

# Media and courts failed on Ferguson

The Ferguson story of racial inequality in St. Louis and the nation was largely ignored by the media and judicial system before Michael Brown was killed in 2014. And the Missouri Supreme Court has done little to impose reform since then.

That was the consensus of lawyers, journalists and community activists who came together Sept. 14 to talk about social media and the Pulitzer Prize tradition. The panel at Saint Louis University Law School was part of the two-day Millstone lecture series focusing on the social justice tradition of the Pulitzer Prizes during the prizes' 100th anniversary. The lecture series honors the late James C. Millstone, a senior news editor of the St. Louis Post-Dispatch and mentor of a generation of reporters before his death in 1992.

Kevin Horrigan, the Post-Dispatch's deputy editorial editor and a Pulitzer finalist for his work on Ferguson, said he regretted how late the media were to the story.

"One of my big regrets is that we as a newspaper didn't become continually and consistently engaged in the Ferguson story before Ferguson happened... This problem is not new, it's decades old. It is a fundamental and tragic missed opportunity for the Post-Dispatch... We got pieces of it along the way. Jeremy (Kohler) wrote some terrific stories about cops floating from jurisdiction to jurisdiction. We've written about fire districts. We wrote editorials about restrictive covenants. But we never engaged on a persistent, crusading aspect of this story until post-Ferguson. And that's not really in the Pulitzer tradition. The Pulitzer Tradition was to crusade against injustices. We missed it, we let it go... And the sad fact is that we are less likely because of economic forces to be able to do the sort of loud, persistent

and relentless reporting on this story that it deserves.”

Kohler, an investigative reporter at the Post-Dispatch, pointed out that he and others had written stories of police and court corruption in the years before the death of Michael Brown on Aug. 9, 2014. There were stories about the mishandling of rape cases and police who moved from municipality to municipality. But he agreed ArchCity Defenders was first to the story of the municipal court injustices that wrecked peoples lives.

Thomas Harvey, director of ArchCity, said the Ferguson story writ large was a “story that its been ongoing in America since its inception. It is a story we have largely sought to ignore. It is a story that that any reporter, any person, any lawyer, any law student could have just walked out to a court or a shelter or a jail and heard about any day... And that is a story of the way the legal system systematically deprives mostly African-American...of their civil rights, creates and exacerbates poverty... We see the results of these intentional acts right here in our back yard and we have failed to do anything about it.”

It’s a story about “folks that were stopped by one of the 67 police departments in the region, went to one of our 81 courts in the region.....were told that if they didn’t come back with the money they owed they would be arrested and jailed...They are arrested, they are jailed, they are told that to buy their freedom they’ve got to come up with the money that everyone knows they don’t have or they can’t get out. And then they call their family members and their friends and they say can you give me money...so i can get out of this cage and get back to my children.”

Families “scrape together every penny they had and try to get their loved one out of jail...then they were told at that moment that they were wanted in another town so instead of being free they were moved from one cage to another cage.... Five people

in those jails have hanged themselves...”

### **Hand in the cookie jar**

The journalists and lawyers on the panel agreed that the Missouri Supreme Court had failed to make meaningful reforms.

Horrigan said, “since the death of Michael Brown...there has been no major permanent change in St. Louis municipal courts. There have been some cosmetic changes. But the state Supreme Court has not done what it logically and morally ought to do which is to dissolve all 81 municipal courts and put them under the auspices of the county circuit court. And why is that – because there are entrenched interests, the traffic bar, the municipal court bar.”

Kohler agreed. “The Supreme Court has not done anything to change. The judges themselves, the courts themselves, the police departments themselves have been shamed temporarily...but there is not structure in place to make that permanent.”

St. Louis is a “frustrating place” for reform, he said. “St. Louis is not the kind of place that likes to admit that it did something wrong. It doesn’t seem to get embarrassed by itself . St. Louis gets stuck with its hand in the cookie jar and it says this is always the way we get cookies.”

Tony Messenger, the Post-Dispatch columnist and former editorial editor who also was a Pulitzer finalist for his work on Ferguson, described the injustice of the Ferguson municipal court that he had witnessed the morning of the panel.

[http://www.stltoday.com/news/local/columns/tony-messenger/messenger-ferguson-judge-holds-naval-vet-s-reputation-in-her/article\\_5fd18b94-c99c-520f-9d17-79c710b3cfa7.html](http://www.stltoday.com/news/local/columns/tony-messenger/messenger-ferguson-judge-holds-naval-vet-s-reputation-in-her/article_5fd18b94-c99c-520f-9d17-79c710b3cfa7.html)

Stephanie E. Karr, the former Ferguson city attorney who resigned under fire, was back in court serving as city attorney because no successor had been appointed. She insisted that Navy veteran Fred Watson plead guilty to a minor

littering charge, claiming that his previous lawyer had agreed to the plea – even though there is no record of that plea agreement.

Watson's case was highlighted in the Justice Department's report of unconstitutional police practices in Ferguson. A police officer stopped Watson after he had finished playing basketball and insisted on an identification. When Watson refused, the officer arrested him and threw in other charges, such as the much-abused charge of failure to comply with a police order. Because of the arrest, Watson lost his security clearance and his job in cybersecurity at the National Geospatial-Intelligence Agency.

### **Has anything changed?**

Even though Messenger acknowledges that “a lot hasn't changed,” his approach to his job has.

“One of the things I tell people is that what Ferguson did to me is that it changed the rest of my career... A woman wrote me and told me that she is tired of me using the F-word – the F-word is Ferguson. Ferguson, the F-word is not going away... This is the story I will write about for the rest of my career... It is going to take us that long: It has been two years and the Supreme Court has done nothing. It's been two years and we still have 81 municipal courts. It's been two years and Stephanie Karr is still the prosecutor in Ferguson even though she says she resigned... We haven't solved this in two years and we're not going to solve it in four years or five years or 10 years. It's going to take us 20 years.”

On the hopeful side, Messenger said that “government officials are using the lens of racial equity more than they ever have in this city's history.”

There was evidence of change from one questioner in the audience – Marie Kenyon, director of the new Peace and Justice Commission for the Archdiocese of St. Louis.

The “Archdiocese hadn’t had a peace and justice commission for 20 years,” she said. “Cardinal Rigali said maybe we don’t need one of those.... It was only after the Ferguson uprising that Archbishop (Robert J.) Carlson said oh, maybe the church better looking into this too.... Now at the chancery, where I work, we’re finally talking about something other than pro-life.”

Nicole Hudson, leader of the Forward Through Ferguson group following up on the 189 calls for action of the Ferguson Commission, said she had seen activists come together in ways that hadn’t happened before Ferguson.

The goal, she said, was “a state of racial equity, which is a state where outcomes are no longer determined by race.” St. Louis is far from that, she added. Infant mortality among blacks has declined in recent years but it is now three times as great as for whites, up from twice as great a few decades ago.

Hudson and Harvey emphasized nothing would have changed without the “uprising in the streets.” But she added that many of the people of Ferguson are “emotionally spent.”

### **Twitter – the good and bad**

Horrigan said “Twitter is as good as the person who tweets. Often it is a source rumor and innuendo and falsehood. The difference between mainstream journalism and social media is standards and my God, if we don’t abide by standards we’re really in trouble.”

Kohler agreed Twitter has its limitations because it is loaded with journalists and activists. He thinks Facebook is a better way to engage the community.

Harvey, though, credited Twitter with enabling him to “get direct access to journalists all of the country...something that couldn’t have happened before Twitter. So there are

productive, important ways you get outside of the gatekeeping of decision-making about what is written about your community.”

Hudson said Twitter was “one of the places that keeps me accountable to the unvoiced... It is really useful tool to stay accountable and keep my mind open.”

Messenger agreed that Twitter “helped drive the narrative of Ferguson,” but added, “It’s a good thing....I connected with communities and sources I might not have connected with, specifically people of color. I found them on Twitter....I often used Twitter more than personal contact to get to know people and perspectives....

“There was an opportunity for journalists to connect with people that sometimes – to use the metaphor of the ivory tower and the editorial page – that we sometimes were not connecting to.”