

# The New York Times

## 5 Years After Ferguson, We're Losing the Fight Against Police Violence

Justin Hansford

August 9, 2019

On a hot and muggy summer afternoon five years ago, thousands of people flooded the streets of Ferguson, Mo. They were there to protest the killing of Michael Brown, the black 18-year-old who had recently graduated from high school when a white police officer, Darren Wilson, took his life, claiming that he perceived a deadly threat despite the fact that Mr. Brown was unarmed. Under the sound of hip-hop blaring from car radio speakers and the call-and-response chorus of “Hands up! Don’t shoot!” a movement calling for the protection of human rights and equal justice took flight.

As a law professor living about 10 minutes outside of Ferguson, something in my heart told me that I needed to join the protests and fight for what was right. As events unfolded, I realized what a privilege it was to watch the people in this small Midwestern town make history right before my eyes.

Despair over Michael Brown’s death and the fact that Mr. Wilson faced no criminal consequences for it catapulted the hashtag #BlackLivesMatter — first used in 2013 after the acquittal of George Zimmerman, a neighborhood watch volunteer, in the shooting death of 17-year-old Trayvon Martin — into national consciousness. It catalyzed a cultural renaissance by drawing attention to the problem of police violence against and abuse of African-Americans and, more broadly, by celebrating blackness and protest. People around the world embraced the movement.

Some of those who demonstrated alongside me are suffering from PTSD, others have been jailed, and others have died under tragic circumstances. Bassem Masri, who sat beside me while we were handcuffed in the back of a police car, having been arrested for peacefully protesting, is one of those who have passed away over the past five years.

But they did leave their mark. Thanks in part to the efforts of Mr. Masri and other activists, Ferguson’s police chief resigned in 2015 after the Justice Department reported that Ferguson’s officers targeted residents as “sources of revenue,” a practice disproportionately aimed at African-Americans. The predatory use of finer and fees faced new legal and political challenges. The city’s prosecutor, Bob McCulloch, whose office activists accused of misleading a grand jury to keep Mr. Brown’s killer from being indicted, recently lost his re-election bid. Still — we must be honest about this — notwithstanding these local wins, the racist structures that we railed against on West Florissant Avenue in Ferguson that August remain essentially unchanged.

Racial justice movements in this country have always been met with backlash. This has to do with what the progenitor of critical race theory, the legal scholar Derrick Bell, called “the permanence of racism.” He pointed out that the promises of the post-Civil War era lasted less than a decade before Jim Crow laws took hold. This framework continues to be relevant. Within a decade of the end of the civil rights movement, the war on drugs ushered in the era of mass incarceration. And less than a decade after the first black president was elected, a virulently racist president took office.

Shortly after the uprising in Ferguson, in 2015, I testified before the Obama administration’s newly introduced President’s Task Force on Twenty-First Century Policing, and the Justice Department’s civil rights division began one of the most aggressive campaigns of police oversight this country has ever seen. Consent decrees with police departments in Baltimore, Chicago and even Ferguson followed groundbreaking, scathing federal investigations of racism and other misconduct by officers. There were reasons to be more hopeful.

But then the backlash came. The federal government retreated from reform. A conservative Supreme Court continued to uphold and protect racialized policing and the use of unnecessary violence even after the federal investigations reinforced the complaints of community members. The Trump Justice Department largely limited oversight of police departments, and that played a significant role in erasing the short-lived push toward accountability.

The effects of the backlash were proved by data compiled by The Washington Post in response to the protests in Ferguson that demonstrated that police violence *increased* in the four years after Mr. Brown’s death. While 2016 saw a dip in police killings compared with 2015, the number of killings by the police in 2017 and 2018 rose to earlier rates. The number of killings for 2019 is also on a high trajectory. We had just one year of progress on police violence before the backlash kicked in.

The media also took a step backward. A 2016 empirical study measured the extent to which the movement changed how officer-involved deaths were reported in local news. It found that journalists’ reporting in the area “continues to reflect a troubling respectability politics that minimizes the lives lost and overstates the legitimacy of police use of deadly force.” The rise of the antagonistic phrase “Blue Lives Matter” — the retort to “Black Lives Matter” by those who resent complaints about police violence and demands for racial justice — is an unfortunate symptom of these misguided media portrayals.

White-supremacist infiltration of law enforcement has been documented, and the white-supremacist mentality of being under siege has permeated police departments and carried over to public attitudes about the police. By 2016, according to a poll by the Cato Institute, 61 percent of Americans believed there was a war on the police. The Blue Lives Matter Facebook page has over two million likes, while the Black Lives Matter page has under 400,000. The perverse conception of police officers as victims made its way into law when President Barack Obama signed the Blue Alert law in 2015. And in spite of the fact that the phrase featured prominently during the Charlottesville neo-Nazi march in the summer of 2017, the House passed the Protect and Serve Act in 2018, another law designed to entrench the Blue Lives Matter narrative in our legal system. No federal legislation was presented to act on any of the recommendations of the president’s task force on policing.

To be sure, the Black Lives Matter movement has made strides around the country. Important police reform victories have been won in Los Angeles and Chicago. After five years, the police officer who used a chokehold to kill Eric Garner — an unarmed man accused only of selling loose cigarettes — has been suspended from the New York Police Department and a judge has recommended his firing. The officer who was caught on video yelling “I will light you up!” as he violently arrested Sandra Bland during a traffic stop before she died in custody has been fired and agreed to never again seek work in law enforcement. Ms. Bland’s family reached a \$1.9 million settlement in a wrongful-death civil suit. But these are independent victories fueled by local communities, not directly traceable to Ferguson, and most important, they have not resulted in national, fundamental change.

In the five years since the uprising, Ferguson activists have shifted from a demand to “stop killing us” to calls for broader civil rights and human rights standards and appeals for the ultimate structural change — an abolitionist ethic that seeks to end policing and prisons altogether. This conclusion, dubious and far-fetched to many, is a response to the thoroughly credible and highly researched position that the use of the criminal justice system as a tool of racial control reflects its original design, making the complete dismantling of it a worthy alternative vision for the long-term future. But in the short term, what does the path to progress look like? How will the movement grow in political power so that it can reach its goals, abolitionist or otherwise?

Communities have continued to search for answers. A youth activist, Travis Washington, has created a petition for a Hands Up Act that would create a mandatory minimum sentence for the police killing of unarmed civilians. The Movement for Black Lives, a coalition that includes activist organizations from Ferguson, continues to call for federal and state budget divestment from the police and investment instead in the health and wellness of our communities, and has created an electoral justice project to train a generation of candidates committed to building more constructive ways of fostering public safety.

Neither of those proposals is revolutionary — they are short-term fixes. But they remind us that we don’t have to wait until the next election to use our political power. Signing the petition, organizing community members to work on the divestment campaign and even calling on presidential candidates and progressives in Congress to prioritize structural change toward ending police violence are all ways that can and will begin to make a difference.

On Aug. 9, 2014, Mr. Brown’s last words to his friend Dorian Johnson, fleeing the deadly encounter with Mr. Wilson, were “Keep running, bro!” I believe the people in his community have embraced a similar message. Holding steadfast to the principle that everyone deserves human rights and equal justice under law and freedom from racism, they have been running a race for liberation, for all of us, from that very moment. Unfortunately, five years later, the rest of the country has failed to keep up in the long race toward freedom and racial justice.