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**African-American Civil Rights at Stake Again! Investigating the
2014 Killings by Law Enforcement, the Case of Michael Brown**

**A Dissertation Submitted to the Department of English in Partial Fulfillment of the
Requirements for Master Degree in Civilization**

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Dedication

This dissertation is humbly dedicated to my family; my dear parents who surrounded me with care, love, and patience during my whole life and during the completion of this research, and to my brothers and sisters who have always believed in me and urged me to work hard.

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Abstract

The present dissertation aims at investigating the violations of the African American civil rights by the U.S. Law Enforcement agents. The research deals mainly with the concept of racial bias among the U.S. police officers and its impact on their “Shoot, Don’t Shoot” decision when the suspect is black. It also highlights the development of the African American civil rights throughout history with a focus on the notion of racism during the terms of Barack Obama. Most importantly, this study investigates the perception of the African American civil rights after more than a century of struggle and fight for equality. That is, it examines the reality behind the government claims that the U.S. is a post racial country. Basically, this research highlights some of the police shooting incidents of unarmed African Americans with a focus on the case of Michael Brown and its aftermath. The obtained results confirm the idea that racial bias still exists in U.S. Law Enforcement and it is the driving factor to the police officers’ decision to shoot or not to shoot a suspect. This analysis puts an end to the U.S. claim of being a post racial nation and proves that the African American civil rights are once again threatened even under the presidency of a black man.

ملخص

تهدف هذه المذكرة إلى التحقيق في انتهاكات الحقوق المدنية للأمريكيين ذوي الأصول الإفريقية من قبل الشرطة في الولايات المتحدة. يتناول البحث أساساً مفهوم التحيز العنصري بين ضباط الشرطة الأمريكية وتأثيرها على قرار "إطلاق النار"، عدم إطلاق النار عندما يكون المتهم أسود. كما يسلط الضوء على تطور الحقوق المدنية للأمريكيين من أصل إفريقي على مر التاريخ مع التركيز على مفهوم العنصرية خلال عهدي الرئيس الأمريكي ذو الأصول السوداء. الأهم من ذلك، تحاول هذه الدراسة التعرف على مفهوم الحقوق المدنية للأميركيين من أصول إفريقية بعد مرور أكثر من قرن من النضال والكفاح من أجل المساواة. بمعنى أن هذه المذكرة تدرس الواقع وراء مزاعم الحكومة أن الولايات المتحدة هي بلد تجاوز العنصرية. يبرز هذا البحث بعض من حوادث إطلاق الشرطة النار على الأمريكيين العزل ذوي الأصول الأفريقية مع التركيز على قضية مايكل براون وتداعياتها. وتؤكد النتائج التي تم الحصول عليها فكرة أن التحيز العنصري لا يزال موجوداً في تطبيق القانون في الولايات المتحدة وأنه هو الدافع لقرار ضباط الشرطة لإطلاق النار من عدمه. هذا التحليل يضع حداً لمزاعم الولايات المتحدة عن كونها دولة تجاوزت العنصرية ويثبت أن الحقوق المدنية للأمريكيين السود مهددة مرة أخرى حتى تحت رئاسة رجل من أصول إفريقية.

List of Abbreviations and Acronyms

Acronym	Identification
ACLU	American Civil Liberties Union
AFMES	Armed Forces Medical Examiner System
ASCLD/LAB	American Society of Crime Laboratory Directors / Laboratory Accreditation Board
CORE	Congress of Racial Equality
DNA	Deoxyribonucleic Acid
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FPD	Ferguson Police Department
LA	Los Angeles
FTO	Field Training Officer
LCCR	Leadership Conference on Civil and Human Rights
MRI	Magnetic Resonance Imaging
NAACP	National Association for the Advancement of Colored People
NASW	National Association of Social Workers
NORC	National Organization for Research at the University of Chicago
NYC	New York City
PERF	Police Executive Research Forum
PTO	Police Training Officer
SLCME	St. Louis County Medical Examiner
SLCPD	St. Louis County Police Department
SNCC	Students Nonviolent Coordinating Committee

SWAT	Special Weapons And Tactics
U.S.	United States

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Introduction

The notions of freedom, civil rights and equality are among the basic demands of all humans. They were the same motives that encouraged the inhabitants of the British thirteen colonies to rise against their monarch, King George III, and to ask for their right to be free and hence to create a nation that became well known of its international calls for civil rights. Nevertheless, this same nation is also known for its major and long internal blacks' struggle for civil rights against racism, which seemed to come to an end with the notable achievements of the Civil Rights Movement. Even more, this country could overtly and proudly declare that it moved over the issue of racism with the 2008 presidential election of a black man.

Nonetheless, with the increasing number of blacks who were killed by police, especially in 2014, the notions of the post racial U.S. and of the racist policing became once more at the core of the national and international attention. Those police involved incidents led the nation to undergo a serious social unrest, where the African American community was convinced that racism still exists, and sets the standards of the way police treat them. They also brought the issue of racism to the center of researches and investigations at a national and international level, where many studies were conducted to find an acceptable reasoning to what is going on in the nation of human rights.

Few decades ago, the idea of electing a black man for presidency in U.S. was as unbelievable as a fantasy; however, in 2008 it became a living reality when Barack Obama was chosen as the first African American president of this country. This event drew international attention as well as a sense of optimism that this nation succeeded to become a post racial one. However, the dream short lived as the idea of racism sparked again with the police treatment to the black community; the number of unarmed blacks who were killed by the law enforcement agents brought the issue of racism to the center of attention. Many

psychological, sociological, and even neurobiological experiments were made in order to find answers to the troubling issue of racism.

The question of racist policing was first raised after the shooting of a black man, Amadou Diallou, in 1999 several times by police officers. However, it was during 2014 that this issue became a public concern at the national and even international levels, especially after the shooting death of the 18 years old black teenager, Michael Brown, in St. Louis, Missouri. This and other cases captured the attention for the way those unarmed blacks were killed, in addition to the fact that no criminal charges were brought against the white officers who were involved. All those events raise many questions; how accurate is the claim of the post racial U.S.? Are the civil rights of the African American community once again endangered by racism? Is race a driving factor to the police officer's decision to shoot or not to shoot a suspect? Are those incidents to lead to a second civil rights movement in U.S.? Those questions are intended to be answered through this work.

This work is divided into three chapters; the first one entitled "African American Civil Rights throughout History" is devoted to the theoretical background of the topic in hand. It provides a historical recount and analysis to the major events that the blacks have witnessed in U.S. from slavery till the present days. It also highlights their long struggle for freedom and civil rights, which had always been manipulated by whites, as well as the significant achievements of the Civil Rights Movement during the twentieth century. This chapter sheds light also on the election of Obama and the notion of post racial U.S.

The second chapter is entitled "Racial Bias during the "Shoot, Don't Shoot" Process and Law Enforcement Procedures". It provides an examination to the impact of race on the police officer's decision to shoot or not to shoot a suspect. It starts with a historical analysis to the development of law enforcement in U.S.; also, this chapter highlights the legal limitation of

the police use of force as well as the possibility of racist policing in the U.S. law enforcement agencies. The second chapter concludes with a brief examination to some of the police shootings of unarmed black suspects in 2014.

The final chapter is given the title of “The Case of Michael Brown and its Aftermath”. It examines the shooting of the 18 year-old unarmed black teenager who was shot to death by a white police officer. It provides a recount of what happened the day of the incident according to the account of the involved police officer and that of the eyewitness, in addition to the physical evidence. It also highlights the aftermath of this incident with more focus on the public reaction of the African American community as well as the official one.

The notions of racially biased policing and post racial U.S. have captured the attention and investigation of many scholars and historians throughout history. This provides a considerable body of literature that will be used in this research to provide a better development of its topic and to come up with a comprehensive conclusion. This will help not only in questioning whether racism has existed in the history of this nation or not, but about the position of the African American civil rights in the contemporary U.S. and the accuracy of the nations’ claims of being a post racial one in the light of such incidents.

The notion of post racial U.S. drew the attention and consideration of many scholars who wanted to investigate the potentially claimed end of racism in this twenty first century nation. Eduardo Bonilla-Silva in his book, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States* investigates the idea that the whites’ attitudes towards blacks have significantly changed and that they, finally, became tolerant to racial differences. He rather introduces a new theory of racism in this country; the “color-blind racism” in which whites claim that the notion of racism became part of history and that it does not exist any longer, and they even blame minorities for keeping this issue alive in

people's minds. Nevertheless, the author believes that those claims are used to cover the indirect racism that is still facing minorities as it was during the 1870's, the only difference in the new form of racism is that it is not expressed overtly.

In another book by Harold McDougall entitled: *African American Civil Rights in the Age of Obama: A History and a Hand Book*, the author believes that even after the election of Barack Obama, the African American struggle for civil rights did not end, but rather took a new shape where it became in the hands of the common person to fight for and protect his own rights. He even highlights that in the contemporary society, the branches of government, especially the Supreme Court, helped reinforce the whites' claims of post racial U.S. at the expense of the blacks' civil rights who consequently lost their ability to prove the opposite in the cases after *Brown vs. Board of Education*.

The question of racial bias in the U.S. law enforcement procedures and mainly in the police decision to shoot or not to shoot a suspect was also a central topic of investigation in many researches. With this regard, Correll in his article: "The Police Officer's Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals", investigates the effect of the target's race on participants' decision to shoot that target through a video game. The study shows that decisions to shoot an armed target were made more quickly if the target was black than if he was white, while decisions not to shoot an unarmed target were made more quickly if the target was white than if he was black.

In another article "Racially Biased Policing: The Law Enforcement Response to the Implicit Black-Crime Association", Fridell tries to investigate whether police racial bias is a conscious or a subconscious process. The study is based on the pre-existing psychological research which suggests that racially biased decisions were not the result of only conscious

and intentional discrimination; they also arise from some implicit and unconscious associations between race and crime, namely black-crime association.

The present research is carried out through a combination of the descriptive and analytical methods. The descriptive method is used to explain the historical development of African American civil rights from their quest of freedom to their present situation under the administration of Obama. Also, the same method is applied to deal with the development of law enforcement in this country. The analytical method is used to investigate the notion of racial bias in the police use of force when the suspect is black, to explore the shooting of Michael Brown and its significance. Every chapter is carried out through the combination of both research methods for the purpose of giving a better understanding of every aspect of the topic.

Chapter one

African American Civil Rights throughout History

Throughout the history of the United States, the perception and the value of the enslaved Africans were manipulated in the way that best suits the interests of their white owners. As being slaves, blacks were not only deprived from their freedom but also they were denied their humanity and treated even worse than animals. Nevertheless, after Lincoln's Emancipation Proclamation, blacks started their own struggle for freedom and equality. This struggle took its final shape and reached its pick with the civil rights movement of the twentieth century.

After a long, hard and bloody fight for civil rights, African Americans managed to gain some of their demands. Laws were passed and actions were undertaken to grant them and defend some of their basic civil rights; however, in practice the majority of those laws did not go beyond being just theoretical proclamations to blacks' civil rights. In reality, African Americans faced all kinds of discrimination practiced by individuals, institutions and governments. Even nowadays, racism appears to be a central issue that still characterizes the American society and plays a major role in the whites-blacks interaction even after the election of an African American man for presidency.

1.1.The U.S. Concept of Freedom

The U.S. is a nation that is best known as the guardian of human and civil rights all around the world; and among the vital rights that it supports is freedom. It was the fundamental demand and goal of the founding fathers who saw it as their divine right that no monarch can deny to them. Nevertheless, when those immigrants came to the New World they brought with them an institution that symbolized nothing but a violation to the human dignity and

freedom, it was the institution of slaves that they exploited to build their fortune. The Declaration of Independence and the Emancipation Proclamation are among the pivotal documents in the history of this nation in which freedom was the central focus.

1.1.1. The Concept of Freedom in the Declaration of Independence

The Declaration of Independence, drafted by Thomas Jefferson in 1776, is one of the most important and fundamental documents not only in the history of the United States, but also in the history of the whole world. It gave birth and helped to create a nation based on the principles of freedom and equality among the people when stating that “all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these rights are Life, Liberty, and the Pursuit of Happiness” (Declaration of Independence). This document, however, was full of contradictions.

The intention of the founding fathers to keep slavery was clear right from the beginning. Williams in his thesis “The Paradox of Freedom: Thomas Jefferson, Simone Bolivar and Slavery in the New World” states that the first version of the Declaration of Independence, written by Jefferson, contained a passage describing the slave trade as “the perverse plot of an evil English Monarch” inspired by Thomas Paine’s *Common Sense*(15). Yet, according to him, this passage was omitted from the final version by the Continental Congress to guarantee the assistance of the slave owners in the South. Thus, the term “slave” did not exist at all in the draft that was approved in July 4, 1776 (15). By omitting the slavery grievance from this document, Americans would benefit from the slave trade and guarantee a source of cheap labor.

In his article, “The Declaration of Independence and Slavery Paradox”, Warren believes that there are many issues related to the American Paradox, one important paradox is that of freedom in the Declaration of Independence (1). He argues that the Declaration of

Independence is a paradox in itself since it ignored the fundamental ideas of freedom and equality affirmed in Thomas Jefferson's draft. According to him, despite Jefferson's words, African Americans were denied "Life, Liberty, and the pursuit of Happiness" stated in the Declaration. Furthermore, though he opposed slavery calling it an "alienable crime", he was a slave owner throughout his life (1). Warren also asserts that the paradox of the declaration was affirmed by Frederick Douglass's speech of 1852 "The Meaning of July Fourth for the Slave" where he said that, "This Fourth of July is yours, not mine. You may rejoice, I must mourn" (2-3). Here, he suggests that Douglass wanted to say that while whites should enjoy independence and freedom, blacks, who counted 1/3 of the South's population, could not since they did not experience such freedom and equality (3). Jefferson was a hypocrite, while talking about freedom and equality to all people; such promises were not applied to blacks.

Contradictions were not only found in the Declaration of Independence, but also in the U.S. Constitution. Knitt in his article "Contradictory Constitution: Forgotten Hypocrisies in the Blueprint of Democracy", states that the phrase "All men are created equal" was considered as a motive to wage a war against Great Britain, and it became a part of the American Constitution which serves as a symbol of democracy in recent days, nevertheless, this phrase was a paradox in itself (26). According to him, while Americans struggled for their independence to get rid of the dictatorship and the enslavement of King George III, they hypocritically participated in enchaining and marketing other persons as slaves (26). Despite the fact that the British domination over Americans came to an end, the writers of the U.S. Constitution did not grant the same liberties they struggled for to their slaves (26). African Americans' dream of freedom mentioned in the Declaration of Independence was buried in the U.S. Constitution.

More than that, the American revolutionary leaders who wrote the U.S. Constitution did consider and permitted the slave trade to exist (McDougall 12). In addition, runaway slaves

were entailed to go back to their owners (12). More than that, slaves were counted as 3/5 of a person to give the slave states more power and proportional representation than they deserved in the Congress through accepting slaves as a part of their free population (12). Hence, the U.S. Constitution did not award freedom to all people and the word slavery was kept unmentioned till its abolition by the Thirteenth Amendment. (Knitt 32-33). It seemed that Americans would keep slavery as much as possible and by any means necessary.

1.1.2. The Concept of Freedom in the Emancipation Proclamation

Freedom has always been the slaves' dearest dream since they were first dragged as slaves to the new world. Although slavery was a crucial issue and source of disagreement between the states of the North and those of the South during the eighteenth century, the option of, definitely, abolishing slavery from the whole country was not discussed until the end of the Civil War with the defeat of the southern states. Instead, an emancipation of those slaves owned by the rebellious states was presented; it is the Emancipation Proclamation, Lincoln's and America's most important document in the long struggle to end slavery.

This document did not redeem the issue of slavery, but it was, as many historians put it, an important step in the process of granting slaves complete freedom, it was as the abolitionist and journalist Garrison explained "this proclamation is not all that the exigency of the time...require...still it is an important step in the right direction" (qtd. in U.S. Commission on Civil Rights 25). Nevertheless, since it was first declared in January 1, 1863, the Emancipation Proclamation received different interpretations. Some viewed it as a war strategy used by Lincoln to defeat the southern rebellious states; others saw that it reflected Lincoln's ambition to abolish slavery.

Critics tended to interpret this document and the reason behind drafting it in the light of the original and real aim of the Civil War. The majority of them claimed that since the aim of the

war was to preserve the union, the Emancipation Proclamation was used as a war strategy to defeat the confederate states. For instance, in the book entitled *Free at Last: U.S. Civil Rights Movement*, Friedman states that, Lincoln was aware of the importance of slaves in the economy of the southern rebellious states (15). Depriving those states from their slaves would then harm their economy; making them lose their cheap labor will strike their ability to wage the war (15). The agricultural South depended basically on slaves that provided more work time in the fields for symbolic, if not no wages at all. That is, more gains less costs.

Short after the Proclamation was declared, March 1863, the U.S. War Department started enlisting the newly emancipated slaves and forming colored regiments called "the United States Colored Troops" (Hansen 17). In these Regiments blacks were ordered the hard work while their officers were whites (17). The newly freed slaves would be ready and enthusiastic to fight for their emancipator, to avenge themselves and for total abolition of slavery. Although blacks bravely fought along with white soldiers, they were segregated, and treated with suspicion and denied equal wage as their white colleagues (17). The next step that the Union undertook after emancipating slaves of the rebellious states was recruiting them to fight for its case. It was at this point that the Civil War turned to be a war for freedom and to end slavery.

The Civil War begun and confederate and union armies met in different occasions; however, the first could defeat the latter in many battles. Among the most important ones; the First Bull Run in 1861 (Ballard v). The Peninsula Campaign in 1862 after which Northerners started to think of the difference that the emancipation, as a war strategy, could have made (Brasher 189). Hence, with such a war outcome the Union was in a real need for a strategy that could change the equation in its favor for the least cost. So, Emancipation Proclamation in the rebellious states would be the perfect plan. It would reinforce the Union lines, weaken the confederacy's ability to wage war, and at the same time.

As the text of the Emancipation Proclamation suggests, all the persons held as slaves in rebellious states “are and henceforward shall be free”. States and parts of states concerned with this pronouncement were explicitly named. In the state of Louisiana, for instance, the parts that were not covered by the Emancipation were designated (the Parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans) (U.S. National Archives and Records Administration).

An opposing view believes that Lincoln’s Emancipation was nothing more than “an act of justice” undertook to help slaves gain their freedom. In this regard, Franklin claims that Lincoln was totally aware of the fact that his Emancipation did not have that direct or huge impact on freeing slaves; however, he considered it “an act of justice” So, he dedicated the following weeks to his decision to reinforce this image of Emancipation and to bring about some tangible and definite solutions to the issue of slavery and to, finally, end blacks’ misery once and forever (151).

In the same article, Franklin claims that this document came to ensure Confederacy and slaves that slavery is not to be abided any longer (151). It also called free and those to be free, as a result of this Emancipation, to take part along with the other “freedom fighters” in the war and to fight for their freedom. After the Emancipation was declared celebrations spread all over the northern states in which abolitionists took part and praised the president’s pronouncement (151). For instance, the abolitionist Henry Ward Beecher admitted in his preaching at the Plymouth Church in Brooklyn that “the Proclamation may not free a single slave, but it gives liberty a moral recognition” (151). After this document was signed and announced, the American Civil War seemed to turn into a war for freedom and justice in which emancipated people are invited to participate.

The historian Mark M. Krug shares the same view of the Emancipation as having not just a military objective, but a moral one as well. As Belz explained, Krug believed that Lincoln announced his Proclamation to “right a moral wrong”(101). In his article “The Republican Party and the Emancipation Proclamation”, Krug tried to provide an evaluation to the different views that historians provide concerning this pivotal document, and reached the earlier conclusion by relating it to Lincoln’s beliefs about slavery and by taking into consideration the beliefs of the other historians that had the same views (101).

Many critics took Lincoln’s words about the aim of the Civil War to evaluate his Emancipation Proclamation. The real aim that he designated to this conflict was to save the Union and not to end slavery, as he stated in his reply to Horace Greely’s address “my paramount objective in this struggle is to save the Union and not either to save or to destroy slavery” (qtd. in Morel 69). This claim does not reflect a clear stand towards slavery. Though it was commonly believed that Lincoln had a deep hatred to this institute, the Civil War was not declared to make a move against it.

However, Fornieri believes that saving the Union and abolishing slavery were interrelated because Lincoln has always called for preserving the principles set by the founding fathers among which was the belief and call for universal freedom, and this what Lincoln declared from the beginning “the theory of our government is universal freedom”(26). Thus Fornieri believes that the Emancipation Proclamation was the best proof and “culmination” of his deeply rooted ambition to end slavery (26). Lincoln could not let his personal beliefs intervene with his duty as a president.

A major criticism to the pronouncement was on its inability to secure the rights and liberties of those newly freed blacks. It stopped at the point of setting them free, it had nothing in its text that shows the rights that those people will enjoy, or how to protect them against

potential violations. For instance, in the report written to the president by the U.S. Commission on Civil Rights (1963), it was stated that “while it formalized the changed legal status of the Negro, Emancipation did not of its own weight secure to him an equivalent change in economic, social, and political status”(6).

The only thing that this document changed was the blacks’ social regard; those who reach the union lines will be free; however it contained no explanation or clarification of their new status in society. So, except calling them freedmen, Emancipation did not provide any further clarification of their political status; since they’re no longer slaves, are they to be called citizens? These former slaves had no properties, how should the government deal with them? The Emancipation Proclamation suggested no answers to these or any similar questions.

A paramount criticism of this document was that of the historian Hofstadter who was bewildered by the great value given to this document despite the fact that it was issued to meet military necessities by saying “all the grandeur to a bill of lading...it contained no indictment of slavery, but simply based emancipation on military purposes” (qtd. in Belz, 101). By saying this, Hofstadter shares the same view of many other historians that this pronouncement was used as a military weapon employed to gain the war and thus to save the union. This conclusion was mainly reached from the fact that neither the text of this document nor Lincoln’s statements about the aim of the war mentioned the issue of slavery, as it didn’t provide solutions to deal with the former slaves it set free.

1.2. African Americans Struggle for Freedom and Civil Rights

Despite the limited impact the Emancipation Proclamation had on the former slaves, it brought them one step closer to their dream of freedom and civil rights. The early years that followed this important document held some promising gains in addition to other paradoxes to the new freedmen; several civil rights acts and amendments were passed in order to grant

them some important civil rights, besides many measures were undertaken to protect them against discrimination. Nevertheless, as years followed, the situation of newly freed blacks worsened as racial segregation reached its pick and threatened not only their civil rights but also their lives.

1.2.1. The Aftermath of U.S. Emancipation Proclamation

Though Lincoln's Emancipation Proclamation of 1863 did not free all slaves in the US, only slaves in the rebellious states were concerned, it was the first step to end the institution of slavery that lasted for more than two centuries. The Proclamation was followed by the Reconstruction Amendments that abolished slavery throughout the U.S. and granted them citizenship and the right to vote in addition to the implementation of other measures to protect and ensure the rights and liberties of the newly freed African Americans during the period following the Civil War known as the Reconstruction Era.

During and after the Civil War, Congress passed many civil rights laws and amendments to the U.S. constitution to protect former slaves. First among all was the Thirteenth Amendment to the U.S. Constitution which officially banned the enslavement of African Americans in all U.S. territories (qtd. in Hana 8). This latter was approved on December 6, 1865 (8). Blacks were no longer slaves; they became free, as it was stated in the Amendment, but, were they really free? Did their struggle for freedom come to an end? And what would be the next step?

After the assassination of Abraham Lincoln in April 1865, Andrew Johnson became the new president. He sought to reconcile the south with the north and the other states which, for him, was crucial. The goal behind his claim was to guarantee the support of the southerners in addition to letting them manage their own businesses (qtd. in Hana 10). Even so, the intentions of white southerners to exclude the new freedmen from accessing the same

facilities restricted to whites, and to maintain their inferiority with whatsoever means were obvious (10). It is obvious that Johnson wanted the former rebellious states to be once again members in the Union with whatever means.

Following the war's end, and encouraged by Johnson's lenient position, Confederate states passed laws called the "Black Codes" to restrict the blacks' civil rights. The Congress passed the Civil Rights Act of 1866 to secure the freedom and guarantee equality for Negroes (Garcia et al. 9). The act granted citizenship to everyone born in the U.S. without regard to "race, color, or previous condition of slavery or involuntary servitude" (9). Thus, African Americans could exercise equal rights as whites and they were able to engage in contracts and to buy and own a property. Though Johnson vetoed the act on March 27, 1866, Republican Congress succeeded to approve it in spite of his objection (9). After granting them freedom, Blacks were regarded as American citizens.

In addition, Carleton claims that the Freedmen's Bureau was created to help former slaves overcome problems of poverty, housing, and medical care (41). He also states that this bureau lasted from 1866 to 1872 and it sets up numerous schools to teach African Americans and several other schools to train black teachers in the south (41). The Freedmen's Bureau was opposed by southerners who thought that it would maintain northern control over the south. (42). It was clear that Radical Republicans had the intention to work for the betterment of the blacks' conditions of life.

As another step, and because Johnson did whatever he could to deprive the former slaves their rights, Congress introduced the Fourteenth Amendment to the Constitution which granted citizenship to African Americans and ensured them the right to "due process and equal protection under the law" (Foley et al. 5-6). The amendment was approved in 1868. Though it did not grant them the suffrage, it threatened to minimize the state's representation

in the lower house of Congress if a state deprived blacks their right to vote (6). The permanent opposition of the president and Southerners pushed Congress to enact the first Military Reconstruction Act on March 2, 1867, which brought Johnson's rule over Reconstruction to an end (Foley et al. 6). Under this act, ten ex-Confederate states, except Tennessee, were broken up into five military zones to be managed by a Union general; those states were also asked to implement constitutions that would permit blacks to vote (8). In addition, since the franchise was limited to southern Negroes, the Fifteenth Amendment, approved in 1870, extended the suffrage to all blacks in the U.S. and defended them against racism in voting (8). Step by step, blacks began to gain their rights.

During the Reconstruction Era, African Americans achieved major benefits. Slaves were freed by Republicans who enacted several laws to protect their rights (Paterson et al. 41). Negroes founded schools where literacy was important to safeguard their right to vote, and established their own courts and churches which raised self-awareness among them and maintained a moral behavior to be followed (41-42). African Americans were also involved in politics, they filled important political positions such as ministers and became politically active (43). By holding those posts, African Americans proved to be responsible citizens despite the whites' racist view about the abilities of blacks for citizenship.

Radical Republicans contributed in changing various laws in the U.S. to help blacks gain their rights, among those rights was the right to vote. Organizations such as the Ku Klux Klan launched several terrorist attacks against blacks (Paterson et al. 153). In response to this organization, Congress passed laws known as Enforcement Acts; the first law, which was enacted in 1870, shielded blacks from terrorization while the second Enforcement Act of 1871 entailed that elections would be overseen by federal supervisors (153). In the same year, the third Enforcement Act was passed. It dealt with violence (153). Despite all these acts and others, African Americans were never recognized as equal as whites.

Despite the fact that African Americans became citizens and were granted the right to vote, segregation and racial discrimination played a major role in preventing the extension of their civil rights. The U.S. Commission on Civil Rights report explains that Congress passed the Civil Right Act of 1875 which recognized “the equality of all men before law” and the role of government to “mete out equal and exact justice to all, whatever nativity, race, color or persuasion, religious or political” (52). The act also guaranteed blacks equal access to public accommodation and transportation (53). Republicans Reconstruction came to an end when Democrats regained political rule over government of many states from 1869 to 1877 at the expense of Republicans, southerners called this process redemption (Foley et al. 9). With the defeat of Republicans, African Americans lost their powerful allies and became subjects to Democrats racist actions.

1.2.2. Paradoxes of the African American Citizenship

The early years of the Reconstruction Era seemed promising to the newly emancipated blacks; the Thirteenth amendment comes at the top of the events that characterized this era. It ended slavery, and with the Fourteenth and Fifteenth amendments blacks were declared citizens and started enjoying fundamental civil rights. They were granted the right to vote, to hold jobs, to own property, to public education and even to serve on juries and to be elected for offices even in the Southern states (Klarman, *From Jim Crow to...*10). Nevertheless, with the end of the reconstruction, blacks’ status declined, their dream of equality and recognition started to collapse. Blacks then started suffering from rejection and segregation and even worse, from physical abuse.

In line with this argument, Klarman claims that the era following the end of Reconstruction in 1877 was symbolized mainly with the increasing rates of lynching that reached an average of more than 100, sometimes 200, victims yearly during the 1890s

(Klarman, *Brown v. Board of Education* 3). Before, the executers used to cover their faces; however, by that date, Southern whites could overtake Republicans, and hence they could act freely (Waldrep xxv). Moreover, the majority of these crimes were carried out by some specific white groups; probably the most famous one was the Ku Klux Klan which was founded in 1866 in Tennessee (Waldrep 6). This organization targeted both blacks and Republicans in the South (Kunfalvi12). The hatred that the Klansmen held was for both former slaves and those who supported their newly enacted civil rights; namely Northerners and Republicans.

This organization was one of the worst experiences that the newly freed slaves encountered. In the same line with this idea Waldrep provides that such organization as the KKK and other ones received support from the majority of Southerners and media did not provide a real image of what was happening in the South (Waldrep7). The number of blacks who had been killed especially by the Klan was unknown. Important newspapers, like the New York Times, introduced reports that provided no real information about how many blacks were lynched (7). This newspaper reported that only eight African Americans were killed between 1867 and 1869 all accused of rape (7). Besides hiding the truth, those newspapers explained that lynching was not restricted to the South; rather it occurred in the North and the West also with similar rates (7). The backing that this racist and violent organization received from citizens and even media revealed the determination of those former Confederates to combine their efforts in order to avenge themselves and to remove the Republican control over their governments.

Gradually, especially in the South, states started depriving blacks from their rights. In this regard, Klarman argues that these states adopted legislations to oppress blacks, like the poll tax (*Brown vs. Board of Education* 3-4). Instead of equality, racial segregation was practiced against them; in railroad transportation, in education, no longer jury service...etc. (3-4). And

what made things even worse, is the passive attitude, and sometimes even the support that the Northerners and Republicans showed to these southern practices and beliefs about whites' supremacy (4-5).

The process of restricting freedmen's civil rights continued with the enactment of the so called "Black Codes". Blaustein and Zangrando argue that those laws were passed by Southern states during Johnson's reconstruction period of 1865-1866 in order to restrict the rights of blacks in different aspects, mainly in employment through reestablishing the former conditions of servitude and slavery between the black employees and white employers (217). In Louisiana, for example, black workers were required to ask for their employer's permission to go to cities, and if found in it after ten o'clock without written one they would be harshly punished (Brown and Stentiford 83). The former slave owners could after all recover what they thought to be their property, even if that was not overtly confessed.

Some historians link the ex-confederates' ability and audacity to pass such regulations to the lenient reconstruction plan realized by Johnson. One of them is Woodward who believes that Johnson preferred to maintain peace and leaned to reunification with the South rather than addressing blacks' civil rights (14). The Civil War was a tough episode in the American experience that this president wanted the country to be unified again at whatever costs. As Shroeder-Lein and Zuszeck affirm, this man directed Mississippi provisional governor to allow blacks to vote if they could pass the literacy tests, and if not they should own property of at least \$250 (27).

The Fifteenth Amendment held blacks' hope of equality as it emphasized their right to vote along with the other American white citizens prohibiting any racial discrimination. Nevertheless, this hope ended short after the end of the Reconstruction. In the South, states at first adopted indirect policies to limit blacks' suffrage; like the literacy tests they imposed on

them as a requirement to allow them cast ballots. And with the majority of African Americans were not literate they could not enjoy the right that this amendment “secured”. Neither Congress nor the Supreme Court could intervene because there were no direct violations to the amendment for the registration requirements were not racially based (Tuck 584). The southern states used those strategies to avoid any direct confrontation to the text of the amendment.

Disfranchisement of black voters was a common goal of both Democrats and white Southerners who used many devious strategies. The poll tax was one of these strategies where voters were required to pay a sum that reached two dollars (*Black Americans in Congress 1870-2007* 157, Klarman *From Jim Crow...* 31) an amount that the majority of poor blacks could not pay. Another state law that was passed for the same reason was the “Eight Box Law” of 1882(157). It necessitated multiple voting boxes where each box designated a different office (157). According to this legislation the misplaced ballots were not to be counted, and with only whites were taught about this system, many black votes were wasted (157). Those states played on the fact that the majority of blacks were illiterate, and with no instructions from the whites they would make mistakes.

Among the other election laws imposed by the Southern states was “The Grandfather Clause” which required African Americans to have an ancestor who voted before 1866 so that they would be allowed to vote (Finkelman 537). White Southerners knew that the greatest majority of Southern African Americans had never voted before this date; hence, they would not be able to fulfill this condition; consequently, they would be banned from voting. By contrast, this requirement would not cause any difficulty to the whites whose ancestors had always enjoyed the right to vote.

This sentiment of hatred to these former slaves was a shared feeling in the South as a whole. The election law that succeeded in a certain state was to be adopted in all the other states, and most importantly, Democrats also took part in the process of restricting black's votes using the "White Primary" system which will allow them to dominate power in the south (*Black Americans in Congress 1870-2007* 157). Disfranchising those blacks would deprive Republicans from a large proportion of votes, this seemed the only way by which Democrats and Southern whites would be able to overtake their rivals and rule the south the way it suits them.

Nevertheless, the attitudes of Republicans and Federal government experienced a significant change as far as the protection of blacks' civil rights was concerned. As Hinson explains, the 1877 compromise, which resulted in the government's withdrawal of federal troops from the south, brought Reconstruction to an end and left blacks on their own, especially that Republicans became interested more in dominating the White House again (3). The situation of blacks has worsened to a dangerous level with the end of the Reconstruction; however, they were to encounter another crucial and challenging era in which there were specific areas and facilities for whites only where blacks were forbidden from entering or using.

For a considerably long period of time it was so common to find signs of "Colored" and other ones of "Whites Only" in the American South. These signs were the product of the darkest period in the African American history; the so called "Jim Crow Era". This era was characterized with the separation of African Americans and whites in every aspect of their daily lives; in housing, transportation, education, employment... etc.

This regime contained states' laws that had racial segregation and oppression as a central intention. Those laws physically separated blacks and whites, and created racial borders

between those two segments of the American society. Even worse, Kunfalvi claims that those laws were cleverly passed; from the one hand, they respected the requirements of the Reconstruction Amendments and from the other hand, they legalized segregation (7). The American history is full of cases that illustrate the violations of the African American civil rights; *Pace v. Alabama* (1883), and the other Civil Right cases (1883), *Plessy v. Ferguson* (1896) which involved railroad segregation...etc. However, what was common between all those cases is that the Supreme Court ruled in favor of the states' segregating laws (10).

Many historians accused this governmental branch of conspiring and being racially biased against blacks. For instance, Glenn suggests that this view resulted mainly from its decision to nullify the Civil Rights Act that the congress passed in 1875 to ensure colored people equality and protect them from all forms of discrimination by states or individuals (38). The Supreme Court justified this decision by stating that Congress should not interfere with the states' rights (38). The courts, in general, employed two strategies to maintain the Jim Crow regime; first, they admitted the existence of two types of citizenship in U.S., and hence, this prevented the federal government from protecting citizens' rights (38). Second, they widened the areas of "private and social actions not subjected to intervention from the states or national government" (38). The judicial branch was blacks' only refuge to ask for the rights that the reconstruction Amendments ensured; however, with such conditions they were left alone in their struggle for equality.

In the early years of Reconstruction Federal government and Congress played the role of the African Americans' Godfather; they passed laws in their favor to secure their civil rights; however, Glenn maintains that by 1877 the situation changed as the federal troops withdrew from the South, and became even worse starting from 1912 where both branches enacted statutes that denied blacks equal housing, social security, national parks...etc. to maintain states' rights at the expense of blacks' ones (39). The focus changed once more to the Union's

best; all the branches turned their attention to protect unity and harmony between the different parts of the country at whatever costs.

1.3.African Americans Civil Rights Movement and the Fight against Segregation

Despite all the efforts and laws enacted by Republicans to protect the blacks' civil rights, white Southerners did whatever necessary to preserve white supremacy and ensure black inferiority. Under the Jim Crow and the Separate but Equal Doctrine, African Americans in the South were segregated and denied equal access to public accommodations like schools, restaurants, and transportation. Hence, segregation activities kept Negroes from enjoying their citizenship. To change this situation, blacks engaged in a struggle for racial equality and full citizenship in the 1950s and 1960s. Many events contributed to this struggle which became known as the Civil Rights Movement through which blacks fought to end racial discrimination and segregation and to exercise their civil rights through various means. In fact, African Americans fight for freedom and equality started before the Civil War and during and after Reconstruction.

Karson states that black leaders in their fight to end Jim Crow Laws that prevailed southern states in the 1900s started discussing political means to get rid of bias and racial discrimination (12). W.E.B. Du Bios was one of the leading figures of the early civil rights movement who urged African Americans to struggle for their rights (13). Hence, his campaign resulted in the foundation of a civil right organization called the National Association for the Advancement of Colored People (13). The NAACP gathered lawyers, educators, and activists to call for Negro civil rights and to put an end to separation in all aspects of public life. In its campaign, the NAACP depended on lobbying, protest, and lawful action (13).

Different events contributed in raising blacks' awareness of their rights. In the First World War, nearly 250,000 blacks served in the military but in separate units (13). In this time, many African Americans moved from the south to the north to benefit from the growth of the defense manufactures, this bulky migration of blacks increased joblessness and created problems that made things got worse in the northern urban cities (13). In the Second World War, like before, Negroes faced discrimination in the defense manufactures and the armed units (13). Thus, African Americans experience of the war in addition to their relocation led to huge protests bringing Jim Crow Laws under national inspection (13). Mainly, the Second World War played a major role in urging blacks to fight against racial discrimination.

As mentioned before, NAACP fought to dismiss segregation in all public areas. Its primary concern was to end racial separation in schools (Capek 29). Indeed, it succeeded to do so in many cases. One famous case was *Brown v. Board of Education of Topeka* (30). NAACP's lawyer, Thurgood Marshall represented the case in the Supreme Court in June 1952. After two years of deliberation, the Supreme Court, on May 17, 1954, unanimously ruled in favor of the desegregation of public schools (30). However, many southern states opposed the ruling and refused to implement it, they were even heartened by the court's new decision of 1955 which stated that states must not hurry to desegregate schools (31). Hence, those states postponed the implementation of the ruling as much as they could (31). Though segregation in public schools was outlawed by the first decision, 1954, the second decision, 1955, came to enhance separation.

The court's decision in the case of *Brown v. Board of Education of Topeka* brought new campaigns to desegregate other areas. Sanders claims that the Montgomery Bus Boycott marked the beginning of a new struggle for civil rights (63). In December 1955, Rosa Parks, a seamstress and secretary of the NAACP's office in Montgomery, Alabama, was commanded, by the driver, with other three Negroes to leave their places for a white passenger, when the

bus was completely filled (63). While the three blacks obeyed the driver's order, Parks rejected it which led to her imprisonment for disobeying Montgomery's law that stated that Negroes could not have an equivalent seat with whites (63). Through her action, Rosa Park, later on, came to be known as one of the most famous resistance figures against segregation.

After her arrest, NAACP and other Negroes engaged in a campaign to defend Parks resulting in a "one-year boycott" of Montgomery buses (Lawson and Payne 14). Ann Gibson Robinson, the leader of the Women's Political Council, made a plan for a "one-day boycott" and delivered plenty of handbills to attract the attention of blacks to the boycott (14).

Churches were used as a meeting place and Martin Luther King, Jr., 26 years old, was asked to lead the Montgomery Improvement Association that was formed to organize the demonstration (14). Though the city was economically damaged out of a year of boycott, it rejected the demands of the protestors (14). During the boycott, the NAACP presented a court case to end bus segregation. In June, the federal court ruled in favor of blacks. The ruling was confirmed by the Supreme Court in November 1956 (14). The Montgomery Bus Boycott succeeded in ending segregation in public buses and paved the way for further changes in the life of blacks.

The successful nonviolent protest used in desegregating Montgomery buses inspired younger blacks to adopt it as a way to fight discrimination. Hence, they began a sit-in movement which started in February 1, 1960, when a group of four black students in Greensboro, North Carolina, remained seated, silently, at a Woolworth's lunch counter out of being denied service there (Capek 40). Their action gained the assistance of many other students and later on, transformed into boycotts of the store leading to a heavy economic losses (41). As a result, black students were allowed service in the store. In addition, The Students Nonviolent Coordinating Committee (SNCC) organized many peaceful protests that spread throughout the country (41).

The next year witnessed a new kind of demonstrations initiated by the Congress of Racial Equality (CORE) to end segregation in public facilities in the south (Capek 41). A group of young blacks and whites known as the Freedom Riders rode interstate buses with separate sections to challenge discrimination in transportation which still existed though it was outlawed by the Supreme Court (41). Their action faced aggressive reaction; the worst was an attack near Anniston, Alabama when the riders' bus was set on fire and those who fled were beaten (42). As a result, the Interstate Commerce Commission was asked, by Attorney General Robert F. Kennedy, to ban segregation in interstate buses and railroads (43). The sit-ins and Freedom Rides adopted by blacks in the struggle for civil rights, succeeded to some extent to attract the attention of the government and gain the sympathy of some whites.

Encouraged by the support the Freedom Riders gained, civil rights leaders launched other protests in 1963 in one of the most racist cities, Birmingham, Alabama, where black activists and associations were highly oppressed by Eugene "Bull" Connor, Birmingham's police chief, and the Klansmen (Lawson and Payne 26). To end segregation there, Martin Luther King Jr. and other activists like Reverend Fred Shuttlesworth launched demonstrations to attract public attention (26). Indeed, the barbarian assaults of Bull Connor's police using dogs and water hoses against nonviolent protesters including children, who were involved in the protest, were covered by media (27). King and other protesters were arrested. In response, Justice Department in May, reached an agreement that ended segregation in restaurants and provided jobs for blacks (27). Despite the agreement, many places were bombed among them the hotel where King was staying and Birmingham church where four black girls were killed (27). Media coverage of Birmingham's campaign helped to attract the attention of Americans and the whole world to the brutal practices of the city leaders.

After the shocking events of Birmingham, Friedman says that the movement leaders including King and others representing the CORE, NAACP, and SNCC joined together to

plan the March on Washington which took place on August 1963, in the country's capital at the Lincoln Memorial (44). The march for jobs and freedom included more than 200,000 blacks and nearly 50,000 whites (44). In that day, King delivered his famous speech "I Have a Dream" with reference to the Bible and America's most notable documents such as the Declaration of Independence and the Constitution. In his speech, King referred to the seeming promises of freedom and equality mentioned in these documents (44). Three months later, November 1963, President Kennedy was assassinated and succeeded by another proponent of civil rights; Lyndon B. Johnson who signed the Civil Rights Act of 1964 into law (McDougall 20). Discrimination in public accommodations and employment was prohibited under this act (21). Finally, segregation in public facilities was ended, as it seemed, while new campaigns for other rights started.

Since blacks in the south were denied the right to vote through such requirements as poll taxes and literacy tests, civil rights leaders shifted their focus to the voting rights. Patterson stated that around 700 volunteers were brought to Mississippi in the Freedom Summer campaign launched by civil rights activists to encourage citizenship-training workshops and increase voter participation in this state. He also mentioned that three volunteers were murdered; two whites, Michael Schwerner and Andrew Goodman, and one black, James Chaney (3). The next year witnessed another campaign for voting rights in Selma, Alabama, where Karson states that a huge number of nonviolent protesters, led by King, started a fifty-mile march to Montgomery (18). This event which was covered by media became known as the "Bloody Sunday" (19). Alabama National Guard protected demonstrators while continuing their march. Finally, blacks were allowed to vote under the Voting Rights Act signed into law by Johnson in August 6, 1965 (19).

Meanwhile, in an attempt to create a sense of Black Nationalism, some leaders, particularly Malcolm X, called blacks to act "by any means necessary", however, King was

criticized for his nonviolent tactics used in the 1960s (Karson 19). Indeed, Malcolm X's appeal convinced such groups as CORE and SNCC to use violence leading to the creation of the term "black power" that supported the split of blacks from white community (19). Though Malcolm X was killed in February 1965, his slogan of fight was used by a new extremist group called the Black Panthers (19). Sanders argues that problems of poverty, unemployment, and housing in the ghettos where blacks lived pushed them to launch race riots in many cities like in Watts, Los Angeles in 1965 (149). After this riot, Johnson proposed the Fair Housing Act which was enacted by Congress in 1968 following King's assassination. The act banned discrimination in housing (149). The debate over using violence or peaceful means created a gap between king's followers and those who supported Malcolm X.

Martin Luther King, the spiritual and charismatic leader of the Civil Rights Movement was murdered in 1968. Many critics claimed that African Americans struggle for civil rights of the 1950s and 1960s came to a conclusion with the assassination of King, but no one can deny the fact that they succeeded to a large degree to achieve many gains toward their goal. During this period, several legislative acts and laws were passed in favor of blacks. Those acts ended racial discrimination and segregation against Negroes for decades. In spite of all these gains and reforms, discrimination on the basis of race is still characterizing the life of African Americans and the American society as a whole.

1.4.Obama and the 21st Century Post Racial U.S.

The 21st century seemed very promising to the black community as the civil rights movement could end the legal segregation practiced by states against African Americans ever since the 1870s. Blacks could not only vote, but many of them were appointed for higher positions in the state as in 2004 the post of U.S. secretary of foreign affairs was held by a

black woman, Condoleezza Rice. However, it was after the election of a black man for presidency that people, chiefly whites, could proudly declare that this country has proven to overcome the issue of racism, and to call itself a post-racial nation.

The American nation started to prevent any talk about racism or even the mentioning of the term. Whites claim that now colors are no longer significant in the interaction between the people of this country, “they don’t see any color, just people” and more than this, they accuse minorities of the racial problems that occur in U.S. (Bonilla-Silva 1). Americans, namely whites, adopted a new ideology of racism; the so called “Color-Blind Racism” which appeared in the late 1960s (16). In this new era, they do not call blacks using the insulting terms they invented for them in the Jim Crow Laws, they use expressions like “they are humans too”, this new ideology has the same effects that the one used in the 1870s had, the only difference is that it does not directly name the ones it oppresses (3-4). This new racial ideology has more destructive effects on minorities, especially blacks, than any of the former ideologies because with the whites’ claims of overcoming racism, blacks will have no way to prove the racial discrimination they may face.

In this period known as the post-civil rights era, African Americans kept filling lawsuits as the racially-based legalized segregation continued (McDougall 23-25). In many cases after *Brown v. Board of Education*, the Supreme Court reinforced segregation as it required the plaintiffs to prove intentional violation of the fourteenth amendment by white defendants; a condition that blacks could not fulfill (23). Hence, they lost their lawsuits and whites could prove themselves to be, not only color-blind, but also victims of discrimination in reverse (22). All this was accompanied by the chants of the Ultraconservatives of the post racial American society that does not need Lyndon Johnson’s Affirmative Action Programs that he issued to expand blacks employment to different fields (25). At this point, whites cannot see

people's colors, they cannot see the black color; hence, they won't see the racial segregation because apparently in the U.S. racial differences cannot be seen any longer.

The major event that made many people believe in the changing racial attitudes in U.S. was the election of an African American man for presidency. It was seen as a victory to the long, hard, and even bloody blacks' struggle for civil rights. As Gilroy explains, Obama's presidency highlights the altering implication of racial differences and that of the African Americans' politics in the U.S. political scene (1). This one man stood for all what the blacks' long history of pursuit of equality (2). The day of the elections all eyes were directed to the U.S. all with the question of whether this nation will put an end to the racial problems that had divided it since its first foundation or not.

The stress reached its pick in the U.S. as the candidates were racing to gain the general vote playing on different issues that were crucial to the nation. Nevertheless, Obama succeeded in capturing the attention of a very important proportion of the country; youths, even those who had never voted before they participated (Chang 13). Those young blacks were hoping for change, Loric Frye, who was one example of them, explained: "I know it ain'tgon' come today or tomorrow, but I'm hoping for change. I'm pushing for change" (qtd. in Chang). This single statement demonstrates how the African American community perceives the candidacy of Obama, and their longing for an end to their long suffering caused by fellow citizens as by official institutions.

On the contrary, many interpreters reject the idea that by electing a black president the nation has entered a post-racial era. For instance, Jennings and Boone describe this belief as being "naïve" and deny the idea that racism has been overcome by the first day after the elections (20). Until the elections eve, racism existed in the country, so arguing that it was over in only two days would be strange and unrealistic as explained by Lusanewho believes

that the claim that this nation became post-racial is factually proven erroneous and politically dangerous (68). Racial disparities still exist in the country, blacks are still suffering; however, this claim deprives them from the ability to prove this discrimination.

During the presidency of Obama, neither racism nor its language was directly admitted. Even during the campaign, the other candidates did not question his ability and legitimacy to rule on the basis of his race; instead, they kept saying that he was different (Mendible 3). They tried to praise the quality of “Americanness” which is based on the Anglo-American culture that Obama lacked (3). This society is post-racial, so Obama cannot be blamed of his race any longer; he is not racially inferior, he is just not American enough to be elected for presidency(3). This belief that was promoted during the campaign stands for the perception of all the other blacks in the country because they do not and will never be able to correspond to this new condition of belonging to the American tradition that is based on the heritage of the British culture.

The situation of African Americans did not change much even with a black president. This can be demonstrated through the unemployment rates; research in this area shows that blacks are more likely to be unemployed than whites (Healey and Stepnick197). During stagnation, the blacks’ unemployment rates reached 16.7% and started to fall by the end of 2011 while that of the whites reached only 9.4% and started to fall by the early 2010 (197).This simple example shows that racial disparities still exist in the country even with a black president.

The African Americans had fought for decades for their civil rights, and equality was one of the most desirable ending to this struggle. They had suffered from all sorts of discrimination, abuse, be it political, social or even physical, and humiliation. Although their rights were manipulated by white citizens as well as by their governments, blacks had never stopped calling for social justice and recognition as a part of the American nation. And even

when they seemed to achieve their demands, racial disparities did not vanish from their daily interactions; they appeared in almost all aspects of their lives; in employment, housing, education, and worse in the criminal justice system where the law enforcement agencies were often criticized for being racially biased against blacks.

Chapter Two

Racial Bias during the “Shoot, Don’t Shoot” Process and Law

Enforcement Procedures

Police is established to maintain order, fight crime, and protect the community members from lawlessness and from the danger that criminals impose on their lives and properties. In the U. S. law enforcement went through different stages to reach its current form. The U.S. police did not encounter development in terms of naming only, but also in terms of policing strategy, equipment, and officers’ training. The U.S. law enforcement was highly affected by the political as well as the social changes that the country encountered.

As the African American struggle for civil rights broke, police played a major role in it. When racism was directly uttered after reconstruction, the police was accused of supporting the extremists; however, with the end of the civil rights movement, police seemed to perform their duty neutrally. Nevertheless, the minorities’ accusations of racially biased policing emerged again with the killing of Amadou Diallo in 1999 and intensified even more with the escalating number of unarmed blacks who were shot to death by the law enforcement agents.

2.1.General Overview about U.S. Law Enforcement

Police role has always been protecting the persons’ lives and properties; throughout history this entity symbolized safety, order as well as protection. In U.S. law enforcement went through several developmental periods where it witnessed changes in terms of strategy, structure as well as function. Those changes were accompanied with a shift in the American social and political textures which required measures in terms of the training that police officers should receive in order to handle the different situations of disorder.

2.1.1. Brief History of U.S. Law Enforcement

U.S. law enforcement went through a lot of development since the colony was first established in the new world. This development touched the structural as well as the strategic levels, and was accompanied with an evolution in terms of equipment/weapons used by the law enforcement agents and in people's perception to this body. To understand this development, scholars provided distinct phases that each one had its own characteristics.

The early policing appeared as the colony was established and was not that developed system; however, it was, as many historians argued, based on the British model. In this sense, Bohm and Haley claim that the early policing in U.S. appeared in the form of a night watch system in urban areas, which was founded in Boston in 1634 and in the form of the sheriff office in rural south (141). In this system, that was identical to that established in England, police agents were ordinary people chosen by the community members to deal with criminals and to prevent crimes (141). Although the Americans adopted the British system of policing, they did not respond to the idea of forming a standard police force the same way the British did (142). As the authors explain, the Americans preferred to keep the "Constable-watch System" that was not able to handle crimes and criminals (142).

It was during the nineteenth century that the U.S. could develop official police departments, a development that was again based on the British police reform that resulted from the principles that sir Robert Peel set for police in Britain, the so called "Peel's Principles of Policing", and it was originated in New York city in the 1840s (Peak 17-18). By uniting its night and day watches in 1844, New York could form the first uniformed municipal police force, and in 1853 the state established a department for it, and soon after, other cities adopted similar changes to those of New York (Bohm and Haley 142, Peak 19). It was then that one could say that the U.S. had a standard police force.

Many experts divided the evolution of this essential institution into distinct eras according to the characteristics of each one. Among those divisions the one provided by Kelling and Moore who suggest that the history of policing in the U.S. went through three different eras; a political one that started from the 1840s to the early 1900s, a reform era that lasted from the 1930s till the 1970s, and a community problem solving policing that started from the 1970s on (2). The policing strategy had to respond to the social and the political changes the country went through.

The major characteristic of the political era was the strong intimacy between police and local politicians who provided them with the legitimacy they needed to carry out their duties as law enforcement agents (Kelling and Moore 3). Also, policing was decentralized and made use of foot patrol and primary investigations in order to maintain order and handle crimes; besides offering social services (3). As politicians were the source of authority to the police, they could use them to manage their businesses. To criticize the policing strategy the authors suggest that besides corruption, the familiarity between police and their communities made them mistreat the new comers and racial minorities (4).

In “The Evolving Strategy of Policing”, Kelling and Moore assert that due to those and other deficiencies, some reformers saw that policing in the U.S. needed restructuring which led this newly established institution to enter an era of professionalism (4-5). The wave of change started with August Vollmer, Berkeley’s chief, call for reform during the 1920s and 1930s and led to the establishment of the Federal Bureau of Investigation (FBI) (4-5). The police strategy of this era came as a reaction to all the characteristics of the preceding one; as a basis, politicians would no longer be the source of legitimacy; instead, it became derived from law and professionalism, police service became centralized with the invention of the 911 system which became the way of demanding this service, and the police function became limited only to crime control (5-8). The goal behind this change was to distance police from

community members; police agents would not appear only in cases of crimes and stop at the point of solving them.

Although the policing strategy of the reform era seemed to carry hope in improving the compatibility of police and fighting corruption it could not fulfill the communities' expectations and change was once more awaited and looked for. This strategy faced a lot of difficulties with the increasing rates of riots and protests that the country witnessed in this period; people who opposed the U.S. participation in the Vietnam War and racism were treated violently by police and many of them lost their lives (Fagin 6). At that point, it seemed like the fears that Americans have had when the notion of police was first introduced to the country; that is a sword on their necks became true.

The latest policing strategy was the community problem solving which brought police closer to the community members again. In the monograph written to the U.S. Bureau of Justice Assistance, the Community Policing Consortium suggests that this policing strategy is a practice of democracy where all proportions of the community take part in the fight against crime and to protect safety and order in their neighborhoods (4).

The isolation of police members from citizens that the reformers saw as a solution to corruption made them ignorant about many of the problems that neighborhoods suffered from, which hindered them from controlling crimes (Community Policing Consortium 5). In the same line with this argument, the Community Policing Consortium claims that the role of community members is to provide police with information about their concerns and problems (5). The new strategy of policing encourages a professionally intimate relationship between police and community members.

2.1.2. Law Enforcement Procedures: Crime Investigation

Once a crime is committed, be it a felony, burglary or whatever, a careful investigative process begins. This later involves the record and collection of evidence to find out what happened and who did such a crime. Here, investigators should protect the crime scene and pay attention to any detail found there in addition to collecting information and sending evidence for further inspection. Based on the outcomes of the investigation, the person suspected for this crime will be arrested and punished if he was found guilty. Before reaching the final result, crime investigation goes through many stages and measures.

Orthmann and Hess claim that crime investigation starts when a police officer himself observes a crime or receives information about it from citizens, here; a preliminary investigation takes place (14). Starting with the initial response, the officer who first comes at the crime scene, “is usually a patrol officer assigned to the area where a crime has occurred”, will be the responsible for the case (14). After the announcement, it is crucial for the officer to approach the scene as quickly as possible to provide emergency care to the injured, to take the confession of a dying person, to protect evidence...etc. (16). When arriving quickly, the responding officer can obtain enough information about the crime that may guarantee the success of the investigation.

While approaching the scene, the officer should document information including address, time... etc. (Technical Working Group on Crime Scene Investigation 11). He should also notice people or vehicles exiting the scene, approach the scene carefully and examine it, observe people or vehicles in the surrounding area suspected of being associated with the crime, build primary remarks to evaluate the scene and guarantee the security of the officer before arriving, stay prepared, and deal with the setting as a crime scene till approved not to be a crime (11). Primary observations play a major role in the investigation process.

It is very important in the preliminary investigation to set up priorities. Orthmann and Hess assert that first among all priorities is to handle emergencies including how to deal with a suspect and injured persons (16). In case the suspect is at or near the scene; the responding officer should capture and question the suspect before releasing or arresting him and in case he has recently escaped, the officer need to acquire descriptions of the suspect and sent the information to headquarters as soon as possible (17). Concerning injuries, when detaching an injured person from the scene, the responsible for medical care has to listen to every word said by that person to preserve evidence, if the injured was the suspect, he will be sent to the hospital with an officer (17). In case there was a dead body at the scene, the officer must leave it as it is and focus on protecting the scene since the later may provide information about the person's identity, the reason behind his death, and who did kill him (18).

After handling emergencies, the new step is to secure the crime scene and evidence. Thus, people at the crime scene must be controlled to avoid the destruction of the physical evidence (Technical Working Group on Crime Scene Investigation 14). The officer can do so by limiting movement, setting and action while providing security, identifying persons present there; whether they are suspects, witnesses, bystanders if they are witnesses, will be protected and removed if not, victims, their family and friends need to be controlled, law enforcement or medical personnel (14-15). In addition, the officer should prevent unauthorized persons from entering the scene like media and officers not involved in the case (15). Applying these measures and others such as barriers and documentation of objects would increase the possibility of safeguarding evidence.

After handling emergencies and securing the crime scene, the responsible for death investigation should remove people not involved in the investigation, photograph the entire scene and other specific parts of the scene, and acquire photographs to document evidence (National Medicolegal Review Panel 23). After that, he needs to develop a descriptive

documentation of the scene through diagrams and description of the environment and evidence which is important to correlate with photographic documentation of the scene (24). The next step is to establish a probable location of injury which could be recognized as contributor to the person's death and to collect and preserve the victim's property and evidence for future examination (26-27).after these steps, the investigator starts interviewing witnesses at the scene to obtain information about the crime (28).

2.1.3. Police Training

Law enforcement, like any other profession, requires special skills that need to be effectively developed. Those skills allow police officers to fulfill the obligations of their job and to meet people's needs and expectations about them; hence, police training is an indispensable phase in this profession. This training prepares officers to deal with the different situations they may face while conducting their daily job, this includes the different types of crimes, social unrest, helping victims ...etc. and to improve their efficiency.

In the United States, police training is given major attention and focus due to the uniqueness of the social and political textures of this country. In general, the U.S. police training can be distinguished into "legal training and practical training" (Neild 5).The first one teaches the trainees the federal and local laws of the country such as the "constitutional norms and rights, state and local criminal law, giving court testimonies", while the second type of training includes activities like: "crime scene protection, use of weapons, use of force, and self-protection" (5). Enforcing the law is a delicate duty for which the officer should be well prepared.

U.S. police cadets are required to pass a three phases training in order to be appointed for the job, those phases are: "academy training, Field Training Officer (FTO)/police training officer program and in-service training" (Archbold172). Each phase covers specific

requirements of this profession; the academy training provides the trainees with both theoretical and practical sections, some of the topics covered in each section vary from one state to another; however, others are shared between all academies (172). The practical part of the academy training involves teaching the cadets some of the basic field skills (172).

As the United States has federal and local governments, it has also federal and local police; hence, different academies. By the end of 2002, this country was reported to have 626 state and local police academies that offered cadets 720 hours of training in different topics including: firearms skills, criminal law procedure, investigation...etc. (Hickman 12-13). The academy training phase is the initial step in the process of turning the common person into a reliable police officer; hence, it should provide him with the basic knowledge in the different skills he needs.

After succeeding in the police academy training, the police officer undertakes a specialized training program; the FTO program which was created by the San Jose, California police department during the early 1972 (Dempsey and Forst 123). In this program, police graduates are faced with the practice of what they have theoretically learned in police academy (Archbold 173). However, this program was criticized of not using the community policing approach to policing (173); so starting from 1999, the Reno, Nevada police department collaborated with the Police Executive Research Forum (PERF), funded by the office of Community Oriented Policing Services, to develop a new training program (Pitts "The Police Training Officer..."), a program that can meet the changing policing strategy; the Police Training Officer program (*pto: an overview and...*). That is, this program can be said to be an enhanced form of FTO.

The developers of this program have decided topics to be taught in the different phases of this program, those topics are divided into; four substantive topics: non-emergency incident

response, emergency incident response, patrol activities, and criminal investigation, and fifteen core competencies among which: use of force, community-specific problems, problem-solving skills, cultural diversity and special needs groups...etc. (*pto: an overview and...* 17). Any observer to the subjects that the trainees will come across will notice the adoption of the community problem-solving strategy to policing as well as the respect and consideration of the cultural diversity. That is the police officer who succeeds in this training will be able to maintain collaborative relationships with the community members and to avoid any racial conflict while interacting with minorities.

The last phase is in-service training; this training occurs during officers' careers; that is, police officers are expected to have training in certain topics at different points of their careers (Dempsey and Forst 127). The aim of this training is to keep them updated and prepared for any new situation; that is in case of new laws, policing changes...etc. (127). Training in topics such as firearms is usually made on a yearly basis, officers can choose among other (Archbold 174). This training is the only way to keep and improve police officers' efficiency and ability to keep up with the different changes that may occur. It reveals the much of interest that the U.S. department of justice gives to this vital component of its criminal justice system and its role as, not only law enforcement tool, but also as a guardian to the security of the communities.

2.2. Police Use of Force

Police violence and use of force, particularly lethal force, including beating, shooting and other means is one of the most important issues characterizing the American society.

Hundreds of people are killed each year at the hands of police in the United States; this fact raised public concerns about the widespread use of deadly force. Minorities in the U.S, particularly African Americans, are physically abused and mistreated by police and there are

many incidents where unarmed blacks are killed at the hands of law enforcement officers. This indicates that the use of force by law enforcement officers is affected and provoked by racism.

Generally speaking, law enforcement officers can use deadly force only when necessary. Police officers are permitted to use fatal force only as a last option to protect their lives and other people's lives from death or serious injury (Amnesty International *Deadly Force: Police...* 1). Moreover, according to international law enforcement standards, when there are no other means available to accomplish the legitimate objective; force, whatever it is, may be applied (1). If force is inevitable, it must not exceed what is necessary and proportionate to realize that objective, and it must be used in a way that diminish damage or injury, human life must be protected and saved by law enforcement and medical care must be provided to the injured as soon as possible (1).

In its report *Deadly Force: Police Use of Lethal Force in the United States*, Amnesty International asserts that the U.S. law enforcement use of deadly force is determined by the state statutes and U.S common law (17). Standards governing the use of lethal force are set in the Supreme Court case of *Tennessee v. Garner*. In which the Court ruled that deadly force can be used when it is necessary to prevent the escape of a suspect felon and “the officer has probable cause to believe that the suspect poses a significant threat of death or serious injury to the officers or others” (17). Here, police officers cannot use such force if an unarmed suspect of felony “does not present threat to the officer” (17). Despite this law, Police brutality continues to be part of blacks' daily life. They are disproportionately affected by police deadly force (4). As the limited data indicate, though blacks constitute 13.2 per cent of the country's population, they represent 27.6 per cent of the entire killings by police, around 6338 deaths, as reported by the Center for Death Control in the period from 1999 to 2013 concerning violent deaths (4).

To know people's opinion about law enforcement and violence in America, Associated Press-NORC Center for Public Affairs Research conducted a poll on this issue (1). The poll reveals that the majority of African Americans claimed that police are too fast to use lethal force against them while most whites stated that police use this kind of force only when it is required and that race has nothing to do with the officer's decision to use it (1). In addition, half of blacks stated that they are not treated fairly by police due to their race (2). Americans are divided concerning the treatment of officers responsible for the injury or death of a civilian in the criminal justice system, while 46 percent of whites claimed that the officers are treated fairly, 70 percent of blacks said that those officers are treated too leniently (6). It is obvious that blacks and whites are divided concerning the different aspects related to police use of force.

ACLU in a report entitled *War Comes Home: The Excessive Militarization of American Policing* claims that the militarization of police in the U.S with weapons of war resulted in a dangerous outcomes (3). This practice pushed police to implement a "warrior" mentality and treat the people that they secure as enemies (3). In addition, "the use of paramilitary weapons and tactics primary impacted people of color; when paramilitary tactics were used in drug searches, the primary targets were people of color"; however, the primary targets when implementing those practices in hostage and barricade were whites. (35).Special Weapons and Tactics (SWAT) teams are responsible for fighting a War on Drugs using aggressive and violent means impacting mainly minorities.

2.3. Racial Bias in U.S. Law Enforcement Procedures and the "Shoot/ Don't Shoot Decision"

Although blacks were officially freed and declared American citizens, they faced all sorts of racial discrimination and abuse by whites in different areas; in education, housing,

employment...etc. and law enforcement was one of the most important institutions that received major criticism by the African American community. Throughout the history of U.S. the interaction between blacks and police had always been characterized with tension as the latter played a major role in their struggle for equal civil rights through policing their protests and riots during the civil rights era.

2.3.1 Racial Bias in the U.S. Law Enforcement Procedures

Racism has always been a crucial and delicate issue that characterized interaction between minorities and main stream members of the American society. This issue becomes even worse when interacting with the governmental institutions especially law enforcement agencies. The minorities' claims of uneven treatment by police were linked to many concepts, among which was the notion of "Racial Profiling". This one concept was, and is still, one of the causes that bring U.S. policing and justice system into question and even mistrust especially by minority groups.

The question of whether race is a driving factor in the American law enforcement activities or not is among the major challenges to this institution. In this sense, the notion of racial profiling captured the attention of many scholars and researchers who tried to provide comprehensive and inclusive definitions to this term. For instance, the following definition suggests that it refers to "the use of race, ethnicity, or national origin by law enforcement officials in deciding whom to stop, search, or detain" (Glaser et al. 88). This idea is confirmed by Weich and Angulo who claim that the regular duty of law enforcement agents, of discovering and fighting criminality, is performed on a racial basis, and that racial profiling is the dominant factor that makes blacks the most targeted group for traffic stops, and suspicion for drug trafficking(1-3).

Race has always been a pervasive factor that dictates the targets of the law enforcement activities and tactics to prevent crimes as it was the case in their war on drugs. In their efforts to fight and prevent drug smuggling and use, the law enforcement agencies created drug couriers profiles (Harris *Driving While Black...*). For instance, among the many characteristics of a potential drug courier, Florida Department of Highway Safety and Motor Vehicles required its police to suspect anyone who don't match the car he is driving or wear lot of gold (*Driving While Black...*). Wearing gold is mostly a black and Hispanic habit; accordingly, they will be the most stopped proportion, which was the case. Harris suggests that minorities became the prime targets of the traffic stops and searches, and most of them appeared to possess contrabands, the fact that empowered the belief that drug trade is minority dominated activity (*Driving While Black...*).

The engagement of the law enforcement agencies in a racially biased policing implies that they violate both the Fourth Amendment to the U.S. Constitution that protects people from unreasonable search and seizure, and the Fourteenth Amendment which assures equal protection under the law. Many lawsuits were filled by minorities with this respect; yet, proving racial bias by police was not an easy process; as Feder argue, in order for a citizen to challenge police practices on constitutional grounds he should prove that the law enforcement activity was based on the officers' stereotypes of minorities, and this is so challenging because such discrimination is not expressed overtly (6).

In the many cases that were brought to the supreme court about racial profiling, the decision was that the officer should base his suspicion on the "totality of circumstances" and not on his personal prejudice; like in United States vs. Cortez where the decision prohibited officers from relying solely on race as a factor to their action (Davis 429-430). In Terry vs. Ohio, the Supreme Court allowed the officer to use his experience to determine the suspicious behavior according to which he should stop a citizen (Feder 2). That is if the officer reports

that he has learned through his experience that drug dealers are minority members, he shall not be condemned of racial bias.

Nevertheless, there is a considerable number of scholars who deny the claim that race is the “only” factor affecting the law enforcement activities; some of them simply denied it while others link it to some psychological aspects that the officer cannot be blamed on. For instance, the claim that race can never be the sole aspect that leads an officer to stop a citizen; even if this officer was biased, his consideration to the person’s race will always be linked to some other factor like the neighborhood, the age of the car...etc. (Fridell et al. *Racially Biased Policing: A Principled Response*³). However, this does not negate the existence of racial profiling by the police and confirms the claims reported by Ramirez et al. that minorities were stopped because they were driving the wrong cars, or hanging around the wrong neighborhoods (5). This implies that officers have created racial profiles allocating minority drivers to some specific types of vehicles and locations, and in case they acted out of those profiles they should be suspected and subjugated to the law enforcement activities.

Many social and psychological studies link those police behaviors to a different factor; the one they call “implicit racism”. In line with this claim, Lee suggests that this type of racism is unconscious, and it may appear even when the person holds egalitarian beliefs (860). It is what makes officers suspicious about any gathering or dislocation of minority members and expect that they are about criminal activities (Fridell 10). Throughout history, researchers tried to justify police treatment to minorities, their finding prove the fact that racism is deeply rooted in the Americans’ minds.

Among the prominent studies are the ones belonging to the neuroscience field where researchers expose participants to different pictures and watch the reaction of their brains. In one of those studies conducted by Fiske participants were slid into a scanner MRI which

revealed the activation of the insula area that is specific for the feeling of disgust when they saw the pictures of homeless and drug addict, the fact that such emotional response was caused by only some pictures and not the existence of real people reveals the extent to which people were prejudiced (15).

Hence, implicit racial bias would be defined in light of the insights about implicit bias as a whole. Levinson suggests that it “describes the cognitive processes whereby, even with the best intentions, people automatically classify information in racially biased ways” (797). In another definition, Lee suggests that this type of bias goes beyond people’s beliefs to unconscious “preferences of individuals of one race over the individuals of another race” (860). Nevertheless, even if people did not deliberately want to be racist, they can choose to be fair and simply treat people equally.

All those definitions may lead the person to think that those implicit biases are innate; however, Fiske puts the blame on the person’s culture and society. In the American experience, the Whites-Blacks relationship was always complicated by race and blacks’ history as whites’ slaves; so even if they gained their freedom and civil rights and overt racism was overcome, its inheritance was acquired and conveyed to present generations (16). If the young child was raised in a society where racial differences and stereotyping do not exist he will never create them by himself. Nevertheless, if he could sense the racial sensitivity between the members of the society, he would be influenced, even if he was taught egalitarian beliefs about all people.

In the domain of law enforcement, the first thing that personals learn in the police academy is the U.S. constitution with its fourteenth amendment. They swear to protect all the citizens of America; of course minorities are included; however, they get involved in racially biased policing. For this category, implicit bias cannot justify their biased treatment to minorities or

make it acceptable because they are not required to let their personal preferences interfere with their duty. The issue of racial bias in law enforcement procedures reached its peak with the increasing number of unarmed blacks being shot to death by police, the fact that led to huge social unrest, and demands for formal intervention.

2.3.2. Racial Bias in the Decision to Shoot/ Do Not Shoot

Many Americans believe that their country is a post-racial one and that racial bias which existed in the past came to an end. However, the increasing number of unarmed African Americans being shot by police in recent years raised public attention to racial discrimination against communities of color, particularly blacks, in America. The issue of racial bias mainly sparked after the shooting of Amadou Diallo by four police officers from New York Police Department in 1999 thinking he had a weapon. This tragic incident and the ones that followed it pushed African Americans to claim that U.S. law enforcements are racially biased in their decision to shoot a black suspect. Thus, several studies and researches have been conducted to investigate and examine whether race has an influence on the officer's decision to shoot/ do not shoot process.

With references to psychology, researchers studied the impact of race on law enforcements' decision making. One of those studies investigated the influence of the target's race on the decision to shoot/ do not shoot through a video game (Correll et al. "The Police Officer's Dilemma ..."1314). Participants, students and community members, in these studies were asked to "shoot" armed targets and "not shoot" unarmed ones when images of black and white targets appeared holding guns or various items (1314). The studies showed that decisions to shoot an armed target were made more quickly if the target was black than if he was white, while decisions not to shoot an unarmed target were made more quickly if the target was white than if he was black (1324). The results suggest that the target's race may be

has an impact on the shooter decision (1327). Black-crime associations seem to be a part in the American identity.

In an article entitled “Racial bias in the decision to shoot?”, Correll states that Chicago and two Denver studies including community members and police officers used the same scenario of the video game that was applied in the studies mentioned above (54). In terms of response time, both community members and police officers exhibited bias (58). They were quicker to shoot armed black targets compared with white targets and quicker to not shoot unarmed whites compared with black targets (58). Unlike community members, police officers were not impacted by the target’s race in their decision whether or not to shoot (58). It was obvious that police had stereotypical images linked to blacks; however, they were ultimately able to get rid of them and respond in unbiased way (58).

In her article “Racially Biased Policing: The Law Enforcement Response to the Implicit Black-Crime Association” Fridell reported Payne’s study about the impact of Black-crime association on people’s perceptions through “racial priming” (43-44). Here, participants were asked to react quickly to a “target picture” that was either weapon or other objects after seeing a flash picture of white or black men. In terms of speed of response, participants were faster to detect weapons after seeing a black face and quicker to identify objects after seeing a white face (44). In terms of errors, participants were more likely to claim an object as weapon when the flashing picture was a black face. The findings indicated that unconscious association of blacks to crime did exist (44). Unconscious attitudes and stereotypes about blacks as criminal and violent appear to have an effect on people’s actions and decisions.

As mentioned above, racially biased actions taken by community members and law enforcement are the outcome of implicit bias. To change this situation, that is to reduce bias in policing, Fridell stated some measures to be implemented (51). Two ways through which

hiring can minimize bias: the first is through varying police workforce to include different races (51). Second, through recruiting officers who are capable of doing their job in unbiased way (51). The other way is police training; this training should help officers to implement controlled reactions that would overcome their unconscious actions (52). To do so, academy trainees need a training that would raise their awareness of unconscious biases to be capable of controlling them (53). These are only two ways to reduce bias in policing and there exist many others.

2.4. Examples of 2014 Police Killing of Unarmed African Americans

The racial tension reached its highest with the murder of huge number of black suspects at the hands of police officers in the year 2014. Those victims fell in different parts of the country and in different circumstances, but what they all had in common was that they were all fatally shot to death. Eric Garner, Tamir Rice, John Crawford III and many other names that faced their fate in 2014 (Amnesty International *Deadly Force: Police...* 1). They were all unarmed, yet, they were shot several times and sometimes by more than one officer.

2.4.1. Eric Garner

2014 was a bloody year for the African American community as a whole as black “suspects” were continuously being killed by police; Garner was one good example that fuelled the question of racism among police officers. He died on July 17, in Staten Island, New York when officers were trying to handcuff him, he was 43 years old (Baker et al.). Garner had already been arrested twice before that day as reported in Baker et al. for selling untaxed cigarettes. That day Ms. Allen, one of those who witnessed the incident, told the New York Times newspaper reporters that Garner intervened to end a fight between two men (“Beyond the Chokehold: The Path to Eric Garner’s Death”). In the video tape recorded by

Mr. Orta, a friend of Mr. Garner, Mr. Garner appeared unarmed, doing nothing, but they told him that they came for him for selling cigarettes.

The initial police report did not mention approaching the victims' neck (Baker et al. "Beyond the Chokehold..."). However, the video tape revealed what happened exactly that day; Mr. Garner was bare handed when the officers were trying to arrest him, one officer applied the chokehold as other ones tried to force the victim down to the ground and, at least four of them stayed on top of him for over a minute. The victim can be heard repeating the words: "I can't breathe" for several times but the officers ignored them and did not leave him alone until he stopped moving, in other words; died.

The report presented by city medical examiner states clearly that the victim died because of compression of his neck and chest, in addition to some health issues that he suffered from, and that his death was a homicide (NBC New York "Medical Examiner Rules..."). However, none of the officers was indicted. Instead, a settlement of \$5.9million was reached between New York City and the family of Mr. Garner ("NYC Reaches \$5.9million..."Fox News).

2.4.2. John Crawford III

The case of Eric Garner was not the last time the African American community would encounter such incident. Less than a month later, another 22 years old black man died at the hands of police inside a Beavercreek Wal-Mart in Ohio on August 5 (Coscarelli "No Charges Against..."). Police showed up in the store after a 911 call which alleged that a man was pointing a gun at people in the store ("No Charges Against..."). In the store's surveillance video, Crawford could be seen talking on the phone and swinging the air rifle negligently; suddenly, he dropped the gun and ran to the other side of the store shelf when an armed officer appeared in his side, and turned again trying to escape. Although he had no weapon in his hands and the two officers appeared to be cornering him, he was shot anyways.

Coscarelli reported that the officers claimed that they ordered the victim to drop the weapon but he did not obey, taking advantage of the fact that the video lacked audio (“No Charges Against...”). On Wednesday 24, 2014, the grand jury decided that none of the involved officers would be charged and that their actions were vindicated (Izadi “Ohio Walmart Surveillance...”). All the blame seemed to fall on Ritchie, the one who called police, who told the Guardian the magazine that Crawford was not pointing the gun at anyone (Swaine “Ohio Walmart Video...”). The fact that the video shows clearly that Crawford dropped the gun before trying to escape did not make any difference.

2.4.3. Ezell Ford

Ezell Ford was another young black man who lost his life at the hands of Los Angeles police. On August 11, his family confirmed that he suffered from a mental illness; the night he was shot he was stopped by two officers of LA anti-gang unit who, as they reported, wanted to speak with him (Brumfield “Los Angeles officers ...”). One of the officers, wampler, alleged Ford’s disregard to his command to stop gave him reason to suspect him; so, when he tried to arrest him Ford attacked him and could reach to the officer’s gun, then Villegas, the other officer, shot him twice before wampler could reach his backup gun and shot the decedent (“Los Angeles officers ...”). The ruling in this was not that different from those of the previous cases. The LA Committee found that Wampler’s actions were not justified from his attempt to detain Ford to the shooting, the other officer was found also violated policing; however, shooting Ford was reasonable (Brumfield). That is, again no indictment to the officers who ended the life of another black man.

2.4.4. Tamir Rice

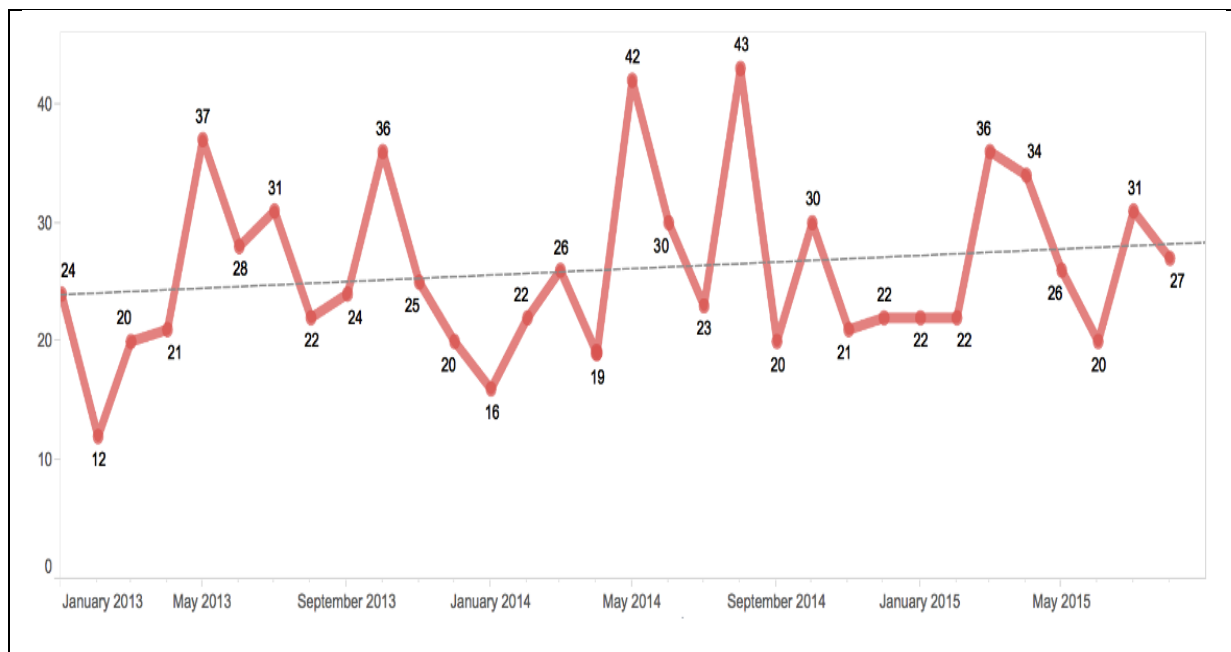
The police brutality and targeting of blacks reached its peak with the shooting of 12 years old boy, Tamir Rice on November 22, in Cleveland, Ohio (Fantz et al. “No Indictment in Tamir Rice Case”). To help understand what really happened that day, a report was prepared by the Cuyahoga County Prosecutor Timothy J. that contained testimonies of the witnesses, officers who were at the scene, as well as dispatchers’. In the transcript of the conversation between the 911 caller and the police dispatcher, the caller stated three times that the gun was “probably fake” and the male might be a juvenile; however, in the transcript of the conversation between the officers Loehmann and Garmback, supervisor, the dispatcher did not mention anything about the probability that the gun was fake and the guy was a juvenile, this was because the call taker did not convey those information to the dispatcher who assigned the mission under Code 1 “Supposed to be a guy sitting on the swings pointing a gun at people”(McGinty 2-3).

One of the witnesses revealed that she heard three gun shoots; the last one was fired after the words “freeze...show me your hands” (McGinty16). Loehmann, who appeared to be still under probation, stated that he and his partner shouted at the suspect, who seemed adult: “show me your hands” (6). Throughout his testimony, Loehmann kept referring to the training he received about how to deal with such situations. Although the surveillance video showed that Loehmann shot exactly two seconds after opening the door of the cruiser, none of the officers was indicted. Prosecutor McGinty said: “Given this perfect storm of human error, mistakes and communications by all involved that day, the evidence did not indicate criminal conduct by police” (qtd. in Fantz et al. “No Indictment in Tamir Rice Case”).

The shooting of those and other unarmed blacks made people question the accuracy of the claim that racism no longer exists in U.S., rather, those incidents reinforced their fear and belief that they are targeted by law enforcement. In response to the increasing number of blacks who were killed by police in 2014 many young black people devoted efforts to collect

data about similar incidents prior to 2014 and some others in 2015, and to analyze them in the light of many factors, especially the race factor. Among those who took the responsibility for recording the police killings of blacks belonged to an organization called: Mapping Police Violence.

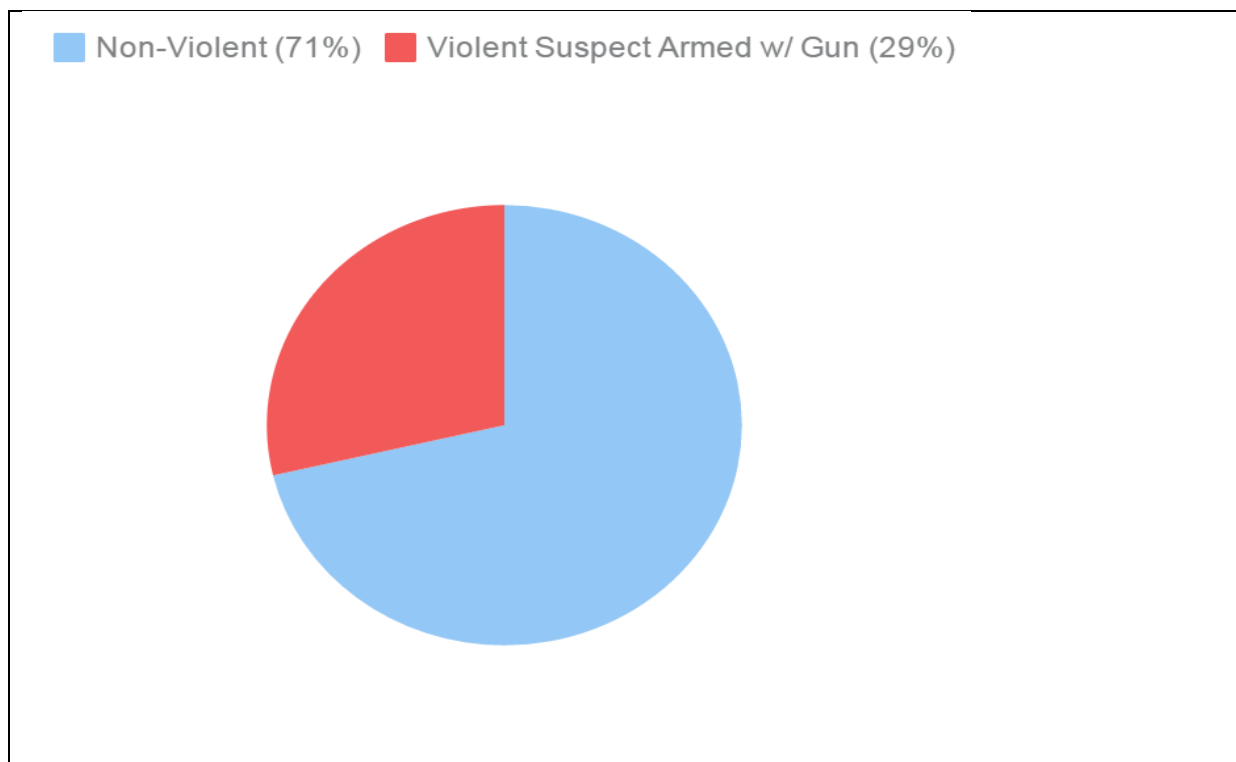
Figure 1: Blacks Killed by Month (Jan 2013-Aug 2015)



Source: Sinyangwe, “Mapping Police Violence”.Web. 18 Nov. 2015.

As figure 2 shows, police killings of black men did not started in 2014; even in 2013 the number of blacks killed monthly was high; nevertheless, the highest numbers were recorded in 2014 especially in August where 43 blacks were killed in only one month. Although the diagram shows inconsistency, yet the number of blacks killed by month remains worrying, because when police kills over forty persons of a particular race in only thirty days may reveal that that race is targeted.

Figure 2: It’s not about Crime, Black People Killed by Police in 2014



Source: Sinyangwe, “Mapping Police Violence”.Web. 18 Nov. 2015.

This figure shows that the great majority of black people who were killed by police was suspected of being involved in violent crimes and were unarmed. On the contrary, only 29% of them were said to be involved in a violent crime, and to be armed. This figure shows that in the majority of cases the police used force where it was completely unnecessary.

Those statistics of the police killings of black people in 2014 increased people’s doubts not only on police accountability but also on racial bias. As the number of blacks who were shot kept increasing the law enforcement agencies were increasingly accused of racism, mainly by the African American community. Many online based organizations and projects were launched in order to keep close eye on the police interaction with minorities, especially blacks, as well as their use force in order to urge the necessity of maintaining and even fighting for black civil rights.

Chapter Three

The Case of Michael Brown and its Aftermath

The notion of racial bias in U.S. law enforcement reached its pick with the shooting of the 18 year old teenager Michael Brown by a white police officer in Ferguson, Missouri on August 9, 2014. The U.S. has already witnessed other similar incidents where unarmed blacks were killed by police, those incidents were gradually capturing the attention of the public to the issue of racially biased poling, and the fact that the involved police officers were not indicted reinforced that belief.

The shooting of Michael Brown by the Ferguson police officer Darren Wilson drew the attention of the American society as a whole; protests sparked in Ferguson as the incident happened calling for justice for Brown as well as for the other victims, millions followed each step of the investigation that was conducted by both the SLCPD and the FBI and the decision to be taken by the Grand Jury never seemed so crucial as it was in this case as voices were raised calling for indictment to Wilson. Nevertheless, those protests turned into serious riots as the officer was not indicted; the people who marched before the decision was declared set the city on fire accusing the system of racial bias, protests reached the other American cities as well as foreign countries making the incident a national and international concern where the question of racism in U.S. was raised again.

3.1. General Background of the Involved Parties of the Incident

Police brutality and use of deadly force against African Americans continue to be a part of their everyday life. This reality was manifested, once again, on August 9, 2014, when unarmed black teenager called Michael Brown was shot and killed by a white police officer, Darren Wilson, in Ferguson, Missouri (“What Happened in Ferguson?”). Huge protests, riots and civil rights demonstrations over the killing of Brown and the grand jury’s decision not to charge Wilson erupted in the city and lasted for weeks (“What Happened in Ferguson?”). The

shooting death of Michael Brown and many other blacks shed the light on the unfair and discriminatory treatment by white officers.

Michael Brown Jr. was born in May 1996, in Florissant, to Michael Brown, Sr. and Lesley McSpadden (Eligon “Michael Brown Spent Last Weeks...”). When he was a kid, he lived with his parents, grandparents and one sister. Later, he chose to live with his mother after his parents separated (“Michael Brown Spent Last Weeks...”). As an adult, Brown had no criminal records. He succeeded to graduate from Normandy High School in May and because he was a great fan of rap music, he started producing songs with his friends in 2013 (“Michael Brown Spent Last Weeks...”). Michael Brown was 18 years old when he was shot death at the hands of police officer Darren Wilson on August 9, 2014.

The other part of the tragic incident was Darren Wilson. He was born in Texas and he is the first child of Tonya Dee Durso who had a criminal past, she died in 2002 at the age of 35 (Davey and Robles “Darren Wilson Was Low-Profile Officer...”). Wilson attended St Charles West High School and spent his teenage years in St Louis, Mo. in a disordered environment (“Darren Wilson Was Low-Profile Officer...”). He attended police academy and started working as an Officer in Jennings in June 2009, in 2011, after investigations, Jennings Police Department was dispersed for misusing funds (“Darren Wilson Was Low-Profile Officer...”). In October 2011, Wilson worked as a police officer in Ferguson where he had no punitive actions as the chief Thomas Jackson stated, he won a commendation in February 2013 after arresting a suspect for possessing marijuana (“Darren Wilson Was Low-Profile Officer...”).

3.2. The Incident: What Really Happened?

As mentioned above, the unarmed Michael Brown was shot death by a white police officer Darren Wilson in Ferguson, Missouri. Before the shooting, Brown, accompanied with his friend Dorian Johnson, was reported of stealing packages of cigarillos from a store. When Wilson arrived, he saw the two men walking in the middle of the street and noticed that Brown and his friend fit the descriptions of the store's thieves. As he blocked them, a struggle between Wilson and Brown began; one shot at least was fired by Wilson when he was inside the car and several other shots when he pursued Brown. The struggle ended with the shooting death of the later. This is the incident in general, but the accounts of what really happened there differ from one to another.

3.2.1. According to Darren Wilson

Wilson gave his version of the incident before St. Louis County grand jury in September. In his testimony, Wilson told the grand jury that he received a call in his portable radio of a theft in progress from a store on West Florissant with description of the suspect who was wearing a black shirt and some cigarillos being stolen (Grand Jury-Ferguson...V202). While he was proceeding west along Canfield Drive, he saw two men walking in the middle of the street (207). He approached them and asked "why do not you guys walk on the sidewalk?" while Johnson replied, "We are almost to our destination," Brown used vulgar words and kept walking (208). Wilson said he noticed that the two men matched the store's suspects' description, thus he called for a backup (209). After that, he inverted the car in a sloping position in front of the two to stop them (209).

As he reached them, the officer said that while he was opening the door and talking to them, Brown used vulgar language and smashed the door shut (209). Then, he said that he tried to open the door once again using it to shove him (210). Brown then, Wilson said, shut the door, came towards him and punched his face (210). After that, Wilson said that he

attempted to hold Brown's right arm to repress him while he was giving the cigarillos to Johnson (212). Since Brown was standing close to the door, Wilson said that he could not open it, at this time Brown hit him again (212). Wilson told the grand jury that he did not hold a Taser and he could not use the mace and other tools for his safety so he opted for his gun and warned Brown that he would shoot if he did not get away (213). Here, Brown seized the gun and pushed it down to Wilson's hip, Wilson said. He said also that he feared that Brown would punch him to death (216).

At this moment, Wilson testified that he was afraid of being shot so he tried to shoot twice but the trigger did not work (224). In the third time, the gun shot shocking both of them. Brown then moved back, looked at him in a hostile way and came back "with his hands up" and hit him, Wilson shot again as he said (224-225). Two shots were fired from within the car, he testified (226). After that, Brown fled and Wilson pursued him after calling for a backup (226). They kept running until Brown stopped and then he turned, Wilson also stopped and told him to get on the ground but he did not (227). Instead, Brown kept coming toward him with his right hand in the waistband under his shirt and Wilson shot many times but he did not stop his progress, so he fired another set of shots and he kept running toward him while Wilson told him to get on the ground, Wilson testified (228). When Brown was about eight to ten feet, Wilson backed up and fired again, bringing him down on his face (229).

Law enforcement officers are supposed to protect and help members of the community as their job entails. They are allowed to use force when necessary to protect themselves, self-defense, and others' lives. Let's suppose that Wilson is right when he shot Brown though he was unarmed because Wilson felt that he may lose his life while struggling with him in the police car, of course as he testified before the grand jury, but once Brown fled, Wilson's life is no longer at risk. So why did he shoot unarmed escaping man?

3.2.2. According to Dorian Johnson

The testimony of Dorian Johnson was one of the most important keys for the investigation into the death of the eighteen years old black man Michael Brown, who was fatally shot by Ferguson police officer Darren Wilson in August 9, 2014. Johnson, who was Brown's friend, was with him the day he was shot had witnessed all the events that happened before that from the incident at the Ferguson store to the interaction and altercation that the decedent had with the officer and all the details that led this black teenager to be eventually shot.

Johnson who testified before the Grand Jury on September 10, 2014, explained that he was not originally from Saint Louis; when the incident happened he have had only eight months since he moved to Canfield, and became friend with Michael Brown only a month or two (Grand Jury-Ferguson... IV 21). Before encountering the officer Brown got involved in an incident at the Ferguson store where Big Mike, as Johnson used to call him, took a handful of cigarillos without paying for it even when the store clerk threatened him of calling police (34). Johnson recounted that after they left the store two police cars passed by them heading west but they never stopped them, before the one of Wilson (40).

When Officer Wilson first encountered Dorian Johnson and Michael Brown they were heading back to their neighborhood while he was driving to the opposite direction, they were walking in the middle of the street and he yelled at them in very rude way to walk on the sidewalk, Johnson told him: "we was a minute away from our destination, I live in Canfield and we'll be off street closely" whereas Brown did not say anything (46). However, the officer pulled back and blocked their way, hit them with the door of his vehicle when he tried to open it, stretched his left hand through the car's window and grabbed Brown's neck and shirt; it was then that what Johnson called "tug of war" had begun those two. According to Johnson, both the officer and Brown were swearing and yelling and pulling; the Wilson could

have hold on Brown's right hand and was pulling him to the cruiser's window, and the later was pulling away placing his left arm on the police car; he has never touched the officer's gun or hit him (107-108).

That confrontation between Brown and Wilson reached a dangerous level with the officer's threat to shoot; he had his gun pointed at Brown while he was still grabbing his right arm, Johnson explained (104). The officer fires once and hit Brown, after that happened both him and Johnson started running, after a while the officer pursued them on foot, Johnson stopped running and used one of the cars, that could not pass because of the police car, as a cover while Brown kept running and the officer fast-walked after him silently with his gun drawn, he passed Johnson and did not even look at him, and fired the second shot after which Brown stopped running, turned around to the officer and put his hands in the air as high as he could, he could not lift his left arm up because of the first shot, and said "I don't have a gun" (117-123). At that point, Brown and the officer were face to face, and Brown's arms were in the air, and before he could take any step forward, the officer fired multiple successive gun shots towards him without saying anything; so the deceased just collapsed to the ground dead (124-125).

Nonetheless, some people were suspicious about the credibility of Johnson's account. Cassell asserts that Johnson had provided different versions of his testimony ("Why Michael Brown's..."). He claims that while he told the grand jury that the door of the officer's vehicle hit Brown and him, he said in an interview with the national media that the second gun shot hit Brown in the back. This essential witness gave the same statement to the FBI and SLCPD on August 13 by stating that the shot "definitely hit Brown in the back" though he did not see blood or hole in Brown's shirt (33-34). However, he explained later to the grand jury that he only assumed that he was hit he saw him jerked (Grand Jury-Ferguson... IV120).

Nevertheless, when the detectives asked him he clarified that he was sure the shot hit his friend because he stopped running although he was so close to where he lived (33).

It was only the structure of Johnson's account of what he saw that differed from source to another and not the events. The one who reads his FBI and SLCPD statements, testimony before the Grand Jury or his interviews with the media will end up having the same image of what happened that day as described by him. A similar view was shared by McLaughlin who explains that the slight differences that occurred in Johnson's accounts resulted from the varied questions, whereas he provided the same details of the major events of the incident from the store incident to Wilson's altercation with Brown to the shooting ("Despite Discrepancies, Dorian...").

3.2.3. According to the Physical Evidence

In any crime investigation, the accounts of the persons who witnessed or were part of the incident are important; however, the credibility of their accounts depends on the extent to which they correspond to the physical evidence collected and analyzed by the special police agents. In the case of Michael Brown the physical evidence was given a major importance as millions kept close eye on the investigation, especially with the totally different accounts presented by Wilson and Johnson to what happened.

3.2.3.1. Crime Scene Investigation

The crime scene is a pivotal element in the investigation in any sort of crime. It demands highly trained and specialized police officers to deal with it. The crime scene detective who was in charge of the Michael Brown shooting scene was called to testify before the grand jury on September 3, 2014. He told the grand jury that in any case that is about police officer shooting someone he initially lists it as "an assault on law enforcement because", thus the victim he named in that incident was officer Darren Wilson (Grand Jury-Ferguson...II 44).

The shooting scene was located at Canfield Drive, which was, as described by the detective” a straight paved road that has sidewalks on its both sides. The deceased was on the east end of the crime scene while the officers’ vehicle was on its west end (46).

The crime scene consisted of the officers’ vehicle, the deceased, and twenty two physical evidences that were marked and numbered as shown in the diagram and photos provided by the crime scene detective (“What Ferguson Police Collected at the Scene” Washington post). Those evidences were: Brown’s personal belongings, shell casings, and red stains (apparently blood). The distance between Wilson’s vehicle and Brown’s body was 152 feet 9 inches (145). In the report prepared by the U.S. Department of Justice in 2015, Brown reached a distance of approximately 180 feet from the officer’s vehicle, and walked 21.6 feet towards the officer; it was the distance between Brown’s foot and the farthest red stain found on the crime scene, which was confirmed to be Brown’s blood, found on the road near the apartment building Canfield 2943 (7).

The crime scene detective appointed for that case claimed in his testimony that there were no tire tracks on the road (87). This can be explained that the officer did not reverse his vehicle in a fast and sudden way to block the suspects’ way, which contradicts Johnson’s account of the way Wilson pulled off his vehicle. He also told the grand jury members that the type of gun that Officer Wilson used carries thirteen live rounds, and at the crime scene he could collect only ten shell casings as he was told that the officer has fired twelve rounds (149-150). So, the detective decided to look for the missing two casings inside the vehicle; however, he did not find them (154).

3.2.3.2. DNA Analysis

The DNA analysis of the physical evidence collected at the crime scene, conducted by the ASCLD/LAB of St. Louis County Police Department, reveals the existence of Brown's DNA on Wilson's vehicle's rear passenger exterior door, the top exterior left front door and mirror, and the interior left door handle. The analysis report explains also, that Brown's DNA was found on Wilson's upper left thigh and left side of his uniform pants, as on his uniform shirt (its left side and collar) and most importantly on his gun(DNA Analysis Report...2-3). These findings prove the physical struggle that both Johnson and Wilson testified, though their versions of events were different. Many people may say that these results prove Officer Wilson's account in which he claimed that Brown attacked him and tried to take his gun.

Conversely, the crime scene detective called to photograph Wilson's injuries and gun explained to the grand jury that the officer's gun was already downloaded by Wilson, as he was told in the Ferguson Police Department, and put in unsealed envelope (Grand Jury-Ferguson... III 29-30). The detective also explained that there is certain protocol, at least at the county police, to deal with such evidence claiming that it was not the same way the officer's gun was enveloped. This protocol involves photographing the firearm at the crime scene, wearing gloves and putting it in an evidence envelope (34-35). As it was mentioned above, Wilson was left alone with Brown, and no one exactly knew what happened after Brown's death.

Also, the Crime Laboratory Analysis Report presumed the existence of blood on the gun (3), and that's from where DNA was collected and since Brown was hit and bleeding so the blood should belong to him as the DNA. Besides, no information was obtained on the way Wilson downloaded the firearm, whether he wore gloves or not, and the gun was in his hand the whole time. On the contrary, the DNA Analysis Report denies the existence of Wilson's DNA on any of Brown clothes (2) which may decline Johnson's story that the Officer grabbed Brown's T-shirt.

3.2.3.3 Autopsy Report

In the investigation of Brown's shooting, three autopsies were conducted on his body. The first one by St. Louis County Medical Examiner (SLCME), the second by Dr. Michael Baden at the request of his family and the third by the Armed Forces Medical Examiner System (AFMES). The three autopsies indicated that Brown received at least six shots and none in his back.

As mentioned above, the first autopsy was performed by SLCME. The official autopsy report was first published by the St. Louis Post-Dispatch. In their article, Byers and Bernhard state that the report, as Dr. Michael Graham; St. Louis medical examiner not involved in the case, reviewed to the newspaper, noted that one of the shots that Brown received was in his hand and it was fired at a close range. This result supported Wilson's account that Brown struggled with him for his gun in the vehicle. Dr. Graham said that the official report showed that there was no gunpowder around a wound meaning that the range of the shot was quite short. A forensic pathologist Dr. Judy Melinek stated that Brown was not shot at the back since he received a shot to the forehead, two to the chest and a one to the upper right arm. The shot to the top of his head was the deadly one. The microscopic examination of a piece of Brown's thumb taken from the exterior door of Wilson's car indicated the existence of a foreign material consistent with substance that exits from the weapon. In addition, toxicology test approved that Brown recently used marijuana but it did not confirm his impairment at the time of death ("Official Autopsy Shows..."). The autopsy results are in favor of Officer Wilson.

The second autopsy or the private autopsy was performed at the demand of Brown's family. In their article, Robles and Bosman say that Dr. Baden, former chief medical examiner for the City of New York, explained that the shot on the top of Brown's head caused

his death and it was probably the final one. He also stated that Brown was shot into the front and that four of the shots he received were in his right arm. In addition, Robles and Bosman claim that Dr. Baden affirmed that he had no access to the clothing of Brown and that since there was no gunpowder on Brown's body, this indicated that the bullets were not shot from a close range. However, this result would be changed if a gunshot residue was found on Brown's body. Dr. Baden also said that only three shots were retrieved out of at least six shots that hit Brown and that many bullets entered and exited many times producing several wounds ("Autopsy Shows Michael Brown Was Struck at Least 6 Times").

The third autopsy was performed by The Armed Forces Medical Examiner System at the request of the Department of Justice. Zagier in his article say that the Department's autopsy was released with other documents by St. Louis Prosecuting Attorney Bob McCulloch and that the findings of this autopsy were similar to the official and private ones. He argues that the report showed that the death of Brown was the result of numerous gunshot wounds and suffered severe head and chest injuries. The report also indicated that the injury at the level of the chest might be an exit wound produced from the shot that he received in his arm. The autopsy as well revealed that the gunshot wound to Brown's right hand was shot at a close range ("Michael Brown shooting: Federal Autopsy Results Released"). Like the previous autopsy reports, the federal report contradicted some witness accounts that Michael Brown was shot while he was running away.

3.3. Aftermath of the Incident

After the long investigation into the shooting of Michael Brown that was conducted by the SLCPD and FBI, and the hearings before the county Grand Jury a decision must be taken to

put an end to that case. On Monday November 24, 2014, the grand jury composed of nine whites and three blacks decides not to indict Wilson as declared by McCulloch, the county prosecuting attorney (Swaine, Lewis, and Roberts “Grand Jury Decline to...”). The authors also quote some of this man’s words at the press conference in Clayton in which he affirmed that he was aware that this decision may not meet people’s expectation and may not be well accepted; however “all decisions in the criminal justice system must be determined by the physical and scientific evidence, and credible testimony corroborated by that evidence. Not in response to public outcry, or for political expediency” (qtd. in Swaine, Lewis, and Roberts “Grand Jury Decline to...”).

3.3.1. The Public Reaction

Only one day after the fatal shooting of the eighteen years old teen, St. Louis was overwhelmed by riots of angry crowds that were chanting anti-police slogans such as:” kill the police”, looting and burning stores (Vinograd “Shooting of Michael Brown Sparks Riots in Missouri, Ferguson”). In the same article, the author claims that 300 police officers have been called to control the riots, while the county police reported arrest of thirty two people for robbing 12 stores. The African American community did not wait till the decision about the fatal shooting is released, they were angry about what happened and they expressed it the moment it did.

The protesters wanted to send a clear message to the authorities in Missouri that the situation would be even worse in case of not charging the police officer, which was what really happened. As Davey and Bosman reported for the New York Times a large crowd was gathering outside the Ferguson Police Department waiting for the final decision to be announced, and started a fierce wave of riots in which stores and police cars were burnt, gun shots were heard, and police officers were attacked (“Protests Flare After Ferguson Police

Officer Is Not Indicted”). The authors also claim that the some officials reported that even flights to Lambert Airport were not allowed to land that Monday night.

Police officers on their part were expected to control and police those riots. Lewis and Swaine describe the officers as being armed with “assault weapons” and driving through the streets with Swat armored vehicles pointing their weapons at protesters (“Ferguson Ablaze after...”). The authors continue stating that despite the preparations and measures taken long before the decision was declared, and even with the presence of the National Guards and the heavily armed police, they were helpless and could not stop or even control the riots (Lewis and Swaine “Ferguson Ablaze after...”). The fatal shooting itself was enough to rage the public, and the decision did not represent a resolution to one of the cases on the desks of the Grand Jury and Police Department, it rather widened the gap between police and the African American community.

The death of Michael Brown did not just start a civil unrest caused by random protests and riots; it seems that it has deeper impact. With this regard, Luibrand reports that the shooting of this teenager did not only lead to nationwide protests, but also to the emergence of a new young civil rights activists organized in the so called “(#)Black Lives Matter” movement which made calls for change in the race relations in the country and mainly police actions towards minorities both “online and on the ground” (“Black Lives Matter...”). This movement started as a social media a reaction, by Alicia Garza in 2013, to the decision on the killing of the unarmed black teen Martin Trayvon in 2012 in which the white police officer was acquitted; its name was preceded by a hashtag; however, it gained further recognition after the shooting of Michael Brown when it could organize a “national freedom ride” to Ferguson (Eligon “One Slogan, Many...”).

“The Black Lives Matter” is chapter- based organization with a central authority responsible for approving the chapters to be included in the web page (Freelon, Mcilwain, and Clark 9). The authors also claim that this organization resembles the NACCP (9). It is organized, active and addresses race issues that the country is facing and it is expanding. With regard to this view, Eligon states that this organization has reached twenty six chapters, one of which in Canada. The members of this organization urge Democratic presidential candidates to address race-related issues, mainly blacks’ mass incarceration and police use of force (“One Slogan, Many...”). Those activists have deep awareness of the importance of promoting civil rights to minorities and primarily to the African American community.

This organization that started as an informal movement against police brutality against the African American community managed to draw wide attention and to be influential. Foran explains that this movement interrupted the presidential campaign assemblies to urge the candidates to consider the issue of racism, and they succeeded with both Sanders and O’Malley who targeted criminal justice in their programs; Clinton as well met with the movement activists who came to the New Hampshire campaign (“What Black Lives Matter Achieved in 2015”). This organization became so influential in U.S., not only on the streets but also on its official and political scene. It could find a voice for itself with which the African American community can be heard, and obliged the politicians to rethink their belief that racism ended in this country.

The incident that Ferguson encountered on August 9th 2014 started a wave of rage and protest that started in the city’s streets to reach the national level eventually. Those protests came in reaction to the Grand Jury decision, in Los Angeles, for example, protesters blocked traffic by lying down, while in New York, they organized peaceful marches as those in Oakland were before some protesters got engaged in some violent actions such as robbing stores which led forty of them to be arrested; protests spread also through Philadelphia and

Washington DC where the “Hands up, Don’t Shoot” slogan was yelled (Bacon and Gray “Ferguson Decision Triggers Nationwide Protests”). Brown’s shooting represented another case in which one more police officer could get away with shooting one more unarmed black citizen. The grand juries’ decision across the country following the different similar cases finally led the whole nation to wonder and to ask for clear answers to the issue of racism in U.S. police lines.

The shooting of Michael Brown did not only create national reaction that took the form of nationwide protests and riots, it had also captured the international attention. In London, for instance, hundreds of people gathered in front of the U.S. consulate and marched through the streets chanting “hands up, don’t shoot” two days after the decision not to indict Wilson was declared in support to Ferguson protesters (Bajekale “Ferguson: Protests Spread to Britain”). The role of police has always been the protection of citizens’ lives and safety; they should be the body that people summon when threatened; however, with such incident the U.S. encountered, that function was questioned and people started thinking whether they should fear police more than criminals.

This incident also captured the attention of the international media which was present to cover the decision as well as the protests that followed it focusing on the unrest in Ferguson that the Guardian, for example, called “a War Zone”, while other news media linked it to the existence of racism in U.S. (Taylor “How the Rest of the World Reacted to the Ferguson Verdict”). This country claims to be the human and civil rights promoter to the whole world, and having such a list of the unarmed blacks killed by police in 2014 with no indictment to the police officers involved raised the international question of humanity and equality in this nation.

3.3.2. The Official Reaction

The shooting of Michael Brown, unarmed black man, sparked huge protests and riots and drew national and international attention to the violation of African Americans civil and human rights not only in Ferguson but in the U.S.as whole. Local and international figures and institutions such as Department of Justice and human rights organizations reacted to these events in different ways.

Few days after the shooting of Brown, Hudson in an article “ President Obama Issues A Statement On The Death Of Michael Brown” states that President Barack Obama sent his condolences to Brown’s family and community saying that the incident is a “heartbreaking”. In addition to that, on December 18, 2014, an Executive Order was signed by President Obama to set up the Task Force on 21st Century Policing. Its task was to test how to promote strong relationships between police officers and community members and to make recommendations about practices that help in reducing crime and maintain trust (“*The Interim Report of President’s Task Force on 21st Century Policing*” 1). The task conducted hearings, took testimonies and recommendations from many officials and community members in three months (2). It held seven hearing sessions which discussed building public trust, use of force, use of technologies including body-worn cameras, community policing and reduction of crime, police training, and the upcoming of community policing (3).

One of the recommendations of the Task Force was the use of technologies including body-worn cameras by law enforcement agents (“Fact sheet: Creating Opportunity...”the White House).The task suggested procedures for the federal government to be followed in the implementation of body-worn cameras. In addition, the Department of Justice (DOJ) in May 2015, declared a \$20 million Body-Worn Camera Pilot Partnership Program to react to the immediate needs of police associations (“Fact sheet: Creating Opportunity...”). Furthermore, the National Body-Worn Camera Toolkit was released by DOJ’s Office of Justice Programs’

Bureau of Justice Assistance in the same month to assist officers and communities implement the body-worn cameras programs (“Fact sheet: Creating Opportunity...”).

Shortly after the grand jury decision not to charge officer Darren Wilson who fatally shot Michael Brown, McCarthy in his article “Obama: No Excuse For Destruction in Response to Ferguson Grand Jury Decision” says that president Obama harshly reprimanded demonstrators for sparking racial violence in Missouri stating that there was no justification for burning properties. Obama also regarded the devastating practices by protesters as criminal actions and the ones behind such actions should be put on trial. In another article “President Obama Reacts to Ferguson Grand Jury Decision”, Dwyer and Keneally claim that Obama insisted on public to accept the grand jury decision and to protest in a peaceful way to meet Brown’s family wish. The president also called Ferguson police officers to maintain control and show concern (“President Obama Reacts to Ferguson Grand Jury Decision”).

After the killing of Brown, the Department of Justice launched a civil rights investigation into Ferguson Police Department (FPD) on September 2014 and the results were released on March 2015 (1). This investigation showed that Ferguson police officers and the municipal court engaged in unconstitutional practices and racial discrimination against African Americans (2). It also indicated that Ferguson’s emphasis on generating revenue affected its department’s policing and its officers; citizens, particularly blacks, are considered as a source of revenue rather than individuals to be secured (2). This way of policing led to the violation of the Fourth Amendment when officers stop persons without reasonable suspicion, arrest them without probable cause and use of lethal force, in addition to violating people’s right of free expression guaranteed by the First Amendment (2). Furthermore, this focus on revenue influenced even the municipal court leading to the violation of the Fourteenth Amendment that ensures the right to due process and equal protection under law (3). The court abuses its

judicial power to force people pay fines and taxes and imposes harsh penalties on them (*Investigation of the Ferguson Police Department*3).

The Department of Justice investigation confirmed that African Americans are disproportionately impacted by Ferguson police officers and municipal court practices that emphasize racial bias. As evidence indicates, this impact is in part the result of discriminatory intention based on race. Thus, though blacks constitute 65% Ferguson's population, they represent 85% of traffic stops, 90% of citations and 93% of arrests in the period between 2012 and 2014(*Investigation of the Ferguson Police Department*). Disparities are also found in the use of force; African Americans represent 90% of the entire use of force by FPD officers. After the killing of Brown in 2014, many of Ferguson's citizens, mainly African Americans, mistrust FPD due to its way of policing which results in unnecessarily violent and illegal practices; unaccountability; increasing the impact of stereotyping; and the disregard of community engagement (4-6).

The tragic events that followed the death of Michael Brown raised international concerns about human rights in Ferguson. Amnesty International USA sent a delegation to Ferguson between 14 and 22 August ("On the Streets of America: Human Rights Abuses in Ferguson" Amnesty International). It documented human rights abuses witnessed by its observers and some recommendations concerning the use of excessive force and dealing with protestors. The organization stated Michael Brown died out of unjustified use of lethal force, that Missouri's statute on the use of deadly force may be unconstitutional and that the U.S. has to deal with racial discrimination and guarantee that law enforcement practices go in hand with international standards("On the Streets of America: Human Rights Abuses in Ferguson"). It also declared that police officers abused the right of protestors of peaceful protests and free expression and responded harshly using tear gas and stun grenades leading to the intimidation of demonstrators. Amnesty International noted as well that human rights observers and media

were hindered from doing their jobs; nearly 19 journalists were arrested while officers used tear gas and rubber bullets against the others (Amnesty International “ On the Streets of America: Human Rights Abuses in Ferguson”).

Another response to the Ferguson’s incident was made by the American Civil Liberties Union (ACLU) few days after the shooting. Patrick says that the ACLU filed two lawsuits against FPD and St. Louis County requesting the reports of the incident. The first lawsuit was filed in St. Louis County Circuit Court because police refused to provide the ACLU with the records as it said. By refusing to release information, ACLU claimed that FPD violated the Missouri law since the information, according to this law, is open records. In this case, the county’s judge was requested to instruct the release of the documents. The second lawsuit was filed against St. Louis County for its refusal to allow media and community members to document the practices of police officers (“ACLU Sues to Obtain...”).

The issue of using lethal force by law enforcement officers has been discussed and addressed by many civil rights and social organizations in the aftermath of Ferguson events. The National Association of Social Workers (NASW) in addition to other organizations regard the tragic events that swept Ferguson as a chance to get rid of racial profiling and bring about changes to law enforcement policies regarding the use of force. In this sense, the Leadership Conference on Civil and Human Rights (LCCR) and the ACLU organized a Congressional briefing entitled Ferguson and Beyond-Profiling in America with the presence of NASW representatives. The senator Ben Cardin, who introduced the End Racial Profiling Act of 2013, initiated the briefing and the NASW worked to make the bill becomes a law. In addition to this briefing, many civil rights and social justice associations met at the LCCR office to develop policies aiming at banning similar events of Ferguson. In this meeting, a set

of recommendations were presented concerning the use of force, militarization of police, use of body cameras...etc. (“Ferguson, Missouri Aftermath...” 2-5).

What happened in Ferguson following the death of Brown also raised a huge debate over police militarization and community trust. Policylink, the center for global solutions and hundreds of social justice leaders, activists, and artists send a letter to President Barack Obama calling the Department of Justice to develop police-community relations using seven principles. Those principles can increase respect and trust between police and community members, ensure security and decrease killings out of using deadly force. The seven principles are: ensuring transparency and accountability, investing in training to build skills that meet the needs of community, ensure diversity in hiring police officers, engage community, refuse militarization of police when dealing with everyday problems, examine and implement good models to develop policing, and implement different technologies and tools for oversight (Policylink and Advancement Project “Turning Back the Tide...” 3-5).

Many civil rights organizations and associations were disappointed by the grand jury decision not to indict Wilson. Sibor argues that the National Bar Association thinks that justice is not carried in the death of Michael Brown. It issued a statement criticizing the grand jury ruling and asked the Department of Justice to set federal charges against Officer Wilson. Sibor also states that the president of National Bar Association Pamela J. Meanes was disillusioned by the ruling and declared that the association will fight until Brown’s family gets justice and asked Ferguson residents to avoid chaos that could result in arrests, injuries or the death of innocents. In addition, Pamela J. Meanes claimed that Brown’s death was significant in tackling issues of injustice and racially biased policing, justice system, and brutality against minority members as Sibor indicates (“National Bar Association Calls for Federal Charges against Darren Wilson”).

Although the case of Ferguson sparked protests and riots throughout the city and the U.S., and captured the international attention and criticism, it was not the last time an unarmed black person was killed by police. The 2015 was characterized with more similar cases; however, the exact number of blacks varied from one source to another. According to the Mapping Police Violence organization's map of May 5, 2016; over 396 black people were killed during 2015 whereas only 3% of police officers were indicted (Sinyangwe "Police Killed at Least..."). Those statistics draw a concerning image of police interaction with the community members in U.S. as it represents a real and serious challenge to the notion of post-racial America.

Conclusion

The U.S. is supposed to be a pioneer nation in promoting democracy and freedom and preserving civil rights to people all over the world as its famous Declaration of Independence states. However, minorities within the American community, particularly African Americans, faced and still facing problems of racial bias and discrimination practiced in the different aspects of life. In recent years, the African American civil rights came to be questioned again through the different violations practiced by U.S. law enforcement agencies.

Historically, African Americans experienced injustice since their first arrival to America in the seventeenth century. Even after granting them freedom and the rights of citizenship, blacks, who represented a considerable percentage of the country's population, were mistreated and never regarded as equal as whites. Thus, the discriminatory treatment and practices employed by whites against blacks urged them to engage in a long struggle for civil rights and social justice in the 1950s and 1960s. The Civil Right Movement that the African Americans engaged in succeeded to a large degree to ensure several civil rights and helped to draw national and international attention to the whites' brutality and the continued violation of blacks rights in America.

In recent years, the issue of racial discrimination against blacks became once again a central theme for debate and discussion. Different studies and investigations revealed that African Americans are disproportionately harmed by police officers' racial bias whether conscious or unconscious. Studies conducted by Correll , Fridell and other researchers on the issue of racial bias in the decision shoot / do not shoot and whether race influences that decision confirms that law enforcement agents are more likely to shoot black targets though they are holding objects like phones and not weapons. This decision to shoot a black man rather than a white one is the result of implicit racial bias and existing stereotyping of blacks as criminal and dangerous. So, ethnicity influences law enforcement decision to shoot or use force, especially deadly force, when encountering African American suspects.

Furthermore, the recent events involving the shooting of unarmed black men including Eric Garner, Tamir Rice, John Crawford III, Ezell Ford, Michael Brown and countless others demonstrate the existence of racial disparities in policing. The unjustified killing of those persons is a clear evidence of the violation of blacks' civil rights. This proves the fact that African Americans civil rights are at stake again.

On August 9, 2014, the shooting death of unarmed black teenager Michael Brown, 18 year-old, by a white police officer Darren Wilson in Ferguson, Missouri led to many protests and riots that erupted the city immediately after his death and after the grand jury decline to indict Wilson. The protests that lasted for weeks received a violent response from the government leading to the violation of civil and human rights there. This reaction revealed the fact that racism still exists in a nation that claims itself to be a post-racial country. The accounts of the shooting varied from one witness to another but what is obvious is that the victim was unarmed and was shot at least six times in the front according to the autopsies performed on his body.

The investigation that the Department of Justice conducted into Ferguson Police Department concluded that police officers engaged in unconstitutional and discriminatory practices against its African Americans residents through racial profiling and stereotypes. The FPD as well violated the civil rights of the citizens and showed disparities in arrests, traffic stops and the use of lethal force. It also shed the light on the issue of unaccountability of police officers.

To conclude, injustice and racism were part of African Americans history and continue to be so in recent years. Their civil rights are violated each and every day by discriminatory police practices. Those practices are driven by racial bias, be it explicit or implicit which confirms that the U.S. is not a post racial country as it claims. Michael Brown is among

hundreds of unarmed black victims who lost their lives at the hands of law enforcements and did not receive justice. Under these circumstances of mistreatment, racial discrimination, and violation of civil rights, it is not surprising that African Americans may engage in a new civil rights movement to secure their civil and human rights like that of the 1960s.

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Appendices

Appendix A

Emancipation Proclamation, January 1, 1863

President Lincoln's Emancipation Proclamation,

Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander in Chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days from the day of the first above mentioned order, and designate as the States and parts of States wherein the people thereof respectively are this day in rebellion against the United States, the following to wit: Arkansas, Texas, Louisiana - except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafouche, St. Mary, St. Martin, and Orleans, including the city of New Orleans - Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia - except the forty eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northhampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth, and which excepted parts are, for the present, left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are and henceforward shall be free: and that the executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence; unless in necessary self defense: and I recommend to them that in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons, of suitable condition, will be received into the armed service of the United States, to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity. I invoke the considerate judgment of mankind and the gracious favor of Almighty God

Abraham Lincoln

<https://www.gilderlehrman.org/sites/default/files/inline-pdfs/Emancipation%20Proclamation,%20January%201,%201863_0.pdf>

Appendix B

Declaration of Independence

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.— That to secure these rights, Governments are instituted among

Men, deriving their just powers from the consent of the governed,— That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.— Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent: For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same

absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy of the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us.

We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

<http://www.constitution.org/us_doi.pdf.>

Appendix C:

Civil War Amendments

13th Amendment

Amendment XIII

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

Appendix D

14th Amendment

Amendment XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the

United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Appendix E

15th Amendment

Amendment XV

Section 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

<<https://www.law.cornell.edu/constitution/amendmentxv>>

Appendix F

Attorney General Statement on Latest Developments in Federal Civil Rights

Investigation in Ferguson, MO

Attorney General Eric Holder released the following statement Monday following his briefing of President Obama on the latest developments in the federal civil rights investigation in Ferguson, Missouri:

“As I informed the President this afternoon, the full resources of the Department of Justice are being committed to our federal civil rights investigation into the death of Michael Brown.

“During the day today, more than 40 FBI agents continued their canvassing of the neighborhood where Michael Brown was shot. As a result of this investigative work, several new interviews have already been conducted.

“Moreover, at my direction, an additional medical examination is being performed on the body of Michael Brown. This autopsy is being performed today by one of the most experienced medical examiners in the United States military. I am confident this additional autopsy will be thorough and aid in our investigation.

“In addition to updating the President on these developments, I informed him of my plan to personally travel to Ferguson Wednesday. I intend to meet with FBI investigators, and prosecutors on the ground from the Civil Rights Division and U.S. Attorney’s Office officials about the ongoing investigation.

“I realize there is tremendous interest in the facts of the incident that led to Michael Brown’s death, but I ask for the public’s patience as we conduct this investigation. The selective release of sensitive information that we have seen in this case so far is troubling to me. No matter how others pursue their own separate inquiries, the Justice Department is resolved to preserve the integrity of its investigation. This is a critical step in restoring trust between law enforcement and the community, not just in Ferguson, but beyond.

“In order to truly begin the process of healing, we must also see an end to the acts of violence in the streets of Ferguson. Those who have been peacefully demonstrating should join with law enforcement in condemning the actions of looters and others seeking to enflame tensions.

“To assist on this front, the Department will be dispatching additional representatives from the Community Relations Service, including Director Grande Lum, to Ferguson. These officials will continue to convene stakeholders whose cooperation is critical to keeping

the peace. Furthermore, as the President has announced, Ron Davis, our Director of the COPS office, will arrive on the ground in Ferguson Tuesday. Ron has been in touch with local and state officials since last week, providing technical assistance on crowd control techniques and facilitating communications between Missouri officials and other law enforcement officials whose communities have faced similar challenges in the past.”

<[https://www.justice.gov/opa/pr/attorney-general-statement-latest-developments-federal civil-rights-investigation-ferguson-mo](https://www.justice.gov/opa/pr/attorney-general-statement-latest-developments-federal-civil-rights-investigation-ferguson-mo)>