

Ferguson Protesters File Lawsuit Against Police for Civil Rights Violations

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by Nadia Prupis, staff writer

Protesters in Ferguson, Missouri [filed](#) a \$40 million federal lawsuit on Thursday alleging that police in the local and county departments violated civil rights and used excessive force to falsely arrest innocent bystanders in an attempt to crack down on the demonstrations that took place throughout the month.

The death of Michael Brown, a black teenager who was unarmed when he was shot to death by Officer Darren Wilson, who is white, sparked weeks of marches and demonstrations against police brutality and racism.

The five plaintiffs, including some who were not involved with the protests but encountered officers while eating out or walking home, said they were arrested violently, shot at with rubber bullets, and subjected to racial slurs.

“The police were completely out of control,” said attorney Malik Shabazz of Black Lawyers for Justice. “In those initial days, it was virtually a police riot.”

The lawsuit names Ferguson Police Chief Tom Jackson, St. Louis County Police Chief Jon Belmar, Ferguson officer Justin Cosma, several unnamed officers collectively identified in the suit as “John Doe,” and the city and county governments.

Early days of the protests [saw](#) the police forces dressed in riot gear and shooting tear gas and rubber bullets into crowds of unarmed protesters. After days of unrest, Missouri Governor

Jay Nixon put the State Highway Patrol in charge of securing Ferguson, which initially helped ease tensions. But police brutality returned to the protests after St. Louis County police were allowed back on the ground shortly after state troopers took over operations.

Talking Points Memo [writes](#):

Plaintiff Tracey White said she and her son, a high school junior, were waiting for a ride from her husband at a West Florissant Avenue McDonald's after attending an Aug. 13 "peace and love" rally at a Ferguson church when several rifle-carrying officers told her she was being arrested because she would not "shut up." White said she and her son were detained for five hours at the county jail on charges of failing to disperse, but she said she was not provided with any records reflecting that charge or a future court date.

"It was so horrifying," she said. "We did nothing wrong."

Dwayne Anton Matthews Jr. said he was confronted by eight officers that same night while walking to his mother's home after the bus route he normally takes stopped short of his destination because of the unrest. The suit alleges that after Matthews was shot multiple times with rubber bullets, he fell into a creek or sewer, where police officers "pounced on him, slammed his face into the concrete and pushed his head under water to the point that he felt he was going to be drowned."

Matthews, who styles his hair in long dreadlocks, told reporters at a Thursday press conference outside the St. Louis federal courthouse that he was called a "coon" and a "mophead," among other racial slurs.


Hundreds were arrested in recent weeks, including protesters, reporters, lawyers, and community leaders. Wilson has not been arrested for Brown's death.


Justice for Trayvon? Repeal ALEC's 'Stand Your Ground'

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"This is another tragedy for Black families everywhere, and another instance of how law enforcement and our criminal justice system routinely fail black people and communities."

by Brendan Fischer

The acquittal of George Zimmerman for killing unarmed high-schooler Trayvon Martin serves as a reminder of the continuing inequities in America's criminal justice system – and might be the impetus to repeal a law like "Stand Your Ground," which was adopted by the American Legislative Exchange Council (ALEC) and subsequently spread across the country. Stand Your Ground was part of the jury instructions in Zimmerman's criminal trial, and it could again come into play if Trayvon's family brings a civil suit. 


Selina Gray of Sanford, Fla., shows her sign at a rally protesting the death of Trayvon Martin. Authorities have cited the

state's "stand your ground" law as a reason charges have not been filed in Martin's death. (Photo: Julie Fletcher/AP)

"This is another tragedy for Black families everywhere, and another instance of how law enforcement and our criminal justice system routinely fail Black people and communities," said Rashad Robinson, Director of Color of Change.

"What the verdict says, to the astonishment of tens of millions of us, is that you can go looking for trouble in Florida, with a gun and a great deal of racial bias, and you can find that trouble, and you can act upon that trouble in a way that leaves a young man dead, and none of it guarantees that you will be convicted of a crime," [writes Andrew Cohen](#) in *The Atlantic*.

Jury Instructions Included Stand Your Ground

In 2012, the killing of Trayvon Martin acutely focused attention on Stand Your Ground laws, which give criminal and civil immunity to a person who claims they use deadly force because they allege a reasonable fear of harm. Because of the law, Sanford Police initially declined to arrest Zimmerman because they apparently agreed it was "reasonable" to feel threatened after stalking an unarmed African-American teenager returning from a trip to buy Skittles and iced tea.

Some have claimed that Stand Your Ground played no role after Zimmerman was eventually arrested – he and his lawyers relied on Florida's lenient self defense statutes – but the [jury instructions](#) invoked the Stand Your Ground protections by stating he had no "duty to retreat" from the situation:

"If George Zimmerman was not engaged in an unlawful activity and was attacked in any place where he had a right to be, he

had no duty to retreat and had the right to stand his ground and meet force with force, including deadly force if he reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or another or to prevent the commission of a forcible felony."

This language is nearly identical to that in the [Florida Stand Your Ground law](#) and the ALEC ["model" legislation](#). We cannot know if the outcome would have been different had the six jurors been instructed differently – but we do know that Stand Your Ground played a role in the case, even after Zimmerman's arrest.

Law Could Also Be Applied in Civil Lawsuit

And Stand Your Ground could still come into play.

If, as expected, Martin's family brings a civil suit against Zimmerman seeking damages for wrongful death, he could still invoke the law's protections. The Stand Your Ground [law](#) provides immunity not only in criminal prosecutions brought by the state, but also civil lawsuits filed by a person's family, even if Stand Your Ground was never invoked in the criminal trial.

What's more, if the court sides with Zimmerman's Stand Your Ground claim in the civil case, the law would actually require Martin's family to pay Zimmerman's legal fees.

"The Poison of Stand Your Ground Was From ALEC"

As the Center for Media and Democracy (publishers of [ALECexposed.org](#)) [uncovered](#), ALEC adopted Stand Your Ground as a "model" for other states in early 2005, just months after the NRA pushed it through Florida's legislature (with then-state legislator Marco Rubio voting in favor).

The NRA [boasted](#) that its lobbyist's presentation at a 2005 ALEC meeting "was well-received," and the corporations and

state legislators on the Criminal Justice Task Force voted unanimously to approve the bill as an ALEC model, under the name the "Castle Doctrine Act." At the time, [Wal-Mart, the nation's largest seller of rifles, was the corporate co-chair of the Task Force](#). Since becoming an ALEC model, twenty-six states have passed laws that contain provisions identical or similar to the ALEC legislation. ALEC [called](#) the legislation one of its "successes." (See also [this infographic](#) showing the connections between ALEC, the NRA, and Stand Your Ground).

With this revelation, the [spotlight turned](#) on ALEC as [never before](#), with the public soon becoming aware of ALEC's role in advancing an array of reactionary bills, including legislation that makes it harder to vote, criminalizes immigrants, destroys unions, protects corporations from civil liability, thwarts environmental regulations, and cuts holes in the social safety net – all while the organization enjoys tax-exempt "charitable" status.

In response to public criticism and a campaign led by Color of Change, along with CMD, Common Cause, Progress Now and People for the American Way, [at least 49 corporations](#), including General Motors, General Electric, Amazon.com, and Coca-Cola, [have severed ties with ALEC](#).

In April 2012, ALEC [disbanded the task force](#) that had promoted Stand Your Ground and disavowed its gun bills, but the damage has already been done: laws influenced by ALEC's "model" Stand Your Ground law remain on the books in twenty six states, and ALEC has done nothing to promote their repeal.

On Sunday, Urban League President Marc Morial [renewed calls](#) to focus attention on ALEC.

"There needs to be sunlight on what they're doing, which what they're doing is creating model legislation and spread the poison of Stand Your Ground all over the nation."

"It's important to recognize a year ago when there was some

sunlight on ALEC, many of us called for many of its major supporters to withdraw," he said on MSNBC's *Up With Chris Kornacki*. "I want to renew that call this morning, because the poison of the Stand Your Ground law was from ALEC."

Tragedy About More Than Stand Your Ground, But Repeal Is Key

The Trayvon Martin tragedy has never been exclusively about Stand Your Ground laws. The case has captured the nation's attention because it serves as a reminder of the persistent racial inequities that continue to plague the country, such as the too-common presumption that young black men are criminals and the ways the criminal justice system persistently fails communities of color.

And ALEC's connections to those issues are not limited to Stand Your Ground. The group was instrumental in pushing "three strikes" and "truth in sentencing" laws that in recent decades have helped the U.S. incarcerate more human beings than any other country, with people of color making up [60 percent](#) of those incarcerated. At the same time ALEC was pushing laws to put more people in prison for more time, they were advancing legislation to warehouse them in for-profit prisons, which would benefit contemporaneous ALEC members like the Corrections Corporation of America.

ALEC has also played a key role in the spread of restrictive voter ID legislation that would make it harder to vote for as many as ten million people nationwide – largely people of color and students – who do not have the state-issued identification cards the laws require.

ALEC began to focus on voter ID shortly after the 2008 elections, where high turnout from college students and voters of color helped sweep America's first black president into office. Soon after those elections, ALEC began promoting the myth of voter fraud (with "Preventing Election Fraud" as a cover story on the *Inside ALEC* magazine), and ALEC

corporations and politicians voted in 2009 for "model" voter ID legislation. Bills reflecting ALEC's model Voter ID Act were subsequently introduced in a majority of states.

In [some states](#), voter ID restrictions were blocked by the Department of Justice under Section 5 of the Voting Rights Act – but the U.S. Supreme Court recently held that states subject to Section 5 need not seek pre-approval from the federal government before changing voting rules. After the Court's decision in that case, *Shelby County v. Holder*, states with a history of legalized discrimination [quickly rushed](#) to pass and implement ALEC-inspired voter ID laws.

But "our country has changed," Chief Justice John Roberts wrote in the decision.

Many Other Stand Your Ground Victims

"Were it not for Trayvon's family and countless supporters taking action, Zimmerman would have never faced a single question about his actions at all," Robinson says.

The persistence of Trayvon Martin's family eventually attracted national attention to the case, and only after a massive public outcry did Florida law enforcement reconsider their Stand Your Ground assessment, appointing a special prosecutor and eventually arresting Zimmerman six weeks after the shooting.

[Most victims](#) where Stand Your Ground has been invoked have not had the same level of press attention as the Martin case. There is the case of 17-year-old Jordan Dunn, [for example](#), who was shot and killed in Florida after a disagreement with 46-year-old Michael Dunn, who thought Dunn and his friends were playing their music too loud; Davis was black and Dunn was white, and Dunn plans to invoke Stand Your Ground at trial. And the disparities in how Stand Your Ground are applied become clear by looking at the case of Marissa Alexander, also in Florida, [who was convicted of 20 years](#) for

firing a warning shot after being threatened by her husband, who has a history of domestic violence.


Justice under Stand Your Ground laws have been anything but equal. The Tampa Bay Times found that people who killed a black person walked free 73 percent of the time, while those who killed a white person went free 59 percent of the time. Other studies have shown that Stand Your Ground is [more likely to applied](#) in cases of white-on-black crime.

In May, the U.S. Commission on Civil Rights [launched](#) an investigation into racial bias and Stand Your Ground laws.

ALEC is now trying to distance itself from its role in pushing legislation like Stand Your Ground and laws that promote mass incarceration and voter suppression, but their position is not credible until they work to repeal these damaging policies.

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George Zimmerman 'not guilty' verdict: Legal fight could continue

 [George Zimmerman 'not guilty' verdict: Legal fight could continue](#) (via [The Christian Science Monitor](#))

UPDATE 4:25 PM The Department of Justice said Sunday it would review the Trayvon Martin-George Zimmerman case to determine if it should consider prosecuting Zimmerman, who was acquitted Friday in a Florida court, in the shooting case, reports Politico...

