

MISSOURI *@!!?*@! – TOO SLOW

MAE C. QUINN*

Hound dogs on my trail
School children sitting in jail
Black cat cross my path
I think every day's gonna be my last
Picket lines
School boycotts
They try to say it's a communist plot
All I want is equality
For my sister my brother my people and me
I don't trust you any more
[All] You keep on saying [is]Go slow!
But that's just the trouble
'Do it slow
Desegregation
'Do it slow
Mass participation
'Do it slow
Reunification
'Do it slow
Do things gradually
'Do it slow
Why don't you see it
Why don't you feel it
I don't know

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two times during the 1960s for Evers' murder—two different all white, all male

Instead it is based largely upon my work as a practicing attorney, activist, and resident of the St. Louis region for almost a decade.¹²

A. School Kids, Dog Attacks, and Jail

Since 2009 I have been working with and representing court-involved kids in the Show Me State, primarily in our local juvenile court system but also in our municipal and criminal courts. From the beginning of my time here, I have been shocked by the frequency with which school-age children—primarily youth of color—find themselves handcuffed, carted off by police, and corralled into cement cells in juvenile detention centers and adult jails across the region.

This has not happened only in the most serious of situations. Instead I have watched as local law enforcement haM1 (r)13.r ofnd t.8 ep (.8 l(h)-1(r)13.8 (e)-4.2(as)1.r) th.8 e3 (ch

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A number of these cases will likely never proceed to trial given the lack of reliable proof against the children.²³ But the youth have already been ripped from their homes, families, communities, and schools for many months, stigmatized, and forever changed by the frightening situations they face in our adult jails.²⁴ This continues to take place even after the recent DOJ investigation of the St. Louis County Juvenile Court and the County's agreement to improve its practices.²⁵

Another problem flagged by the DOJ when it investigated criminal justice institutions in our region in 2014 related to the harsh and inhumane practice of police using dogs to terrorize and physically abuse local citizens.²⁶ At the time the DOJ released these findings I wrote to lift up a particularly horrific feature of these attacks—that they all too frequently involved child victims of color.²⁷ And here, too, this was not just based upon my review of the 2014 DOJ report, but what my students and I saw in our cases in the juvenile court—not just in St. Louis County but in St. Louis City, too.

him home, officers unleashed their dog on him—even though the boy was clearly cornered.

Fast forward to this year and I am a civil rights attorney at the MacArthur Justice Center. I have just taken on another case involving a Black boy whose flesh was torn open during a police dog attack—a child who was being chased because police misidentified him as another boy they were seeking. And, thus here again the human rights violations Simone lamented in her time continue to this day.

B. Picketing, Protests, and Fearing for Your Life

These ongoing acts of government-sponsored abuse and dehumanization—demonstrating a lack of concern for Black lives—keep protesters in the streets of St. Louis. But like the overreactions seen during demonstrations around Medgar Evers’ death, St. Louis area police continually respond in riot gear, escalate tensions, and retaliate against those who dare to publicly dissent.²⁸

While running the MacArthur Justice Center in St. Louis over the last two years, I have worked on the cases of numerous protesters arrested by St. Louis

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by subsequent reactions of the St. Louis Metropolitan Police Department following the verdict in the Jason Stockley case.³²

On December 20, 2011, Anthony Lamar Smith, a Black St. Louis resident, was shot and killed by Jason Stockley, a white St. Louis police officer.³³ In 2016, the City finally prosecuted Stockley on homicide charges, alleging the five shots fired into Smith's body were in no way justified under the circumstances of the alleged drug transaction turned car-chase.³⁴ At the August, 2017, trial, the prosecution supported its case with video footage that showed Stockley approaching Smith's car carrying his own personal AK-47, Smith speeding off before being stopped again by Stockley, who was recorded on tape declaring he was "going to kill this motherfucker, don't you know it."³⁵ Stockley then shot Smith at least once from only six inches away, returned to his own car to pull something from a duffel bag, and walked back to Smith's car.³⁶ This latter action, prosecutors argued, further demonstrated Stockley planted a gun in Smith's vehicle to provide cover for his own crime.³⁷

Stockley waived trial by jury to allow local Judge Timothy Wilson to decide his guilt or innocence.³⁸ After hearing all the evidence, the judge took the case under submission for several weeks, ultimately issuing a thirty-page written opinion acquitting Stockley of all charges on September 15, 2017.³⁹

32. Ashley Jost, et al., *More than 80 arrested after protest violence downtown; 'Police owned tonight,' chief says* ST. LOUIS POST-DISPATCH (Sept. 18, 2017), http://www.stltoday.com/news/local/govt-and-politics/more-than-arrested-after-protest-violence-downtown-police-owned-to-night/article_ebf53117-0396-515c-a6c2-84d50c6bbdfc.html [https://perma.cc/8V52-MQM7].

33. Joel Carrier, *Officer's "Kill Shot" was Fired from Only Six Inches from Anthony Smith's Body, Prosecutor Alleges* ST. LOUIS POST-DISPATCH (Aug. 2, 2017), http://www.stltoday.com/news/local/crime-and-courts/officer-s-kill-shot-was-fired-six-inches-from-anthony/article_22fce0

Anthony Lamar Smith may not have been a well-known racial justice advocate like Medgar Evers. But he is yet another Black man killed in this community by a white police officer, and who many believe suffered the secondary injustice and indignity of having his killer walk free because of systemic and individual bias. Thus, with Judge Wilson's decision announced, many in St. Louis again took to the streets—not just because of Stockley's acquittal, but because of the stinging written fact-findings and assertions made by Judge Wilson, a white male jurist.⁴⁰

Among other things, the Judge discounted Stockley's express statement about intending to kill Smith, noting "people say all kinds of things" while under stress or in the "heat of the moment."⁴¹ He repeatedly made reference to the fact that the DOJ had not charged Stockley, which should have been irrelevant to the court's thinking.⁴² The judge further offered its own assumptions-based observation that in "nearly thirty years on the bench . . . an urban heroin dealer not in possession of a firearm would be an anomaly."⁴³ Even national news outlets could not believe the bias implicit in the court's analysis and decision—with one reporter writing "just wow."⁴⁴

Yet rather than making space for public demonstration and peaceful protest,⁴⁵ police responded as they had during Ferguson, and during the 1960's protests following Medgar Evers' death—with riot gear, chemical weapons, and

40. See Joel Currier & Christine Byers, Heated Protests Follow Stockley Acquittal, ST. LOUIS POST-DISPATCH

other militarized responses.⁴⁶ In one particularly horrific incident, nearly 100 St.

response to our suit, the City Municipal Court, under new leadership, near immediately pledged to change its cash bail practices.⁵⁴ However, the St. Louis Metropolitan Police Department vigorously resisted the ACLU's efforts to press for more appropriate—and constitutional—treatment of protesters.

Thus, the ACLU moved for an injunction and presented days of testimony from those protesters—and bystanders—

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