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Congress of the United States

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COMMITTEE ON THE JUDICIARY

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August 14, 2014

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte:

The recent events in Ferguson, Missouri are deeply troubling. For five days, the citizens of Ferguson have protested the killing of an unarmed teenager by local police. Last night, law enforcement broke up the protest with brutal force: confronting demonstrators in riot gear and armored vehicles, arresting journalists, and firing tear gas and rubber bullets into the crowd.

These incidents raise concerns that local law enforcement is out of control and, instead of protecting the safety and civil liberties of the residents of Ferguson, is employing tactics that violate the rights of citizens and hinder the ability of the press to report on their actions. This situation requires immediate congressional scrutiny. We write to request that the House Judiciary Committee hold hearings to examine these events as soon as possible.

We appreciate that many of the facts surrounding the tragic August 9, 2014 shooting of 18-year-old Michael Brown by a Ferguson police officer are still coming to light, but the incident has exposed long-simmering racial tensions between an overwhelmingly white police force and a majority African-American population.¹

¹ Wesley Lowery, Carol D. Leonnig, & Mark Berman, *Even Before Michael Brown's Slaying in Ferguson, Racial Questions Hung Over Police*, WASHINGTON POST, Aug. 14, 2014, available at http://www.washingtonpost.com/politics/even-before-teen-michael-browns-slaying-in-mo-racial-questions-have-hung-over-police/2014/08/13/78b3c5c6-2307-11e4-86ca-6f03cbd15c1a_story.html?hpid=z2; Julie Bosman & Emma G. Fitzsimmons, *Night of Unrest Over Police Killing of St. Louis Teenager*, N.Y. TIMES, Aug. 11, 2014, available at <http://www.nytimes.com/2014/08/12/us/looting-and-unrest-follows-vigil-for-st-louis-teenager.html?hp&action=click&pgtype=Homepage&version=HpSum&module=second-column-region®ion=top-news&WT.nav=top-news>.

Mr. Brown's killing highlights what appears to be a continuing pattern of the use of deadly force by police against unarmed African Americans in cities around the Nation. Last month, Eric Garner, an unarmed 43-year-old African-American man, died after appearing to be placed in an illegal chokehold by police in New York City—in what started as a dispute over the alleged illegal sale of cigarettes.² Just this week, reports arose of police in Los Angeles shooting and killing an unarmed 24-year-old African-American man.³ Although local these incidents have not resulted in the same degree of civil unrest seen in Ferguson, they raise similar concerns about how police officers interact with civilians in minority communities.

We should also examine a series of troubling arrests in Ferguson. On Wednesday evening, SWAT officers arrested two journalists—Wesley Lowery of the *Washington Post* and Ryan J. Reilly of the *Huffington Post*.⁴ According to reports, the officers refused to identify themselves, arrested the journalists for either “failing to pack up quickly enough” or “trespassing in a McDonald’s,” and then slammed one of the reporters into a vending machine while escorting him to a police van. Police eventually released both without charge. Mr. Antonio French, a St. Louis city alderman, was later ordered out of his car—where he was sheltering from tear gas—arrested, and charged with “unlawful assembly.” Alderman French spent the night in jail before being released without bond.⁵

Of course, no matter what their profession, citizens are entitled to due process when placed under arrest. Mr. Lowery's report raises questions about the legitimacy of all arrests made during the course of these protests: “Once at the station, we were processed, our pockets emptied. No mug shots. They removed our restraints and put us in a holding cell . . . Then the processing officer came in . . . And the officer said we were both free to go. We asked to speak to a commanding officer. We asked to see an arrest report. No report, the officer told us, and no, they wouldn't provide any names.”⁶

Finally, the Committee must address the extensive militarization of state and local police. As one journalist and veteran phrased it: “While serving as a U.S. Marine on patrol in

² Vivian Yee, *In Chokehold Case, Staten Island District Attorney Faces Big Test*, N.Y. TIMES, Aug. 10, 2014, available at http://www.nytimes.com/2014/08/11/nyregion/in-chokehold-case-staten-island-district-attorney-faces-big-test.html?_r=0.

³ Melanie Eversley, *Report: LAPD Shoots, Kills Unarmed Black Man*, USA TODAY, Aug. 13, 2014, available at <http://www.usatoday.com/story/news/nation/2014/08/12/lapd-shooting-ezell-ford/13985607/>.

⁴ Wesley Lowery, *In Ferguson, Washington Post reporter Wesley Lowery gives account of his arrest*, WASH. POST, Aug. 14, 2014, available at http://www.washingtonpost.com/politics/in-ferguson-washington-post-reporter-wesley-lowery-gives-account-of-his-arrest/2014/08/13/0fe25c0e-2359-11e4-86ca-6f03cbd15c1a_story.html?hpid=z1.

⁵ Abby Philip, *Fourth night of protests in Ferguson ends in chaos, tear gas, arrests*, WASH. POST, Aug. 14, 2014, available at <http://www.washingtonpost.com/news/post-nation/wp/2014/08/14/fourth-night-of-protests-in-ferguson-ends-in-chaos-tear-gas-arrests/?hpid=z2>.

⁶ Lowery, *supra* note 4.

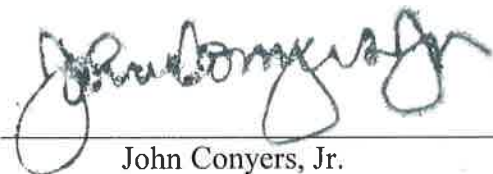
Afghanistan, we wore desert camouflage to blend in with our surroundings, carried rifles to shoot back when under enemy attack, and drove around in armored vehicles to ward off roadside bombs.

We looked intimidating, but all of our vehicles and equipment had a clear purpose for combat against enemy forces. So why is this same gear being used on our city streets?"⁷ In Ferguson, why do local police dress in military-style uniforms and body armor, carry short-barreled 5.56-mm rifles based on the M4 carbine, and patrol neighborhoods in massive armored vehicles? At best, confronting demonstrators with this show of force is a sign of poor judgment. In all likelihood, the decision to adopt a military posture only served to aggravate an already tense situation and to commit the police to a military response.

The use of overwhelming force by police against unarmed citizens requires our urgent attention. It is imperative the Committee convene to examine these issues as soon as possible.

We look forward to your response.

Sincerely,



John Conyers, Jr.
Ranking Member
Committee on the Judiciary



Robert C. "Bobby" Scott
Ranking Member
Subcommittee on Crime, Terrorism,
Homeland Security, and Investigations



Steve Cohen
Ranking Member
Subcommittee on Constitutional and Civil Justice

cc: The Honorable F. James Sensenbrenner, Chairman, Subcommittee on Crime
The Honorable Trent Franks, Chairman, Subcommittee on the Constitution

⁷ Paul Szoldra, *This is the Terrifying Result of the Militarization of Police*, Business Insider, Aug. 12, 2014, available at <http://www.businessinsider.com/police-militarization-ferguson-2014-8>.