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The pursuit of justice for Eurie Stamps

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The killing of Eurie Stamps Sr. by a Framingham police officer was more than a tragedy. It was an outrage.

The SWAT team burst into Stamps' home in the middle of the night on Jan. 5, 2011, busting down doors and setting off flashbang grenades, to serve a search warrant targeting his stepson. Stamps obeyed police instructions and posed no threat. He was lying face down in the hallway, his hands held up, when he was shot in the head by officer Paul Duncan.

In the years since, the outrage has been compounded by several factors. There's been no accountability for Duncan, who is still on the force. The Middlesex District Attorney declared the shooting an accident and never put it before a grand jury. The civil trial that could establish facts and responsibility has been stalled for years.

Nor has the case garnered much attention. Stamps' death came years before a police shooting in Ferguson, Missouri, sparked the Black Lives Matter movement. There have been no protest marches in Stamps' honor, and little notice given to his case outside the pages of this newspaper and a few mentions in national roundups.

That's unfortunate, because the Stamps case illustrates many of the issues in our new national debate on policing: aggressive police tactics resulting in the death of an innocent black man; an internal investigation exonerating the police officer; the unnecessary use of military equipment and tactics by a SWAT team in a routine police operation.

But there's been this positive development: A new brief filed in connection with the Stamps family's civil suit elevates the case and puts it in a broader context. The amicus "friend of the court" brief argues that Duncan's action violates the Fourth Amendment to the Constitution.

The brief was filed this week by a diverse collection of advocacy groups, including the American Civil Liberties Union of Massachusetts, the Cato Institute, the National Bar Association, which represents African-American attorneys and judges, and LatinoJustice. It supports the plaintiffs in the town's appeal of a district court ruling denying Duncan's claim of qualified immunity.

That's a narrow argument made in the cause of a larger principle. "It just can't be that police can point a gun at an innocent man who posed zero danger to them and yet, because the officer accidentally killed that man, our federal civil rights laws allow the police to walk away and give his family no relief," an ACLU attorney said in announcing the brief.

The Fourth Amendment reference is important. Its protection against unreasonable searches and seizures has roots in the ancient "castle doctrine," as in "a man's home is his castle." Abuses of that protection by British troops, in Colonial Boston and elsewhere, inspired the framers to include security in one's home as a basic right. That protection has been whittled away in the last 40 years by laws and rulings made in service of the war on drugs. Before the Nixon administration, police had to knock on your door and seek permission to enter. Now "no-knock" raids like the one on Eurie Stamps' house have become routine.