009; King, 2011; Rafail, Soule, & McCarthy, 2012; Skolnick & Fyfe, 1994), this study examines how individuals generally feel about police, within and outside of Ferguson. Second, since Blacks are substantially more likely to be accosted by police (Armour, 1997; Cush, 2013; Dottolo & Stewart, 2008; Lewis, 2014; Tonry, 2011; Walker, 2011), this study examines whether respondents would identify racism or institutional racism as the impetus behind the Ferguson Police Department’s treatment of African Americans. Third, given the lack of trust that many individuals have in the government (Griffin, 2015; Wilkes, 2015), this topic examines whether the public generally believes the Department of Justice’s report is valid. Last, since the DOJ is “prepared to disband Ferguson Police over racism” (Huston, 2015), this topic examines recommendations for building a more fair policing system in Ferguson.

Review of Literature

Racism is “the subordination of any person or group because of skin color or other distinctive physical characteristics. Racism, like sexism, is reflected in both individual and institutional acts, decisions, habits, procedures, and policies that neglect, overlook, exploit, subjugate, or maintain the subordination of the individual or the group” (Appleby, Colon, & Hamilton, 2011, p. 66). In essence, through language (Bonilla-Silva, 2012), people learn to associate the dominant group with positivity and superiority (Callanan, 2012; Conlin & Davie, 2015) and the subjugated group with criminality and inferiority (Behm-Morawitz & Ortiz, 2013; Bryson, 1998; Burrell, 2010; Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2006; Greene & Gabbidon, 2013; Oliver, Jackson, Maddox & Gray, 2004; Moses, & Dangerfield, 2004; Peffley & Hurwitz, 2013; Plant & Peruche, 2005; Seate & Mastro, 2015). Thus, racism becomes a permanent reality in which members of the oppressed group are primarily blamed by members of the dominant group for the ills in society (Bell, 1992; Douglas, 2013; Tonry, 2011; van Doorn, 2015).

On the other hand, institutional racism refers to specific policies and/or procedures of institutions (i.e., law enforcement agencies, government, business, schools, churches, etc.) which consistently result in unequal treatment for particular groups (Better, 2002; Blank, Knowles, & Prewitt, 1970; Feagin, 2010; Feagin & Feagin, 1978; Khanna & Harris, 2015; Lea, 2000; Souhami, 2013). Stated another way, institutional rac-

ism “is the process of making decisions based on skill level, residential location, income, or education, all factors that are considered racially neutral” (Appleby et al., 2011, p. 66). In essence, institutionalized racism is structured into political and social institutions and occurs when institutions, including corporations, governments and universities, discriminate either deliberately or indirectly, against certain groups of people to limit their rights (Better, 2002; Staples, 2011; Troyna & Williams, 2012; Williams, 1985). Race-based discrimination in housing, education, employment, health and public safety are forms of institutional racism. Furthermore, this form of discrimination reflects the cultural assumptions of the dominant group, so that the practices of that group are seen as the norm to which other cultural practices should conform (Andersen & Taylor, 2006; Armour, 1997; Bonilla-Silva, 2009; Feagin & Elias, 2013; Phillips, 2011; Reilly, 2015).

For many, the clearest examples of explicit and intentional institutional racism include state and local “Jim Crow” laws which were in effect in the United States from 1865 to 1965. These laws explicitly mandated separation of Black and White individuals in public and private places (e.g., hospitals, schools, neighborhoods, restaurants, entertainment venues, public transportation, drinking fountains, religious organizations) and regulated access to social and vocational opportunities by race (Alexander, 2010; Krieger, 2010; Tischauser, 2012). Furthermore, institutional racism has been found to negatively affect the performance of Black students (Bradbury, 2014; Smith, Hung, & Franklin, 2011), and the experiences of members of the Black professorate at Primarily-White Institutions (PWIs) (Pilkington, 2011). Besides, this form of racism has been found to impede local, state, and national policy that could improve the lives of African Americans (Came & Humphries, 2014; Hurley, Jensen, Weaver, & Dixon, 2015), and has resulted in the wide-sweeping criminalization, disenfranchisement, and imprisonment of millions of Black Americans (Hacker, 2010; Lopez, 2000; Pettus, 2013). While institutional racism is “more subtle, less visible, and less identifiable than individual acts of racism,” (Appleby et al., 2011, p. 66), the policies and procedures created by individuals within institutions greatly diminish the physical, emotional, and mental health, safety, and well-being of the marginalized group (Henkel, Dovidio, & Gaertner, 2006; Martin, Mahalik, & Woodland, 2001; McKenzie & Bhui, 2007; Mendez, Hogan, & Culhane, 2014; Meunnig & Murphy, 2011; Pieterse, Todd, Neville, & Carter, 2012; Souhami, 2014). As it relates to the current discussion of the Depart-

ment of Justice’s Report on Ferguson, one point must be noted: While any member of a marginalized group can be subject to individual and institutional racism, individuals who are Black and poor are substantially more likely to perceive the police as a threat to their safety, be victims of police violence, and be subject to government that penalizes them due to race (Elicker, 2008; Jeffries, Butcher, & Hanely, 2011; Marger, 2012; Reilly, 2015; Rothenberg, 2010).

Method

Grounded theory was the foundation of this study (Holsti, 1969; Strauss & Corbin, 1990; Taylor & Bogdan, 1998). This involved examining recurrent themes in comments provided on *The Huffington Post* website. There were two reasons why this website was chosen. First, in 2012, *The Huffington Post* became the first commercially run United States digital media enterprise to win a Pulitzer Prize (Flamm, 2012). Second, in July 2012, *The Huffington Post* was ranked #1 on the 15 Most Popular Political Sites list by *eBizMBA Rank*, which bases its list on each site’s Alexa Global Traffic Rank and U.S. Traffic Rank from both Compete and Quantcast (eBizMBA, 2012).

All 490 comments were provided on March 4, 2015 and March 5, 2015. To maintain the authenticity of the perspectives provided by all contributors, the post names, remarks, and capitalization used in comments was not altered. In keeping with open-coding techniques, no a priori categories were imposed on the narrative data. Instead, themes were identified from the narratives. In order to clearly abstract themes from the written responses, words and phrases were the units of analysis.

Identifying the themes involved several steps. The first step involved reading all comments to identify the most salient themes (e.g., Themes that were aligned with the overarching goals of the study). In cases where comments were not directly related to the goals of the study (i.e., Democrat vs. Republican government, Muslim rights, specific experiences of racism in the South, whether Michael Brown had his hands in the air when he was shot by Darren Wilson, perspectives on former president, George W. Bush, or the emails of presidential candidate, Hillary Clinton), the comment was not included in the thematic coding. Four-hundred four (404) comments were analyzed and 86 comments were not included in the thematic coding and analysis (n = 490).

After the major themes were identified, the second step involved developing working definitions for each of the themes. In some cases, two supporting themes were combined into one. So, since the DOJ Report on Ferguson criticized the racial bias exhibited by members of law enforcement and government within Ferguson, the decision was made to condense these themes into one. In cases where bloggers provided an extended comment that included more than one theme, the comment was separated into multiple themes. For example, if an individual expressed disgust for law enforcement and government in Ferguson, yet provided specific recommendations for change in Ferguson (i.e., the firing and/or imprisonment of police officers and court officials), these comments were counted as the endorsement of two separate themes (e.g., “Disgust for Police and Government Within Ferguson” and “Recommendations for Systemic Change in Ferguson”).

The last step involved establishing the reliability of the themes. Themes, definitions, and supporting commentary was provided to an outside coder, and this individual coded all comments based on the themes identified by the author (See Table 1 for Themes, Definitions, and Supporting Commentary). After a 98% reliability was established between me and the outside coder, it was determined that a reliable coding system had been developed. This method greatly minimized the likelihood that the biases of the researcher or the outside coder greatly influenced the outcomes that were presented in this study.

Presentation of the Findings

Grounded theory analysis revealed the following 7 themes: Theme 1: High Regard for Members of Law Enforcement; Theme 2: Disgust for Police and Government within Ferguson; Theme 3: Disregard for DOJ and its Report on Ferguson; Theme 4: Trust in DOJ Report on Ferguson; Theme 5: Police Corruption Extends beyond Ferguson; Theme 6: No Hope in Systemic Change for Ferguson; and Theme 7: Recommendations for Change in Ferguson.

The High Regard for Members of Law Enforcement theme was related to words and/or phrases that indicated the value of law enforcement and the scarcity of police violence. The No Hope in Systemic Change for Ferguson theme was related to words and/or phrases that indicate that the DOJ report will not result in far-reaching change in Ferguson. The Disregard for DOJ and its Report on Ferguson theme was related to

words and/or phrases that indicate the Department of Justice is an outdated entity and its report of Ferguson is questionable. The Disgust for Police and Government within Ferguson theme was related to words and/or phrases that represent a disgust for the Ferguson Police Department and court systems within Ferguson. The Police Corruption Extends beyond Ferguson theme was related to Words and/or phrases that indicated the racism demonstrated by the Ferguson Police Department is done by other police departments in the United States. The Trust in DOJ Report on Ferguson theme was related to words and/or phrases that indicate African Americans are currently and/or have been victims of racist practices for some time and must be protected against corrupt policemen and government. The Recommendations for Change in Ferguson theme was related to words and/or phrases that provide recommendations to change the current structure of law enforcement and government in Ferguson. Due to page constraints, the percent of individuals that endorsed each theme will be provided along with specific qualitative examples to support that theme.

Theme 1: High Regard for Members of Law Enforcement

Four individuals (.7% of the total number of respondents) used words and/or phrases that indicated the value of law enforcement, the difficulty of their jobs, and the scarcity of police violence against civilians. A male respondent by the name of Ecyor Nagol reminded everyone that being aggressive is part of the job and a self-defensive tool of law enforcement when he said: “You know what? I guess most police departments are a little aggressive. It somewhat comes with the job to keep them on their toes to avoid getting killed. You wouldn’t want a bunch of pansies doing that job would you?” Like Ecyor, Dale Watson (School of Hard Knocks) expressed police have a difficult job: “Police like any job must feel the pressure to make the grade on their job this means showing that you are doing your job. Whether that’s building things or passing out tickets. They have a hard job they are damned if you do damned if you don’t.” A blogger by the name of Jo Huyik reminded everyone that a few repeating cops give the rest a bad name: “Try to remember that most cops are solid people. The majority of these awful incidents are committed by a handful of cops, a few repeat offenders who give the rest a bad name.” This perspective was shared by Robert Palmer (University of Illinois Springfield) who

Table 1. Theme, Definition, and Supporting Commentary

Theme	Definition	Supporting Commentary
High Regard for Members of Law Enforcement	Words and/or phrases that indicated the value of law enforcement, the difficulty of their jobs, and the scarcity of police violence against civilians.	“Try to remember that most cops are solid people. The majority of these awful incidents are committed by a handful of cops, a few repeat offenders who give the rest a bad name.”
No Hope in Systemic Change for Ferguson	Words and/or phrases that indicated that the DOJ report will not result in far-reaching change in Ferguson.	“Even after this report - nothing will change.”
Disregard for DOJ and its Report on Ferguson	Words and/or phrases that indicated the Department of Justice is an outdated entity and its report of Ferguson is questionable.	“The DOJ is an obsolete and out of touch government department that is run primarily by the same type whites that rule Ferguson.”
Disgust for Police and Government Within Ferguson	Words and/or phrases that represent a disgust for the Ferguson Police Department and court systems within Ferguson.	“What a sad world we live in when our protectors turn out to be bullies!”
Police Corruption Extends Beyond Ferguson	Words and/or phrases that indicated the racism demonstrated by the Ferguson Police Department is done by other police departments in the United States.	“Where there is smoke there is fire. And it is true far beyond Ferguson. It is true for police departments and state governments everywhere. It is also true in the United States Congress.”
Trust in DOJ Report on Ferguson	Words and/or phrases that indicated African Americans are currently and/or have been victims of racist practices for some time and must be protected against corrupt policemen and government.	“This announcement is going down in the history books. It is an atrocity that a whole city discriminated against the whole African American population. They extorted money from the citizens and locked them into a bogus system to fund the whole city”
Recommendations for Change in Ferguson	Words and/or phrases that offered recommendations to change the current structure of law enforcement and government in Ferguson.	“A lot of law enforcement and local government officials need to go to prison and be held accountable for the laws they broke against protesters.”

believed it unfair to label all policemen in Ferguson as racists: “Wow, ALL Ferguson cops and ALL cops are bigots. Pretty big leap and TOTAL NONSENSE. How many calls for service do police answer every day, and how many end in tragedy?”

Theme 2: No Hope in Systemic Change for Ferguson

Eleven individuals (2.7% of the total number of respondents) used words and/or phrases that indicated the DOJ report will not result in far-reaching change in Ferguson. Laron Peters commented, “Does ANYTHING in the country work anymore?” Gayle Anderson said, “Even after this report – nothing will change.” One respondent who identified himself/herself as Complete Nonsense shared: “Nothing will change. Fact remains that 50% of the budget comes from arresting Blacks. How will they make up the difference?” Kenneth Hare (Porterville College) was not optimistic for change: “So what? Just a bunch of words and nothing and I repeat nothing is gonna happen.” Echoing the sentiments expressed by others, George DJgeo Kellon (Harbison Canyon, California) stated: “Here’s a fun fact... NOTHING IS GOING TO HAPPEN TO BETTER IT...”

Like the other bloggers, another respondent did not believe anything would change and that history would merely repeat itself. Michael Shawn Starks (AMDA – Alumni) used the following words to express his viewpoint: “Yeah? And so what’s gonna happen to them and what’s it gonna change? N-O-T-H-I-N-G. That’s what. I’d just rather not know anymore. I want to join all the countless ignorant masses in not knowing and not giving a shit because caring is just too painful. We’re all caught in the machinations of a huge runaway monstrosity of hatred and corruption and greed and anger and there’s not a damn thing we can do about it. Call me defeatist if you will, but making a little YouTube video or public service announcement to “raise awareness” or telling our representatives we want change DOES. NOT. WORK. We’re born, people hate and kill and steal and destroy, we die, rinse, spin, repeat.” Like Michael Shawn Starts, Tom Hazen (Burlington High School) has no faith in the justice system: “What 99 percent of all Americans already know, is now in print. Cops are told to fleece people. Give out as many tickets as possible. In the name of the law of course. Sad part is that the judges go along with this scheme. Our system of justice is a black hole. Nothing will come out of this report. There will be talk for a time. Then back to

normal business. Heads of states don’t try to correct the problem, they turn a silent ear to the facts. We are becoming a sad country.”

Other bloggers were highly skeptical that the police in Ferguson would be fired or imprisoned. This perspective was shared by Ravi Kanwal (Aliso Viejo, California) when he/she shared, “And exactly how many have been or will be fired as a result of this report? Absolutely ZERO police officers who are probably laughing with a snide snort of ... Meh, so what!!” Like Ravi Kanwal, Nick Vanocur (Works at Political Humor Columnist, “From the Desk of NickiLeaks”) was highly skeptical that the policemen in Ferguson would be put in jail: “If they don’t jail bankers, will they jail cops?”

Some believed that a history of racist-affirming practices gives law enforcement and government in Ferguson no motivation for systemic change. Kevin Suratt (Works at United States Air Force) said this: “I doubt the corruption will change. Whistle blower Christopher Dornier tried to warn the public. Something caused that officer to snap. These courts and police departments are committing treason against the people and the constitution. Traitors for the dollar and self-advancement.” Another male believed “hundreds of years of racism and oppression” make wide sweeping change doubtful: “They are hopeful departments will see this and “make changes on their own?” And what motivation do they have to break hundreds of years of racism and oppression? Just another gaming report they will do nothing about at a time when the country desperately needs better policing.”

Theme 3: Disregard for DOJ and its Report on Ferguson

Twenty-one (21) individuals (5.2% of the total number of respondents) used words and/or phrases that indicated the Department of Justice is an outdated entity and its report of Ferguson is questionable. Dave Wakefield questioned that lack of justice in the report: “Millions spent to issue a report ...what about JUSTICE? Eric Holder lap dog of the oligarchs...what about JUSTICE?” For Clint Notestine (Humboldt State University) the DOJ is not conscientiously reporting on other police agencies: “It would be nice if the Justice Department grew a pair and investigated more policy like this.” Jon Lucente believed the DOJ’s investigation process is too long: “If the DOJ feels there are many other municipalities with this problem, why are they waiting for 40th person to get shot to open investigations?”

Other individuals had little respect for the Department of Justice because of their lack of action with other offending law enforcement agencies. This view was expressed by Clif May (The Ohio State University): “The DOJ is a joke. What have they done with the Phoenix or Philadelphia police departments that they found were guilty of the same thing? Nothing, that’s what.” For Jeremy E. Simpson (Kringle’s Helper at Kringle A. Corporation Sole), the Department of Justice is a disaster: “Damning Report”...but nobody goes to prison? How terrifying. The DOJ is an abject failure.” Richard Young (University of Phoenix) shared, “Make change on their own”...Give me a F....ing break! The DOJ is an obsolete and out of touch government department that is run primarily by the same type whites that rule Ferguson.”

A substantial number of bloggers found it ironic that the Department of Justice found law enforcement and municipalities in Ferguson discriminatory against African Americans yet not charge Darren Wilson for the murder of Michael Brown. Kevin Kelly (Journeyman Electrician at IBEW Local 728) remarked, “All these incriminating findings and no one charged? This attorney general is spineless and is no better than those that came before him!” Althia Waul-Daly said this: “I am really puzzled by the DOJ’s decision not to charge Wilson, in light of this report. Wasn’t Wilson one of the officers operating under these same policies and practices when he killed Michael Brown?” David Herndon was also confused: “How is it possible that the DOJ found a plethora racially biased practices orchestrated by the Ferguson police and its courts but failed to bring charges against Darren Wilson. There are at least six eyewitnesses with corroborating versions of events that unequivocally proves Darren Wilson is a prevaricating murderer. The same racially biased practices of Ferguson’s courts also refused to indict Wilson.” The views offered by Kevin Kelly, Althia Waul-Daly, and David Herndon were echoed by Karen Kerr (Brooklyn, New York): “How the DOJ can say on one hand that the Dept. is flagrantly racist and bias in its dealings with blacks, using undue aggressiveness, and then in the same breath, deny that Wilson killed the kid with no intent or bias? CIVIL SUIT here we come. And they can use the DOJ’s own words to back them up! On a different note: The same people who are praising Holder for his ‘insight’ in finding no charges for Wilson, are calling for his ouster and calling him incompetent and corrupt for his findings about the racist police force. Bigots hate to have their own justice system shine the light on themselves.....Ok for others, but not themselves.

Theme 4: Disgust for Police and Government within Ferguson

Fifty-eight individuals (58) (14.4% of the total number of respondents) used words and/or phrases that indicated a disgust for the Ferguson Police Department and court systems within Ferguson. Many respondents used single words to describe their disgust as well as the contempt they believed the law enforcement and municipal governments in Ferguson had for its residents.

A blogger who identified himself/herself as WildEyez Johnson simply said, “Shame. Shame.” George J. Zaidan (Christ The King College (C.K.C.) expressed: “ENOUGH! Stop the abuse.” Michael Johns referred to law enforcement and government in Ferguson to bullies: “What a sad world we live in when our protectors turn out to be bullies!” James McCoy was also sickened by the actions of law enforcement in Ferguson: “This police department gave all the residents arrested records so they could not vote. Disgraceful.” The inability of Ferguson residents to vote because of false reports was supported by Marion Brooks: “We could look at this way...the cops have been targeting this community for some time...records may possibly make it hard for the residents to vote...” Steve Evets, a self-identified White male is sympathetic for the Black residents of Ferguson: “But how many blacks in Ferguson have been disenfranchised or beaten down to the point where they have no hope and see no point in voting. As white people it is hard for us to ever fully appreciate what it is like to be black in America.” In addition to the inability to vote, Peter Tracey (Johannesburg, Gauteng) drew attention to the residents of Ferguson who lost their jobs: “In summer 2012, for example, one officer charged a man with violating Ferguson’s municipal code by saying his name was “Mike” instead of “Michael.” The man told the Justice Department that he lost his job as a federal contractor because of that charge along with several others.” All this so that the city of Ferguson could make more money – saddest thing I’ve ever read; they are going straight to hell no doubt.”

According to Rod Coggin: “This agency fulfills the stereotype many Americans have of smaller town police/sheriff departments.” Toni Tommasi (Forest Park, Illinois) was scared for the residents of Ferguson: “Frightening that people with such hateful and immature attitudes are running a city.” Cynthia M. Clemmons Lee (Columbus, Ohio) referred to Ferguson as a “cesspool.” Rashonda Robinson compared law enforcement and government in Ferguson to plantation overseers: “In-

stead of attempting hand controls or seeking assistance from a state trooper who was also present, the correctional officer deployed the [Taser] because the woman was “not doing as she was told.” My God, they don’t sound like police; they sound like plantation overseers.”

Others believed Ferguson’s law enforcement and government created a racist “culture” that was inherently unjust to African Americans. Randy P. Green (University of Washington) remarked: “They sewed a culture of bigotry, hatred and corruption.....” Ted White believed the Ferguson Police Department operated under the same racist practices of police departments in the Deep South: “It seems the Ferguson PD is using the playbook of the Deep South police departments from the Civil Rights era and they are proud of it.” Brian Amberg compared living in Ferguson to “a Kafka novel.”¹ Deborah Hillary compared law enforcement in Ferguson to the gun-toting west: “Someone needs to tell Ferguson Police this is not the Wild, Wild West!”

Former residents of Ferguson were not surprised by the DOJ report. Katie Beyers (Kansas City, Missouri) shared this: “As a St. Louis native, I am so NOT surprised at what this investigation found. White St. Louis cops who work in North St. Louis only do so because they are not good enough to work elsewhere in the Metro, and I know a LOT of these bad guys because they grew up around me, and are racist as the day is long. Glad to see some sunshine disinfecting some really nasty people in law enforcement.” In support of Katie’s comment, Fanny Fae recalled how deeply ingrained racism is in Ferguson: “This isn’t just how it is in one city in Missouri. This is absolutely endemic in the entire consciousness of that state. I was born in, spent my childhood in and moved away from that place where racism and prejudice is ingrained into the very culture. In school, little children KNOW every classmate whose daddy, grandpa, brothers, uncles, etc. are in the KKK and it isn’t just common folk, it’s in law enforcement and the courts, and the halls of government and on and on. If anyone is under the illusion that somehow the Civil Rights Movement and time has made it all better, I think the events in Ferguson and the DOJ findings have pretty much underscored that the racism and prejudice as policy is deeply ingrained still. You won’t fix this overnight...”

Fundamentally, Christine Hill (Works at Self-Employed) summed up the disgust shared by many bloggers for law enforcement and government in Ferguson as well as her naiveté in believing the events in Ferguson were a distant memory. She provided the following extended comment: “Take the time to read the full report. It

is absolutely appalling and goes FAR beyond the police department, who apparently act as enforcers for equally correct town leaders and courts. I am dumbfounded at the brazenness of the corruption in Ferguson, and I feel stupid and naive forever believing that routine practices like those the DOJ’s report describes were a thing of the past in the U.S. It isn’t just the police. The corruption starts at the top in Ferguson, with city leaders increasing the revenue projections every year and leaning on the cops to write more tickets so they can assess more fines in what amounts to a scheme of shakedowns. The courts participate in the shakedowns as well as the cops, and their schemes seem likely to attract cops who already are corrupt as a safe haven for further corrupt behavior. Their town is corrupt from top to bottom, and the corruption is vastly disproportionate in its impact on black citizens (no surprise there). The biggest thugs in Ferguson apparently are town leaders, judges, court employees and police officers.”

Theme 5: Police Corruption Extends Beyond Ferguson

Eighty-three (83) individuals (21% of the total number of respondents) used words and/or phrases that indicated the racism demonstrated by the Ferguson Police Department is done by other police departments in the United States. Annie Anderson said: “Officer Friendly retired decades ago.” Several bloggers mentioned that the actions of law enforcement in Ferguson mirrors that in other cities in America. This view was articulated by Thomas Westman when he said: “Just like any other American police district and municipal court.” Lydia Lindsey thought: “But this isn’t the only city like this in America!” Michael Gerard commented: “I can only imagine what LAPD and NYPD e-mails look like.” Like other bloggers, Alice Ferrell (The Ohio State University) shared: “Raise your hand you are black and surprised by the DOJ report. This goes on in EVERY police department in EVERY state.” Similarly, Carolyn d’Almeida (Mizzou) commented, “It’s not just Ferguson. Its police department in New York, Chicago, LA, all every municipality large and small.” Likewise, Edward F. Dease (Property Claims Adjuster at Pilot Catastrophe Services, Inc.) added: “Ferguson is just the tip of the iceberg. There are thousands of small fiefdoms across America where the powerful prey on the weak to keep their excuse for a city afloat.” Also, Mike Anastas mentioned: “This is not a surprise and I’ll bet you’ll find this to be the same in all US Police

Departments.” Moreover, Ken Bauer (Owner at Bauer Painting) declared: “Police departments throughout this country have become terrorist organizations. They have murdered more Americans than any country we have invaded under Bush or Obama. Yesterday I read a story where an officer was shot and killed in Georgia. I certainly did not rejoice in this news but neither was I saddened.”

Others supported the view that the findings in Ferguson are “typical” of most police departments in the nation. Xtfr Merton said: “I remember when police pledged “To Serve and Protect.” Now, it’s clear the police view us and treat us like the enemy. We see almost daily new examples of untrained, unprofessional, cowardly cops whose first recourse is to reach for their handguns and kill citizens. It’s a disgrace.” Similarly, Jim Buchanan (Reverse Engineer at Indentured Servitude, Inc.) believed: “These jokers aren’t rare or special in any way. I think they are average cops, as the daily news keeps showing us. Cops kill and mayors excuse. They tear down society, then they bitch that their results suck. Conservative cops are no more accountable for their actions than conservative anything else.”

Several bloggers compared police departments that operate like Ferguson to historical racist organizations. Leighton Hansel (Gurnee, Illinois) said: “It would appear that in the rural south, white sheets have been replaced by blue uniforms in areas where there are large numbers of blacks and whites control political structure, police and courts.” Instead of eluding to “white sheets” Jo Huvik specifically mentioned the KKK: “It appears that elements of the KKK have infiltrated some police departments. Have to wonder how deep this goes.”

Some bloggers mentioned specific instances of excessive force by police in places beyond Ferguson. Pedro Pedro wrote: “The problem with the police force is not just isolated to Ferguson - in my area two recent cases stand out -

CASE 1: Man shot dead for listening to his music too loud in his own home - [http:// www.tcpalm.com/news/more-details-released-in-fatal-standoff-in-fort](http://www.tcpalm.com/news/more-details-released-in-fatal-standoff-in-fort).

CASE 2: Man in coma 2 days after confrontation with deputies <http://www.wpbfl.com/news/tavares-docher-man-in-coma-2-days-after-confrontation-with-deputies/25957296> and the Police stated that it was all SOP Standard Operating Procedure to use excessive force and get away with it in the great state of Florida ... It not just in Ferguson.” Deborah Hillary mentioned another case in

Hartford Connecticut, “Here is an editorial written just a month ago in the Hartford Courant (Conn.). There are lots of problems with PDs in the State of CT, as there are everywhere as we all know. But in this case of excessive force, civil rights violations, etc. (the writer is a civil rights lawyer who has 8 or 9 cases alone against the same PD), the PD DID police itself and issued an arrest warrant for one of their own! Then the Hartford State Prosecutor refused to prosecute the officer! (The first 2 or 3 paragraphs of the editorial are about other CT corruption issues, but then you’ll see the lack of prosecution of police who the POLICE determine are criminal!

<http://www.courant.com/opinion/op-ed/hc-op-spinella-connecticut-needs-effective-prosecutors-0215-20150213-story.html>”

Theme 6: Trust in DOJ Report on Ferguson

One hundred three (103) individuals (25% of the total number of respondents) used words and/or phrases that indicated African Americans are currently and/or have been victims of racist practices for some time and must be protected against corrupt policemen and government. Jill Spring Forrest (Tahoma High School) used the single word “Finally!” to express how she felt about the report. David Zomber wrote: “Goddamning.” Similarly, Susan Pane said, “Business as usual.” Also, Connie Quarles (L.A.C.C.) remarked: “No surprise here, same old, same old.” According to Keith Grant: “It didn’t take an investigation to tell us what seemed apparent.” Using a hint of sarcasm, LaVette Sanders (Illinois State University) shared: “Shocked I say. Shocked! NOT!!” Echoing the comment provided by LaVette, Heather Smith (Hollywood, Florida) said: Surprise surprise.....NOT! I understand Ferguson PD was dissolved a few years ago for the same problem.”

Sadly, the events in Ferguson made many wonder what time in history we found ourselves and compared these events to modern-day slavery. Anusha Amen-Ra (Bauman College) expressed: “Wow. Someone needs to tell Ferguson Police it’s not 1920’s. They reserved their dogs exclusively for AA?” John Philip Shenale sarcastically wondered what century it was: “Ahhh, what century is it? Just checking!!!” In addition, Leal Lee said: “Is this the 21st century or the second century? Nonsense.” Patricia Vargas Schreiber (Mount Vernon High School, New York) shared, “What the hell era are we living in? I just watched Selma today, then I read this article. Is this really 2015? Shameful.”

Some respondents used the word “slavery” to de-

scribe the DOJ Report on Ferguson. For example, Larry Glinzman-Murphy expressed, “Modern day slavery in America.” For Rob Perry (Boston, Massachusetts), “These tactics are nothing more than Slavery 2.0!” In support of Larry and Rob’s views, Cynthia M. Clemmons Lee (Columbus, Ohio) provided this perspective: “This report put the whole country on notice. Slavery is alive and well across this country. This was an institution that was going on for years even though the people begged for help. Now we see just how important the power of loud protests has.”

Several bloggers were not surprised by the DOJ Report in light of the racism that is prevalent in America. Mari Vazquez-Fernandez (Holy Names Academy) was not surprised by the DOJ’s report: “Racism alive and well in the U.S.! Any surprise?!” Also, Kathy Kokitis (Indiana University) opined: “Racism is alive and well all over the United States. That is one thing that has not changed.” The “nothing has changed” narrative was furthered by Gary Bernard Hall (Los Angeles, California) when he said: “This shows that nothing has changed since 1815 despite the year is now, 2015 ‘NOTHING HAS CHANGED’!” In addition to these perspectives, Adrienne McCue (President/Executive Director at AJW Foundation) remarked: “Sorry, but not surprised. From the start of 1776-2015, should be on the American history books as bias, when it comes to justice on many civil rights issues. History continues to show this.” As it relates to the current discussion, Brianna Amore (Solo Entrepreneur at Amoré Design Werks) provided an extended lesson on institutional racism: “This is EXACTLY the institutional racism that exists within America that was so roundly poo-pooed by all the racist crackers on Fox and other “news” organizations. Black people have been treated as extra-legal tax revenue since the days of civil rights, and most crime statistics are grossly overinflated as a result. So in the end, white people get to claim “well look at the crime stats involving black people” while completely ignoring the fact that the system of injustice exists against black people. Maybe now people will start paying attention to the way the system is designed to keep black people in poverty and on welfare.”

Theme 7: Recommendations for Change in Ferguson

One-hundred twenty-four (124) individuals (31% of the total number of respondents) provided recommendations to change the current structure of law

enforcement and government in Ferguson. In general, these recommendations included increasing the number of Black voters and elected officials in Ferguson, as well as firing and imprisonment, bringing class action law suits, and disbanding the entire police force and government in Ferguson.

In regards to voting, Keith M. Davis shared this view: “This is not limited to one police department or city. We do not live in a post racial society. We therefore, must continue the fight our fathers and grandfathers started long ago. We must vote in every election to rid ourselves of this scourge.” Robert Covert mentioned: “It is time for the overwhelming majority of black voters to get these politicians, and judges (if they are elected) removed through the ballot. They have the power and they need to exercise it.” The need to vote was also advanced by Annette Priestly (University of Baltimore): “MLK said “RIOT IS THE LANGUAGE OF THE UNHEARD” Nobody was listening to the people of Ferguson. Now good people of Ferguson you have to vote to stamp out this non-sense. The good people of Selma voted Bull Connor out after their franchise was protected.”

Others believed a Black Police Chief or all-Black police department is the only way for African Americans in Ferguson to be treated fairly. Eugene Barrow (Montgomery, Alabama) said: “Just fire all the white officers and create an all-black police department. Problem solved.” Lewis Cisle (Belfast, Maine) remarked, “Fire all of them and install a black chief of police to do the rehiring.” Russell Davis (College of Southern Nevada) mentioned, “What they really need is a black mayor and a black police chief.”

Several bloggers believed law suits would change the current racial climate in Ferguson. Franklin Gove (Trading watch supervisor at Dailyoptions.org) said, “One word... class action.” Similarly, Thai Angst (Mind your own business) shared, “Malcolm X couldn’t go before the UN, but a massive civil rights lawsuit on his birthday would be a nice consolation prize.” In a vein similar to the need for law suits, Aurelie-Anne Gilly (The American University of Paris) shared this perspective: “Name and shame those departments and officers who are bigots. At least people will then know who they are and there will be basis for civil suits.” Ed Botsko (Ambridge Area High School) also supported the idea of civil suits: “Perhaps a civil suit that will cost Ferguson all that illicit fine money they’ve been extorting from the population... I hear busloads of lawyers are heading to Ferguson as we write/read this.”

Fining and imprisoning police and governmental

officials in Ferguson was a recommendation offered by several bloggers. Frank Taylor said, "If there is a legitimate justice system there will be serious criminal charges and eventually prison sentences handed down!" Conversely, other individuals saw imprisonment of Ferguson law enforcement and officials as the only viable option. James Lawrence (Point Park University) cautioned: "Other cities won't change their behavior until they see folk going to jail." Daniel Krell expressed: "And it's not just the police; the town officials have to have known this was going on, and likely encouraged (demanded) it of the police force. They should all be fired and charged." In addition, Nelson Page (Lincoln High School) commented: "RACISM in Ferguson runs deep. This level of RACISM cannot be fixed. The only solution as I see it is to FIRE everyone, Judges, Prosecutors, Chief of Police, Police Officers, Jailers and Clerks. They are all complicit in this injustice." Deborah Hillary also believed: "Everyone and anyone involved in these civil rights violations should be fired, and their pensions should be revoked. And then reparations to those wronged who ever set foot in Ferguson should be made. Then and only then do I think that the healing can begin." David Herndon pointed out the value of Ferguson police and government officials losing their jobs: "The only way to fix the problem in Ferguson is to fire the entire police force and the county prosecutors. This will definitely send a strong message to other communities who are engaged in the same discriminatory practices."

For many, the imprisonment of all guilty parties was a viable resolution. Mitchell Martin believed, "The protesters were righteous in their protest. And this nation was founded on the right to protest, specifically against abuses like these, and yet they get stuck with an arrest record and other scars. What about the damages done to them, and the rights that were taken from them, and the injuries placed on them, and the arrests that are on their records? A lot of law enforcement and local government officials need to go to prison and be held accountable for the laws they broke against protesters. Real justice has to be equal..."

The overwhelming majority of respondents believed the police department and government in Ferguson should be disbanded. Stephen Janson (University of Wisconsin Milwaukee) wondered, "So why is this police department not disbanded?" Others declared the town of Ferguson needs to start over. Andrew Lyall remarked, "Close it down and start again. Send in the National Guard to keep order and then dismantle the whole Ferguson police department. Start a new one

with careful vetting of applicants." John Simpson (The Catholic University of America) opined, "What a disgrace! The entire department needs to be shut down." Susan Haselmann believed the entities in Ferguson are a cancer that needs to be purged: "All the public officials have to go. You can't cure a cancer if you don't get all of it. I'd like to see the State Trooper....Johnson, I think his name was.....become the mayor." Ralph Novy (Marquette University) used the word "dismantling" to describe what should happen to Ferguson: "Yeah, it appears that the whole Ferguson police department needs a thorough "cleaning," if not dismantling. But let's not forget about the courts!" Shane Shepherd believed Ferguson should also be dismantled: "They need to do what they did in Jennings, MO disband it and rebuild it again. It's no coincidence that some of those officers ended up being rehired in Ferguson to continue their abuses."

Ted White opined: "Nothing new there and we didn't need a DOJ investigation to know that. The Federal Government needs to go into Ferguson and clean house and the hiring process for officers need to be one that weeds out racist people regardless of race." Furthermore, Peter INova (Burbank, California) expressed himself in this way, "It is for damning moments like this that "throwing out the baby and the bath water" was cobbled together as a concept. Don't incrementally fix it. Time for baby and bath water to go. Start over."

Several individuals provided specific recommendations for change. One male (Kenneth Smith) suggested that police wear cameras: "All cops need cameras on duty. All municipal buildings need to have recording devices to preserve everything they say. There is just too much corruption from the bottom up." The need for police cameras was echoed by Vinny Lee: "Stop breaking the law...no police are needed, the police disappear... :D. Also, install cameras in all police to make sure violations are caught on video and in black and white for all to see...Golden rule, treat others like you want to be treated! Love everyone, and start by loving yourself, no matter what!"

Others believed changes in the police system must be aligned with societal change for African Americans in Ferguson. Corinne Bernstein Gilarsky (The Wharton School) said, "Police tend to mirror greater societal issues....the police can't be fixed in a vacuum.... changes have to be made in conjunction with changes in education, job training, drug addiction assistance, and employment opportunities."

Discussion

This study provided an informative qualitative tapestry of how bloggers on The Huffington Post felt about the Department of Justice's Report on Ferguson. In addition, this study examined how individuals generally feel about police, within and outside of Ferguson, whether respondents would identify racism or institutional racism as the impetus behind the Ferguson Police Department's treatment of African Americans as well as recommendations for change in Ferguson. The seven major themes that have been identified in this study and have been qualitatively supported by a wide array of bloggers merit an in-depth scholarly discussion.

As one of the three major components of the United States Criminal Justice System (e.g., law enforcement, courts, and corrections), it was not surprising that some bloggers highly valued law enforcement. It is possible that these individuals are part of the law enforcement system (i.e., policemen or family of policemen) and feel compelled to protect this institution. Another possibility may be that they nor anyone that they know (e.g., family, friends, and acquaintances) have ever been personally victimized by police. So, for these persons to accept law enforcement as anything other than a necessary and benevolent pillar of stability in an increasingly chaotic society is extremely difficult. However, the specific incidents of excessive force used by police in Ferguson resulted in negative feelings within many bloggers for this segment of the nation's criminal justice system. For these individuals, the exceedingly detailed examples cited in the Department of Justice's Report on Ferguson demonstrated that the police and government entities in this city engaged in a pattern of racist practices that unfairly targeted African Americans. On the other hand, those that questioned the DOJ Report or believed the report had little merit may also have had unfavorable views of President Obama and his administration. In other words, the DOJ's findings are suspect because they come from the auspices of a presidential administration whose views do not align well with those of some bloggers.

It is important to note that the overwhelming majority of bloggers trusted the DOJ's Report on Ferguson, and there may be three reasons for this. For one, these bloggers may have confidence that the federal government would conduct a more thorough and transparent investigation of police and governmental misconduct than a local or regional entity. In addition, although we live in what many believe to be a post-racial society (Bass, 2014; Gonzalez-Sobrino & Hughey, 2015), the findings of this report caused several bloggers

to wonder about the point in time in which we find ourselves (e.g., "Is this the 21st century or the second century? Nonsense."). Sadly, although we are in the 21st century, the DOJ's Report on Ferguson harkens a dismal time in the nation's history, namely slavery and the Jim Crow era, when African Americans were open targets of disdain. Also, given the increasing level of media coverage on alleged and/or substantiated incidents of police misconduct (Behm-Morawitz & Ortiz, 2013; Hassell & Archbold, 2010; Jefferis et al., 2011; Kane & White, 2009; King, 2011; Oliver, et al., 2004; Skolnick & Fyfe, 1994), these bloggers may have been motivated to highly trust and value the DOJ's findings. Finally, many individuals may regard law enforcement as a historically-viable way to advance individual and institutional racism. Moreover, it is important to note that many established a clear link between the DOJ's Report on Ferguson and systemic racism in the nation.

In support of the findings of numerous studies (Callanan & Rosenberger, 2011; Chaney & Robertson, 2013; Elicker, 2008), the majority of individuals who provided comments on this weblog were extremely confident that police corruption extended beyond Ferguson. Since several of these bloggers provided personal accounts or media-specific examples of police brutality, this suggests that these individuals perceive the corruption in Ferguson as a widespread problem. Stated another way, the findings in the DOJ Report strongly suggests that an increasing number of Americans are not comforted by police and do not unequivocally trust that they will "Serve and Protect" members of the general populace, especially African Americans. In regards the lack of comfort many individuals feel toward police, Annie Anderson's five words are particularly insightful: "Officer Friendly retired decades ago." All in all, the majority of respondents believed the findings in Ferguson are "just like any other American police district and municipal court" in America.

Even though the Department of Justice announced they are "prepared to disband Ferguson Police over racism" (Huston, 2015), a substantial number of bloggers did not feel that the Ferguson Report would cause extensive change in Ferguson. There are three possible reasons to explain their feelings. For one, many may perceive the lack of change in law enforcement agencies in other areas of the country as a strong indicator that things would not permanently change in Ferguson. Second, some may perceive the DOJ's Report on Ferguson as a "cowardly" way to broadly acknowledge the existence of racism without legally penalizing individuals who are personally culpable. Related to this, several

respondents saw a disconnect between the criticism of an institution (i.e., Ferguson Police Department) yet its acquittal of Darren Wilson, an individual police officer that operated under the same racist paradigm as the agency through which he was employed. Finally, individuals who have observed the lack of legal accountability of police and law enforcement agencies over many decades may have accepted that racism is so engrained in the nation's way of operating that there is no hope for change. For these men and women, the many privileges of being White provide little or no incentive for Whites to create a more equitable society for Blacks. Essentially, for these bloggers, there is no hope for change because law enforcement ensures that Whites maintain their historically-elevated position in society.

While the findings of the DOJ Report on Ferguson provide strong evidence that America is not in a post-racial society (Howard & Flennaugh, 2011; Lee, 2013), the majority of respondents provided specific recommendations to change the current law enforcement and government in Ferguson. In particular, bloggers that recommended the Black residents of Ferguson vote for "the right people" or elect Black officials may have an exceptional level of trust in the government and a law force and government that was more representative of the marginalized members of that community would advance meaningful change. Even though the DOJ's Report on Ferguson has been publicly documented as "damming" (Huffington Post, 2015) and "scathing" (Berman & Lowery, 2015), a substantial number of individuals believed specific action should be taken against those that "sewed a culture of bigotry, hatred and corruption" in Ferguson. In particular, many thought class action law suits should be made and those who engaged in racist practices be fined and imprisoned. Essentially, these individuals may have reasoned that fining and imprisoning these officers is "poetic justice" for the Blacks who experienced these same forms of treatment when they were targets of law enforcement and government in Ferguson.

Of particular note, although Justice Department officials said they believe that Ferguson has the ability to fix its problems, many respondents believed that a "throwing out the baby and the bath water" approach is the only way to effect wide sweeping change. The "racial-biased" emails sent by current Ferguson officials over the past several years are documentation of the covert animus that many Whites have for Blacks. Furthermore, this view may be linked to the belief that individual and institutional racism is so deeply ingrained that individuals with positions of power have little or no

motivation to change. Sadly, a steady, financial revenue may be a strong motivation to maintain the status quo. Since the city, police and court officials have "worked in concert to maximize revenue at every stage of the enforcement process" for several years, many wonder how or if the city would financially survive if the current law enforcement and government were eradicated. While some might believe this is a glib assessment of human's ability to affect positive change, others find it realistic, especially in light of the historical "implicit and explicit racial bias" and "routine violation of the constitutional rights" of Black residents of Ferguson.

Limitations of the Current Study

The limitations of this study must be noted. For one, as I have noted in several published works (Author Citation, 2013, 2012), extracting "data" from a public website makes it impossible to determine the demographic characteristics of the participants. In particular, a public website makes it impossible to determine the gender, age, sex, marital status, education, occupation, and sexual orientation of the individuals are commenting. Another possible limitation is that even though other forms of data collection such as interviews, surveys, and focus groups allow individuals to provide false information, the anonymity of a public website could considerably increase this risk. In other words, people may be more likely to falsify information or embellish their experiences. Added to this, since The Huffington Post is a liberal political weblog, it may invariably attract individuals with similar views to read and post comments than a weblog with a more conservative orientation (i.e., Instapundit, Hot Air, and Redstate) (Kettle, 2015). Moreover, as many of the respondents identified themselves as students or faculty from colleges and universities in the nation, it is possible that a less-educated demographic of bloggers may have yielded different results. Further, as the study provides a single snapshot of the views of these individuals at a particular point in time, another limitation is that the study does not determine whether the views of these individuals have changed or remained the same over time. Lastly, the views provided by these individuals may reflect personal (positive or negative) biases regarding the police, President Obama and his administration.

Given these limitations, there are several advantages to examining the comments provided on a political weblog. For one, the anonymity of a public website

makes it possible for individuals to more openly share their views, feelings, and experiences and could therefore decrease the risk of social desirability. More clearly, the anonymity of a public website could facilitate a greater level of honesty, especially among individuals who would not ordinarily share their views publicly. Furthermore, as individuals shared their Facebook information, this made it possible to “Friend” request individuals for further discussion and/or debate. In addition, that individuals are allowed to share their perspectives in “real time” as well as their agreement or disagreement with the perspectives of others can further increase the validity of the findings presented herein. In several instances, bloggers educated others by providing links for specific terms (e.g., John Metcalf shared a link on “structural violence,” <http://www.structuralviolence.org/structural-violence/>) or examples of police violence in different geographic regions (e.g., <http://www.wpbfb.com/news/tavares-doher-man-in-coma-2-days-after-confrontation-with-deputies/25957296>). Clearly, while social desirability is an inherent risk of any form of data collection, I believe the anonymity of a public weblog allows for a higher degree of honesty and self-disclosure than may be afforded in an interview, survey, or focus group. This represents a major strength of the current study.

Directions for Future Research

There are three ways that future scholarship can build upon the findings presented in this study. For one, scholars can examine what if any systemic changes have occurred within the Ferguson Police Department and Ferguson government over time. Future work in this area would highlight the longitudinal changes that have occurred within these entities, but more important, whether those changes have positively influenced the racial climate for Blacks in Ferguson. In addition, and related to the first point, scholars can qualitatively examine whether Ferguson residents and members of the general public have more positive, negative, or neutral attitudes about police. Future work in this area would draw attention to the relationship between law enforcement’s interactions with Blacks and how police are generally perceived by individuals within this community. Finally, scholars can use mixed-methodologies to examine whether an increasing number of non-Blacks will not only have faith in the DOJ Report, but acknowledge the racism experienced by many African Americans. Future work in this area would reveal the

specific factors that make non-Whites more or less likely to acknowledge racism as well as the historical distrust that many Blacks have for members of law enforcement.

Conclusion

At the onset of this manuscript I provided two comments from well-known White and Black comedians. Jon Stewart, who is White, recognized that while it is common knowledge that “racism is bad,” society has done a less than adequate job of “teaching people what racism actually IS.” However, as evidenced by the Department of Justice’s Report on Ferguson, many people are highly aware of the many ways a racist law enforcement and government agency operates. On the other hand, Dave Chappelle, who is Black (and like several of the respondents on this political weblog such as Brianna Amore) acknowledged the institutional nature of racism and how it privileges some individuals while depriving others. As the City of Ferguson seeks to heal the many wounds inflicted by members of its law enforcement and government, it is my hope that racism, whether individual or institutional, be permanently eradicated.

Appendix A. Key Events Related to Ferguson that Occurred Between September 3, 2014 and March 4, 2015

Date	Key Event
September 3, 2014	Missouri Governor Jay Nixon lifts the state of emergency in Ferguson, citing a calming of tensions.
September 4, 2014	Citing the "deep mistrust" between the local residents and law enforcement officials, the Justice Department launched a broad investigation into the practices of the Ferguson police department. In announcing the probe, Holder says he and his department had heard numerous concerns from people in the St. Louis suburb about police practices, a history of mistrust and a lack of diversity on the police force.
September 9, 2014	Residents turn out in force for the first Ferguson City Council meeting since the Brown shooting, expressing anger at elected leaders and the police department.
September 16, 2014	Officer Darren Wilson testifies before a grand jury, which is reviewing evidence in Brown's death to determine whether Wilson should face criminal charges.
October 10, 2014	"Ferguson October," a four-day peaceful protest with planned civil disobedience, begins while police investigate the shooting deaths of Brown and a second black teenager in the area, Vonderrit Myers Jr.
October 13, 2014	Police arrest clergy and activist academic Cornel West as the "Ferguson October" movement culminates on "Moral Monday." Activists led hundreds of protesters in a march from a church to the police station in the most organized demonstrations carried out by protesters yet.
November 11, 2014	Nixon says he will activate the National Guard to respond to any unrest that erupts after the grand jury delivers its decision. "Violence will not be tolerated," he said.

November 13, 2014	Brown's mother and father, Lesley McSpadden and Michael Brown, Sr., traveled to Geneva, Switzerland, to testify before the United Nations Committee Against Torture as part of a delegation of human rights advocates organized by the New York- and Atlanta-based U.S. Human Rights Network.
November 20, 2014	Advocacy group STL Forward released a Youtube video featuring Michael Brown, Sr. In it, he urged people that regardless of the grand jury decision, violence is not the answer.
November 21, 2014	Attorney General Eric Holder urged law enforcement authorities Friday to minimize the potential for confrontations during possible demonstrations.
November 24, 2014	A St. Louis County grand jury declined to indict officer Darren Wilson for firing six shots in the confrontation that killed Michael Brown, said Benjamin Crump, an attorney for the family.
December 13, 2014	Protests occur nationwide and thousands march in Washington.
December 28, 2014	Officer Tim Zoll, a spokesman for the Ferguson Police Department, is suspended after he refers to Brown's memorial as "a pile of trash."
January 18, 2015	Nine members of the Congressional Black Caucus visit Ferguson to attend a special church service honoring Dr. Martin Luther King Jr. and to stand in solidarity with community members pushing for police reform.
February 10, 2015	Protesters rally on the six-month anniversary of Michael Brown's death. Seven are ultimately arrested.
March 4, 2015	A scathing report from the Justice Department finds that the practices and protocols of Ferguson's criminal justice system repeatedly violate the rights of African-American residents.

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For Ferguson and Nation: Justice and Education via Anti-Bias Reform

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Abstract

U.S. society continues to experience inequities, stratification, and segregation within its educational and social systems. This work explores these injustices by employing the Christian based theory, The Matthew Effect, as a framework for education and anti-bias police reform. The Bible's Book of Matthew reads, "For unto everyone that hath shall be given, and he shall have abundance. But from him that hath not shall be taken away even that which he hath" (Matthew 25:29). Use of The Matthew Effect as a conceptual framework in understanding social outcomes reveals how shifting perspectives or expectations of others may influence police reform, educational policy, practice, and the subsequent outcomes of citizens' lives.

Theoretical Frameworks

As a tool, theoretical frameworks assist policy makers and analysts in viewing and addressing social challenges in innovative ways. Strained community-police relationships in Ferguson and other Black spaces call for needed change at micro and macro policy levels. This work explores two theoretical frameworks that offer alternative vantage points to view the issues of racism and social justice. The following briefly summarizes the featured frameworks.

The Matthew Effect

The Bible's Book of Matthew states "For unto everyone that hath shall be given, and he shall have abundance. But from him that hath not shall be taken away even that which he hath" (Matthew 25:29). This verse inspired sociologist Robert K. Merton to describe

the phenomenon of advantage resulting in further advantage and disadvantage, which yields continued circumstances described as The Matthew Effect. In the book, *The Matthew Effect: How Advantage Begets Further Advantage*, author Daniel Rigney explains:

The study of Matthew effects...is concerned less with the sources of inequity than with how these inequities persist and grow through time. It explores the mechanisms of processes through which inequities, once they come into existence, become self-perpetuating and self-amplifying in the absence of intervention, widening the gap between those who have more and those who have less. No theory of stratification is complete without attention to such processes. (Rigney, 2010, p. 1)

In other words, those who have more opportunities may have an expectation that such opportunities and benefits, whether economic or otherwise, continue. Even if individuals have modest expectations, they at least know of the possibility of opportunity. Hence,



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they look for or anticipate potential opportunity, and it often finds them.

Freire, Racial Bias, and Social Justice

Our vocation, Freire argues, centers upon humanization. Oppression, exploitation, injustice, and oppressive violence thwarts this vocation (1993). Dehumanization distorts the vocation of becoming more human for both the oppressor and the oppressed. An interesting component of the theory includes the assertion of the mutuality of liberation. Freire describes liberation as a mutual process where those seeking liberation “must perceive the reality of oppression not as a closed world from which there is no exit, but a limiting situation that they can transform” (Freire, p. 49).

Methods

This work employs content analysis of media publications, notes taken at Ferguson town hall meetings related to anti-biased police reform, and personal journaling of the author. Theoretical application of the Matthew Effect and aspects of Freire’s Pedagogy of the Oppressed serve as the lens from which to view the data.

Application

The Matthew Effect assists in understating advantage at both micro and macro levels. In terms of micro level application, when in college the author regularly examined university bulletin boards seeking information. As a young African American woman, examining bulletin boards was critical, as she benefitted greatly from the practice which included: Gaining information on scholarships and awards that were later received; opportunities to travel throughout Africa and Europe, as well as employment. Knowing others who traveled globally and won scholarships, she knew opportunities were out there and sought them out, thereby benefitting both economically and intellectually.

Likewise, an individual who has no vision of possibilities may have challenges in making choices that yield future opportunities. For instance, an individual in poverty with a gifted child attending an under-resourced, low performing school may not know steps to take to ensure cultivation of the child’s gifts. How might the parent advocate for and succeed in ensuring her child is identified by gifted programs? Often times, such parents don’t realize the extent to which actions on behalf

of their children result in economic and educational benefits. They may experience limitation due to lack of information and communication with other parents of gifted children or don’t know what questions to ask authorities with power to influence their experiences positively. Just as The Matthew Effect suggests, they may feel powerless about a current impoverished condition, yielding less future benefits than more connected and informed families of the same socioeconomic background. In some cases, this lack of information may lead to continued intergenerational poverty.

The Matthew Effect similarly can be applied at the macro level to the underlying dogma of how social groups are perceived. KIPP Academy schools demonstrate how moving away from a deficit mentality of poor minority youth facilitates success. Similarly, efforts to reform the recruitment, hiring, and training of police officers center upon: Identifying recruits who served minority communities in the past; focus upon community service in hiring processes in efforts to develop a more empathetic police force; and prioritizing diversity training by hiring Diversity Officers in charge of continuous anti-biased and anti-racism training for police forces. This work intends to explore The Matthew Effect and Freire’s description of social justice as they relate to these reform efforts, particularly as they regard anti-biased police reform.

Application of Freire

Activists who work towards anti-biased police reform understand that the current state of police relationships with Black communities can be ameliorated and improved. However, dwelling in the duality of wanting to be like those with power, and acknowledging that being like those in power means being oppressive, hinders progress towards liberation for those without it (Freire, 1993). Within such duality, “the oppressed do not see the “new man” as the person to be born from the resolution...as oppression gives way to liberation” (Freire, 1993, p. 46). Rather, the oppressed may become oppressors themselves (1993). An individualistic vantage point and identification with the oppressive system, fosters false consciousness, where they do not affiliate themselves with the oppressed group despite economic similarities, as the case of police officers from poor, isolated White backgrounds. In essence, the combination of racism, lack of education, and sparse exposure to racial and cultural others fosters White mental op-

pression. Freire offers as an example a peasant, who once becoming an overseer, behaves harsher towards people than the land owner himself (1993). Hence, when viewed from the lens of Freire, White racism can be viewed as a form of White mental oppression. This form of oppression perniciously chips away at White humanity and their ability to interact rationally with humankind as a whole.

Similarly, individualism can counter democratic collective efforts towards positive change. Individualism fails to draw upon external and internal networks that inform improvements and foster excellence. Isolation and failure to learn from networks may stifle transformation resulting in stagnation. Stagnation may take place at individual, meso, and organizational levels. Thus, in applying the principle of The Matthew Effect, the peasant Freire refers to accumulates more power via force over others, similar to a White police officer holding racial bias. What is taken away is the individual's own humanity and inability to transform to higher levels of being, knowing, and behaving. Such a lack of transformation reflects a form of stagnation and oppression that hinders emotional, intellectual development and subsequent unification efforts with others, thereby truncating the social and interpersonal strength derived from healthy cross-racial collaboration and community.

Discussion

Biased behavior often breeds abuse in both professional and personal lives. When used to promote justice and equity, The Matthew Effect as a framework counters negative effects of biased behavior and decision mak-

ing. Positive and negative influences are formed both within and beyond institutional walls and may yield a Matthew Effect for organizations. Anti-biased police reform measures, such as recruitment and hiring centered upon prior social service, and implementing Diversity Directors to shift police culture to value anti-biased and anti-racist training, illustrate positive mindsets that may yield corresponding favorable outcomes for police-community relations.

Fear comprises a primary element of psychological distress. Fear of moving forward, fear of change, or fear of lost resources and opportunities may fuel mental conditions including depression, anxiety, racism, and sexism. Acting out of fear may not only influence individuals' personal lives, but their professional lives as well. Fear, in the form of racism and bias, may emerge in the workplace, influencing decision making, response to change, organizational climate, morale, and productivity.

Despite being a negative emotion, fear may or may not result in unfavorable results. However, certain factors such as power differentials and racial bias, increases the likelihood of it hindering rather than enhancing outcomes. Fear coupled with power and a separatist outlook yields discriminatory behavior, including racism, sexism, ageism, and ableism. Officers holding such thoughts do not view subordinates nor constituents as equal members of society, but as separate independent "problems." Similarly, viewing an organization as separate pieces rather than as a whole thwarts vision towards growth. Holistic change via anti-biased police reform promises to influence various facets of police culture, to promote officers who view racial minority communities as valuable extensions of themselves that matter.

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Book Review Volume 39 # 4

When the Devil Knocks: The Congo Tradition in Twentieth-Century Panama

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There have been numerous protests of antiblack violence in the US recently, most popularly represented in the #BlackLivesMatter movement. There is nationwide traction behind these protests, along with international calls of solidarity from South America to Palestine. With large-scale resistance to antiblack violence in mind, Renee Alexander Craft's book *When the Devil Knocks: The Congo Tradition and the Politics of Blackness in Twentieth-Century Panama* is a timely project that discusses Panamanian Black radical politics. Using critical ethnography, dialogic performance, and co-performative witnessing, Alexander Craft argues that there is an inherent performative nature to Black radical politics in Panama. In the city of Portobelo, the engagement in radicalism comes in the form of the "Congo Carnival tradition," a yearly dramatic performance by the residents of Panama that celebrates "the resistance of Cimarrones, formerly enslaved Africans during the Spanish colonial period who escaped to the hills and rain forests of the Americas to establish independent communities" (p. 3). The Cimarrones viewed their resistance as a spiritual and moral fight against slavery during the 19th century. In attempts to demean the Cimarrones, "Spanish colonialists appropriated the Christian devil as a weapon to wield against enslaved communities" (p. 3), warning the Black slaves that if they attempted to escape into the mountains the "devil would get them." Whereas the Spanish equated Black freedoms with sin, the Black Portobelo residents today perform the

Congo Carnival drama to reframe the Spanish usage of the devil: the devil is the White, sinful enslaver, and the runaway slaves are the morally right escapees. The Congo tradition involves communal engagement, where Portobelo men, women, and children (and sometimes unknowing White tourists) perform characters, such as angels, devils, kings, and queens, to commemorate Panamanian resistance to slavery.

The importance of self-reflexivity to performance studies is a consistent theme in *When the Devil Knocks*. Alexander Craft constantly transforms her assumptions of Panama to outline the dynamism of the spaces and residents she engages with. For example, in the introduction she notes that she consistently ran into one major roadblock in early attempts to study Blackness in Panama: the Panama Canal. She comes to the realization that the Canal is no roadblock, but to study Blackness in Portobelo is to study the Panama Canal. The Canal is one mode through which Blackness continues to be reconfigured in Panama—it is a vehicle that reveals the contemporary importance of changing conceptions of Blackness in Panama, from Spanish colonial rule, to US occupation, to independence. The changing conceptions of Blackness are examined in chapter one of *When the Devil Knocks*. In this chapter, Alexander Craft notes that Blackness in Panama is shaped by four moments: first, Construction (1903-1914); second, Citizen vs. Subject (1932-1946); third, Patriots vs. Empire (1964-1979); and fourth, Reconciliation (1989-2003). These are not neat temporal categories, but complex, overlapping configurations of what Blackness means for Panama. The Construction period outlines the shifting (neo)colonial dynamics of Panama, highlighting the country's independence from Spain and Colombia, and later the implementation of US racial politics during the Canal construction. The US brought in West Indian laborers for the Canal and, thus, created a need to "differentiate between Panamanian-Black (assimilated) and immigrant-Black (non-assimilated) African-descended populations" (p. 35). The Citizen vs. Subject era outlines the tensions between West Indian and Panamanian Black populations, both of which were contextually placed within a Black/White binary depending on when it suited the US's needs. During this time "Black," for Panamanians, often signified an

unwanted West Indian population that takes jobs away from natives. The Patriot vs. Empire period reflects a growing, shared political consciousness between West Indian and Panamanian populations, who came together to protest US occupation. In contemporary Panama, both populations see themselves within a shared Afro-Colonial tradition. Lastly, Reconciliation touches on the far-from seamless solidarities between Panamanian and West Indian populations and the ways that they (re)make a shared national, Black space through performativity.

The four overlapping moments that shape Blackness in Panama continue to influence the resistant qualities of the Congo drama today. In chapter two, Alexander Craft applies Raymond Williams's distinction between "official consciousness" and "practical consciousness" to Portobelo. She contrasts the ways some Portobelo residents describe the storied, third-person historical narratives of the Congo tradition (official consciousness) with how they *experience* that tradition (practical consciousness). She describes practical consciousness as "the ways [the Congo drama] exists in the situated first-person, 'lived' personal narratives and performance practices of local stakeholders" (p. 63). In chapter three, Alexander Craft introduces the "circum-local paradigm." She uses this term to describe the transformation of the Congo tradition based not solely on Paul Gilroy's "Black Atlantic" (and the "routeness" of Blackness between Africa, Europe, and the Americas) but also what she calls "micro-travel," the movements of Black people "within their own national boundaries through processes of departure and return" (p. 111). The circum-local paradigm describes the way that movements, like local bus routes or the circulation of local narratives, allow for Black people to (re)invent the Congo drama to fit the transforming environment of Portobelo. One central component of this transformation is examined in chapter four where Alexander Craft outlines the effects of global capitalism on Panama and the Congo drama. Considering the effects of highway construction and increased US tourism to Portobelo, she uses the tropes of "local" and "like-local" to illustrate the necessary shifts in the Congo drama, according to residents. Local speaks to the form of "the [Congo] tradition as it is produced and consumed during Carnival season primarily for the community" (p. 140). This contrasts with like-local performances, which represents the tradition "for the consumption of global tourists" (140). Of particular interest in this chapter are the different ways that Congo women control and create

space, via dance and song, and how this female control of space works to police the self, the community, and especially the largely White, US tourists.

Alexander Craft concludes by outlining the four performances she engages in, all of which are designed to pay homage to the Congo tradition. Some of these performances are given on college campuses in the US, and some are given in the town of Portobelo to many of the people she has built personal relationships with. Here, her project reveals the courage of vulnerability, a theme central to performance studies. For example, Alexander Craft notes the sorrow she felt when she scheduled one performance in Portobelo during bad weather and on the night of the NBA Championship game, a game many Portobelo residents were interested in. Afterward, Alexander Craft felt the performance "had failed. No one could have convinced me otherwise" (p. 166). Yet, this same performance connects her with Raul Jimenez, who was being groomed for the town's latest Major Devil figure, one of the most important performers in the Congo Carnival drama.

When the Devil Knocks reveals that the Congo drama's engagement in resistance entails moments of self-doubt and vulnerability, of communality and jokes that not everyone is in on. Relevant beyond Panama, we have also seen parallels in Baltimore, where activists danced to Michael Jackson's hit song "Beat It" in the face of militarized police forces, or in Ferguson, MO, where activists have interrupted opera house performances to serenade largely white, and uncomfortable, audiences. The capability to "trick-back," as Alexander Craft calls it, depends "on an in-group that gets the joke and an out-group that is the joke" (p. 142), and these acts have *staged* the streets of Watts, Newark, Baltimore, Ferguson, and Panama. If there is an area where Alexander Craft could spend more time in the book it is Spanish colonialism. Because the Panama Canal is one of her starting points, the book privileges a US understanding of race. An elaboration on the ways that these two empires understood Blackness can provide a better sense of Panama's shifting conception of itself as a "Black nation." Still, *When the Devil Knocks* is an important reminder that Black radical politics assumes performativity, and it assumes the vulnerability of the body in spaces that may be hostile to it. *When the Devil Knocks* is a detailed engagement with the Black radical tradition that shows the necessity of performance in theory and praxis.

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A Child Shall Lead Them: Martin Luther King Jr. Young People, and the Movement

AUTHOR: RUFUS BURROW JR

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The book *A Child Shall Lead Them* chronicles the prominent role that children and youth played in various aspects of the Civil Rights Movement. In a single volume, the author revisits the Montgomery Bus Boycott, the Freedom Rides, the Children's Crusades of Birmingham, the Selma March, and other related events with significant credit given to children and youth who refused to allow fear, detainment, police and civilian brutality, or the imminent threat of death to deter them from standing for justice and human rights on behalf of their elders and future generations alike. Likewise, many of the young played an instrumental role in instilling the value of intergroup toleration to the adults. However, images of Emmett Till did more than preserve the memory of the horrors that accompanied the African American experience under Jim Crow laws, but it provoked youth activism which frequently entailed minimal support from adults and in some cases disapproval.

The book provides a fresh synopsis of the broad challenges Martin Luther King Jr. faced in terms of forming coalitions among groups with incompatible objectives, the involvement of children in direct action,

and challenging youth to place them in a position of physical vulnerability, and engage in life risking protest with no guarantee of success. Just as King had broad support, his critics were equally broad and harsh in terms of cultural and generational gaps, ideological differences, and geographic dynamics. Burrow elaborates on the concept of "creative dissenters" as a necessary requisite for a functioning democracy and as the ultimate sign of patriotism although such behavior has faced accusations of alignment with disloyal demagoguery. King's critics included members from the African American community over involving children in public protest. The critics framed the issue as a lack of concern for children's safety. "By involving the children, King and other leaders effectively aroused the moral conscience of the nation. People all over the country and the world were sympathetically affected" (p. 138).

Youthful activist efforts accompanied reluctance among a significant portion of the adults, for adults had much lose such as their employment as a means of retaliation for mere boycott participation. Furthermore, the same adults collectively feared risking their children's safety in addition to their own. Nevertheless, togetherness for the sake of freedom prevailed. "Montgomery blacks had proved conclusively that blacks could unite around a common cause and stick together until there was an acceptable resolution" (p. 49). The youth especially embraced generational self-determination distinct from their elders in terms of approaching civil rights action directly.

Despite the legislative progress gained by marginal groups by way critical thinking put into action with the aid of media attention, alliances, and federal intervention, the author provides the necessary balance regarding Kings role as a leader by exposing his naiveté in terms of his initial underestimation of the power of the systemic barriers towards tangible material progress in which the ballot alone could not solve.

Throughout the book the author captures the magnitude of the inhumane level of violence which civil rights demonstrators encountered as a failed deterrence

attempt. “While there were many youths along the civil rights trail who were willing abided by King’s insistence on the need for disciplined nonviolent resistance, there were also many who rejected his unabashed, absolute, commitment to nonviolence” (p. 4). Burrow carefully referenced “nonviolence” rather than absolute pacifism due to the fact that the Civil Rights Movement activist benefitted from violence indirectly by way of the U.S. Civil War a century prior and directly, by the use of others who were armed in order to modestly contain opposition groups.

A Child Shall Lead Them should interest scholars and lay audiences interested in King Studies, Peace and Justice Studies, and social movements. Unlike the many books about King, this book focuses more on his relationship with the youth that supported his efforts as well as those youth who opposed him as not militant enough. Rather than a biographical account on King’s life, the book demonstrates how King as an African American Baptist preacher of the Western tradition uses Gandhian tactics inspired by Eastern spirituality in the form of nonviolent resistance at all costs. In addition, the book focuses on the organizational challenges and strategies that King, the SCLC, CORE, SNCC, and various other groups employed throughout different stages of the Civil Rights Movement. The book’s timeliness comes from the idea that fifty years later, revisionist propaganda has neutralized the degree of internal terror which citizens endured by other citizens for participating in peaceful demonstration. Ultimately, the book can serve as a source of inspiration for misinformed and apathetic youth of the twentieth century in terms of their predecessor’s sacrifices.

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