



The Myths of Ferguson

Dear Senator Warren,

It seems that in an attempt to draw attention to your political aspirations, you've resorted to falsely claiming that the use of force by Ferguson, Missouri Police Officer Darren Wilson on Mr. Michael Brown was "murder" (*your* word). While it was clear from the (literally) incendiary and violent actions of the mob on the streets of Ferguson that they had no real interest in the Grand Jury's decision (they were already smashing into stores while the announcement was still being made), the American public might have expected better from you, a former Harvard Law School professor and candidate for president.

In an effort to assist you, we hope that by knocking down some of the myths that have grown up around this case, we can do our part to place the truth into the public's view, and help anyone who is genuinely interested to understand what happened. Let us hope that this includes you.

MYTH ONE: The "Unarmed" Teenager.

Every interaction or confrontation between a police officer and a citizen already has *at least* one firearm involved, the officer's. Officers are disarmed and killed with their own weapons in this country, that's a fact. That's also one of the reasons that a cardinal rule of thumb is that an officer's body armor must be rated to stop the rounds that his/her own weapon fires. The National Memorial here in Washington includes on its marble walls the names of those officers killed with their own firearm, or a partner's firearm that had been wrestled away from them. Officer Wilson's grand jury testimony established that Mr. Brown was physically punching the officer and actively trying to use the officer's own firearm against the officer when the officer, in reasonable fear of death or great bodily harm, first fired at Mr. Brown. And Officer Wilson's testimony is corroborated by the physical evidence at the scene: Mr. Brown's DNA *inside* Officer Wilson's patrol vehicle, and on the officer's uniform; and the stippling or soot evidence

on Mr. Brown, indicating his actual physical proximity with the weapon when Officer Wilson fired. In this violent struggle for the gun, a struggle that the officer was losing to the aggressor, it is misleading and inaccurate to characterize Mr. Brown as “unarmed.”

But what about the second series of shots, those that occurred outside the patrol vehicle? Again, the actual evidence is conclusive that Mr. Brown, after initially running from Officer Wilson (after the struggle over the gun in the vehicle) stopped on his own, and turned back towards the officer, and charged him. It is true that Mr. Brown, to the best of our knowledge, did not have a knife or gun in his hand at this time, but it is also true that *a lack of a weapon does not mean a lack of a serious threat of great bodily harm*. Mr. Brown is reported to have stood 6’4” and weighed close to 300 pounds. He was larger than every current starting linebacker in the NFL. He was much larger than Officer Wilson. More importantly, he had already demonstrated his intent to disarm the officer and the threat to shoot the officer with his own weapon after having disarmed him. Officer Wilson was without cover, having chased Mr. Brown down the street, away from his vehicle. At this point, it seems clear from the actual evidence that Officer Wilson simply had no choice left to him but to submit to being disarmed and shot, or to defend himself. But who took away the other choices that might have been? Mr. Brown. Which leads us to Myth Two.

MYTH TWO: The robbery just committed by Mr. Brown is irrelevant.

It is undisputed that Mr. Brown and his companion had just robbed a convenience store of cigars. The robbery was caught on video. When the video was released by the police department, critics raged that it was unfair, irrelevant, that the officer could not have known about it when he had his altercation with Mr. Brown. But the actual facts show otherwise. The robbery had already been reported to the police department. A report of the robbery *including a description of the suspects* had already been broadcast. Officer Wilson had in fact heard the broadcast shortly before encountering Mr. Brown and his companion walking down the middle of the street a short distance from the store where the robbery had just occurred. Not only did Mr. Brown and his clothing match the broadcast description, but in his hand, plainly visible, were the cigars.

Critics of the police had argued that if Officer Wilson didn’t know about the robbery, he must have stopped Mr. Brown for a different, improper reason. But Officer Wilson *did* know about the robbery, and seeing that Mr. Brown and the apparent spoils of the robbery in his hand matched the description, properly initiated contact with Mr. Brown. Which leads us to Myth Three.

MYTH THREE: Mr. Brown was killed for stealing a box of cigars.

Mr. Brown was noticed because he was a great big man walking down the middle of the street at midday. You couldn't help noticing him. But much more than that, Mr. Brown was contacted by Officer Wilson because he matched the description of the robbery suspect. Notice the word "*contacted*" by Officer Wilson. As in spoken to, told to stop, asked what was going on. Not shot or attacked or threatened by the officer. *Spoken to*. Officer Wilson knew this was probably the man who had just robbed the store of cigars, but used *absolutely no force at all*, let alone shooting Mr. Brown because of the stolen cigars. He tried to *talk* to him.

The actual evidence is clear once more, and this comes not just from Officer Wilson, but from other eyewitnesses as well as from the physical and forensic data, that the escalation of the encounter to physical violence was initiated not just once, but twice, by Mr. Brown, not Officer Wilson. The use of force, in this case deadly force, was resorted to by the officer only after a first violent attempt to disarm the officer and use his own gun against him, and the institution of a second physical attack by Mr. Brown. Mr. Brown wasn't shot because he stole a bunch of cigars; he was shot because he had quite deliberately put the officer in a position where no other course of action (save submission to the attack and disarmament) was possible. But this leads us to Myth Four.

MYTH FOUR: Officers want to kill people / Mr. Brown was executed while trying to surrender.

As the prosecutor in charge of the grand jury, Robert McCulloch, took great pains to point out again and again, the initial social media firestorm that propelled this case was all built on lies. The accusation was that Officer Wilson executed Mr. Brown while Mr. Brown was trying to surrender, perhaps on his knees, with hands in the air, pleading "Don't shoot!" The problem is that none of that happened. Three separate autopsies, including one at the request of Mr. Brown's family, showed that the shots which struck Mr. Brown did so when Mr. Brown was facing and/or in direct physical contact with, Officer Wilson. No shots in the back. No shots while Mr. Brown's hands were up over his head. No shots while Mr. Brown was on his knees.

The prosecutor was careful to point out that Mr. Brown's blood was found *farther away* from where Officer Wilson was standing when he fired than Mr. Brown's body was found. Why is that significant? Because the evidence shows that Mr. Brown was already hit by more than one round from the officer's gun. Thus we can conclude that Mr. Brown had already begun to bleed. And because Mr. Brown's blood was trailing out of his body as Mr. Brown moved, and his body was closer to Officer Wilson than the blood was, then Mr. Brown must have been moving *toward* Officer Wilson when shot, not away from him. Moving, not standing still, not surrendering, not on his knees with hands up. This again ties in with all the other physical evidence.

And one very important point that is so obvious that it is often ignored by the media which helps to demolish this myth: *It is the police themselves who are always the first to try to save the life of the person they just shot.* It is the officer who calls for medical help. It is the officer who tries to ascertain the extent of the offender's injuries. It is the officer who radios "suspect down." It is the officer who gives the location, directing EMS response to the scene. It is the *very same officer* who just had to use deadly force to protect himself from a violent attack who now does everything in his power to save the life of the person who just attacked him. The officer does not want the suspect *dead*, he wants him *stopped*. There is a world of difference between those desires.

Facts are indeed stubborn things. Unfortunately, so are myths when they are promulgated and perpetuated by a complacent media, or worse, by a candidate who does so for the basest of political calculations.