



In Combat, the Killing of Michael Brown Would have Been a War Crime

By Dave Lindorff
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What's wrong with Ferguson Police Officer Darren Wilson's killing of the unarmed 18-year-old black teenager, Michael Brown, and with a Grand Jury decision not to indict him for that outrageous slaying, is what is wrong with American law enforcement and American "justice" in general.

Both actions were permeated not only with racism, which clearly played a huge role in both the verdict rendered by a Grand Jury composed of nine whites and only three blacks, and in this tragic police killing by a white cop of a black child, but also by a mentality on the part of police - - and apparently by at least a majority of the citizen jurors on a panel evaluating Wilson's actions -- that cops are authorities who must be obeyed without question, on pain of death.

Let's recall the most crucial evidence in this killing: [According to the New York Times](#) it was two shots into the top of the head by Officer Wilson that killed Brown -- shots that multiple witnesses confirm were fired *after* the unarmed Brown was on his knees, already seriously wounded by four other apparently non-lethal shots to arm, neck and upper right chest, with his *hands raised* and pleading "Don't shoot." The *Times* also reports that those shots, apparently fired when Brown's head was leaning forward, or from a position above him, appeared to have been fired "not from close range," a determination based upon an absence of gun powder residue around the area of the entry wounds.

It should not matter in the slightest whether or not Brown had first struck Officer Wilson inside his squad car during a scuffle, as claimed by the cop, or even that the officer, as he testified in an unusual appearance before jurors, "felt terrified" at that time. Nor does it matter, beyond being evidence of an inherent racism, that Wilson says he thought that Brown, approaching him at his car initially, "looked like a demon." If the non-lethal shots that first hit Brown in arm, neck and upper chest had been fired at that early point, perhaps Wilson would have been justified in firing them in self defense, but it's what happened after Brown tried to leave the scene that matters.

This is because Brown, multiple witnesses testified, was down on his knees posing no threat whatsoever to the armed officer when Wilson killed him with at least two shots to the head.

That was not a defensive action by Officer Wilson. It was an execution plain and simple -- a punishment for Brown's having allegedly struck the officer earlier, for his attempt to leave the scene of conflict, and perhaps also for Brown's initial refusal to obey the officer's order to get out of the middle of the road, which was reportedly the original reason the officer initiated a confrontation with Brown.

That the jury exonerated Wilson speaks volumes about the sorry, racist state of American society and about the sorry state of the US justice system, where citizens charged with looking into whether a murder has been committed will give a pass to a cop who clearly crossed the line and behaved in a manner that, in war-time, would be punishable as a war crime. That is what the Geneva Conventions term the slaying of a combatant whose hands are raised in the universally understood sign of surrender.

Sadly, the Geneva Conventions do not apply to domestic policing. I say sadly, because it is clear that in nearly all jurisdictions in the US, police today are for all intents and purposes a law unto themselves, without even a US Military Uniform Code of Conduct to govern their actions. Rare indeed is the police officer who is convicted of unlawfully killing a suspect or a person in custody, though such killings are soaring in number, even as the deaths of police officers on the job (excluding those who die in auto accidents involving usually pointless and sometimes illegal high-speed chases), have plummeted to levels not seen since the 19th Century.

I remember covering a coroner's inquest in Los Angeles back in 1978 involving the 1977 killing of a small, naked and unarmed man by a hulking LAPD sergeant. The victim, Ron Burkholder, a biochemist who had apparently accidentally burned himself badly one night while trying to make PCP in his basement for personal use. In pain, he had torn off his burning clothes and had then run out onto the street. His erratic behavior led Sgt. Kurt Barz, who was passing in a patrol car, to stop and investigate. Barz testified that he felt threatened when Burkholder (clearly seeking help) ran towards him, and he unloaded his pistol into the approaching "threat," killing Burkholder instantly with six shots.

The LAPD, in an internal affairs investigation, quickly found the killing "justifiable," and though the inquest later reached the conclusion of wrongful death, there was no prosecution of Barz, though clearly the scrawny Burkholder posed no conceivable threat to him, and being naked, clearly had no weapon.

So it goes.

The only change, in would seem, between 1977, when Officer Barz slaughtered the unarmed, injured and help-seeking Burkholder, and 2014, when Officer Wilson executed the wounded and surrendering Brown, is how much more commonly police murders of citizens occur these days. And yet the number of successful prosecutions of cops for such slayings still hovers disturbingly close to zero. Even in the rare instance where cops are indicted for killing someone, when the case goes to trial, the same pro-cop bias among prosecutors, judges and even jurors, tends to work against a conviction, which requires, of course, a unanimous decision to convict.

[According to one survey](#), in the period between May 1, 2012 and August 24, 2013, police killed at least 1450 people in the US. Since the FBI claims there were 400 "justified" police killings during 2012 (and we know how loose the term "justified" is, given judgements like the Ferguson Grand Jury's!), we can assume that many or most of those 1450 people killed were killed unjustifiably, i.e.: murdered by police. Many of the victims of police shootings are children or old people, like the elderly man in Georgia killed by cop last year during a traffic stop when he reached into the back of his pickup truck to retrieve his cane, or the two young boys killed recently for holding toy guns, one in Ohio and one in California. Incredibly, there is no official count of the number of Americans killed each year by police. As the Washington Post reports, we know the accurately the number of people killed by sharks each year (53 in 2013), and even the number of hogs living on American farms (64 million in 2010), and we know the number of police killed in the line of duty (48 in 2012). But the FBI and Dept. of Justice, which require all kinds of statistics from police agencies, don't ask about police-involved-killings. The only possible reason for their not asking for that information is that police don't like to have their violent acts open to examination, and police are politically powerful, so even asking is to touch a political third rail.

According to one report cited by the Cato Institute, US cops and other law-enforcement officers killed over 5000 people between 9/11/2001 and November 6, 2013, making police a bigger threat to Americans than terrorists, including the ones accused of attacking the World Trade Center and the Pentagon on 9/11.

The ubiquity of cell phone cameras and video cams, which are finally documenting police killings, and the growing importance of social media, which allow for the unfiltered reporting of killings like that of Michael Brown, without any pro-cop bias inserted by biased or gutless editors and publishers, is shining a badly needed spotlight on this growing horror, but it will take a lot more anger among the public if this slaughter is to be finally halted.

As libertarian Senator Rand Paul (R-TN), quoting a Heritage Foundation report, just wrote in a recent [essay in Time magazine](#):

...The Department of Homeland Security has handed out anti-terrorism grants to cities and towns across the country, enabling them to buy armored vehicles, guns, armor, aircraft, and other equipment.

Federal agencies of all stripes, as well as local police departments in towns with populations less than 14,000, come equipped with SWAT teams and heavy artillery.

Today, (even Bossier) Parish, Louisiana, has a .50 caliber gun mounted on an armored vehicle. The Pentagon gives away millions of pieces of military equipment to police departments across the country--tanks included."

When you couple this militarization of law enforcement with an erosion of civil liberties and due process that allows the police to become judge and jury--national security letters, no-knock searches, broad general warrants, pre-conviction forfeiture--we begin to have a very serious problem on our hands.

Given these developments, it is almost impossible for many Americans not to feel like their government is targeting them. Given the racial disparities in our criminal justice system, it is impossible for African-Americans not to feel like their government is particularly targeting them.

Sen. Paul adds:

Americans must never sacrifice their liberty for an illusive and dangerous, or false, security. This has been a cause I have championed for years, and one that is at a near-crisis point in our country.

Sen. Paul is right in linking the killing of young Michael Brown to this militarization of policing in the US, and to the corrupted justice system, in which police, even those bald-facedly lying under oath, tend to get the benefit of the doubt from a citizenry deliberately terrorized daily by government officials who claim that terrorists are about to destroy us and who consequently are quick to call every cop, including killers, a "hero."

It speaks volumes that Officer Wilson can say he has a "clear conscience" about his slaying of a young man who was begging him not to shoot. Whether or not he really suffers no moral qualms or second thoughts alone at night about what he did, the fact that he feels he can say that in public means that he thinks he can get away with it and even win public support.

At this point, one wonders how long will it be before Judas Iscariot gets praised as a hero by Americans for turning his mentor Jesus over to the Roman cops seeking him on a warrant for sedition?