

# Gateway Journalism R E V I E W

Founded 1970 as St. Louis Journalism Review

*"The arc of  
the moral  
universe...  
bends toward  
justice..."*

*—Martin Luther King, Jr.*

*"...because  
people pull  
it toward  
justice."*

*—Eric Holder,  
former attorney general*

## Ferguson 10 Years Later

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## The arc of the moral universe veers away from justice 10 years after Ferguson

By William H. Freivogel

Ten years after the Ferguson uprising, five years after “The 1619 Project” and four years after the murder of George Floyd, the racial reckoning that seemed at hand has largely dissipated amidst a political and legal backlash – laws outlawing DEI, attacks on a “DEI vice president” and bans on books in public libraries and schools.

The arc of the moral universe that the Rev. Dr. Martin Luther King Jr. and President Barack Obama talked about bending toward justice has veered the other direction.

This special edition of GJR surveys the progress and the backsliding since that Saturday afternoon in August 2014 when Michael Brown’s body lay on Canfield Drive for four hours. Where the progress has been greatest – reform of municipal courts – poor people entrapped by the municipal court system still face a downward spiral that can cost them their livelihood. Forward Through Ferguson, the organization encharged with pursuing the 189 recommendations of the Ferguson Commission acknowledges frankly that progress is “at best, unsatisfying, and at worst, damning.”

### An awakening

For many of us, the killing of Brown and the social media revolution that beamed the story to the world inspired a racial awakening. The first tweet came two minutes after Brown crashed to the pavement that August 9th. 5.4 million tweets followed that first week. 35 million during the weeks that followed.

Before Ferguson, many Americans had taken it for granted that the hard work of the civil rights fight was mostly complete. Brown v. Board, the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968 had finally put an end to the poison of legal discrimination against a people enslaved for centuries by the nation that proclaimed to the world that “all men are created equal.”

But the uprising that flowed out of those millions of cell phone videos from Ferguson opened the eyes of many Americans to the unfinished business of race. It also inspired the retelling of previously lost and untold stories about the Black experience. The stories told of long-forgotten Black

settlements such as Locust Grove, Ill., Illinois towns still haunted by the century-old ghosts of the KKK burning a 30-foot cross and the advice journalist Rachel Jones remembers from her childhood about climbing in an iron bathtub to shield herself from bullets in Cairo, IL.

Ferguson turned Black Lives Matters into a national movement with lawn signs of support sprouting up across American cities and suburbs. The 1619 Project educated Americans to an origin story most knew almost nothing about and many didn’t want to hear.

How many Americans knew the significance of the year 1619 before the New York Times made the case for the centrality of slavery, segregation and discrimination to the American story?

How many knew the National Park Service wanted to sanitize the Supreme Court’s racist language in the Dred Scott decision on a plaque at the Old Courthouse where the Scotts sought their freedom?

How many knew that the words democracy and equality didn’t appear in the 1787 Constitution even though the three-fifths compromise, fugitive slave provisions and the slave trade did?

How many knew that J. Edgar Hoover’s COINTELPRO dirty tricks program not only tried to get King to kill himself but also spread rumors to wreck the families of St. Louis civil rights leaders such as Percy Green – who climbed the Arch, unmasked the Veiled Prophet and was arrested for a sit-in that was part of the 1963 protest against discriminatory Jefferson Bank?

### Reforms

After Ferguson President Barack Obama named a presidential commission on policing that returned recommendations for reforms. Brittany Packnett, one of the leaders of the Ferguson uprising was on the Obama commission and also the local Ferguson Commission that returned 189 recommendations for reforms.

Confederate monuments fell across the South including St. Louis. In Charlottesville, Va., statues of Robert E. Lee aboard his horse Traveller and Stonewall Jackson were pulled to the ground despite a deadly white supremacist rally to save them. The Pentagon renamed military bases that for

more than a century had been known by the names of Confederate generals who had tried to overthrow the United States government.

In St. Louis, Packnett was one of a new generation of leaders who emerged. Kim Gardner and Wesley Bell won election as progressive prosecutors. Cori Bush won a seat in Congress.

Cultural institutions in St. Louis and elsewhere addressed structural biases embedded in their institutions. Opera Theatre started its Bold Voices campaign commissioning operas such as “Champion” and “Fire Shut Up in My Bones.”

Reforms transformed the municipal courts in Ferguson and beyond. ArchCity Defenders had a report sitting on its desk the day Brown died that showed how municipal police departments and courts wrecked people’s lives in order to fill municipal coffers. Traffic tickets, bench warrants, bail requirements, board fees and the like cost people jobs, housing and family security.

Maureen Hanlon, now a lawyer for ArchCity, describes her first encounter with the reality of municipal court a year before Brown was killed. In 2013, before becoming a lawyer, she tried to help a young student take care of a minor night court matter but discovered upon arriving that the line on this wintery night was 100 long and no resolution was at hand.

That was a year before Brown was killed. In the days after Brown’s death, ArchCity dramatized the injustice of the municipal court system and in the years since has won court settlements against seven municipalities requiring court reforms and collecting \$20 million.

The Missouri Legislature passed SB 5 limiting how much money municipalities could raise through traffic tickets. The Missouri Supreme Court imposed reforms. The Justice Department found a pattern and practice of unconstitutional policing in Ferguson that fell most heavily on the poor and Black who bore the brunt of the police stops. A court enforced consent decree followed.

The results have been substantial. ArchCity’s “In the Rearview Mirror...” white paper released in July reports that municipal courts in St. Louis City and



# FAILURE OF FERGUSON REFORMS



County that had collected \$61.1 million in fines and fees in 2013, collected just \$17.8 million in 2023. Yet structural reform through court consolidation could save more for poor people, the report concluded.

Newspapers and other media that had turned a blind eye on race for decades began paying attention.

The Post-Dispatch, which had refused to report on sit-ins at lunch counters and had killed projects on racism in the 1970s and again around 2000, won a Pulitzer Prize for photography for Ferguson coverage. Columnist Tony Messenger later won a Pulitzer for explaining the human toll of board bills forcing prisoners to pay for their incarceration. Jeremy Kohler uncovered police abuse first at the Post-Dispatch and more recently ProPublica. Richard Weiss, a retired Post-Dispatch editor, founded a news organization to tell the stories of race growing out of Ferguson, the River City Journalism Fund. The Marshall Project, set up shop in St. Louis. St. Louis Public Radio curated the social media chaos of the Ferguson uprising in a liveblog, delved deeply into the legal investigation of Brown's death and started a podcast, "We Live Here."

## Reform loses steam

But national police reform proposed by the Obama commission didn't

happen, partly because Donald Trump won the presidency after a campaign of denouncing Black Lives Matter and promoting the slogan "blue lives matter." Trump and his attorney general, Jefferson Beauregard Sessions III, refused to use authority Congress had given the president after Rodney King's beating to pursue investigations into historic patterns and practices of police abuse. It was none of the federal government's business, they argued.

The physics of reform is often action-reaction. And that's the way it was with the Black Lives Matter movement that grew out of Ferguson. A backlash set in reminiscent of when Richard Nixon won election in 1968 with his law and order campaign, Southern Strategy and hardhat army, putting an end to the War on Poverty.

In St. Louis Kim Gardner, elected on a wave of support from the Ferguson uprising, disappointed supporters by failing to follow through on campaign promises.

Downtown St. Louis was rocked by protests in 2017 when a judge acquitted Officer Jason Stockley of killing a fleeing suspect. The statistics of the failure of police reform in St. Louis from 2015-2020 were stark. They showed:

- St. Louis-area officers killed 132 people between 2009 and 2019, according to an ArchCity Defenders report. Yet few of

the names of the officers involved in the killings were reported in the media or released publicly.

- Three-fourths of the 79 St. Louis-area police officers known to have killed people between 2009 and 2017 were never publicly identified in the media or by police. Almost half remained active as police officers, according to state records.
- The St. Louis Civilian Oversight Board, set up as a post-Ferguson reform, didn't review any of the 21 police killings in the City of St. Louis from 2016 through 2019; nor did it hear 96% of non-lethal police abuse cases filed by citizens.
- The post-Ferguson creation of the Force Investigation Unit in the St. Louis Police Department resulted in less, not more, public information about police killings. Officers' names aren't released nor are details. And there were no prosecutions.
- Gardner did not issue prosecutorial judgments on the score of police killings on her desk, civil rights lawyers say.
- White officers badly beat a Black undercover colleague at a Black Lives Matter demonstration protesting Stockley's acquittal in 2017 in downtown St. Louis because they thought he was a protester. The officers sent racist texts to each other before

Continued on next page





and after the assault expressing their enthusiasm for beating Black people and their racial hatred for Gardner, the Black prosecuting attorney.

- At the same 2017 protest, white officers “went rogue,” the city admits, and illegally “kettled” 125 Black Lives Matter protesters and downtown residents by closing them into a city block, spraying them with pepper spray and arresting them in what a judge found to be a violation of their rights. When the abused protesters sued to vindicate their civil rights, the City of St. Louis tried to get the suit dismissed based on “qualified immunity” – a legal doctrine that is basically a get out of court free card for official misbehavior.

Percy Green, the veteran of six decades of civil rights activism, says police still get away with killing Black men unless video ensnares them.

### Floyd murder and aftermath

The 2020 murder of George Floyd and killing of Breonna Taylor after a no-knock raid in Louisville created new momentum for police accountability. The Justice Department issued regulations against choke holds and limiting no knock raids. States passed new laws decertifying officers with a history of mistreating citizens. A bill in Congress named after George Floyd proposed sweeping police

reforms.

But the Floyd bill died in Congress because of Republican opposition. Republican state legislatures in conservative states, such as Missouri, passed Officer Bills of Rights protecting police rather than protecting citizens. States around the country closed records of police misconduct.

The U.S. Supreme Court ended the era of affirmative action. At least 22 state legislatures enacted laws prohibiting or modifying policies on DEI, diversity, equity and inclusion at state universities, according to the Chronicle on Higher Education. Another 18 restricted the teaching of race and gender in schools. Under Secretary of State Jay Ashcroft, Missouri has led the way on removing books from public library shelves.

Christina Sneed, an University City English teacher who has taken pride in teaching the 1619 project realized the political climate had changed but decided this year to forge ahead. As she puts it: “The politicization of education threatens teachers’ abilities to prepare students for true college and career readiness. By restricting students’ access to enabling texts, we do not aim to develop agents of change, but rather ‘cogs in a machine.’”

The ideological certainty of some reformers to “defund” or “abolish” the police, fueled the backlash against police

reform. Surveys showed that poor people were more interested in funding adequate police protection than defunding the police.

Reformers also grew disenchanted with what they saw as the failure of some of the progressive prosecutors who emerged from Ferguson.

The Prosecutor Organizing Table of liberal groups including ArchCity recently criticized St. Louis County’s Wesley Bell for not making major changes in prosecution policies. Incarceration levels remain too high, they say.

Bell’s decision after his election not to reopen the criminal investigation into Wilson’s killing of Brown, disappointed many in the Ferguson movement who continue to insist Wilson murdered Brown.

It is a fiction that has hung over the Ferguson shooting since it occurred.

The “Hands Up, Don’t Shoot” mantra broadcast to the world by an army of citizen activists was effective because it represented the experience of so many young Black men with white police officers.

But there was no proof to support that narrative.

An extensive Justice Department investigation found that not a single credible witness saw Brown with his hands up or heard him say “don’t shoot.” Not one.

Rather, the evidence showed that Brown had reached into Wilson’s police car and grabbed his revolver resulting in it firing



inside the car. After running from the car, Brown turned around and ran toward Wilson, witnesses said. There was no murder case to be brought against Wilson.

Yes, Wilson failed to de-escalate his confrontation with Brown. But no prosecutor was going to be able to prove murder without a credible witness. Federal and state prosecutors came to that conclusion and Bell reaffirmed that judgment.

Some, who have seen the workings of St. Louis' progressive prosecutors first hand, say that the prosecutor's office may not be the most effective position from which to reform the criminal justice system, particularly when politicians like Trump paint the prosecutors as enabling criminals.

Nor, as it turns out, was it realistic to think that the Forward Through Ferguson was going to be able to bring about the extensive reform that 189 recommendations would involve.

The organization helped expand Medicaid in Missouri, but state implementation has been miserly, using qualification requirements to cut children from the rolls. The group contributed to closing the Workhouse, but there are disagreements on how to use space vacated. The Ferguson group envisioned a \$25 million equity fund; it was able to create a pilot \$1.7 million fund for Black farmers, douglas and STEM students. It also has won legal representation for tenants facing eviction.

Still, most of the 189 recommendations have not been fully achieved and most have no significant progress.

The progress that has been made, says spokesperson Jia Lian Yang, is from "grassroots organizers and advocacy organizations" while the "obstacles mostly presented by elected officials and traditional power holders who publicly say one thing, but behind closed doors say, 'too expensive' or 'not yet.'"

She adds: "There is no simple answer that can capture the fragmented, halting, and incomplete nature of progress over the last decade. The systems and structures of the St. Louis region, from housing to education to policing, are marred by segregation and fragmentation."

Maureen Hanlon, a lawyer with ArchCity Defenders, describes in heart-rending detail the downward dive that poor people still face in municipal courts when they don't have enough money to pay their tickets and when prosecutors and judges say it's the fault of the poor for not having done a better job of saving money.

She concludes her description of the reality of municipal courts ends this way: "Anyone grappling on this anniversary of Michael Brown's death with why there has not been more significant changes in



Cheerleaders Alaysia Brandy, left, and Czarina Tinker, center, kneel during the national anthem Saturday, Nov. 18, 2017, before the Salukis' 69-64 win against the University of Illinois Springfield Prairie Stars at SIU Arena.

Photo by Brian Munoz



Cori Bush leads protests in St. Louis after the acquittal of Jason Stockley in 2017. Bush went on to be elected to Congress in 2020.

Photo by Brian Munoz

the entrenched poverty and racism in our communities should spend a few days talking to people in line at a municipal court."



## Despite reforms, hundreds of people fall into the spiral of municipal debtors' prisons

By Maureen Hanlon



The first time I saw a municipal court line was sometime in 2013. I had a job as a "college coach" with a non-profit called College Bound St. Louis, which at that time was attempting to employ young idealistic people (myself) to help students who would be the first-generation college students to navigate the maze of barriers to get to and through undergrad. The program, in theory, contemplated me doing things like ACT tutoring, long discussions about campus life, financial aid forms. But instead, given that it is St. Louis, I found myself doing things like driving students up to night court.

On this particular night, court started at 6 p.m. I was just telling the student we could go in and explain to the judge that they were a minor when we turned the corner into the parking lot and saw a line stretching back dozens, maybe a hundred persons deep. It was the dead of winter, and the student didn't have a coat. This line was so long that at some point I left, bought McDonalds, and came back before we even edged closer to the building. We left that night with nothing more than the realization that this student would be back many more times and would owe hundreds and hundreds of dollars they did not have, with no mercy on the horizon.

This wasn't that bad, all things considered. Other students called me from jail.

A year later, the Ferguson Uprising started, and the rest unspooled from there. Due to the dedicated efforts of advocates and the immense, shattering bravery of individuals living through these systems, people searching for explanations as to "why are people so angry with the police?" became aware of the abuses of the municipal court system.

As Brendan Roediger put it in the ArchCity Defenders reflection on 10 years of work entitled *Pay or Stay: The Fight to Abolish St. Louis's Debtors' Prisons*, "the type of policing that led to Mike Brown's murder" – the "get the fuck out of the street" policing – "is the type of policing that is encouraged by these municipal courts."

### Debtor prisons

In my own life, my trajectory brought me back to these same lines outside of the courts. I went to law school in 2015 and came to work at ArchCity Defenders in 2019. For the past five years I've worked on class action litigation against the municipalities for the practices of jailing individuals based on inability to pay without regard to basic tenets of due process.

The litigation had a happy ending, insofar as class action litigation ever does. Tens of thousands of people formerly incarcerated in these jails for not being able to cough up hundreds of dollars have received some compensation. It is rare to see anyone booked and held for a municipal warrant for any length of time, and some municipalities have closed their jails altogether.

Court operations have scaled back dramatically compared to ten years ago as laid out in our third White Paper on St. Louis's municipal courts. The governor just signed a bill limiting the ability of municipalities to even issue arrest warrants for many municipal offenses. Wherever you want to lay the credit for that (and to be clear: I lay it squarely at the feet of the people who spoke up about what was happening to them, many of whom I am honored to represent), things are better.

But I've also been representing the individuals caught up in the courts. And I do so at a time of increased desire to see municipal ordinance or traffic enforcement as a positive, something that can clean up our streets and help with the crushing realities of

our pedestrian safety and traffic deaths.

Bizarrely, this often is paired with an assertion that we have little to no traffic enforcement in St. Louis – something that would come as a surprise to my clients, who are still part of packed dockets in all our many municipalities.

On a recent night, I was in Hazelwood Municipal Court where the clerk bragged to me that the officers were writing so many tickets that they had to buy an expansion case management software just to accommodate them.

This desire for increased municipal enforcement is one that sounds more attractive before one spends any significant time in the realities of municipal court. The reality of navigating municipal charges for low-income folks in St. Louis remains crushing.

### A spiral downward

No matter the purported municipal reforms, a municipal ticket is a minor annoyance for a person with money and sets off a spiral for a low-income individual, even if jailing is off the table.

Any service provider who interacts regularly with a person struggling financially in St. Louis sees the ripple effects, as we at ArchCity have detailed before. A ticket that isn't dealt with leads to failure to appear charges.

Charges in municipal court that haven't been fully paid off lead to the municipality putting a hold on the person's driver's license with the state Department of Revenue. A suspended license leads to additional tickets the next time that person is pulled over, which then in turn go unresolved, leading to more holds, more tickets, on and on.

And this is not even getting into the web of collateral consequences. People accept default judgments or evictions or avoid court for other cases because they don't know what warrants or cases exist, and can't find out and don't have the money to resolve the cases if they do.

People don't vote or go to the library or to their kid's school out of a fear of being subject to a police officer noticing their municipal issues. People are unable to take in children who have been removed from other family member's homes by DFS because unresolved cases pop up on



background checks. People find they can't expunge their records.

Not to mention the municipal charges popping up on background checks for any and all jobs. As I type this today, I'm trying to figure out how my child will get to school in SLPS next year amid our busing crisis, a problem that is created in part by the lack of CDL drivers in Missouri: a problem directly linked to our municipal courts.

Just the simple act of individuals attempting to find and maintain employment is made astronomically worse by the presence of unresolved or unpaid fines for municipal cases – a central irony for a system where the entire purported goal is to get individuals to pay fines.

### Pay-to-play

One of the most sobering aspects of settling these debtor's prison cases has been talking to class members about what they are going to do with the extra funds. So many are using the extra funds to do things like pay back taxes to register their car, fix their car to pass safety and emissions and pay off old debt. The missing ingredient for people was money, all along.

About a year ago, I went to Sunset Hills Municipal Court to try and get some leniency for a client from the prosecutor. My client was in the area as part of her work in the lower paying positions in the healthcare

industry and is hoping to finish school to fully become a nurse. She got pulled over for expired plates and the officer noted that she had other unresolved cases which had suspended her license.

We had just worked to get her license reinstated and pleading guilty to a driving while revoked would accrue enough points that her license would be suspended again, which would inevitably lead to more tickets. When I went in to talk to the Sunset Hills Prosecutor Robert Jones, he told me that if my client could pay a \$534 fine in the next two weeks, he'd amend the charges to non-moving violations. When I said my client couldn't pay that, he told me that he only amends charges for people who can pay right away and that it was her fault for not saving more carefully.

When I asked the judge, Brian Millikan (who is a local defense attorney working part time as a judge) how this comported with the Missouri Supreme Court rule that states municipal judges must try to take into account financial inability to pay, Judge Millikan said that no one could make the prosecutor amend the charges and that pay-to-play for amendments to charges was fine. Neither Millikan nor Jones responded to requests for comment.

This is the municipal system in a nutshell. My pedestrian advocacy friends may be surprised to learn that most of the charges

we see aren't for reckless driving, aren't for speeding, aren't for blowing through red lights. They are charges against individuals for not having the money to have a properly licensed car and active driver's license. If she had money, she would not have even gotten the ticket to begin with. But if she had even a little bit more money, the problem with the ticket goes away almost immediately. Since she doesn't have hundreds of dollars, the only option presented to her is to try and navigate employment and parenting without a license – and oh, by the way, still owe hundreds of dollars.

In reflecting recently, myself and two other colleagues asked ourselves this: Who profits from leaving the municipal system as it is. Certainly not my client. And certainly not anyone who is serious about reducing the number of people in our region who are living in cycles of poverty that feel (and sometimes are) unbreakable.

Ten years ago there was a sense that people saw some daylight and clarity about how municipal systems that sounded minimally benign in theory were in reality oppressive. Anyone grappling on this anniversary of Michael Brown's death with why there has not been more significant changes in the entrenched poverty and racism in our communities should spend a few days talking to people in line at a municipal court.

## Forward through Ferguson progress 'fragmented, halting, incomplete'

By Jia Lian Yang

As we approach 10 years since the Ferguson uprising, the most common question people have asked us is, "What progress has been made?" The question makes sense – Forward Through Ferguson was incorporated as a 501(c)3 to make sure that the Commission's 189 calls to action would never be forgotten and that we would keep moving forward towards Racial Equity. Since our creation, we've stepped into the role of intermediary between grassroots organizers and grassroots advocates, residents and elected officials, community members and institutions that impact them.

We've made reports such as the State of St. Louis and State of Police Reform that track movement on the Commission's calls to action and developed advocacy tools such as Still Unequal and #Transforming911 to provide evidence-based recommendations for power holders and accountable bodies to make transformational policy and budget changes. We wish we could give the St. Louis region a simple letter grade to encapsulate our progress towards Racial Equity, and in the past, we've certainly attempted (see Equity Indicators). But the reality, as always, is far more nuanced than a simple answer. To be frank, a simple answer would be at best, unsatisfying, and at worst, damning.

There is no simple answer that can capture the fragmented, halting, and incomplete nature of progress over the last decade. The systems and structures of the St. Louis region, from housing to education to policing, are marred by segregation and fragmentation. Our progress has mirrored that fragmentation, with wins and victories mostly advanced by campaigns and coalitions led by grassroots organizers and advocacy organizations, and obstacles mostly presented by elected officials and traditional power holders who publicly say one thing, but behind closed doors say, "too expensive" or "not yet" to community-led calls to action.

Grassroots organizers and people impacted by incarceration successfully mounted a campaign to Close the Workhouse and subsequently joined the collective visioning process to advocate for an off-site Memorial Resource Hub

that would include a resource center, rehabilitation and mental health supports, health clinic, youth programs, job support, and a place for rest and healing. However, the mayor's office and several alderpeople are recommending a village of tiny homes on the former Workhouse site, despite evidence of arsenic and lead in the soil, lack of access to transportation, and national discourse on the limited effectiveness of tiny homes.

Legislative wins were also largely due to people power, rather than the leadership from elected officials. Statewide grassroots organizers won Medicaid expansion and brought together businesses and anchor institutions to increase public awareness and support, despite opposition from many elected officials. There remain barriers to access due to administrative issues (i.e. enrollment recertification challenges) and continued lack of awareness of the program. Locally, renters and tenants' rights organizers won Tenant's Rights to Counsel in St. Louis City. However, this win has not precluded St. Louis and Missouri from breaking Midwestern records for eye-popping rental increases and the city still needs a no-barrier 24/7 walk-in shelter for unhoused residents who suffer and die each year from extreme heat and cold.

The most profound and hopeful indicator of progress can be found in the St. Louisans who refuse to accept the racially inequitable status quo. They are the grieving residents who faced down MRAPs, rubber bullets, and teargas during the Ferguson uprising. They are the young activists who brought their voices from the streets to City Hall, the state legislature, and the United Nations. They are the family members who turned their pain into education and support programs. They are the coalitions, organizations, and initiatives that were catalyzed by the energy of the uprising to offer community-based approaches to safety, healing, and justice. St. Louis has long been a place known for its civil rights struggles, and the Ferguson uprising simply solidified our region's reputation for resisting oppression and demanding radical transformation.

Perhaps progress is best measured not by a number, a scorecard, or a list of legislative wins, but the change in the

daily lives of those most impacted by racism. We who are fighting for Racial Equity and Racial Justice have become unflinching when faced with opposition to our cause. We are unbothered by the lies told about our liberation movement. We are unafraid to keep demanding better for the next generation. We will know when we have won when we no longer have to be unflinching in pursuit of justice for all, opportunity to thrive, and boundless opportunity for all of our youth. To be unflinching, there is a sense of resolve and steadfastness that is required, and this is a posture that can wear over time. Anyone who has endured attacks to one's character, family, livelihood, and freedom knows that being unflinching can go hand-in-hand with exhaustion.

Black St. Louisans deserve to take deep breaths, unfettered by pain or poison, unclench their jaws, lower their shoulders, and relax. They deserve more beauty, joy, and rest than this world has ever given them. And we who work towards Racial Equity, "a state in which outcomes cannot be predicted by race" and who believe in Black liberation, must strive to dedicate the time, energy, and resources to move our communities, neighborhoods, and institutions to make it so that soon, there will be a tomorrow where Black St. Louisans can simply exist and be.





## In Illinois, a model police reform law falls short; Missouri backpedals

By Kallie Cox

After passing the SAFE-T Act in 2021, Illinois was hailed as a model for police reform. However, despite the abolition of cash bail and sweeping police reforms, there remain barriers to accountability.

The next step, critics say, is enforcing the existing policy changes among Illinois' enforcement agencies, strengthening the penalties for failing to fulfill public records requests, ending qualified immunity, and shoring up accountability measures relating to police surveillance technology.

When police killed George Floyd and Breonna Taylor in 2020, a wave of reform bills swept the nation on a state, local, and federal level. Many of these measures failed — including the George Floyd Justice in Policing Act introduced in Congress.

Illinois, home of one of the nation's most troubled police forces — the Chicago Police Department — managed to pass its ambitious reforms. Two police reform movements, started by the police killings of young Black and brown men, created the political landscape that made the passage of this legislation possible.

### Brown killing results in few changes

Across the river in Missouri in 2014, the state and the nation were rocked by the police killing of Michael Brown, an unarmed Black teenager. But Darren Wilson, the police shooter, was not indicted. There were few police reforms and the Missouri Legislature passed a Law Officers' Bill of Rights that made it harder to hold officers accountable.

A different police killing months after Brown's death would spark change in Illinois.

In October of 2014, Chicago Police Officer Jason Van Dyke shot 17-year-old Laquan McDonald 16 times, killing him.

Dash camera footage of the encounter wasn't released until November of 2015. This footage contradicted Van Dyke's claims that the shooting was in self-defense and led to protests demanding police accountability in the city.

McDonald's murder was initially written off by the Chicago Police Department as a "justifiable homicide," but the release of the video footage pressured officials to charge Van Dyke with first-degree murder.

Van Dyke was found guilty on a reduced charge of second-degree murder and 16 counts of aggravated battery. He was

sentenced to 6.75 years in prison. Three other Chicago police officers were charged with conspiracy in 2017 for their role in covering up the murder, but they were later acquitted. Van Dyke was released from prison in 2022, after serving just three years.

Activists and the Black Caucus helped spur a civil rights investigation into McDonald's death and the Chicago Police Department. The report from this investigation found a pattern of excessive and unconstitutional force, a record of discriminatory conduct, and found the department's training of officers lacking.

Calls for reform led to the creation of the current Civilian Office of Police Accountability in Chicago — the investigative body in charge of civilian police oversight. And police dash and body camera footage has slowly become more available in the years after McDonald's death.

Matt Topic, a partner at Lovey & Lovey, has helped clients navigate hundreds of cases involving the Freedom of Information Act across the country. In particular, he has handled several cases involving police misconduct in Chicago, including the

Continued on next page

## Complaints by Region

### REGION 1

Citizen Complaints: 12  
Agency Complaints: 55

### REGION 3

Citizen Complaints: 37  
Agency Complaints: 56



### REGION 2

Citizen Complaints: 77  
Agency Complaints: 128

### REGION 4

Citizen Complaints: 44  
Agency Complaints: 39

### REGION 5

Citizen Complaints: 20  
Agency Complaints: 28

release of the footage from Van Dyke when McDonald was killed.

After the release of the footage in McDonald's case, the city of Chicago issued a policy calling for the release of body-worn camera and dash-camera footage in more cases.

"Now that the city knows it's not allowed to withhold these indefinitely, it issued a policy requiring them to be released within 60 to 90 days," Topic said. "But that [is] self-imposed. It's not State law."

On a statewide level, the SAFE-T Act requires all law enforcement agencies to use body-worn cameras by 2025. Additionally, it allows the release of body-worn camera footage in certain circumstances. This includes any footage flagged as a result of a complaint, the discharge of a firearm, the use of force, or an encounter that results in death or bodily harm.

The SAFE-T Act reforms and the new policies on body cameras have not prevented police killings in the state, but it has made it more difficult for officers to escape legal consequences when they kill on the job.

New body camera footage in a recent police killing in Springfield, Illinois was released on July 22. This shows a white Sangamon County Sheriff's Deputy, Sean Grayson, shooting and killing an unarmed Black woman, Sonya Massey, who called 911 to report a possible prowler.

The footage shows that as soon as Massey opened the door for deputies just after 1 a.m. on July 6, she said "Please don't hurt me." Shortly after entering, Grayson pointed out a pot on the stove and asked Massey to remove it. She immediately got up and did so and seemed to laugh with the officer. After the officer mentioned he was moving away from her because of the steaming water, Massey said "I rebuke you in the name of Jesus."

"You better (f\*\*\*\*) not or I swear to God I'll (f\*\*\*\*) shoot you in your (f\*\*\*\*) face," he said, pulling his gun even though he was several feet away from Massey. "Ok, I'm sorry!" she told him, raising her hands in the air and ducking. Grayson then shot Massey, a mother of two, in the head.

Grayson discouraged his partner from getting a medical kit to help Massey, but the other deputy intervened anyway — following another requirement of the SAFE-T act that requires law enforcement to render aid.

Shortly before the footage was released to the public, an Illinois Grand Jury indicted Grayson who is charged with first-degree murder, aggravated battery with a firearm, and official misconduct.

Grayson's killing of Massey has sparked peaceful protests in Springfield organized by the local Black Lives Matter chapter.

## Progress in Illinois

Before the passage of the SAFE-T Act, Illinois largely failed to hold police accountable.

A 2021 investigation by the Gateway Journalism Review in partnership with the Pulitzer Center found that from 2000-2020 81 Chicago police officers lost their badges, but only after being investigated for 1,706 previous offenses — an average of 21 accusations per officer. One-third (28) of these officers were investigated for domestic altercations or sexual misconduct. Two murdered their wives.

In Chicago, unjust convictions are not just isolated cases but are uncovered in the dozens from the work of corrupt police squads. Sgt. Ronald Watts' tactical unit at Ida B. Wells apartment has reached 115 exonerations and counting. CPD Detective Reynaldo Guevara framed about 50 mostly young Latino men on the city's Northwest Side. And Commander Jon Burge's homicide

squad tortured more than 120 mostly Black suspects from the 1970s-'90s before he was stopped.

Illinois has had 363 total exonerations since 1989, with 271 of them having grown out of police misconduct. 177 of the exonerations were murder cases and 133 of those grew out of police misconduct. Illinois courts have recently thrown out 115 unjust convictions based on the fabricated police work of a tactical team headed by disgraced Sgt. Ronald Watts.

One of the Chicago officers who escaped consequences despite repeated complaints was Van Dyke, who was investigated for 25 complaints after 2000. Despite these instances of alleged misconduct — including a \$350,000 jury verdict in a case where he used excessive force on another Black man, causing him to need surgery — Van Dyke still had his badge when he killed McDonald.

The SAFE-T Act, brought about by pressure from the Black Lives Matter movement, made it easier to decertify a police officer for misconduct.

Under the law, a court conviction is no longer required for decertification and a broader array of misconduct is de-certifiable, including moral turpitude and more misdemeanors, GJR previously reported. Officers can also be suspended instead of decertification or pending an investigation. Background checks are required for new hires.

In addition to making it easier to remove bad police officers, the SAFE-T Act implemented reforms championed by advocates that most other states have failed to pass. This includes a ban on chokeholds, requiring body cameras and giving the attorney general broad authority to investigate civil rights violations by police officers. Attorney General Kwame Raoul has since used this authority to launch an investigation in 2021 into the Joliet Police Department.

Along with these reforms, Illinois became the first state in the country to abolish cash bail with its Pretrial Fairness Act. This was met with a targeted misinformation campaign by law enforcement advocates who attempted to tank the bill.

Christopher Williams — a Chicago native who has written about the impacts of the Pretrial Fairness Act as a Research Assistant Professor of Law and a Race, Place, & Equity Fellow at the University of Virginia School of Law — said the abolition of cash bail became a flashpoint for the state's 2022 election.

## Second coming of police reform after Floyd's murder

Williams explained that Illinois was able to abolish cash bail because of the second coming of a movement that started with the death of Michael Brown and exploded after the deaths of George Floyd and Breonna Taylor.



"The sort of rhetoric around crime and crime being out of control, and it being a pandemic of crime, was really sort of a facet of people trying to hold on to these outdated ideas about what jailing and policing mean, which obviously wasn't going to have as much political cachet in the direct moments post Black Lives Matter," Williams said. "This sort of fear-based strategy that happened across a lot of races in Illinois, it really failed."

Campaigns against the SAFE-T Act and the Pretrial Fairness Act focused on the idea that crime would be rampant and cops would flee the state as a result. These misinformation campaigns were sponsored by external money from political groups flowing into the state, Williams said, and can especially be observed in a phony newspaper that was created for this purpose — The Chicago City Wire.

The Chicago City Wire has been described as worse than a tabloid and primarily contains misleading, right-wing propaganda but is designed to look like a traditional newspaper. Block Club Chicago reported on the "deceptive" paper and found that it is funded by "Local Government Information Services, a Lake Forest-based LLC run by prominent conservative Brian Timpone and associated with conservative radio voice and Republican political strategist Dan Proft." Copies of the wire were sent to thousands of Chicago residents to disparage the SAFE-T Act. (GJR published a 2017 investigation of Dan Proft's propaganda-filled news outlets in 2017.)

Despite critics of the bail reform law, data show the approach has been successful in Cook County, Williams says. In an essay for the Triibe, he wrote:

"Data emerging from the Circuit Court of Cook County shows that the law is working. Since implementation, about 88% of people have returned to their scheduled court dates while on pretrial release, regardless of what crime they have been accused of — and 88% of people have not committed a new crime since they have been on pretrial release. All the while, crime has actually gone down in Chicago this year compared to 2023. For all the fear-mongering about what was to come, it appears that advocates and organizers supporting the Pretrial Fairness Act were right."

Now that Illinois has shown success with a cashless bail system, Williams is hopeful that other states will follow suit.

## Accountability Failures

In addition to the legislative reforms and policy changes, a civil rights suit by the Justice Department resulted in a consent decree requiring changes in the Chicago Police Department.

In 2015, then-Attorney General Lisa Madigan asked the Department of Justice to investigate the Chicago Police Department

in the wake of McDonald's death in 2014 and the 2015 release of Van Dyke's dash camera footage to determine whether or not this incident was symptomatic of a larger issue. In 2017 — just before Barack Obama's Presidential term ended — the DOJ released the final results of its investigation into the department.

The DOJ found CPD "engaged in a pattern or practice of unconstitutional policing, particularly in its use of force, which the DOJ characterized as unnecessarily dangerous and racially discriminatory," according to research by the Manhattan Institute. The DOJ recommended a formal consent decree supervised by an independent monitoring team to ensure CPD committed to its reforms.

When President Donald Trump took office, it became clear that the DOJ under his administration would not pursue the federal lawsuit against CPD that would be required for a consent decree to be put into place. Instead, Madigan filed the lawsuit. Nearly a year later, they had negotiated a proposed consent decree. The Trump administration opposed this, but the final agreement was approved by a federal judge and was effected in March 2019.

This consent decree mandated department-wide reforms for CPD and requires, among other measures, additional training, the implementation of de-escalation tactics, mandated reports whenever an officer points their weapon at someone and additional transparency measures.

More specifically, the consent decree requires annual training, regular crisis intervention training, the tracking and review of use of force data, tracking and analysis of foot pursuits, and ongoing assessment of the department's enforcement practices.

The final consent decree was more than 236 pages long and involved hundreds of policy changes and reforms, according to research by the Manhattan Institute. An independent monitoring team found that as of June 2022, the department was only in compliance with 80% of these reforms.

The institute found that since the decree was put into place, the number of police killings has remained the same. Additionally, the number of complaints regarding police rose in 2022.

The Manhattan Institute remains pessimistic about the consent decree's effectiveness at reform. In its 2023 analysis, it wrote:

"Most relevant indicators have seen little meaningful movement since the consent decree's implementation. It is, of course, possible that CPD will demonstrate some marked improvement — it has another five years to do so — but it is equally possible that things will remain where they are. In either case, it is hard to attribute the positive change to the consent decree as such, rather

than to the pressures that came before or after it."

Ed Yohnka with the ACLU of Illinois seems to be similarly concerned about the practical implementation of the reforms.

"When you look at Chicago and you look at the policies and practices that are trying to be addressed through the consent decree process these are good efforts, these are important steps," he said. "I think it's also true to say [...] we're in a little bit of a checkbox policy where the department is creating policies, but are they really training to those policies? And are they really enforcing them out on the streets?"

There are hundreds of police departments in Illinois and ensuring that each community can truly enforce changes to the law is difficult, Yohnka said.

"We've seen the requirements on officers to report if they see another officer using excessive force. We've seen bans on things like chokeholds and things like that. So I think all [...] of that is good," Yohnka said. "But they're beginning steps, and it's going to be a lot further process to change a system that has become as entrenched as the current policing system that we have."

While complaints of police misconduct can be difficult to sustain because of the strength of the state's police union, they cost Illinois taxpayers millions every year.

From 2019-2021 in the city of Chicago alone, the misconduct of just 116 officers cost taxpayers \$91.3 million in lawsuits, according to an investigation by WTTW News.

In addition to facing difficulties implementing reform, Illinois has also failed to pass barriers to qualified immunity. Qualified immunity has been used for years to shield corrupt officers who engage in misconduct in the course of their duty.

Qualified immunity is a get-out-of-jail-free card. An officer cannot be punished for an abusive practice unless it violated "clearly established law" and "every reasonable" police officer would know was illegal the moment it occurred. An example was that the governor of Ohio, James Rhodes, and top National Guard commanders received qualified immunity for their role in the killing of four students at Kent State during the Vietnam War.

In 2022, the ACLU of Illinois was advocating for a bill (IL HB1727) that would remove qualified immunity as a defense for officers accused of misconduct, but it failed to pass.

## Transparency

The SAFE-T law required the Illinois Law Enforcement and Training Standards Board to maintain a statewide database of police misconduct, but the same law then closed this to the public. Anyone wishing to obtain



these records would have to file a FOIA request with the state's nearly 900 law enforcement agencies.

In the three years since the law restricted access to this database, this legal loophole has not been addressed.

Still, Illinois is one of just 19 states where police misconduct records are available, or mostly available, to the public, the Gateway Journalism Review analysis found.

And, ILETSB makes available an annual report naming the officers who were decertified and showing broad data on where misconduct was reported. It does not name the officers who were accused of, or found guilty of misconduct they were not decertified for.

In 2022 the board reported the decertification of 33 police officers and 175 citizen and agency complaints of alleged misconduct since July when the new statute for allowing citizens to report took effect. In 2023, 21 officers were decertified and the board received 496 complaints.

The board did not release the names of the decertified officers in 2023. When asked why the names were not included in the "transparency report," a spokesperson for ILETSB responded:

"Contrary to your assertion, the Board hasn't stopped releasing names, but the process was extended to insure [sic] due process. The differences you noticed in the 2023 Annual Report are reflective of changes brought about by recent case law. Officers who have committed criminal offenses are now presented to the Board for decertification approval after notice and an opportunity to respond has been provided to the officer. Once the Board gives final approval of decertification, the names of the officers will be available."

This spokesperson did not respond to additional requests for comment, would not specify what case law he was referring to, and would not explain why the "process was extended to insure [sic] due process."

Despite these changes and a requirement that law enforcement agencies must check the Officer Professional Conduct Database and contact each person's former departments before appointing a law enforcement officer, unsuitable candidates have managed to slip through the cracks.

Grayson, the deputy who killed Massey was hired by six law enforcement departments within a four-year period after being discharged from the Army for serious misconduct, an investigation by the Invisible Institute and the Investigative Reporting Workshop found. Five of these departments hired Grayson after the SAFE-T Act was passed.

While Illinois is better than most states when it comes to making officer misconduct records available, it has its flaws, Topic said.

"Forever and continuing until today, the Chicago Police Department in particular just has a very bad track record in complying with the law, they very often just ignore requests

until you sue them to get records released," Topic said. "They make very broad claims that whenever there's an open investigation, they can just withhold, like, all the records, even though that is not what the law says, and they lose that issue over and over again."

Topic said that in his experience, once a case makes it to court, judges are "pretty good" about requiring the department to release the records but the penalties need to be strengthened for departments that ignore requests.

"There isn't really much I would change with the statute, other than I would increase the penalties for violating the statute, because as good as the statute is, as I mentioned, very often, the police department doesn't follow it," Topic said. "It takes a lawsuit in order to get them to comply with what the statute said."

The department is inclined to withhold these records because of a longstanding culture of secrecy, he says.

"In part, it's the result of [an] oppressive amount of bureaucracy that they're imposing on themselves before records will be released, which adds significantly to the amount of time it takes to process them," Topic said. "The knee-jerk reaction is to [not] release anything you don't have to because there's not enough disincentive on that. So they err on the side of withholding things, especially if it's an open investigation."

In the years since Ferguson, some attempts have been made to increase accountability within the Chicago police force, including the creation of the Civilian Office of Police Accountability after McDonald's death which replaced the Independent Police Review Authority.

But misconduct investigations still aren't transparent and COPA limits what information can be made public, an investigation by ProPublica found.

"Instead of making its reports public as soon as investigations are completed, as its predecessor did, COPA withholds the ones in which it found an officer at fault until the findings have been vetted by police officials and officers have been notified," ProPublica noted.

This leads to lengthy delays in releasing any information to the public.

"Under the new ordinance, COPA is barred from posting its investigative reports — and any disagreement or pushback from the Police Department — until the review process has been completed and the officer is notified of the discipline," according to ProPublica. "There is no deadline for that last step."

Topic acknowledged running into some issues with COPA's records as well.

"They're a little bit better than the police department, but they still can be difficult to deal with when there's an ongoing investigation," he said. "They have the same knee-jerk reaction that as long as their investigation is open, that they really don't want to release anything."

Because Illinois is so progressive when it comes to what records are available to the public, the fight for access has shifted. Now rather than pushing for additional public records access, it's about enforcing current law and preventing backsliding in the legislature.

"It's more about pushing against efforts by police interests to try to take away transparency rights," Topic said.

The Chicago Police Department announced in May of this year that it will make its misconduct records available to the public, according to the Chicago Sun-Times.

## The Future of Police Accountability

In St. Louis Missouri, a short drive from the Illinois border, city officials have passed an oversight bill that would give the public more transparency and oversight regarding what surveillance technology is used in the city.

Board Bill 185, championed by the ACLU and also known as CCOPS (Community Control Over Police Surveillance) passed the Board of Aldermen earlier this year despite facing some pushback from the SLMPD and Mayor Tishaura Jones — whose campaign promised police reform. The bill regulates the use of police surveillance technology in the city, requires the technology to be approved by the Board of Aldermen, and mandates that the St. Louis Metropolitan Police Department publish an annual report with extensive detail on the use of these surveillance tools.

Passing this oversight puts the city of St. Louis a step ahead of Illinois, which has yet to pass a similar measure.

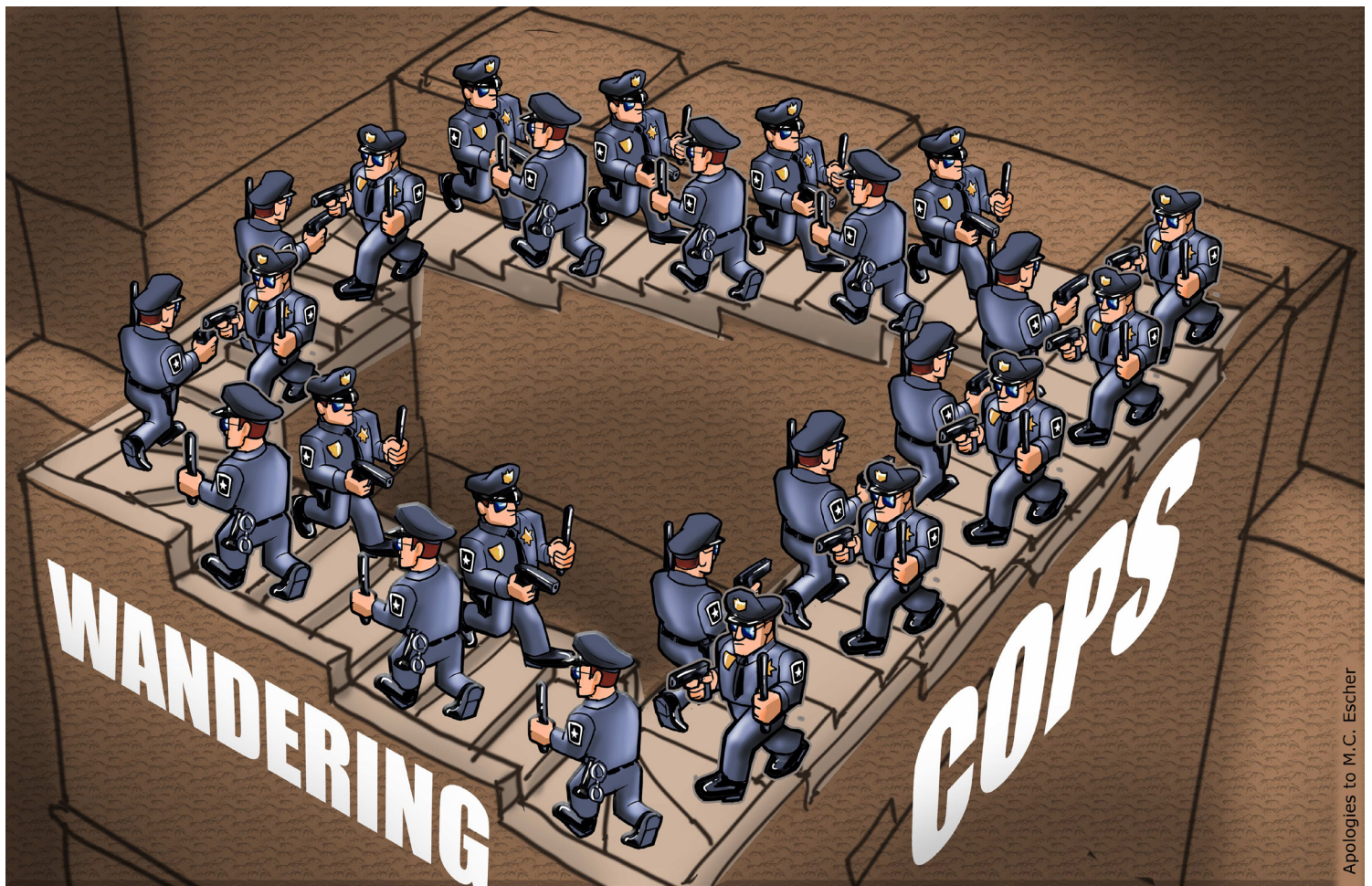
"It's something we'd really like to do, I'm a little bit envious of our colleagues in St Louis getting to do that in a way that we haven't been able to yet," Yohnka said. He said addressing this gap in regulation is the next logical step for advocates in the state.

Additionally, the ACLU of Illinois plans to continue advocating for legislation ending qualified immunity, it said in a release last year after the legislation failed.

Yohnka is hopeful that additional reforms can pass without another tragedy spurring action in the state legislature.

"I think this is part of a little bit of an arc of a journey that we're on. And, hopefully, we'll be able to make the next steps without the need for a tragedy, but just simply because it's the right thing to do," he said.

Already this year, 12 civilians have been killed by police in Illinois. This included an unarmed 4-year-old boy who was Black, according to the Washington Post's police shooting database. In April, plainclothes Chicago Police officers shot a 26-year-old Black man — Dexter Reed — 96 times in 41 seconds during a traffic stop, killing him.



# One law professor's long crusade to stop 'wandering' cops

By Paul Wagman and William H. Freivogel

Forty-four years ago this past March, two bullets from a police officer's revolver tore through the body of an alleged car thief in a parking lot behind a store at 7170 Manchester Boulevard in Maplewood, Missouri. The shots killed the alleged thief, but they triggered an epiphany for a then-young St. Louis University law professor, Roger Goldman.

The dead man, Roy Wash, and the man who shot him, the late Joseph D. Sorbello, have both likely been forgotten by all but their families. But Goldman, who died last year, has left a powerful legacy.

That's because the mild-mannered professor turned his epiphany into a lifelong mission to create and strengthen police accountability by decertifying abusive police officers like Sorbello, who had been fired by Maplewood for his abusive interrogations only to be hired by another municipality. And that mission — especially in the aftermath of George Floyd's 2020 murder by a Minneapolis police officer — made him a national figure in the circles of law enforcement.

The New York Times, a month after Floyd's killing, offered up the professor's words as its "Quote of the Day." The Boston Globe, The Atlantic, the Yale Law Journal and CNN, among other outlets, interviewed him or cited his writings. State legislators and reporters and law enforcement and civil liberties groups all over the country sought his insights into housecleaning of the abusive department.

## An epiphany

Goldman had his epiphany on March 21, 1980, when he read the account in the St. Louis Post-Dispatch of Wash's shooting the day before. The story reported Sorbello as saying that after he surprised the alleged thief in the act of stealing his car, Wash had reached inside his waistband as if for a gun, but no gun had been found. It also reported that the .45 caliber weapon Sorbello had used to kill Wash had been his by dint of his employment as a part-time officer in the police force of Bridgeton Terrace. Finally, it reported that Sorbello had been fired in 1977 from his full-time

job at the Maplewood Police Department after allegations that he had lied to a grand jury, tampered with evidence and brutalized prisoners.

Sorbello's own former colleague had testified he had seen him stick the muzzle of his gun in a prisoner's mouth and order him to suck on it. While questioning at least two other prisoners, one a 16-year-old boy, Sorbello had allegedly pointed his gun at their heads and pulled the trigger in a one-way game of Russian Roulette.

Later, another Maplewood police officer, engaging in the same sport, shot another prisoner, Thomas Brown, to death in the Maplewood headquarters, leading to indictments and a housecleaning of the Maplewood department.

So how was it, Goldman asked himself after Sorbello killed Wash, that the St. Louis County municipality of Bridgeton Terrace would have hired him even after he'd been fired by Maplewood, only a few miles away? How could Sorbello have still been certified to be a policeman under Missouri law?

Continued on next page





Saint Louis University law professor Roger Goldman has crusaded for decades to stop wandering cops.

Photo courtesy of Saint Louis University Law School

Other professions, Goldman knew — from medicine to the law to cosmetology — took steps to decertify bad actors. Yet the police, who have life and death power over all of us, did not?

Checking Missouri law, he found, no, they did not. Once someone had been certified or licensed — the two terms are synonymous — to be a policeman in Missouri, the state had no law that provided for the withdrawal of that license, even if the person had subsequently committed a felony. The state did have the authority under its regulations to withdraw licenses, but it exercised that authority only rarely.

The upshot. Although Department A in Missouri might fire a policeman for misdeeds, Department B only a mile or two down the road had every right to hire him — even if it knew about the person's record. And, Goldman soon learned, Department B might think it was even justified in hiring him, because it wouldn't have to pay for the officer's certification training, it could put him to work immediately, and it could pay him on the cheap.

Goldman realized he was on to something. He went to Florida, which, he had learned, did decertify police officers for misconduct, and he began to dig. And dig.

It took until 1987 for the first fruit to appear — a law journal article by Goldman and Steven Puro, a St. Louis University political science professor. The two professors were identifying an issue that no one until that point had thoroughly examined.

Thirty-seven states, the article reported, already had procedures for decertifying police officers. But many of them only provided for these procedures under regulations, as in Missouri, or on limited

grounds, such as a felony conviction.

Regardless, few of the 37 were exercising their power to decertify with any frequency. "In our survey of the states with decertification authority since 1980," the authors wrote, "twelve out of twenty-one responding averaged less than five decertifications in the years 1980 through 1984." By contrast, Florida, which in 1980 passed a law allowing decertifications for misdeeds that did not necessarily involve a felony conviction, had decertified 112 officers during that period.

Other methods for trying to weed out unfit police officers simply did not work, the article found. Civil damage suits were mainly futile. So were internal police disciplinary procedures — a point The New York Times made again in a story about how New York City police routinely ignore the recommendations of the city's Civilian Complaint Review Board.

In words that have proved prophetic, Goldman and Puro noted: "criminal prosecution of police officers for public, official misconduct is rare and largely ineffectual. Prosecutors are reluctant to proceed... Furthermore, juries often sympathize with the officer..."

The article's conclusion: "Decertification offers perhaps the best chance for states to take responsibility for removing unfit police officers from the profession."

Armed with this analysis, Goldman did something that few other law professors do, said Michael Wolff, Dean Emeritus of the St. Louis University School of Law and former Chief Justice of the Missouri Supreme Court. He launched a campaign.

"Most authors of a brilliant law review article stand back and wait for the world to respond," Wolff said. "But it rarely does."

## Goldman's legislative campaign

After publishing the 1987 law review article, Goldman bridged the gap between ideas and policy. And in that regard, and in his persistence, Wolff said, "he deserves to be described with a word that usually annoys me, but which fits in his case — unique."

Goldman started his campaign in his home state. Working with the late Sheila Lumpe, who represented University City in the state legislature, he helped draft a bill and enlisted the support of Clarence Harmon, a former head of Internal Affairs for the St. Louis Police Department and future Chief of Police and Mayor.

In legislative hearings, Harmon testified that as many as 90 percent of officers who leave the St. Louis department under a cloud simply apply for new jobs with municipalities in St. Louis County. Most of them, he said, are able to get hired.

The new Police Officer Standards and Training (POST) Law passed and took effect in 1988 after former Gov. John Ashcroft signed it.

On June 29, 1988, an article in the Post-Dispatch reported Lumpe and Harmon as saying "their interest in the legislation had been sparked by Roger L. Goldman, who said he had been studying procedures for revocation of certification in other states for years."

The Missouri law has proved valuable. Since 1988, Goldman estimated in 2021, the state has decertified more than 1,000 officers. In 2015, according to figures from a survey conducted by a Seattle University researcher, Missouri revoked 53 licenses — more than all but seven other states. Despite that record, Goldman argued, the Missouri law still needs work, including an expansion to cover not only police officers, but also prison guards, probation and parole personnel, and other corrections officers.

But Missouri marked only a start. Goldman next went to Illinois, where he persuaded Jay Hoffman, a former student who had become a state legislator, to take up the cause; then to Indiana, where he persuaded the state's Law Enforcement Training Academy to advocate for it. Both states now have their own new laws.

Along with Missouri, Goldman's success in both those states reflected his ability for bringing on allies in his crusade. "He has been a sparkplug for making this happen," Wolff said in a 2021 interview, when Goldman was very much alive. "He has drawn people in. 'He is very logical. He is not confrontational. He doesn't make people who disagree with him feel stupid — far from it. He is a good Socratic teacher who makes his listener feel smart by the end of the exchange.'"

By 1992, Goldman's efforts had brought

him a national reputation. NBC's "Dateline" featured him in a long piece about a man in West Palm Beach, Florida who had been beaten to death by two policemen who, it turned out, had concealed previous abuses in their jobs at other police departments — one in a nearby Florida community, one in Tennessee — with the help of those very departments.

"Gypsy cops," Dateline called the department-hopping officers; "wandering cops" is the preferred term today. Regardless, the situation highlighted the need for better protection against both intrastate wandering — as had happened with Sorbello and one of the West Palm Beach officers — and interstate wandering, as had happened with the other West Palm Beach officer.

What happened in West Palm Beach, Goldman told "Dateline" viewers, "was avoidable and I'm afraid we're going to have many more avoidable deaths like this until we in society say it's time to take this problem seriously."

Twenty-two years would have to go by until that next reckoning.

## From Abu Ghraib to Ferguson

During those two decades, Goldman kept pressing on the police licensing and decertification issue. He met with interested state representatives while on vacations. He gave talks and appeared on panels for law enforcement and civil liberties groups around the country. He wrote op-eds for newspapers and articles for police publications. He spoke at law schools, encouraging law students and their professors to get involved. Mostly, however, he just used his computer and his office telephone. All of it — all these various efforts — were aimed at a single goal: to build support for what he refers to himself as his "mission."

Over the years, he also expanded the scope of his mission. In 2013, for example, Goldman explained to *The American Prospect* that absent adequate criteria for decertifying officers, the mere existence of decertification authority did little to regulate the quality of policing. About a third of states that had decertification authority only used it, he noted, in cases where an officer was convicted of a crime. But because most police misconduct was never even prosecuted criminally, that standard was far too low. And despite what had happened in West Palm Beach, he observed, the only shield against interstate wandering was still only a voluntary, privately managed database which was called the National Decertification Index but which wasn't really national. Only about two-thirds of the states participated in it.

In other words, what started as a fight to weed out bad officers by legislating

decertification authority grew into a broader battle to professionalize American policing. Goldman was now advocating for certification and decertification procedures that were comprehensive — "that represented an entire strategy," in his words — and that had teeth, as they do in healthcare and many other professions. He wanted states to decertify officers for cases of misconduct that did not necessarily rise to the level of a crime, such as filling out false timesheets. He wanted higher minimum standards for initial training as well as requirements for continuing education — including training on dealing with racial biases and the mentally ill. He wanted the laws to cover not only full-time police officers, but also part-time reservists, who sometimes have little or no training. He wanted them to cover other categories of peace officers too, such as probation and parole officers, juvenile detention officers and prison guards; one of the military police who committed abuses at the Abu Ghraib prison in Iraq, he noted, had been accused of abuse while serving as a prison guard in Pennsylvania.

Then, on July 17, 2014, Eric Garner died from a policeman's chokehold in New York, his last words, "I can't breathe." And a few weeks later, on August 9, 2014, and just a few miles from Goldman's office, Ferguson police officer Darren Wilson killed Michael Brown.

## The awakening

In a way he had never experienced before, Brown's death brought Goldman's crusade back into the spotlight. "When the Ferguson uprising happened," Wolff said, "the timing was extraordinary because he had laid the groundwork in so many places. So many people around the country were searching for solutions, and here was this guy who was out there pursuing an agenda that fit right in." The protests in Ferguson and the blossoming of Black Lives Matter elevated the entire issue of police abuse to a new level, bringing national attention to stories that might earlier have received only local coverage.

The police killings of 12-year-old Tamir Rice in Cleveland (Nov. 22, 2014) and Walter Scott in North Charleston, S. C. (April 4, 2015) — both unarmed and both Black — dominated national news coverage for days. Both of those cases highlighted the kinds of problems that Goldman had been describing. In the Rice case, Cleveland had hired Tim Loehmann, the officer who shot him, without having checked the publicly available records from his previous employer. Had Cleveland bothered, it would have found a letter from the deputy chief of police in Independence, Ohio describing Loehmann as emotionally unprepared to cope with the job and as suffering a

"dangerous loss of composure" during firearms training, during which he became "distracted" and "weepy."

Loehmann, the deputy chief wrote, "could not follow simple directions, could not communicate clear thoughts nor recollections, and his handgun performance was dismal." In recommending that Loehmann resign, which he ultimately did, the deputy chief added: "I do not believe time, nor training, will be able to change or correct the deficiencies."

Cleveland obviously could have averted Rice's death by simply checking with Loehmann's previous employer. But a change in the state's law would have done the trick too. Ohio was one of the many states that would not decertify an officer unless he or she had been convicted of a felony. Loehmann had not. And partly because of that, he was able to keep his certification and "wander."

In the Michael Brown case, Officer Wilson, who killed Brown, had worked for the police department in the small St. Louis County community of Jennings before that department folded and policing in the community was taken over by St. Louis County. Shortly thereafter, many of Wilson's colleagues in Jennings joined the large, well-funded St. Louis County Police Department, but Wilson went to work for Ferguson. This history highlighted a related issue Goldman had also begun raising. States, Goldman had begun to say, needed to consider decertifying not only individuals, but whole departments, because many of them lack the resources, financial and otherwise, to operate professionally.

Of the 18,000 police departments across the country, Goldman said in 2021, the median number of police officers was 10; in several Missouri departments, there was exactly one. St. Louis County, with its more than 50 municipal departments, is a prime example of this fragmentation.

Ferguson was actually among the county's larger municipal forces. Regardless, the proliferation of small departments can not only foster unprofessional police work, but also lead to deliberate municipal policies to target residents with fines to collect much needed revenues. That is exactly what the Department of Justice found was happening in Ferguson, and which was part of the underlying community hostility toward the police there.

In any event, more than two decades after his appearance on NBC Dateline, the cases of Eric Garner, Tamir Rice, and above all Michael Brown brought Goldman back into the national spotlight. That became clear when the President's Task Force on 21st Century Policing, which had



been commissioned by President Barack Obama after these police killings, adopted one of Goldman's recommendations in its Final Report. The recommendation called for the Federal Government, through the Department of Justice, to partner with and beef up the only thing approaching a national database of decertified officers – the National Decertification Index (NDI).

The NDI is currently maintained by an Indiana-based nonprofit, the International Association of Directors of Law Enforcement Standards and Training (IADLEST). But besides the fact that it's voluntary and that in 2015 more than a dozen states were not participating, the NDI's value was undercut in another way, Goldman observed. It listed decertifications only, omitting any negative information short of that – even though that information might well be crucial to another department's decision whether to hire that individual.

So at the time, the NDI still would not flag a man like the Tennessee police officer who left the force in Chattanooga only to go on to West Palm Beach and help kill a prisoner. That man had been forced to resign in Chattanooga after running into drug problems and accusations of brutality. But he was allowed to keep his license, so he still wouldn't be listed in the NDI. The nation takes a much more rigorous approach, Goldman often noted, to its regulation of healthcare practitioners, who also deal in life and death but don't carry guns.

The Congressionally mandated National Practitioners Data Bank is truly national, and far more informative. It contains such information as any malpractice judgment or settlement; loss of staff privileges at a hospital for more than thirty days; and any adverse action taken by the medical board. The NDI should reflect analogous information for police, Goldman argued in a 2016 research paper for the Saint Louis University School of Law.

Police unions, however, have opposed this recommendation. And despite the inclusion of Goldman's recommendation in the Task Force report, there is still no 50-state NDI with government support.

Meanwhile, Goldman was also busy at that time being interviewed by or writing pieces for news organizations around the country.

Two of the more noteworthy news projects were the articles by the AP and the Minneapolis StarTribune. The AP stories in 2015 demonstrated that much of police conduct involves sexual assault. That was two years before the advent of the #MeToo movement, brought significant new understanding to the nature of police abuse.

After Michael Brown's death, the AP had

contacted Goldman to talk about police misconduct in general. Goldman suggested the wire service examine the decertification issue, and, remembering a notable finding from his research in Florida in the 1980s, suggested sexual misconduct might be a major issue. The AP investigation found it was. From 2009 to 2014, some 1,000 of the 9,000 officers who lost their licenses nationwide had been disciplined for sex-related offenses. These included "rape, pat-downs that amounted to groping, and shakedowns in which citizens were extorted into performing favors to avoid arrest. ...Overall, the victims were overwhelmingly women and included some of society's most vulnerable – the poor, the addicted, the young.

Two years later, the StarTribune ran a four-part series about "a state licensing system [in Minnesota] that is failing repeatedly to hold officers accountable for reckless, sometimes violent, conduct." The stories quoted Goldman as one of the critics.

Less than three years later, Minneapolis Officer Derek Chauvin, who had a long record of citizen complaints against him, squeezed the life out of the unarmed George Floyd, triggering protests for social justice across the globe and a murder conviction.

### Recent progress

Floyd's killing brought Goldman's decades-long crusade to a climax. Police reform was suddenly again a top national issue, and Goldman the nation's leading expert on officer licensing.

From his office in his home in University City, Mo. Goldman helped educate reporters and legislators all over the country about how police officer standards can be improved and enforced. Since Goldman had begun his crusade, the number of states with some sort of decertification mechanism had grown to 47 from 37.

The progress was better, however, than those numbers indicate. That's in part because many of the 37 have strengthened and continue to strengthen their laws in various ways. Colorado and Connecticut, for example, now bar the kinds of nondisclosure agreements that can keep one department from notifying another that a policeman had been fired in cases where that officer has not been decertified – a not uncommon situation in states where the decertification threshold is set at a criminal conviction. Illinois also made it easier to decertify officers involved in misconduct that didn't rise to a felony.

On New Year's Eve 2020, Massachusetts Governor Charlie Baker signed a sweeping new law that established a statewide Peace Officer Standards and Training Commission with the power to certify officers for the first

time in state history, oversee investigations into officer misconduct, and revoke an officers' license for a range of misconduct.

And in September, 2021, California Gov. Gavin Newsom signed the Kenneth Ross Jr. Decertification Act of 2021, bringing decertification back to that state after a three-decade hiatus. Meanwhile, New York, the nation's second-largest state, added regulations in 2016 that enable decertification. Goldman played a role in the progress in both New York and Massachusetts, traveling several times over the years to both Albany and Boston to advocate for reform.

Ironically, however, among the states that still lack laws is one of the bluest and biggest in the country – New Jersey. The list is rounded out by two smaller blue states, Rhode Island and Hawaii. Hawaii not long ago passed a law that it has not yet begun to carry out. Only in Rhode Island is there no activity.

These states have lagged because their police unions are so strong, Goldman says. But in the aftermath of the Floyd killing, the ice began to crack even in their state capitals.

With this sort of progress, it appears that more balance may soon be brought to the way decertifications have been distributed among the states. In the most recent survey, covering the year 2015, Georgia, with 562, and Florida, with 399, alone accounted for 52 percent of the decertifications in the 44 states which at that time had the authority to make them.

### Not anti-police but pro good-cop

Goldman continued to press for decertification after the Floyd murder. "I actually feel an obligation to keep going on it, because to me it's so obvious that cops who do terrible things shouldn't be allowed to keep doing them."

And part of the satisfaction of doing this work, he pointed out, is that it is not really adversarial. "My work is not anti-cop," he noted. "It's pro-good cop." And because of that, both law enforcement organizations and civil liberties groups can find common ground in it.

On June 24, 2020 The New York Times gave Goldman its "Quote of the Day." "If the state can take away the license of a barber for misconduct, surely it should be able to do so for a police officer.. He'd been saying it for four decades. Finally, everyone was listening.

This story is an update of a story that ran in GJR in December 2021. Goldman died on July 29, 2023.



Photo by Brian Munoz

# Abusive cops still wander from department to department mistreating citizens

By William H. Freivogel

One reform that grew out of the murder of George Floyd in Minneapolis in 2020 was that recalcitrant states with strong police unions passed decertification laws to take away peace officer licenses from those with a track record of seriously abusing citizens.

California and Massachusetts, two states with strong police unions, passed laws to decertify serious abusers. Illinois

strengthened its decertification law despite strong unions in Chicago that had defended a police department with a long history of torture, abuse and wrongful convictions.

But three recent cases in Illinois and Missouri show that the problem of “wandering” police officers — those who move from jurisdiction to jurisdiction to evade the consequences of their

misbehavior — is far from solved.

- In Illinois, Sean Grayson, a former Sangamon County Sheriff’s deputy is now charged with murder in the fatal shooting of Sonya Massey. Grayson was previously discharged from the U.S. Army for serious misconduct, records show. Yet he went on to work

Continued on next page



for six mid-Illinois departments before killing Massey. Grayson, who is white, was indicted by a grand jury in the July 6 death of Massey, who is Black. The Justice Department also has opened an investigation and President Biden called on Congress to pass the George Floyd Justice in Police Act - something unlikely to happen because of GOP opposition.

- A year ago, a Kansas police chief, Gideon Cody - who had left the Kansas City, Mo. police department while under investigation for sexist and insulting comments - led a search of the Marion County Record office and the home of the paper's feisty publisher. Under the federal Privacy Protection Act police cannot search newspaper offices for criminal evidence even if they have a search warrant. Instead they must use subpoenas, which are less intrusive.
- Six months ago, a St. Louis Police officer with a record of complaints against him, fought with the owner of a gay bar in St. Louis and arrested him for resisting arrest - all after a police cruiser drove accidentally into the bar. Police and prosecutors have refused to turn over the records of the police officer's allegedly abusive past. The prosecutor's office has indicated the police won't turn over the records to him without a judge's order.

Both Missouri and Illinois have relatively strong laws providing for the decertification of officers. Those laws are intended to avoid just this problem, where officers violate citizens' rights in one jurisdiction and wander on to a job in another where they repeat their abusive behavior.

## Sonya Massey

The Invisible Institute in Illinois reported that documents obtained from the Kincaid Police Department, where Grayson worked previously, note that Grayson was discharged from the Army in 2016 from the Fort Riley Army installation in Kansas for "Misconduct (Serious Offense).

The Springfield killing occurred after Massey called the Sangamon County Sheriff's Department because of a suspected intruder at her home in the Cabbage Patch neighborhood.

Body-camera footage shows that Grayson shot Massey three times after entering her home with another deputy.

After an initial discussion and request for Massey's driver's license, Grayson told her to remove a pot of boiling water from the stove to avoid a fire.

Massey asks the officers why they moved away from her. "Where you going?" she asks.

"Away from your hot steaming water," Grayson answers.

Massey, who friends said had mental problems, responds: "Away from the hot steaming water? Oh, I'll rebuke you in the name of Jesus."

Grayson, pulling his pistol, responds, "You better fucking not, I swear to God I'll fucking shoot you right in your fucking face," Grayson said.

Massey says, "I'm sorry. I'm sorry" as she kneels behind a counter. Grayson fires three times. One bullet hits below the eye and exits her neck.

Grayson discouraged the accompanying officer from providing medical aid.

"She's done," Grayson told the other officer. "You can go get it, but that's a headshot."

Grayson was charged with first-degree murder, aggravated battery with a firearm and official misconduct. He pleaded not guilty to all charges and is currently held in the Menard County Jail without bond.

Sangamon County Sheriff Jack Campbell fired Grayson, writing online that his actions don't reflect the values or training of the department.

"Sonya Massey lost her life due to an unjustifiable and reckless decision by former Deputy Sean Grayson," Campbell wrote. "Grayson had other options available that he should have used. He will now face judgment by the criminal justice system and will never again work in law enforcement."

Records show that Grayson had a DUI while in the Army and that while in Logan County, he pursued a vehicle as fast as 110 miles per hour against the direct orders of his superiors and hit a deer, WAND-TV reported. His supervisors recommended "high-stress decision making" training for him. At another Illinois department, the Village of Kincaid, he was considered as a "loose cannon."

The Invisible Institute quoted a former chief of the Salt Lake City Police Department, saying Campbell hired Grayson despite a history that should have been a glaring warning.

"In this particular circumstance, there were enough red flags or things that you go, wow, there's a problem here," said Chris Burbank, a former longtime chief in Salt Lake City.

Campbell defended his agency's vetting of Grayson and said he wouldn't resign.

## Newsroom search attracts national criticism

Gideon Cody left a relatively well-paid job as an officer with the Kansas City Police Department to take a much lower paid job as sheriff in Marion, Ks. in 2023. He was under investigation for sexist remarks before leaving Kansas City. By leaving Missouri and going to Kansas, Cody left behind the disciplinary problems and any

issues about compliance with Missouri's police decertification law.

The Sept. 23, 2023 list of officers provided by the Peace Officers Standards and Training (POST) program listed Cody as having an active license but "not currently employed."

Missouri law does not provide the names of officers who resign while under investigation. Without a signed waiver from the officer, the state cannot provide any history of alleged abuses. It can only provide the officer's name, licensing status and employing agency. POST cannot discuss specific cases and individuals.

In Marion Cody obtained a search warrant for the local newspaper and for the home of its publisher.

The raid involved a disagreement between the newspaper and a business woman seeking a liquor license from the city. Cody maintained that the newspaper's search of the Kansas Department of Revenue's website amounted to identity theft and a computer crime.

But the newspaper and the paper's attorney contend Cody actually was trying to find out what information the paper had about his past problems in Kansas City. Cody left his job as a captain of the Kansas City Police Department while under investigation for making insulting comments to a female officer.

During the August, 2023 search, officers found documents relating to Cody's alleged actions on the Kansas City Department.

Seven law enforcement officials spent two hours in Meyer's home, while his 98-year-old mother protested their search. She died a day later.

Last September the Marion City Council suspended Cody and he resigned a week later.

The federal Privacy Protection Act makes it illegal for law enforcement officers or government officials to search a newsroom in connection with a criminal investigation and the law generally requires the police to use a subpoena, not a search warrant, when it seeks information from a reporter or news organization.

After news broke of the August raid, more than 30 news and press freedom organizations condemned it. This was "arguably the biggest press freedom story of the year," said ICPA's Immediate Past President Chris Kaergard, who is also a professor in the Communication Department at Bradley University.

## Police and prosecutor withhold allegations of past abuse in St. Louis

More than six months after a police car veered off the road and ran into a popular gay bar — Bar:PM — police and prosecutors in St. Louis still haven't turned over the

police disciplinary records of one officer involved in the incident. The lawyers for the bar owners say the records will show that the officer has a history of abuse.

Chad Morris, one of the bar owners, was charged last year with resisting arrest and assault after police crashed an SUV into his popular gay bar. He accused prosecutors last month of withholding information showing that an arresting officer had a history of roughing up citizens.

In bar incident began when a rookie officer slammed into Morris' bar at 7109 S. Broadway. Morris and his husband and business partner, James Pence, came outside to see what happened. Pence was handcuffed, and officers took him down the gangway at the side of the bar. Morris followed.

Pence filed a suit against the police department and the officer who handcuffed him, Officer Ramelle Wallace. The suit says officers beat Morris. Police and prosecutors claim Morris pushed one officer and then tried to run away.

Morris' attorneys argue Wallace has a history of complaints about beating people at crime scenes, the city jail and in his own neighborhood.

Javad Khazaeli, the lawyer, maintains Wallace was accused by a neighbor in 2010 of pushing her against the trunk of a car and holding a gun to her stomach. In addition, Wallace faced a lawsuit that settled with the city for \$125,000; he was accused of handcuffing and beating a bystander at the scene of an assault.

In June 2023, Wallace body-slammed and choked a man in the booking area of the city jail, the lawyer said. Prosecutors charged the man who was beaten, but the case was eventually dismissed.

"The Circuit Attorney's office has direct knowledge of Officer Wallace's penchant for using excessive force and making up probable cause to justify his illegal behavior," a court filing says.

A spokeswoman for the St. Louis Circuit Attorney's Office maintained in an email that the motion was "one-sided," and said the office planned to file a response.

At a recent hearing, St. Louis' chief trial lawyer Marvin Teer refuted suggestions that Gabriel Gore's Circuit Attorney's Office was in cahoots with police to cover up wrongdoing.

But the prosecutor's office indicated in an email that the police department would likely refuse to turn over Wallace's personnel records until a judge ordered them to do it.

Khazaeli said last month that he believed the case against Morris was bad and didn't understand how it could proceed.

Judge David Roither recently asked prosecutor Rob Huq during a hearing "How do you expect to explain" an assault

and resisting arrest charge when the police crashed into the bar in the middle of the night and then demanded a bar owner's identification?" Huq defended the prosecution.

The police department's refusal to turn over records of past misconduct by officers has long been a source of sharp disagreement. Former Circuit Attorney Kim Gardner Gardner had put 60 to 70 officers of the St. Louis department on the "Brady list" of officers she would not call to the stand because of past dishonesty, criminal convictions or racist statements on social media. Brady v. Maryland is the 1963 Supreme Court decision requiring the government to turn over evidence that might help clear a defendant. In response to Gardner's list, the St. Louis Police Officers' Association, called Gardner a "menace" and called for her removal. She later resigned.

Gore, Gardner's successor, has received positive reviews so far, but the lawyers for Bar:PM say he is violating the Constitution by withholding exculpatory evidence. St. Louis Police Chief Robert Tracy, also well-regarded for his first year, apologized for the cruiser crashing into the bar, but too has held back information on the incident, saying he is told by city lawyers that he can't release it.

### "Model" laws with loopholes

Missouri and Illinois decertification laws are stronger than many states. Both states have a process for decertifying not only those convicted of felonies, but also misdemeanors. In Missouri, that could include theft and assault. Illinois decertifications were mostly limited to felony convictions until the law was reformed in 2021 to include misdemeanors.

Missouri has decertified about 1300 officers since it began decertification in 1988. That is one of the higher levels in the country.

But one major loophole in the Missouri's law is that the decertification list does not list the name of the law enforcement agency that the officer worked for, making it difficult to find patterns in the hiring of abusive officers. Nor does the state release details of the officers' abusive actions.

State law states: "The name, licensure status, and commissioning or employing law enforcement agency, if any, of applicants and licensees pursuant to this chapter shall be an open record. All other records retained by the director pertaining to any applicant or licensee shall be confidential and shall not be disclosed to the public or any member of the public."

Mike O'Connell, head of communications for the Missouri POST, maintained in a response to the Sunshine Act request by GJR that the state can't provide the information on the former

employer because, "In the case of a licensee who has been revoked, there is no commissioning or employing law enforcement agency." In other words, the officer once had a employing law enforcement agency but doesn't after he loses his license.

Missouri does list the names of all certified law enforcement officers and their departments, something that many other states do not. Sam Stecklow of the Invisible Institute, journalism organization, has been tracking state law and challenging some of the least transparent. He says Arkansas, Michigan, Nevada, Virginia, Delaware, Wisconsin and Colorado are among the dozen or so states that don't release the names of law enforcement officers for privacy reasons. The reason often given is that the safety of uncover officers would be put at risk.

Illinois' 2021 reform law expanded the reasons for decertification. But its recent application of the law raises questions.

The Illinois Law Enforcement and Training Standards Board now publishes an annual report naming the officers who were decertified. In 2022 the board reported the decertification of 33 police officers and 175 citizen and agency complaints of alleged misconduct since July when the new statute for allowing citizens to report took effect. In 2023, 21 officers were decertified and the board received 496 complaints.

But the board did not release the names of the decertified officers in 2023 even though it had in 2022. When asked why the names were not included, a spokesperson said names were not listed because of "recent case law." Asked to provide the case law the spokesman did not respond, despite repeated inquiries.





## Missouri is the home of police decertification. It also keeps data showing wandering officers a secret.

By Sam Stecklow and William H. Freivogel

On July 4, 2023, Samuel Davis, a 26-year-old officer for the Northwoods Police Department in North St. Louis County, took Charles Garmon into custody at a Walgreens. After handcuffing Garmon, Davis drove him to a remote intersection outside of a Pepsi bottling plant in Kinloch, a now-largely industrial city of under 300 residents, some four miles and five municipalities from Northwoods.

Outside of the Pepsi plant, Davis pepper sprayed Garmon, beat him with a baton — breaking his jaw — and “told Garmon not to return to Northwoods,” according to a federal civil rights lawsuit Garmon later filed.

Rather than then transport him to any kind of facility where he could then receive treatment, Davis left Garmon in a field on the side of the road for someone else to find, leading to a 911 call, Davis’ identification, a warrant being issued, and his eventual arrest on felony assault and kidnapping charges two weeks later. (Davis’s supervisor, Michael Hill, was also arrested, and both have also

since been indicted on federal civil rights charges.)

Within a few weeks, local TV station KMOV found that in his short career, Davis had already jumped to the Northwoods police from the North County Cooperative Police Department, something reporters found using a roster from that department.

“Tracking other departments Davis may have worked at isn’t easy in Missouri,” the station noted. “The state doesn’t have a central system for the public to see if an officer has moved around. The only way to know is to ask each department if an officer worked there.”

It is true that, unlike many other states, Missouri doesn’t have a system for the public or press to see if an officer has moved around. However, the Missouri Department of Public Safety’s Peace Officer Standards and Training Commission (POST), which licenses police officers in Missouri, is also required by law to keep track of their employment changes, which it does in an internal

database.

It’s a system that was instituted in large part due to a troubling history of department-hopping by officers in the St. Louis metro region, and a failure of oversight by the state — a problem often referred to as “wandering cops,” or locally as the “officer shuffle” or “muni shuffle.”

The shuffling of problem officers between departments has played a recurring role in police misconduct scandals in the St. Louis area since at least the 1970s, according to a review of official studies, newspaper investigations and archives, and interviews with experts.

While not unique to St. Louis, the region’s strikingly harsh history of using municipal borders and law enforcement to severely maintain racial segregation as Black residents began to move out of the city core led to particularly acute examples of violent cops being shuffled from one tiny department to the next — rather than being held accountable.

This practice became so infamous by the 1980s that it prompted a local law professor to successfully push for state police training boards across the U.S. to exercise greater oversight of local cops.

Many of those state training boards — 26 total — now release data showing the employment history of officers to allow for use by the public, press, researchers, attorneys, and others to quantify the problem of wandering officers that was first fully exposed in Missouri.

States around the country have released this basic data to a nationwide collaborative reporting project, including nearly all of Missouri's neighbors. Illinois even publishes a simple lookup tool for police employment history.

Missouri, however, interprets state law as barring the release of the historical data that would show the public and press which officers qualify as wandering cops. Missouri POST restricts the data it releases to snapshots of what officers are active in Missouri and their current agencies at the time the information is requested.

Experts have called on the state to reconsider its withholding of this basic information.

"It's hard to imagine data that would be more important or relevant for the public to have," said Christy Lopez, a former Department of Justice official who led the federal consent decree investigations in Ferguson and Chicago, "and where the state would have less of an argument that that information shouldn't be shared."

## Root causes

When news broke of Davis's employment history before being hired by the Northwoods Police, John Bowman Sr., president of NAACP St. Louis County, placed him along the larger arc of policing in the St. Louis metro region.

"This has shined a lot on several things," he told KMOV. "The fact that small municipalities are totally dependent on reject officers."

A root cause of the "officer shuffle" is the same as many that plague the St. Louis region: the original sin of the contested 1876 vote that split the City of St. Louis from St. Louis County with a fixed border, and eventually allowed for the agglomeration of the tiny postage stamp-sized municipalities with the power to create their own ordinances, and police departments to enforce them. (Webster Groves was incorporated in 1897 after a murder, and "among the city's first acts," the St. Louis Post-Dispatch writes, "was hiring a hard-nosed veteran of the St. Louis Police Department to clean out unsavory elements.")

As early as the 1920s, the county was characterized by a sociologist as being made up of a "considerable number of

small communities," each "separate from the metropolitan city and... aloof from its neighbor." At the same time, the Black population of St. Louis grew exponentially as part of the first Great Migration.

Over the course of the following decades, as Black residents began to move out of the North St. Louis neighborhoods they had largely been confined to into parts of North St. Louis County, local white leaders in the suburbs explicitly used municipal incorporation, zoning and police to ensure continued separation. Similarly, as white suburbs like Kirwood or Ferguson incorporated throughout the west and southern stretches of the county, their boundaries came into tension with small Black enclaves like Meacham Park and Kinloch.

At the same time, a long-extant but slow-emerging crisis in policing was revealing itself: an almost complete lack of standards that departments needed to follow, and criteria they needed to set, when seeking new officers.

While by no means the first of its kind, a 1977 scandal in the tiny city of Maplewood revealed the extent of this problem, especially when those controlling the municipalities hiring armed law enforcement officers were a handful of elected officials representing a few thousand residents.

A Post-Dispatch series early that year detailed how officers with the Maplewood force had conducted warrantless searches, beat and abused detainees, including with one-sided games of Russian roulette that had killed one arrestee.

Beyond the killing, which led to a manslaughter conviction and one-year prison sentence for that officer, the series exposed the lax hiring standards that Maplewood officers were subject to. Two officers were hired despite their own criminal backgrounds.

Lt. Raymond Heberer told the Post-Dispatch that he had repeatedly visited the house of a third officer, Lt. Joseph Sorbello, on complaints of abuse from his wife and children before he was hired onto the force. Sorbello denied the allegations and threatened to sue both Heberer and the newspaper reporters.

Maplewood police did not require any kind of psychological testing for new hires, unlike the St. Louis metropolitan and county police forces, the Post-Dispatch reported. The final step of the process — the only part required by state law — involved sending already-hired officers to the Greater St. Louis Police Academy. The academy's director told reporters that he had to take everyone who had been hired by the area's tiny municipal police forces.

"There are some departments that have excellent standards," he said, advocating for statewide uniformity. "There are others that do not take care in hiring."

Lt. Sorbello was charged in March 1977 with assault for a beating that had occurred three years earlier exposed in the Post-Dispatch series. But just a month later, a grand jury declined to indict him. In the following days, allegations would continue to emerge that Sorbello had lied under oath to a jury and forced a high school senior to play another one-sided game of Russian roulette after detaining him on suspicion of cannabis possession.

The police chief, who had supported Sorbello, was forced out by the city council and replaced by Heberer, who quickly fired Sorbello for refusing to submit to a lie detector test in an internal investigation.

## Sorbello wanders to Bridgeton Terrace

Less than two years later, Sorbello returned to Post-Dispatch headlines for killing a man whom he alleged was attempting to steal his car by shooting him in the back. Though he was off-duty at the time, Sorbello was now serving as an officer for the tiny Bridgeton Terrace police, which patrolled some four blocks of around 400 residents before the municipality was largely destroyed for an expansion of Lambert-St. Louis International Airport in 1988.

He'd been hired by Chief John McGowan with full knowledge of his record. "He was never found guilty of anything," the chief told the newspaper. "Our policy here is that if the man comes to us qualified, we take it from there and make our own judgment. Since he's been here, he's been a damn good cop."

McGowan added the only thing preventing him from hiring Sorbello on full-time was budgetary constraints. Otherwise, he'd hire Sorbello "with no hesitation whatsoever."

Over the coming weeks, a county grand jury investigation was opened into McGowan's failure to ensure his officers had state-required training, and the Post-Dispatch reported that at least seven of the department's 18 officers — including Sorbello — had previously been fired or were accused of significant misconduct while at previous departments.

McGowan, too, had himself resigned from the St. Louis Metropolitan Police Department when he was suspended on accusations that he and another officer sexually assaulted a woman after arresting her. He was acquitted of sodomy charges before being hired by Bridgeton Terrace.

## Law professor notices

Goldman was a law professor at Saint Louis University who, while serving as the director of the ACLU of Eastern Missouri, had commented as an expert in the Post-Dispatch about the illegality of Sorbello's warrantless searches in Maplewood.

How was it, Goldman wondered, that Bridgeton Terrace would have hired someone



with Sorbello's record, and how could he even still have been eligible to be certified as a police officer under Missouri law? Other professions — from medicine to law to cosmetology — took steps to remove bad actors. Why not the police, who had life and death control of people's lives?

It turned out Missouri law did not even provide for officers to be automatically stripped of their state training certifications upon conviction of a felony. There was little chance that Sorbello, with his criminal acquittals, would ever be legally prevented from wearing a police uniform.

"At that point I got interested in this question that has haunted me ever since," Goldman, who passed away in 2023, recalled in 2016. "How could we have allowed someone who did what he did in Maplewood to be hired by another department? And that set me on this 35 years of work to try to prevent the Sorbellos of the world from getting that second chance."

### Hancock amendment

In 1980, the year that part-time Bridgeton Terrace Officer Joseph Sorbello killed his would-be car thief, as he claimed, the tiny municipalities in the St. Louis metro became significantly more dependent on their police departments for revenue.

That same year, what became known as the Hancock Amendment was passed on a statewide ballot. It was intended to limit the size of government by requiring any property tax increases by a municipal government to be put to a vote of residents — rather than city councils or village boards — but it ended up instead encouraging the increased ratcheting up of fines and fees, especially after a subsequent Missouri Supreme Court decision found those types of revenue did not have to be put to the same vote.

All of a sudden, the inner ring suburb bedroom communities that were designed to rely on property tax revenue to sustain their existence had to look elsewhere. Though some were able to encourage commercial development, in many others, like Ferguson, white flight occurred as Black residents moved into the inner ring suburbs, and property values declined further.

"Just at the time" that Goldman and others were starting to take a hard look at the issues of police accountability that had been created by the rapid incorporation of the St. Louis suburbs, "those communities are undergoing this dramatic racial transition," said Colin Gordon, a historian at the University of Iowa. "The impulse to sustain the color line is that much more powerful."

Over the following decades, as Gordon shows in his 2019 book *Citizen Brown: Race, Democracy, and Inequality in the St. Louis Suburbs*, municipalities leaned more and more heavily on the fees and fines that they could freely levy on residents and travelers —

some to the point of over 20 percent of their total local revenues.

Because the use of police to bring in revenue, rather than fight or prevent crime, is "aimed at enforcement of trivial violations of the municipal code," Gordon writes, they rely on "a long litany of 'failure to comply' offenses that make it easy to manufacture an arrest out of virtually any police stop.... These laws are designed and enforced to extract revenue rather than to moderate or change behavior."

The municipal fragmentation of North County also led municipalities to compete with each other to provide the best sales tax program to poach businesses from one postage stamp to another, according to anthropologist and historian Jodi Rios.

This, too, had a direct impact on the style of policing in each suburb. The cities that were able to win the sales tax battles could pass the benefits of the additional tax revenue onto their residents by relying less on fees and fines; in the other municipalities, sometimes right next door, an inverse effect happened.

"Not surprisingly, the majority of the cities that do not rely on sales tax because of a hollowing out of their tiny commercial districts are located in North St. Louis County," Rios writes in *Black Lives and Spatial Matters: Policing Blackness and Practicing Freedom in Suburban St. Louis*. "The same cities that have lost the sales tax war are at the top of the list when it comes to per capita predatory policing practices."

These marked shifts in policing begot the other phenomenon also sometimes referred to as the "municipal shuffle."

In this shuffle, rather than mostly white police officers escaping accountability by exploiting loopholes to remain in positions of authority, the power was inverted.

Here, poor, mostly Black residents of the various municipalities or unincorporated areas of St. Louis County racked up the petty fines and fees that made up a significant portion of the municipal budget for whatever postage stamp they happened to have run through a stop sign in (if that).

They're called into municipal courts, but often miss court dates. Even if they make their court dates, over time, the fees and fines increase, deferred or late payments result in warrants being issued, and a not insignificant amount of St. Louis County residents end up in modern-day debtors' prisons.

St. Louis County's history "primed" the region for these shuffles, Rios said in an interview. "It really paints a very extreme picture of things that are going on everywhere, but you really see it in that geography."

### Professors push new law

Roger Goldman began his fight by publishing an op-ed in the *Post-Dispatch* in

1984 proposing a decertification procedure in Missouri, and then began working with Steven Puro, a political scientist at SLU. The two found in a 1987 paper that 37 states had procedures for decertifying officers, but few used them. Missouri was one of the 13 outliers without any process at all.

Goldman's research made its way to Clarence Harmon. Before he was the SLMPD's first Black commissioner and the city's second Black mayor, Harmon led the police department's Internal Affairs Division from 1983 to 1988.

While in that position, "I was frequently called by potential hiring departments and asked to reveal the 'real scoop' behind the departure of an officer from our department," he later wrote.

"Such a request for information would occur even when the officer was being criminally prosecuted, in which case I would be asked additionally to assess the probability of the officer being convicted. Such a question was an indication that, barring conviction, the department making this inquiry would be at least willing to hire this officer, and likely would do so."

He and Goldman worked with Rep. Sheila Lumpe to propose the creation of Missouri's POST commission, which passed the state legislature in 1988.

Goldman later recalled, "I'll never forget Harmon testified... that in 90 percent of the cases where (city police) would leave under fire, they would be out working for a St. Louis County police department."

The 58 small police departments in St. Louis County had an incentive to hire these St. Louis officers who quit under a cloud because the county departments could avoid paying for their training, hire immediately since they had their training certificate, and not have to pay a high salary since good departments would not hire officers with such a record.

Now, in theory, the newly-created state POST commission, installed within the Missouri Department of Public Safety, could strip the certification away from any who shouldn't be working for any agency in Missouri, including for subjective reasons short of being convicted of a crime.

And, for the first time, there would now be central information tracking officers from department to tiny department.

In a 1997 study, Goldman and Puro praised the "broad" Missouri decertification system, comparing it favorably to others that only allowed POSTs to strip certifications after an officer had been convicted of a crime. But it also quickly became clear that, for however many problem officers the state was catching in its new net, many others were escaping accountability.

In 2000, an anonymous letter sent to St. Louis County Prosecuting Attorney Robert McCullough and later obtained by the *Post-*

Dispatch exposed a scandal at the Webster Groves Police Department.

Officers from the department in the west suburbs had been having “hot tub parties” with teenage girls, where they supplied the girls with alcohol, the newspaper reported. Three officers were fired, and a fourth resigned.

Two of the officers, however, turned around and took jobs elsewhere in the St. Louis metro within weeks — one in Berkeley, the other in O’Fallon. The city failed to report any misconduct to POST about the officer who resigned, who took the job in O’Fallon.

The city’s failure to report, and the Post-Dispatch’s reporting of it, prompted POST to create new rules in 2001 requiring departments to notify them when officers leave under investigation, in addition to when they’re terminated.

POST director Chris Egbert said that he’d already tried to address the problem informally. “It is enough of a concern,” he told reporters, “that a number of years ago, we went around the state encouraging law enforcement agencies to send this very kind of information to us and not send their dirty laundry down the road to be cleaned.”

In response, Webster Groves Mayor Gerry Welch said she didn’t know why her department had failed to report the officer to POST — but, perhaps making Egbert, Goldman, and others’ point, insisted that “the important issue here is that the police officers accused of doing these things are not with the Webster Groves Police Department.”

Other communities, she said, “make their own choices” about what officers to hire.

“Without a state agency with the authority to collect information on past performance and prevent the officer from continuing in law enforcement by a procedure such as revocation,” Goldman and Puro wrote in a law review article about the case, “the movement of unfit officers among departments seems to be inevitable.”

“It is clearly unrealistic to expect local police departments and municipalities to solve [these] problems,” they continued, “because they are often not concerned about whether an unfit officer remains in law enforcement once that officer has left the force.”

### Half a century after Great Divorce

Within half a century of the Great Divorce that split St. Louis city from county, and subsequently led to the proliferation of armed home rule municipalities, efforts to reunify began. Voters and legislators repeatedly rejected the proposals — in 1924, 1930, 1959, 1987 — and some pointed to concerns over local control over their police as a key reason.

In 1954, when the St. Louis County Council created the St. Louis County Police Department, the council had rejected the idea that the department would, by default, police



the entire county. “Many of the municipalities would balk at relinquishing their police powers,” an official history of the department reads.

A 1988 study by the federal Advisory Commission on Intergovernmental Relations asked local officials in smaller St. Louis County municipalities if they would be interested in disbanding their departments in favor of contracting with another city or the county police — as a handful of others already had.

Several of them “indicated that they may favor such a change, but were quick to add that citizens of their

communities would be reluctant to give up their local police,” the study’s authors wrote.

“Their assessments are consistent with the expressed sentiments of county residents reflected in a poll conducted in 1982 by Market Opinion Research. In that poll, more than 80 percent of those interviewed said that ‘direct local control’ of police was ‘very important’ to them.”

By 2011, different considerations ruled municipal decisions — in some places.

The system still existed, by all means. “There are a plethora of towns in North County — all of which share in common bad leadership, small departments, an emphasis on traffic enforcement, and poor pay,” an anonymous St. Louis County Police officer

said in an interview with a SLU sociologist for a study released that year. “A lot of the officers... they’ll get fired from one and move to another.”

Still, circumstances had forced some local lawmakers to make difficult choices. That year in Jennings, the inner-ring North County suburb disbanded its police department and contracted with the county police after endemic police corruption, use of force, racial profiling, and a particularly bad incident in which a white cop shot at a moving car with an unarmed Black woman and her child in it.

“You’re dealing with white cops, and they don’t know how to address Black people,” Rodney Epps, a city councilmember, later said.

But all the same, disbanding the force did nothing to prevent those same white officers from moving on to police other mostly Black St. Louis County suburbs — municipalities that could “make their own choices,” in the words of former Webster Groves Mayor Gerry Welch.

One of them was Darren Wilson, who, on August 9, 2014, killed Michael Brown while serving as an officer with the neighboring Ferguson Police Department.

Wilson had been attempting to stop Brown, he claimed, for one of the many petty offenses that cities like Ferguson built their municipal budgets around: walking in the street.

[Decertification help in Ferguson](#)



Despite Goldman and Harmon's efforts decades prior, POST was in no position to have addressed or prevented Wilson from ever ending up in the position where he had the ability to kill Brown and get away with it.

Even if the unconstitutional style of policing in Jennings had been fully exposed, especially upon the department's disbanding, POST operates largely on reports from agencies about their own officers' misconduct. Jennings never reported any discipline of Wilson; it's possible he committed no misconduct there, but it's also possible that it was never reported to the department or never investigated fully.

Beyond that, POST was historically underfunded. The Post-Dispatch reported in 2003 that it relied on just one investigator, who had 90 cases at any given time. Departments got out from under the reporting requirements put into place after the Webster Groves scandal by simply deciding to not complete internal investigations upon an officer's separation, the newspaper found.

A state audit conducted two years later found the system, often described as one of the strongest in the country on paper, all but in shambles, failing to maintain or ensure that departments submit accurate records.

"POST officials are not effectively using the information contained in their officer database to manage the POST program," the audit found, recommending that the agency analyze the employment history data for trends in individual officers or departments. "The POST officer database is an important tool for the POST program and should be used effectively to improve program performance."

In 2013, the chief executives of both St. Louis city and county, along with other local power brokers, launched the latest government consolidation initiative, which they termed Better Together. Less than a year later, Darren Wilson killed Michael Brown, and the Better Together leaders hired the Police Executive Research Forum to look into creating a "regional approach" to policing.

PERF's report, released in April 2015, made clear that, again, little had changed at POST.

"The term 'muni shuffle' is ubiquitous in the St. Louis region," the report's authors wrote. "Nearly every constituency that we met with used the phrase at least once.... The fact that the muni shuffle was the subject of a St. Louis Post-Dispatch investigative series back in 2003, yet remains a common occurrence today, is cause for concern."

The report identified one of the "primary enablers" of the shuffle as "a severely underfunded and understaffed monitoring and investigative system operated by the state's POST program." PERF found that POST's investigative team had doubled in size; now, two investigators handled the 100 or more active complaints at any given time.

As a result, the group found, "the system still relies on the reporting of local law enforcement executives."

The strong, broad system of oversight and decertification pushed for by Goldman, Harmon, Rep. Lumpe, and others — and potentially achieved on paper — had clearly not been realized on the ground in Missouri.

### Extreme secrecy

The 2005 audit also noted that extreme secrecy had also somehow been built into the Show-Me State's system. "State law prevents POST program officials from revealing employment history to prospective law enforcement agency employers," auditors noted.

Both the auditor's office and POST interpreted a state law passed in 2001 as blocking the agency from releasing employment history information to either the public or other law enforcement agencies.

The law states that "the name, licensure status, and commissioning or employing law enforcement agency, if any, of applicants and licensees pursuant to this chapter shall be an open record. All other records... pertaining to any applicant or licensee shall be confidential."

The audit noted several cases of wandering officers that POST could have notified agencies of, if it thought it was able to. "We agree that [the law] should be changed to permit this office to inform law enforcement agencies of a prospective employee's former employers," POST wrote in its response. It couldn't provide a timeline to implement this change, as "legislative proposals must be presented to the Governor."

They never were, and the law remained unchanged through the reforms proposed and passed after Michael Brown's killing, after George Floyd's murder, and on to today. The same law is now cited by the Missouri Department of Public Safety, on behalf of POST, to block the release of the state's employment history data to reveal the still-extant wandering officers.

"It's quite clear and it's a statutory exception to the Missouri Sunshine Law. We have provided all the information that is open under state law," Mike O'Connell, the director of communications for DPS wrote in response to a 2023 records request.

He also refused to release the former employing agency of officers that POST had decertified. In response to a follow-up, he wrote, "You correctly state that 'Decertified officers had a commissioning agency.' That is no longer the case. DPS applies the statute which requires closure."

It's unlikely that the current political or legal climate in Missouri would prove particularly friendly to a legal appeal of DPS's denial.

Records about police misconduct previously deemed public by Missouri courts

were barred entirely from public access by the legislature in 2021, in the same law that also required local agencies to indemnify their officers from civil lawsuits unless they're convicted of a crime. The legislature has also moved to block public access from myriad court records previously available, including the names of arresting officers in criminal cases. Even basic reforms to track police misconduct and use of force without revealing officers' names have failed.

### Reforms fall short

The Better Together initiative, ultimately put forward in 2019 after years of study, proposed consolidating local police as a central plank of its efforts. Rather than nearly 60 departments, mostly concentrated in North County, there would just be one, also combined with the St. Louis County and Metropolitan Police Departments.

The group's report noted that some small steps towards consolidation had begun to occur. Jennings, for one, had disbanded its department and contracted with the county police in 2011.

Pushback to the Better Together recommendations, including from many police groups, was immediate, and within a few months, the plan to list the initiative on a statewide ballot was withdrawn.

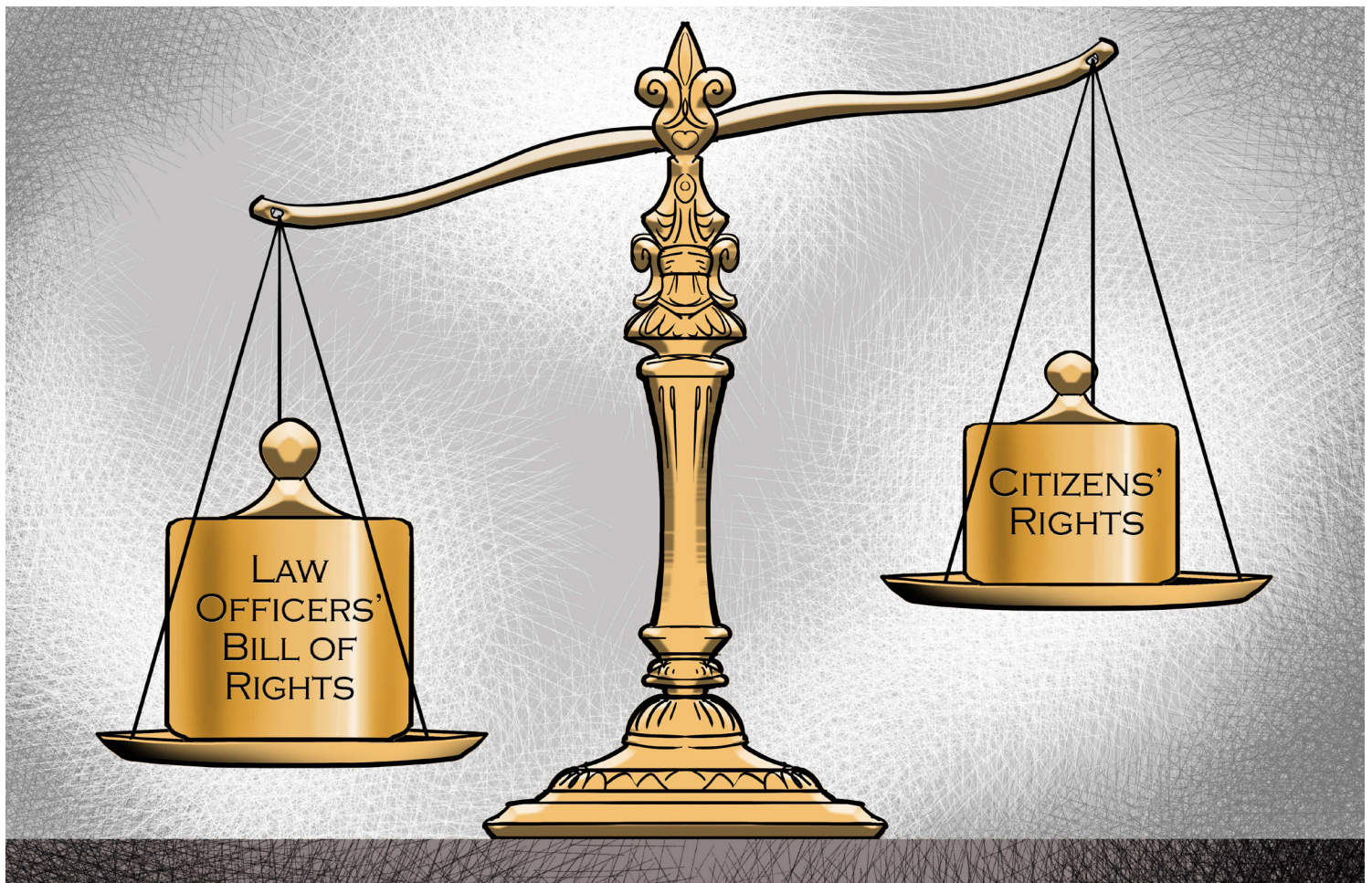
A year later, after the murder of George Floyd, the Post-Dispatch again revealed examples from the depths of the "wandering officer" crisis, and again, POST responded with incremental reforms. The North County city of St. Ann, with one of the only elected police chiefs in the region, attracted scores of officers with histories of misconduct in other departments.

For one, Ellis Brown, one of the SLMPD officers who killed 25-year-old Kajieme Powell in 2014 days after Michael Brown's killing, landed in St. Ann after a separate case in which a car he and his partner were tailing crashed and lit on fire — which they failed to report. He was eventually promoted to lead St. Ann's department's detectives bureau.

In December 2020, the POST Commission passed recommendations for some modest administrative reforms — most significantly proposing that would-be officers should sign a waiver allowing their new agency to obtain their previous employment file from POST, which finally comprehensively addressed the internal law enforcement transparency issue identified in the 2005 audit. It also, in turn, required police departments to actually obtain that file and sign a form attesting that they reviewed it.

The recommendations also called for departments to be required to conduct background investigations, though they were silent on how extensive those should be.

Jefferson County Sheriff Dave Marshak, a POST commissioner, made clear at the time that these were just an incremental step



forward, the Post-Dispatch reported. POST still employed only two investigators to add reports to that state employment file that departments were now required to access. At the time of the Post-Dispatch story, they had a combined caseload of 180.

It's unclear if the recommendations were ever implemented, though a bill that provided departments with immunity for releasing disciplinary records to other agencies did pass in 2021. Still, officers in Missouri continue to wander.

In the following years, there have been a few other minor attempts at tackling the larger issue of the officer shuffle — a successful push to allow POST to decertify for off-duty actions, a proposal from a Kansas City-area Republican lawmaker to force departments of a certain size to consolidate or contract out that went nowhere.

But the amount of departments in St. Louis County has decreased, slightly. The most prevalent impetus for the reduction has been the same as what prompted them to rely on predatory policing in the first place: money.

In 2015, the state legislature placed limits on the amount of revenue that municipalities could bring in through their police. Courts have bounced back and forth about whether these limits were legal, but the uncertainty about whether they could proceed policing as

they had prompted some local communities to reconsider.

Since Jennings contracted with the St. Louis County Police Department, several other municipalities have disbanded or merged their police departments. Sometimes, that happens haphazardly. In March 2024, after financial hardships and a failed vote to contract with Hillside, the Velda City Police Department's entire three-person force resigned, resulting in the Pagedale police taking over for the 2,000 residents of Velda City and Flordell Hills, which the three officers also patrolled.

A month later, nearby Bel-Nor announced that its department would be disbanding, too, with the Board of Aldermen citing budgetary issues. They contracted with St. John, prompting the chief in neighboring Normandy to question why his department wasn't allowed to bid for the contract.

In June, Flordell Hills left the Pagedale contract to join what's been the most purposeful consolidation effort: the North County Police Cooperative (NCPC).

In 2015, the Vinita Park Police Department took over services for Wellston and renamed itself as the NCPC. "This is not going to be Vinita Park coming in and taking over. It can't happen that way," said Tim Swope, the Vinita Park chief who would be helming the new agency. "This is all of us joining together and having some skin in the game."

Since then, it's taken over for the departments in Pine Lawn, Hanley Hills, Beverly Hills, and Uplands Park, and as well as the county police's contract with Dellwood.

In 2016, Swope discussed the new, stricter hiring standards that he had set. "Some people were left out," he told St. Louis Public Radio. "That's not good for them, but it's good for all the communities."

Left unsaid is what happened to those who were left out, or later cast out by Swope — let alone those who make it through those higher standards and still commit misconduct. Though it's not known why Samuel Davis, the former NCPC officer who is now under state and federal charges for his actions with Northwoods, left the cooperative, serious questions have been raised about the NCPC's hiring process in a different case.

Marcellis Blackwell was an NCPC officer who joined "to be a part of the change," he told a reporter when he graduated from the academy.

Within a year, he was under state and federal charges for sexually assaulting male detainees. An investigation by Riverfront Times found that Blackwell, who had legally changed his name, had been sued for defrauding an Illinois insurance company, and had his wages garnished in Indiana for failing to appear in court.

"To find out that he was hired on by any police force is complete negligence," his





insurance fraud victim told the RFT. “Anyone and everyone who knows anything about people should have just Googled him.”

The haphazard disbandings and consolidations present another issue to ArchCity Defenders, communications director Z Gorley said, because POST’s refusal to release anything except snapshot-in-time data means that it’s all but impossible to see who the officers being passed around in that process are.

“It’s especially problematic,” they said, “because there’s just no public record of these big changes that are happening institutionally, within local governments, and that is what a lot of taxpayer money is spent on.”

### Push for more consolidation

Even with the reforms passed in recent years, and the continuing efforts of groups like ArchCity Defenders to push the municipal court system to consolidate, North County municipalities are still heavily reliant on predatory policing to sustain themselves — and the “officer shuffle” continued unabated, and unmonitored.

There’s an unfortunate irony, given that the depth of the problems in St. Louis County have prompted reforms elsewhere — reforms that North County residents still largely don’t feel the privileges of.

Getting the bill that created Missouri’s

POST Commission through the legislature in 1988 was “my proudest achievement in police decertification,” Roger Goldman later wrote. He noted that he had directly assisted efforts in a handful of other states, but in some of those, the laws that were enacted were weaker than Missouri’s because “leadership in those efforts need to come from residents on the ground in the state, not an outsider.”

His ideas and scholarship, however, have helped to push state-level police oversight across the country.

Though its final report didn’t go as far as his recommendations, he sat on President Barack Obama’s Task Force on 21st Century Policing. At least 17 states created decertification provisions in the years after his successful public advocacy in Missouri. One of his articles, published in 2012, outlines what he views as the necessities for a “strong decertification law.” In recent years, it has been cited by advocacy or reform groups to push for stronger oversight in Illinois, Massachusetts, and Washington, D.C.

Notably, two of those jurisdictions make public what Missouri can’t, or won’t: police employment history.

The Illinois Law Enforcement Training and Standards Board published a lookup tool for officer data in recent years, which allowed for the quick reporting that Sean Grayson, the former deputy sheriff charged with

murdering Sonya Massey, had worked for six departments in four years. Massachusetts POST is releasing data on certifications and misconduct as its system is being created, after years of there being no police certification system in the state at all. (D.C. still has no decertification function, but publishes current and historic district-wide salary data.)

Wandering officers are — because decertification systems are ultimately still so weak — endemic in American policing. Due to actual or perceived hiring shortages in many departments across the country, wandering officers may now have an increased opportunity to continue wandering as they never have before. Ultimately, it never was a problem unique to St. Louis or Missouri.

But it was a problem so acute there that it led a reformer to spend the rest of his professional life pushing for, ultimately, officers to stop being allowed to wander. And still, almost monthly reporting in the St. Louis metro shows that they continue to wander.

What is different in Missouri — especially when compared with its neighbors Illinois, Iowa, Kansas, Kentucky, Nebraska, and Tennessee — is that the state entity responsible not only refuses to study or quantify the problem, but also refuses to allow the public or press to do so, either.

Rather than impose additional oversight and scrutiny on policing after Michael Brown’s killing, state policy has gone the other direction, said J.P. Clubb, a former assistant attorney general who works on Sunshine Law issues.

“Missouri has granted broad immunity to police officers for their criminal and tortious behavior, while at the same time passing laws that restrict the public’s access to public records documenting police officers criminal behavior,” he wrote in an email.

“These laws only serve to help bad cops transfer from department to department throughout Missouri and Missouri citizens deserve to know who is policing their neighborhoods.”

# Policing for a more perfect union: Defining good policing and building a framework for collaborative change

By Maureen McGough and Seth Stoughton

Policing is an essential component of public safety, but it has become hyper-politicized and polarized to the detriment of the profession and the people it serves. If you think Black lives matter, you must think blue lives don't, and vice versa. If you work with the police you must be a racist, and if you work to change the police you must be an anarchist. We either must hire more cops or abolish the profession. As a society, we have become entrenched in the polar extremes of politics and public opinion. None of this is conducive to meaningful change.

In the four years since the murder of George Floyd, clarion calls for change sounded from all quarters. Community members, elected officials, and police leaders themselves clamored for better, more collaborative ways to ensure public safety. Despite the apparent zeitgeist for reform, though, solutions to long-standing problems have been few and far between. To a significant extent, this is because we, as a society, lack clarity and consensus on what policing is, the strategic role that police should play in enhancing public safety, and the tactics that they should use to advance that goal. Policing in the United States is hyper-localized, divided into more than 18,000 different agencies, and has long suffered from a lack of national standards that define what fair and effective policing looks like.

There are important reasons why there are few meaningful national standards; principles of federalism limit the imposition of such standards on the states. State standards exist but vary widely and often are silent on critical issues related to public safety, equitable outcomes and effective services. Existing efforts to develop national standards, including through accreditation bodies such as CALEA, (Commission on Accreditation of Law Enforcement Agencies) are often exclusively run by law enforcement officers through opaque practices, with limited attention to social science developments about what matters and works, and little guidance on data needed to measure impact. And most attempts to define fair and effective policing, or constitutional policing, focus on what officers or agencies can't or shouldn't do, ignoring or devaluing the transformative potential of the profession.



St. Louis Police Chief Robert Tracy speaks in June 2024 to a group of friends of the late Professor Roger Goldman. In the background is Seth Stoughton, a law professor from the University of South Carolina and a policing expert. He is working with the Goldman group on a collaborative approach to police policy reform.

Photo by William H. Freivogel





Maureen McGough, Excellence in Policing and Public Safety (EPPS) program at the University of South Carolina Joseph F. Rice School of Law.

Courtesy of law school

The lack of collaboratively developed, evidence-based, affirmative guidance leaves police leaders, municipal officials, subject matter experts, and communities in a fractured tug-of-war, each pulling in a different direction, inconsistently and often counterproductively. This is especially frustrating given the vast majority of people want exactly the same thing: fair, effective policing that keeps all members of the public, and the officers who serve them, safe.

Policing is perhaps the most important profession for securing the democratic society in which we all desire to live. Accordingly, police could, and should, become change agents for improved safety and equity, even — no, especially — in those communities where they are viewed as a categorical threat to those principles.

### The ALI Principles for Policing

While we lack national standards, there is a significant reason for hope that a shared understanding of good policing is within arm's reach.

The American Law Institute (ALI) recently convened an illustrious and non-partisan group of policing legal scholars, academic researchers, police leaders, local policymakers and community advocates over a period of seven years to dive deeply into the legal frameworks, scientific evidence, promising practices and community priorities that should be contemplated across a range of critical areas. The 14 chapters of the resulting "Principles of Law, Policing" explore issues like uses of force, stops and searches, investigative procedures, data and transparency, hiring, licensing and decertification, accountability, discipline, community engagement and serving vulnerable populations. The "Principles" provide detailed, stakeholder informed

guidance about how policing can live up to its promise to protect and serve given the complicated realities of modern society.

These Principles are promising, detailed and informed... but they are also hundreds of pages long and do not necessarily include guidance for how they can be operationalized. Nor do they contemplate the strategic and practical considerations of implementing across a wide range of department missions, regions, funding levels, size, and local political contexts.

**Standards & Policy:** There is no shortage of "model policies" in policing. These can be a valuable tool in advancing practice, but off-the-shelf policies, in and of themselves, are of limited utility. Agencies must determine how to make the policies work in their local context, especially when full implementation is not feasible due to resource constraints, local or state regulations, or other lack of stakeholder buy-in.

**Training:** Many model policies require a fundamental shift in how officers approach their daily work and broader mission, but lack sufficient attention to training. To be even minimally effective, agency policies must be supported by training to ensure that changes in practice — and, more importantly, the underlying reasons for any such changes, are understood across the department. In some areas, training must be used to ensure that officers have the knowledge and skills necessary to effect change. Too often, a new policy is deemed "ineffective" when it was not the policy itself, but rather the lack of appropriate training support that doomed the new mandates.

**Data and Accountability:** Historically speaking, policing has not been a data driven profession. It is time for that to change. Changes to policy and training must be supported by a robust data collection and analysis that can inform agency leadership, elected officials, and the public about the extent to which policies are implemented with fidelity and whether those changes are associated with improved outcomes. These data frameworks must be developed intentionally to minimize burdens on line officers, ensure data quality and the protection of personally identifiable information, and support more rigorous empirical evaluations over time. Doing things the way that they've always been done, or the way a neighboring agency does them, or the way that seems intuitively beneficial simply is not enough; better information is essential.

### Collaboration is Key

Just as important as the standards and policies — and the training and data frameworks that support them — is the

process by which these guidelines will be developed. Any stakeholder who will be impacted by these policies or who plays a role in their adoption, from community members to line officers, should have a seat at the table in their creation.

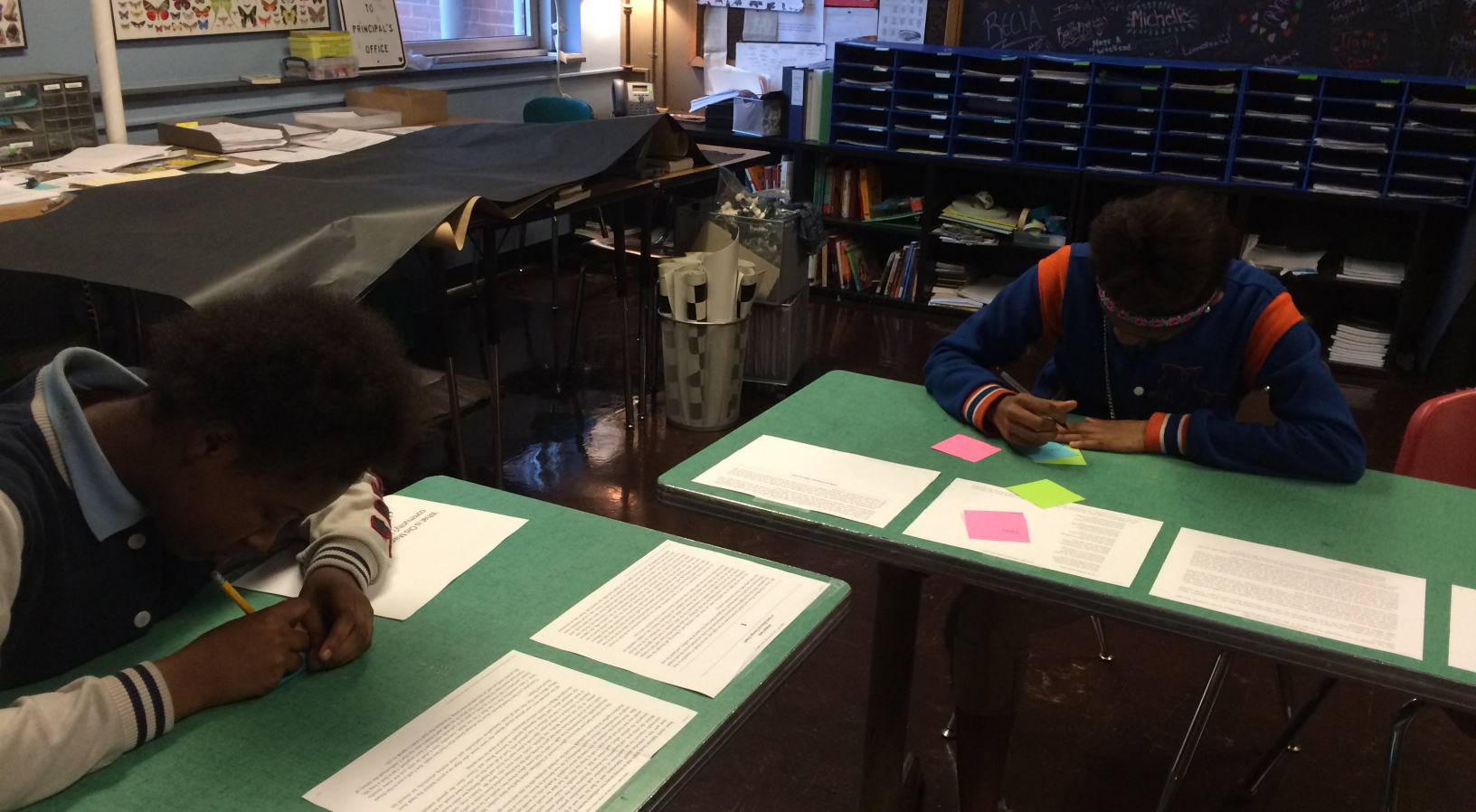
One of the most crucial elements of this work is meaningful community partnership. While the importance of co-producing public safety alongside communities has gained traction in recent years, community perspectives rarely are integrated into the development of police strategy or tactics. Rather, "community policing" is often used to describe keeping the community informed about certain police efforts without much, if any, attempt to solicit actual feedback. When community input is sought, it is frequently solicited only at the tail end of program development, serving as a "check the box" approval of pre-determined approaches.

This is a problem. Policing is a public institution, and policing in a democracy means the public deserves a meaningful say in how they are policed. Individuals most affected by police activities have the deepest understanding of their own needs and priorities. Sincerely and proactively involving communities from the start not only fulfills policing's democratic duty but also ensures more informed and promising approaches to achieving public safety.

There's a reason this hasn't yet been done. It's har. — really, really hard. It's nuanced and fraught and political. It requires robust multi-disciplinary partnerships, external partnerships, and community partnerships. It demands humility. It's subject to a whole host of factors beyond the control of the stakeholders participating within it. It's decidedly unsexy, and does not lend itself to politically advantageous soundbites. It will require significant support from a broad range of funders and stakeholders, all of whom must be comfortable with stepwise, deliberative, sometimes painstakingly slow progress.

But it's absolutely necessary. And it may be our best shot at creating a more perfect union.

**Publisher's note:** Roger Goldman was a friend and source for William H. Freivogel. Freivogel is working to create a policy group with Goldman's friends and the policing experts at the Excellence in Policing and Public Safety (EPPS) program at the University of South Carolina Joseph F. Rice School of Law.



Students work in Inda Schaeen's classroom, where she taught project-based humanities to 7th and 8th graders in the Normandy 7th & 8th Grade Center. Students wrote the school newspaper, published books of award-winning poetry, and produced essays on gun violence and personal purpose. Schaeen describes the content of the course this way: Anchor texts included Melba Patillo Beal's *Warriors Don't Cry*, Dr. King's "Letter from Birmingham Jail," Sophocles' *Antigone*, Orwell's *Animal Farm*, *A Raisin in the Sun*, and much more. We founded Normandy Crosscurrents, an exchange program through which Normandy students initiated relationships in different school communities around St. Louis County with the goal of breaking down social barriers and dispelling the stereotypes that cause so much harm. Participating schools included Kirkwood High School, St. Joseph's Academy, John Burroughs School, and Al Salam Day School. Students spent a day at each other's schools, engaged in small group conversations about everyday life, attended panel discussions and just hung out and ate snacks together. Students also wrote and produced a mini-documentary about the mindfulness practice.

Photo by Inda Schaeen

# Education officials found exactly the wrong way to move forward from Ferguson

By Inda Schaeen

*There's the story, then there's the real story, then there's the story of how the story came to be told. Then there's what you leave out of the story. Which is part of the story too.*  
—Margaret Atwood

In the beginning, I was a writer. Eventually, I also became a journalist, a teaching artist, a certified English Language Arts teacher, a university adjunct, an instructional coach and a project-based classroom-based teacher of humanities and sciences. These metamorphoses helped me fit into the landscape of public education here in metropolitan St. Louis so that I could do work that I believed in, had fun doing, and was, on the whole, good at. My job was to guide young people toward ways of thinking, speaking, writing, reading, listening and doing things that would help them understand and respond personally, in their own ways, with joy and with purpose, to what's going on around here. Today, 10 years after the Ferguson Uprising, here's what I saw then and what I see now.

In August 2014, I was preparing myself

for a new school year in Normandy. For the sake of context, though, I have to rewind a little further, to the 2013-14 school year. Normandy had been stripped of accreditation earlier in 2013, which triggered Missouri's transfer law. A quarter of Normandy's student body — about 1,000 students — left the district to attend accredited schools. Because public education dollars follow students, this massive exodus would drain Normandy's finances at the rate of more than a million dollars a month. In the summer of 2013, the democratically elected board hired a new leadership team to set Normandy on a more promising path. I was brought in as an instructional coach.

By spring of 2014, having disregarded the plan Normandy developed to get the district on a more promising path, the State Board of Education dismantled Normandy's elected board and took over management with a state-appointed board. The state renamed the district the Normandy Schools Collaborative. Early in the summer of 2014, all teachers and

coaches were fired, including me. About half of the teachers were rehired, including me. I would be teaching 8th grade in Room 302 in the 7th & 8th Grade Center of the Normandy Schools Collaborative. We'd soon learn that by collaborative, the state of Missouri meant that whatever they said we had to do, we were expected to collaborate with.

## Mike Brown graduates and is killed a week later

Later that summer, on Friday, August 1, 2014, Normandy senior Mike Brown earned the last of the credits he needed in order to graduate from Normandy High School. Eight days later, on Saturday, August 9, 2014, Mike Brown was shot and killed by Ferguson Police Officer Darren Wilson. His body was left in the street for four hours. After his death, his mother, Lezley McSpadden, said:

*You took my son away from me. Do you know how hard it was for me to get him to stay in school and graduate? You know*

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*how many Black men graduate? Not many. Because you bring them down to this type of level, where they feel like they don't got nothing to live for anyway. "They're going to try to take me out anyway."*

Anger, frustration, distress, violence and threats of violence saturated the air we breathed — in our classrooms, at home, everywhere in and around St. Louis. Tanks, tear gas, guns, nightly curfews. Every screen. Every newspaper. Every conversation. All that week, what came to be known as the Ferguson Uprising was local news, then national news, then world news. And then somehow it got to be Monday, Aug. 18. The first day of school.

People at the protests were asking for the schools to be fixed. But what were the chances that Missouri's Department of Elementary and Secondary Education would do no more harm and wouldn't waste our time as we tried to respond, rebuild and teach amidst fear, rage and state-sponsored violence? Every dumb thing that principals and teachers were mandated to do in Normandy made it less likely that students would learn what they really wanted and needed to learn. The State Board seemed to be at a total loss. The Governor, too.

Well, not exactly a total loss. On Nov. 18, 2014, Governor Jay Nixon assembled the Ferguson Commission. This group was charged with conducting a "thorough, wide-ranging and unflinching study of the social and economic conditions that impede progress, equality and safety in the St. Louis region. In addition, the 16-member commission was going to examine the underlying causes of these conditions, including poverty, education, governance, and law enforcement.. Meanwhile, everyone in the 7th & 8th Grade Center was in overdrive, doing all we could do. (I wrote publicly about what the 2014-15 school year looked like; for doing this, I received a formal reprimand from state officials.)

## **Reform raises test scores but officials pull the plug**

Having hit what felt like a new rock bottom, the 2015-16 school year was our next fresh start. Finally, with input from teachers and students, our building administrators created the structural conditions for actual success in the Normandy 7th & 8th Grade Center. Our team on the first floor enjoyed smaller class sizes, plenty of individual and group planning time, and freedom to custom-design enriched, project-based curricula to benefit our students. Lo and behold, the test scores of our team's 120 students started rising. Attendance went up. Engagement went up. Morale went up. The number of suspensions and referrals went down.

The scores of our 120 students drove up the scores of the middle school as a whole.

By the end of the 2017-18 school year, our building was driving up Normandy's scores as a whole. We were primed to expand our ambitious, enriching curriculum building-wide and eventually district-wide. We were primed to extend our process for integrating wrap-around services into our curriculum. We knew we were in the promising early stage of a 10-or 15-year turnaround process. But to state officials, this wasn't fast enough. Our process wasn't what they had in mind when they took over Normandy in the summer of 2014.

Indeed, officials were so far removed from understanding the nature of our success, the researched-based methods underlying our outcomes, that someone somewhere decided to reassign our principal to another position. They planned to replace him with a new principal who made it clear that he intended to pull the plug on our work.

And so things fell apart. Teachers and counselors fled the building. I got myself transferred to the high school where I taught 9th grade for a year. Then I took a semester off. And then came the pandemic in March 2020. And then came a drastic, mid-summer change in district leadership. What happened in Normandy in 2020 was the one-two punch that brought my time in the district to an end.

## **Producing students who can't read a newspaper or novel or tell fact from fiction**

Insiders and outsiders alike say that our system of public education is broken. After 20 years in public education in metropolitan St. Louis, I wonder if this is the best way to think about the injustices of the status quo. If we really look at the system in action, we can see that it's doing exactly what it's designed to do, which is to keep itself going as is. When interventions and innovations are going well, creating real change for the better, they're suspended, derailed, sabotaged, or outright canceled. Like countless everyday school-based traumas, wonderful things, too, are buried in the graveyard of "not this, not now, not here."

What's most important, it seems, is that teachers and students, like greyhounds, keep on going, keep it moving, keep a laser-like focus on chasing the ever-unreachable and half-broken rabbit of "academic achievement. In this system, nobody's meant to look back, or even from side to side. With few exceptions, and by design, what gets reported out is curated to please whoever the next person higher-up in the hierarchical system happens to be.

Consider the words of Donald Berwick, a Harvard-based physician and leader in healthcare policy, who served nationally during the Obama administration. The law of improvement, Berwick wrote in 1996, is that every system is perfectly designed to achieve the results it achieves. From the inside, our

nation's education system as a whole seems (in spite of rhetoric and intentions to the contrary) to be doing what it does quite well: develop an ever-growing population of young adults from economically disadvantaged communities who will not be able to read a newspaper or a novel, nor tell fact from fiction.

In the nationwide reading assessment of 2019, the average reading score for 12th-grade students were two points lower in 2019 compared to the last reading assessment in 2015. But not all high school seniors are performing worse on reading tests, or worse at the same rate. The scores of average and high-scoring readers didn't really change between 2015 and 2019. In fact, from 1992 to 2019, the number of highest scoring high school seniors increased. What got significantly worse were the scores of the novice readers, those with the lowest scores, especially male students and students from lower performing (ie., economically disadvantaged) public schools.

On average, at least on standardized tests, the most novice readers are getting worse at reading, not better. And the number of novice readers who somehow still graduate from high school is growing — in 2019, 63% of high school seniors were not reading proficiently.

This represents an increase since 1992, when 59% of all 12th graders were reading below a level deemed proficient. Significantly, between 1992 and 2019, the most novice readers

(labeled Below Basic) increased from 20% to 30% of all high school seniors tested. This happened over the years when No Child Left Behind and its later iterations transformed reading instruction and measuring "reading performance" to a highly lucrative business that ensured that more and more young people would not, over the course of 13 years in school, ever learn to read beyond a 3rd or 4th grade level, a level exemplified by, say, "Diary of a Wimpy Kid."

I've taught middle school students who've told me that they've picked up credible evidence that the Earth is flat, that zombies are real, and that the theory of evolution by natural selection is propaganda. These misconceptions, often shared with a laugh, are pretty easy to clarify. Some misconceptions have more unnerving consequences. In some communities, adults who can't tell fact from fiction know for a fact that the 2020 election was stolen from Donald J. Trump, and that some elected officials are Satanists. This knowledge strengthened their conviction that they needed to storm the Capitol on Jan. 6, 2021, destroy and steal things, spread their excrement on the floor, and, if possible, kill people.



### Education designed to do the opposite of Ferguson Commission suggestions

If we don't like the outcome of our public education system, the first step is facing the reality of what's going on around here. The reality is that the system is not broken, but in fact high-functioning at doing what it's designed to do, which is pretty much the opposite of what the Ferguson Commission laid out in its 2015 report, *Forward Through Ferguson: "A Path Toward Racial Equity"*:

Build a region that ensures that all children and youth, ages 0-25, are thriving in their daily lives by:

- Growing and developing to their full potential;
- Retaining the ability to be children;
- Preparing to become fulfilled and contributing adults
- Secure educational achievement, fairness, and opportunity for all youth by:
- Setting high expectations;
- Recognizing unique differences and developmental stages;
- Advancing outcome-based approaches;
- Aligning and coordinating customized services;
- Producing college-ready and career-ready students

Calling the system broken ensures that well-meaning nonprofits, community partners, deliverers of professional development, education technology companies, turnaround experts, meddling billionaires and self-styled reformers and consultants can conduct (in perpetuity!) lucrative business in economically disadvantaged communities, forever fixing

what everyone deems broken. In short, calling the system broken generates a lot of money for a lot of people who are already wealthy.

### Time to breathe, read and write in peace

I don't mean to sound so grim. Working in solidarity and in good faith, my colleagues and our students and their families showed that there is a way forward for public schools in economically disadvantaged communities. What we did together as a culturally heterogeneous coalition over the course of six or seven years was hopeful, humane and just. Our students felt better, and became better students. Many of us — students and teachers alike — feel a shared nostalgia for the work we did together. The adults are aware that a fleeting opening for promising change shut back up like a clam. And we share a hunch that the work we did during those years was possibly the best teaching we would ever do.

During those years, when it was obvious that we were slowly but surely transforming one small corner of a harmful environment into a peaceful, healing and academically ambitious one, people asked me about scaling. Scaling our model as it came into being under the auspices of a besieged public district. In response, I'd describe how it might be done within our district and beyond. I no longer do this. Today I view the scaling question as a capitalist distraction. First, the push to scale can pull thinking away from the specificity of place and the vitality of personal relationships. Away from the strengths, needs, and wants of individuals in individual communities. Second, the idea of scaling places the pressure on individuals who may

or may not be in a position to expand what's going well given two overwhelming forces in the landscape of public education: the power and resistance of those who maintain their own material security and social status within the status quo; and the power and influence of those who profit at the public trough by selling their goods and services to so-called broken public schools.

Not that anyone's asking me, but the real thing that needs scaling is the number of people who understand what's at stake. Scale the political will to distribute resources equitably and then allocate funds strategically to benefit students, not line the pockets of those who develop, market, sell, and manage the billions of dollars of learning platforms, testing platforms, literacy platforms, and all the other virtual dashboards and surveillance systems I spent so much time keeping at bay so that my students would have time to breathe, read and write in peace.

Everything that challenged our students in 2014 is extra challenging in 2024. Learning is about making connections, and making connections is almost impossible when the conditions of everyday life persistently erode mental, physical, and spiritual well-being.

It doesn't take a PhD in Education to understand that, in these times, under these conditions, planting a growing child in front of a Chromebook screen filled with content developed by God-knows-who in God-knows-where cannot possibly be the right way forward through Ferguson. Or, for that matter, forward through anywhere.





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# On assignment in Ferguson: Photojournalist reflects on what it was like to be there at beginning of career

By Alex Wroblewski

In August 2014, I arrived in Ferguson, Missouri, to cover the fatal shooting of Michael Brown by police officer Darren Wilson. As a young photojournalist, I found myself at the epicenter of a community in turmoil. When I first arrived, the protests were passionate yet peaceful, with a palpable energy in the air.

However, by the second night, the atmosphere drastically shifted. As the sun set, police began using tear gas on peaceful protesters, and chaos ensued. Windows were shattered, looting began, and Molotov's through the night. Amidst this chaos, I relied on the support of my colleagues, who provided me with essential protective gear and advice on navigating the tense environment.

One of the most moving things I witnessed was the resilience of a burger store owner on Florissant Avenue. Despite his windows being broken during the riots more than once, he returned each day, repaired the damage, and reopened his doors. This act of determination was met with the community rallying around him, a line out the door, showing the spirit of the people in Ferguson.

For me, covering the events in Ferguson was not just about capturing images of a significant national story; it was a profound learning experience. It highlighted the

resilience and solidarity of a community facing racism, police corruption, and marked a pivotal moment in my career as a journalist, shaping my ability to cover impactful stories with depth and empathy.

In the years since Ferguson, from the 2017 presidential inauguration, to the fatal shooting of Jacob Blake in Kenosha, Wisconsin, there were similarities yet differences in the events of domestic protests, riots and civil unrest.

"Ferguson was the beginning of everything we're experiencing now," said Justin Glawe, a freelance reporter based in Savannah, Georgia. "There was less animosity to the press... a more innocent time and there were still clashes between police and protesters."

In 2020, I was on assignment for The Wall Street Journal in Kenosha, and our editors were expecting a violent clash between protesters and police. The Journal hired a security team and encouraged us to keep some distance if violence were to break out. In the evenings there would be self-declared militias patrolling the streets, and Kyle Rittenhouse would eventually become well known for fatally shooting two men.

Police targeted journalists in the evenings, hitting them with rubber bullets. There are currently multiple lawsuits

in process between accomplished photojournalists and the Kenosha Police Department. This was a new level of violence to be prepared for, more extreme than what I experienced in Ferguson.

In Washington, DC, throughout the years of the Trump administration, police would often treat journalists with the same aggressive behavior as they did with protesters. In Ferguson, and the years before, journalists were often regarded as neutral observers, and that is no longer the case. Being prepared for the worst case scenarios while reporting on domestic protests has become the norm.

Scott Olson, a photojournalist with Getty Images, said, "I'd say it's probably 50/50 between police and protesters" when asked where hostility may come from during such events.

The risks are higher and always changing, it is important that as an industry we take our physical safety seriously, but also mental health. Opening up more conversations on how we can deal with both physical and mental health issues that we deal with as journalists will only make us more capable of managing them, and shape us to be more empathetic storytellers in the end.











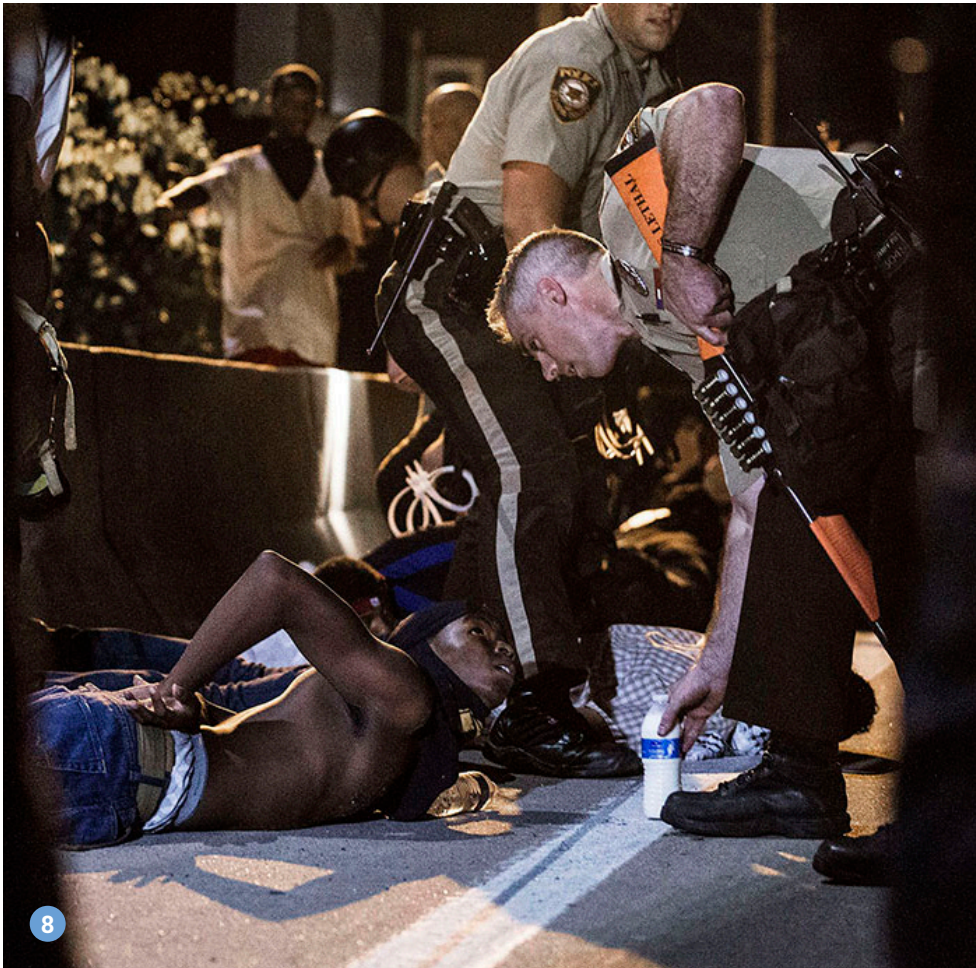


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- 1 A protester kneels in the street in Ferguson on Sunday, August 17, 2014. Protests followed after the shooting of Michael Brown in Ferguson, Missouri, a suburb of St. Louis. Brown, an 18-year-old Black man, was fatally shot by Darren Wilson, 28, a white Ferguson police officer. The shooting and protests have sparked a new discussion on race in America, what has changed in the past few decades, and what still needs to change.
- 2 A woman hit with tear gas is relieved with assistance rinsing her eyes in Ferguson, Missouri, on Sunday, August 17, 2014.
- 3 Protesters clash with police hours before the imposed curfew in Ferguson, Missouri, on Sunday, August 17, 2014.
- 4 Protesters move down West Florissant Street on Thursday night after a car burned out caused smoke in Ferguson.
- 5 Blood on the ground in Ferguson after a person supposedly shot themselves on West Florissant Street on Thursday night.
- 6 Police arrive on the scene shortly after protesters torched and attempted to overturn a police car outside of Ferguson City Hall.
- 7 Multiple businesses were burned on W. Florissant in Ferguson just after the grand jury decision in the case of the shooting of Michael Brown by Ferguson police officer Darren Wilson.
- 8 Police arrest protesters on West Florissant Avenue in Ferguson on Tuesday, August 19, 2014.
- 9 People move down the street just after tear gas was launched outside of the Ferguson Police Department after the not guilty grand jury decision in the case of the shooting of Michael Brown by Ferguson police officer Darren Wilson.

**Photos by Alex Wroblewski**





# Recently unveiled histories of race in the Midwest show what it took to survive: 'Hide in the bathtub'

By Amelia Blakely

It was a Wednesday afternoon when Rachel Jones sat on her couch in Washington, D.C. and witnessed what she saw as a modern-day lynch mob storm the United States Capitol on January 6, 2021.

As Americans flew the confederate flag and temporarily halted the certification of electoral college votes from the 2020 Presidential Election, the violence spurred some of Jones' earliest memories listening to her mother's instructions to hide in their family's cast iron bathtub if they heard gunshots in their neighborhood in Cairo, Illinois.

"That was a way to protect us from bullets or whatever because The White Hats would ride through the streets in the Black neighborhood of Cairo and just randomly shoot," Jones, the Director of Journalism Initiatives at the National Press Foundation, said.

"The White Hats" in Cairo was a vigilante group formed by white residents in 1967 after racial tensions boiled over into unrest when PFC. Robert Hunt Jr., a young Black soldier home on leave, was found hanged in the Cairo police station. Residents protested the city officials' claims that it was suicide and rioted.

The FBI decided three days after Hunt's death not to investigate. In an "urgent" FBI memo the FBI's Springfield office wrote: "In view of the current situation where the National Guard, the state and local police are trying to contain a potentially violent situation, where violence and property damage already have occurred, it is recommended that no action be taken..." (The memo was obtained by the Southern Illinois University School of Journalism Freedom of Information Act request in 2007.)

Instead of investigating Hunt's suspicious death, J. Edgar Hoover's counter intelligence program, COINTELPRO, attempted to undermine the credibility of the Rev. Charles Koen, a St. Louis minister and civil rights leader who had come to Cairo to lead protests. The FBI sent letters to Koen's wife suggesting infidelity.

In the two years following Hunt's death, there were 140 shootings. On Dec. 6, 1969 shots from the Pyramid Courts housing project struck the police chief and a fireman.

The White Hats ran paramilitary drills, patrolled Cairo's Black neighborhood with police dogs and guns for two years, and were encouraged to arrest and threaten

Black residents.

What Jones' memory recollects is the not-so-distant past of a violent racial divide created by a caste-system centuries in the making and the struggle to dismantle it for the liberation of everyone, regardless of immutable characteristics like skin color.

The racial unrest that Jones lived through in Cairo lasted until 1973 and was documented by local resident Preston Ewing, who was the President of the Cairo chapter of the National Advancement of Colored People (NAACP). Photographs of this historical moment was published by Ewing and Southern Illinois University Press in 1996 and tells one chapter in the broader story of the American struggle for equality and freedom championed by Black Americans.

## New research on Black communities in southern Illinois

The years after the killings of Michael Brown and George Floyd generated renewed research into the history of forgotten Black communities in southern Illinois and of Black involvement in the Underground Railroad.

This history of race and resistance against enslavement and oppression in America has a well-documented throughline to the present beginning before the creation of the United States.

For example, one of the first slave revolts occurred in 1663 in Virginia as Historian Herbert Apthekar revealed in his 1936 study, "American Negro Slave Revolts," which found there to be at least 250 revolts in the history of American slavery. Yet, the history of race has been undervalued, ignored, and is attacked by some conservatives who consider it "discriminatory" to learn about it today.

Despite the conservative backlash to the growing study of the history of race in the United States, a quiet and unassuming movement of Midwest communities, intellectuals, administrators, musicians, teachers, and American citizens alike are independently researching and discussing their local community's history of race in efforts to understand the past and bridge divides between racial groups that still exist 60 years after the Civil Right Act of 1964.

In St. Louis, for example, the Jesuit Conference of Canada and the United States in partnership with St. Louis University and the St. Louis African American History and Genealogical

Society is researching the role of slavery in the creation of institutions like St. Louis University and Georgetown University and identifying those enslaved and their descendants. In June, the Archdiocese released a report on Catholic slaveholding. Additionally in June 2024, the Cardinals organization signaled that it was open to placing a marker at the Lynch slave pen site where the new Busch Stadium, Ball Park Village, and InterPark Stadium East parking garage are clustered in St. Louis. The Lynch slave pens was an underground prison where thousands of enslaved people were held before they were sold to enslavers.

Further north in Springfield, Illinois, foundations of homes belonging to Black Americans that were burned in the 1908 Springfield Race Riot were discovered by archeologists in 2014. The Springfield Race Riot destroyed the city's black neighborhoods and killed 17. News of the destruction that spread nationally galvanized reformers to form a new abolition movement that resulted in the NAACP. Although the event spurred a now well-established advocacy group, Springfield did nothing to acknowledge the destruction for 80 years until a multimillion dollar project to revitalize a train line in the city led to old foundations of the destroyed homes being found.

## Archeologists have found that Black communities often organized Underground Railroad

In southern Illinois, a local pastor established a historical marker in Metropolis, Illinois in August 2023 commemorating two Black icons born and raised in the small city: Oscar Micheaux, America's first Black film director, and Annie Turnbo Malone, one of America's first Black female millionaires.

Researchers, librarians and administrators at Southern Illinois University Carbondale are also prioritizing the study of the region's history of race. The university's Center for Archeological Investigations is producing National Registry for Historic Places nominations for Black heritage properties in Southern Illinois including a contraband camp in Cairo at Fort Defiance where men, women and children escaping slavery stayed during the Civil War under the protection of the Union Army and Miller Grove, a pre-Civil War freed slave community in Pope County.

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The Associate Dean and Director of the Special Collections Research Center at SIUC's Morris Library, Anne Marie Hamilton-Bhrem, said in the past 20 years archaeological sites like Miller Grove have uncovered evidence, like lead type from a printing press, that are leading scholars to rethink the region's role in abolition movements like the Underground Railroad.

"One of the best things that we're learning from archeology is how independent these settlements were. In historical terms, the Underground Railroad and abolitionists have always been characterized as white people coming in and being abolitionists and supporting the Underground Railroad when it was really the Black settlements who were doing a lot of this on their own," Hamilton-Bhrem said.

In addition to finding and preserving artifacts belonging to the history of slavery and abolition in Illinois, special collections at the university has for the past seven years built and sustained relationships with Black communities in the region and is collecting people's personal histories that are archived in the center's Reclaiming The African American Heritage collection.

Initiatives like the Reclaiming African American Heritage of Southern Illinois Project are part of a larger movement in public history that is aimed at trying to uncover the stories of the forgotten, preserving them for posterity, and making it accessible to the public, John Pollitz the Dean of Library Affairs at Morris Library said.

To be able to curate and share these personal stories in the broader American story, materials must first be archived, and that takes time, said Walter Ray, the political papers archivist at the university's special collections.

Although the process of gathering the local history in southern Illinois is gradual, Hamilton-Bhrem, Pollitz and Ray see the endeavor as a permanent priority for the library. They know that archiving individual and community histories allow current and future southern Illinoisans to have a more complete picture of the past that they can use as guidance for what is to come.

"You can't advance social justice if nobody knows the stories," Hamilton-Bhrem said.

At the heart of all these endeavors across Illinois and Missouri is the intention to acknowledge injustices that have gone ignored in hopes that one day Americans will be able to move forward without the residue of trauma being passed down to younger generations.

Unresolved trauma caused by the consequences of historical events surrounding race is what 74-year-old Carbondale resident Walter Green attempts to heal through history and human connection as part of Carbondale's Race Unity Group.

Green, a retired history teacher, uses national and local history to connect people in southern Illinois and bring closure. One way he does this is by organizing read-ins every Monday evening during Black History month in February. Using his money, Green schedules six to eight guests to share their personal story as well as reading an excerpt from a Black writer for about 12 minutes.

Guests who have spoken at these read-ins include Rodney Hurst who, at 16 years old in 1960, participated in a peaceful sit-in protest at a "whites only" Woolworth's lunch counter in Jacksonville, Florida and was attacked by a mob of more than 200 white people led by the Ku Klux Klan armed with baseball bats and ax handles. In addition to the read-ins, Green is also responsible for bringing figures like Fredrick Douglass's descendant Kevin Douglass Greene to Carbondale for Frederick Douglass Legacy Weekend in February of this year.

By bringing people together to discuss the history of racial injustices in the United States, Green hopes that he can inspire healing for people in southern Illinois, even himself.

"I've told them before, it's kind of therapeutic for me," Green said.

## Segregation in Hayti

Learning individual histories of race help ground topics like racism and oppression that seem abstract to people who have never experienced it.

For example, when Race Unity Group member and 84-year-old Carbondale resident Dr. Ella Lacey grew up in Hayti, Missouri — a small town about 95 miles north of Memphis on the Mississippi River — segregation separated every aspect of life between white and Black residents.

Instead of getting mailed delivered, Black families like Dr. Lacey's went to the post office to pick up their parcels. The Black school ran according to the farming season, which meant that children as young as nine years old worked in the fields instead of going to school like their white neighbors during the fall harvest. And retail shops did not allow for Black customers to touch any item they weren't going to buy.

"And they would just kind of take your money as though it was half poison. Good enough for them to take it, but not good enough to reach out and accept it in a warm kind of way," Dr. Lacey said about white retail clerks.

Even after Dr. Lacey moved to

Carbondale as a faculty member for SIUC's School of Medicine in the 1960s, she and her family faced racist prejudice on multiple occasions. In some instances, threats of physical violence were made like when her family was the first Black family to move into a white neighborhood.

"We had to send our children somewhere else, and get armed and take our arms in public out before the neighborhood to show we had some guns," Dr. Lacey said.

Yet, by the time Kimberly France was living in Carbondale and attending a fully integrated high school in the 70s and 80s, she did not experience the same racial climate that Dr. Lacey had a decade or so earlier.

"I think at one point we had made progress," France said. "Certainly from when Dr. Lacey was younger. But now it seems we've gone backwards and I don't know what precipitated that decline."

France is not alone in her assessment that the nation's climate has worsened.

Perhaps what was discerned as progress in the later half of the 20th century was the beginning of a gradual shift to eliminate a social hierarchy based on race for a pluralistic democracy.

The past 60 years demonstrate that for that shift to occur, persistence in telling local histories of American communities in connection with the nation's history is the way to continue the fight for freedom, equality, and ultimately, survival as a nation.

The collective memories we are given by those who come before us shape how we see the world and ourselves in it. To be able to survive, we must have a past and we must understand the meaning that it provides us in this life.

And when those memories and histories are silenced, the worse the damage is.

Take Cairo, Illinois as an example.

With the area's history reaching back to the Lewis and Clark Expedition, its strategic location and role in the Civil War, and the confluence of the Ohio and Mississippi Rivers, there is no logical reason why the city, which once had over 10,000 residents in 1950, has less than 2,000 now with a median income of about \$31,000, according to the U.S. Census Bureau.

"Cairo could have a riverboat park there now, gambling, a casino, and could have Civil War re-enactments at Fort Defiance," Rachel Jones said. "The one thing that shut it down was that tension, that racial animus, that hatefulness that was like a cancer; it ate Cairo alive. And, for this moment in history, that's the message Cairo sends to the world."

◀◀◀ Visitors at Fort Defiance State Park explore the southernmost tip of Illinois overlooking the confluence of the Ohio and Mississippi Rivers in Cairo, Illinois, on Dec. 28, 2022

Photo courtesy of Amelia Blakely





Locust Grove Cemetery taken at different funerals.

Photo courtesy of the family

# Michael Brown's death led to a racial awakening and discovery of lost Black stories

By Kimberly France

On Aug. 9, 2014, I was five miles from where the incident took place in Ferguson. I often frequented a nearby thrift store for books. I remember the shock it sent through me. A young man, full of promise, just graduated high school, was shot to death and his body lay on the ground for hours.

April 19, 2015, I again found myself 5 miles away from the protests and riots that erupted in response to the death of Freddie Gray, Jr. A "rough ride" in police custody placed him in a coma for 7 days, and he died in the hospital. The outcry was immediate. Cars were torched. Buildings were burned. People were arrested by the hundreds and given outrageous bail amounts \$300,000, \$500,000, some no bail.

Between the 2014 and 2020 tragic deaths, the country dealt with protests

and public outcries for justice. Black Lives Matter protests were birthed in Ferguson. Women protested for gender pay equity and justice for victims of sexual violence from the #Me Too and Time's Up movements.

Black people lived through the "curse of the Karen's." Someone would call the police or shoot you for attending a birthday party, attending a pool party, attending a cookout, attending your own college marketing class, birdwatching, checking into a hotel, cutting your own grass, watering a neighbor's flowers, doing your job of delivering packages, driving, driving in or out of a gated community where you lived, fishing, exercising, getting gas, getting your grandmother's mail, going home, jogging, jaywalking, joy riding in a stolen car, listening to music in a car, parking at

a convenience store, picking up a TV you bought from a store, protesting, seeking help when you were lost or your car broke down, selling water as a fundraiser, sitting in a park, sleeping in the student lounge, swimming, trying to get into your own home when you're locked out, viewing an apartment you planned to rent, waiting at a bus stop, working at a hotel, working out a gym.

These incidents were reminders that Black people must first secure their rights, while others merely exercise them.

The nation shut down due to COVID-19 epidemic, and everyone was home. On May 25, 2020, the world witnessed a modern-day lynching, almost in real time. George Floyd was murdered face down on the street in full view of the officers and paramedics



who arrived later. Racial tensions were heightened, as the memories of protests in Ferguson and Baltimore had not yet faded.

Though Minneapolis, Minnesota was hundreds of miles away, hearing George Floyd cry out "Mama!" I felt he was calling my mother and every Black mother in the ancestral realm. I was in disbelief. This was over an alleged counterfeit \$20 bill? He could have been my brother, uncle or cousin. They could have been him. No place is safe. Whether inner city, rural or suburbs... this disregard for life is everywhere.

My response was different from the past events.

Our collective attention fades too fast. We move on too quickly before we ever see effective change or progress. We are easily pacified with a pledge, and do not hold out for an apology or even an acknowledgment of the harm.

Our protests like our history have been co-opted. Somehow in the holidays we celebrate, the heroes we honor, and the stories we tell, we fail to represent all perspectives, center the participants, or connect to the principles and promises that were the foundation of this country. How can we teach Lewis and Clark and not mention York and the life of those enslaved? How can we celebrate Thanksgiving and not center the story on the generosity of Native Americans who enabled the settlers' very survival? How can we honor our nation's World War II veterans and not discuss the Bracero Program, and how this country's immigration policies were built upon labor and contribute to the perception of the "border problem" today?

I began recording the names of Black people who were victims of police shootings reported in the media. The phrasing changed. We were now hearing about "officer involved shootings." I counted 11 between Michael Brown's and Freddie Gray's deaths and another 65 to George Floyd's.

I began researching medical and scientific racism and was reminded about Henrietta Lacks descendants who were deprived of wealth for years until they finally won a settlement in court last year. I learned about the "Mississippi appendectomy" that Fannie Lou Hamer suffered, and other Black women dating back to slavery who were experimented on and violated and sterilized in the name of medical advancement. I learned of the grave robbing that occurred in southern states to provide bodies to universities for study.

I began developing diversity, equity and inclusion programs to educate people on the legacy of slavery including Jim Crow, Redlining, in St. Louis. I did not like the DEI term. I believe the term should have been DIRE, because recognizing diversity is important. Inclusion is important, but



Mom has her hands on my shoulder. I am 3 (1973). This is my grandfather's burial. Photo courtesy of the family



my mother's (Phyllis France) handwriting of the relatives she can identify. Circa 1950s She is the youngest child sitting on my grandmother's lap. Photo courtesy of the family

through D and I. Equity should be the goal and the endpoint, and the point we have yet to achieve.

Wanting to ensure the stories of diverse groups were represented, I began researching historical timelines of Native Americans, Asians and Latinos in America. I learned that there were more than 500 tribes in America, and the horrors that occurred at the boarding schools that were designed to "kill the Indian" through forced assimilation. It is perplexing that the government only recognized five "civilized" tribes.

I learned that the Irish built the transcontinental railroad from New York

from California eastward. After the railroad was complete, the Chinese Exclusion Act was passed to curtail their immigration. I read the history of the U.S. Census for the first time, and I learned that the term "Hispanic" was introduced on the 1970 census. Before that there had only been one census that counted "Mexicans" on the questionnaire. I found that strange given that Spanish landed in Florida in the 1500s and Spanish-speaking people were in Texas, before it became a state.

After learning of my uncle's terminal diagnosis, I began researching my family

Continued on next page





With my friend at my Mother's burial (2010).

Photo courtesy of the family

ancestry in earnest. When Juneteenth became a federal holiday, I began researching my ancestor who served in the 29th United States Colored Troops, and that the regiment arrived in Galveston on July 1, 1865.

When I realized the area of Thompsonville, Illinois where my grandmother and her siblings grew up was not family land but a Black settlement, I realized these untold stories were part of history and needed to be told.

When I could not interest others in doing the work, I did it myself. The published works highlight the most extraordinary of the history, but only a fraction of the contribution of African Americans to the Southern Illinois region known as "Egypt."

Since the journey began for me, I have been blessed to meet many like minded individuals and learn of more Black settlements. Few of these settlements are known or remain, but I am convinced Black people have a unique heritage of community that is universal in the United States and Canada — distinct from the Underground Railroad or Freedom Corridor networks. During the Great Migration, not everyone settled in Detroit, Chicago or Canada.

The same institutions that were built in St. Augustine, Florida in the 1500s and Africville, Nova Scotia in the 1700s were built in Illinois by the Ellis Family of Ellisville in New Denison, The Bostick Family of the Bostick Settlement in Pomona, and the Taborn Family of Lakeview in Carrier Mills. There was at least one Black settlement in each of the lower sixteen counties in Southern Illinois. Some were settled before this country was a country, others before

Illinois became a state. A few formed as mines were sunk and railroads built. Some schools were integrated decades before Brown v. The Board of Education decision. Though the reasons for their demise may differ, evidence of Black settlement can be found, if the records are still accessible. In most cases the cemeteries are all the physical evidence that remains, and for that reason they must be preserved.

This journey has led me to ponder questions I had not contemplated. One hundred years from now, how will this history be told? When artificial intelligence mentions "alien" will it appropriately distinguish the references to immigrants from those of UFOs and extraterrestrials? When discussing family, will it properly characterize the families we create from those that are the result of biology? For the most part, the law only recognizes biological or adopted children. In the census records I reviewed, there were many children living in families that were neither of the two. My grandmother raised six children of my grandfather's from his first marriage, but they were not listed as step-children on the 1930 census, because my grandparents had not yet married.

In older census records, sometimes those listed in the household who were not related were servants. Sometimes the occupation was listed as farmhand or keeping house. Not every name had a corresponding occupation listed, so sometimes there was no clue to the relationship, presenting more challenges for African Americans researching their ancestry. When we no longer record or refer to a person's race, will we forget how it was

(and is) used to subjugate some and elevate others? When we can no longer read cursive writing, will we rewrite history.

What is the future of Black history that in some cases is only beginning to be told? When Black people were in this country but not citizens, the church was the base of their self-governance. The church was more than a religious institution. It was the foundation of the community. Life was celebrated from "cradle to grave" with baptism and homegoing. Most schools began in the church. The church was the site of community meetings.

Through my childhood lens, my time in the country was simple. I was surrounded by family. As an adult researching Locust Grove, I became perplexed. This history of a place that began before Williamson County existed, and likely before Illinois became a state. Yet most people are unaware of its existence. I discovered my ancestors' tie to slavery in Kentucky. Learning there were so many more families in this place than today. Imagining life for them as they lived it impacts how I live today.

My books aim to tell the story of how we live, work, play, pray, learn and raise a family, by centering the descendants. I am not saying we should lower the standards. I am saying we should change them. This is not a fight for the soul of America. It is a fight for the SOULS of America. Before we break this experiment to the point it cannot be fixed; we need to fix it in a way that it cannot be broken.

# Pulling the sheets off the invisible empire of the Ku Klux Klan

By Darrel Dexter

*"Things are not always what they seem; the first appearance deceives many; the intelligence of a few perceives what has been carefully hidden."*

—Phaedrus to Socrates

The Knights of the Ku Klux Klan called themselves the Invisible Empire, although they were anything but invisible. They did hide their identities behind white robes and hoods as they carried out violent acts of terrorism against not only Americans of African descent but also their political rivals during the decade following the Civil War. After achieving its goal of restoration of white rule in the South (they called it Redemption), the organization faded away.

The Second Ku Klux Klan, like the legendary Phoenix, rose from the ashes of Reconstruction and revived in 1915, claiming 5 million dues-paying members by 1924. The reemergence was encouraged by the release of D. W. Griffith's movie "Birth of a Nation" and a trilogy of books by Thomas Dixon, Jr., each celebrating and romanticizing the First Ku Klux Klan. This time, the klan not only hid behind their white hoods and robes, but it veiled itself with white Protestant Christianity and the appearance of good deeds. Their most popular recruiting tool was to march in their masked garb down the aisle of a Protestant church during the service and present the minister with cash as a token of their esteem for his good work in the community. They would also offer the minister free membership in the Ku Klux Klan.

This klan was not the way it was portrayed by Hollywood as a strictly Southern phenomenon. More members of the second klan could be found in the North, especially Illinois, Indiana, and Ohio, than in the South, and in Illinois it spread from north to south, from urban to rural. The klan was holding meetings in Chicago by 1921, Springfield by 1923, then East St. Louis, and eventually in Cairo in 1924.

## Professionals, ministers and merchants

The second klan was not a bunch of good-ole-boy country rednecks in the Old South, but was more likely to be made up of professionals, ministers, merchants, and the well-to-do in the North who could afford the initial \$21.50 fee to join. This time the Ku Klux Klan would be a respectable and patriotic fraternal organization with high ideals and promised

prayers, fun rallies and picnics on the Fourth of July.

They legitimized white supremacy with Christian nationalism, claimed to condemn violence, and talked about family values. They presented themselves as the protector of white America against the threat of violent Black men, Jews, Catholics and immigrants, when in fact, they were an organized masked hate group.

The klan's real goal was to keep America divided along a strict religious and color line, and it was successful. This time the klan disappeared in the 1930s due to a declining economy and the revelation of corruption and immorality at the upper levels of klan leadership and its existence faded from memory.

## Ghosts of KKK haunt small town Illinois

Growing up in my small hometown in southern Illinois, the silent ghosts of the Ku Klux Klan were all around me. The first house I lived in as a child was less than half a mile from a large klan rally held in 1924, where a reported 1,000 people, almost double the town's population, showed up for a cross burning and KKK initiation ceremony in which applicants for membership pledged to "faithfully strive for the eternal maintenance of white supremacy."

A large 30-foot cross was lit on fire, and the participants' vehicles were parked in a circle with headlights shining on the burning cross. I rode my bike, took the school bus, or drove with my parents to church, by the site almost daily with no realization of its klan connection. Where had the klan gone?

White supremacy in economics, society and government could best be achieved, the second klan deduced, by distancing itself from violence. On one occasion, when a lynch mob formed to murder two Black men accused of shooting a white girl, it was the local kleagle (official recruiter) of the klan who delivered a 10-minute prayer and caused the mob to quietly disperse.

But where the klan went spewing rhetoric of White supremacy and a need to control Black men and immigrants, violence often followed in the form of lynch mobs and dynamiting of homes and buildings.

## Dynamiting houses to keep out Blacks

The house my aunt lived in in the 1980s, where I often visited, was the same one visited one night in 1924 by the Ku Klux Klan, bent on forcing the Black residents there to move away. She knew nothing about the dynamiting that had happened there before she moved into the house, which was just north of the "deadline" past which the White guardians of segregation would not allow Black residents to live. The klan had again come and gone.

By my childhood, the klan had gone underground and resumed its secretive nature. I never heard my parents, grandparents, or any relatives talk about the klan having once existed in my hometown or anywhere in Illinois. If they knew about it, they were indifferent or ashamed and did not want me to know about it. In fact, I found few current residents of the region who remembered or were willing to admit even hearing talk about the klan in the area. The historical evidence of klan activity in southern Illinois in the 1920s is overwhelming, however.

Even though the klan may have come and gone from the region, the ideas of White supremacy, Christian nationalism, demonization of Black men and immigrants have not disappeared. Those who want to truly resist racism and xenophobia must continually "pull back the sheets" and confront the darkest corners of the past and the brightest of the present.

We must not only uncover the past, but also examine ourselves and find out what we might be covering up and what might be hidden in plain sight if we take a moment to look. Today, a hundred years after the Klan's appearance in southern Illinois, White supremacy and racism are like the invisible man, not invisible because people cannot see him, but invisible because people refuse to look. It is time to unmask what might be hidden.





Kim Daniel, whose decade-plus struggle for housing was chronicled and aided by stories about the bureaucratic hurdles she faced.

Photo by Brian Munoz, St. Louis Public Radio

# Michael Brown's death inspired a journalist to zig while others zagged

By Richard H. Weiss

Two well-worn clichés concerning journalists:

- Good reporters run to the danger.
- They zig when others zag.

I have long aspired to be a good journalist.

But running to danger was impossible for me 10 years ago after a police officer shot Michael Brown in Ferguson. His body was left on the pavement for hours, with outraged citizens taking to the streets.

I was in an entirely different realm. On a lake. In northern Minnesota. Sunny. Breezy. 80 degrees. Eight hundred miles from danger.

Still, I felt some responsibility to a region where I had lived nearly all my life. What could I do? What should I do? Maybe I could zig where others zagged.

I never did hit the streets to cover what came to be referenced diplomatically as the “unrest” in the aftermath of the shooting. It was covered to a fare-thee-well by local and national media. The Washington Post and the St. Louis Post-Dispatch won Pulitzer Prizes for their coverage. After running to the danger,

reporters from those outlets and more stood up heroically to harassment threats from cops, protestors and rioters. Some suffered injuries.

In the aftermath of the shooting, then-Gov. Jay Nixon formed the Ferguson Commission, which found that the shooting was emblematic of decades of systemic racial inequities in our region.

A year later, the commission made 189 recommendations to address these problems. As a last act, it stood up a nonprofit called Forward Through Ferguson with the idea that it could work with citizens, already established NGOs and local policymakers to bring those recommendations to fruition. Forward Through Ferguson, led at the time by Nicole Hudson, recruited what it called “story catalysts.” I raised my hand to become one.

Nicole assigned me to work with a brilliant strategist, Eric Ratinoff. I say brilliant because he actually is, but also because he supported a ziggy idea that I had. Rather than focus directly on the policy recommendations (which others were doing), let’s write stories that help people

understand why those changes are necessary. Rather than use buzzwords like systemic racism and bullet points to make a case, let’s shine a light on the families in our region who have suffered under that system and who coped with, among other things, real bullets coming into their homes.

Instead of tweets and hot takes, let’s go long form and weave an engaging narrative.

I had a model in mind, having recently read Isabel Wilkerson’s “The Warmth of Other Suns.” Published in 2010 and named a finalist for the Pulitzer Prize the following year, the book traced the Great Migration of African American people from the Southern United States to northern and western cities between 1915 and 1970. It focused on three families, highlighting their struggles and shining a poignant light on their plight. In the reading, you were able to identify with the moms and dads, grandmas and grandpas, sisters and brothers and take them into your heart.

Not long after publication, Wilkerson was interviewed about her work by Krista Tippett,

host of "On Being," a public-radio program and podcast. Wilkerson described how when African American families arrived at their destinations from the South, they were shunted to the wrong side of the tracks and hemmed in by all manner of laws and public-policy prescriptions.

Wilkerson said she believed changing laws and public policy was important, but insufficient. She called for "radical empathy... to put ourselves inside the experience of others to allow ourselves the pain, allow ourselves the heartbreak, allow ourselves the sense of hopelessness that they are experiencing..."

"And so," Wilkerson said, "I view myself as on kind of a mission to change the country, the world, one heart at a time... I feel as if the heart is the last frontier, because we have tried so many other things."

To me, that was as good a North Star as a journalist could ever hope to find. So I suggested to Eric that we similarly trace families in our region over generations and share their stories of what it was like to live in St. Louis.

Go for it, he said.

## A toe in the water

That first story, about the Caldwell family, took just several weeks to write and report, but I did have a bit of a head start. I had gotten to know Evita Caldwell a little bit back in 2000, when she was a 10-year-old. I spent maybe 40 hours over several months sitting in her fifth-grade classroom at Jefferson School in the O'Fallon Place neighborhood just north and west of downtown St. Louis. It led to a four-part series with J.B. Forbes' photography in the Post-Dispatch called "A Better Place to Grow Up," about how a developer, civic leaders and educators struggled to reach and teach at-risk children and bolster their families and neighborhood.

Remarkably, nearly 15 years later, Evita got in touch with me. No longer at-risk, she had defied the odds, graduating with a degree in communications from Saint Louis University.

I wondered how many others enjoyed as much success. In 2015, I collaborated with Evita on a follow-up story that we called "All Grown Up," also with photojournalist J.B. Forbes. It appeared in the St. Louis American as a special section, with a shorter version running on the front page of the St. Louis Post-Dispatch. That story helped jump-start Evita's career in communications, and also led me to get to know her family much better.

So for Forward Through Ferguson I wrote something like 5,000 words about the challenges the Caldwell family faced over generations in St. Louis. Lindy Drew, now widely known as one of the authors of *Humans of St. Louis*, provided the photos. Thankfully, our story had a happy ending. The Caldwells were thriving.

But not so happy, for me anyway, was

the fact that Nicole Hudson moved on and Forward Through Ferguson under new leadership was no longer interested in the project that Eric and I conceived.

Still, I wanted to continue doing those stories. Then I had a kind of eureka moment. Maybe my wife Sally Altman and I could create our own nonprofit to support this work. I went to a few friends for seed money. I attended a class on how to create a sustainable nonprofit, form a board and stay kosher with the IRS.

We created a website (Evita Caldwell helped), and in 2019 we launched with a diverse board that included journalists, an accountant, an attorney, educators, a college student and an actor/filmmaker. They ranged in age from 25-75 and with a multitude of lived experiences that could inform our thinking.

We hired journalists, photographers and presentation specialists to write more stories and shared them at no charge with mainstream media, including the Post-Dispatch, St. Louis American, St. Louis Magazine, Jewish Light, St. Louis Public Radio and the Riverfront Times.

## Covering Covid

Then Covid happened, and we kicked into a higher gear with the 63106 Project. The title references the ZIP code in our town with the most problematic indicators of health. A study jointly conducted by Washington University and Saint Louis University in 2014 had shown that the average life expectancy in 63106 was 67 years. One digit and just a few miles away in 63105 (otherwise known as Clayton), life expectancy was 85.

The bullet points in that report explain why. But how did families actually live it day by day? How would they endure in the time of Covid?

We found several families in the 63106 neighborhoods who agreed to share their stories with our reporters and photojournalists. We weren't interested in drive-by, one-and-done stories. (Some cynics call those kinds of pieces "poverty porn.")

We produced a series on each family, checking in and writing about them every few months through the course of the epidemic. The Post-Dispatch carried stories about two families, with the Riverfront Times, St. Louis American and St. Louis Magazine featuring one family each.

Did it do some good, move the needle a little bit in the community? I think on the margins. But it had a tangible impact on the families we covered. Post-Dispatch columnist Aisha Sultan, a reporter and filmmaker with the 63106 Project, followed Tyra Johnson, a St. Louis single mother, for two years during the pandemic, documenting the challenges that school closures and virtual learning created for her four children.

As a result of bringing Tyra's story to light, readers and viewers raised funds to purchase a new car to replace her stolen vehicle, paid for insurance coverage for one year, and donated

## Pruitt-Igoue residents targeted in tests seek redress

US Army sprayed zinc cadmium sulfide into air around housing complex in the 1950s

Editor's note: This story was commissioned by the River City Journalism Fund.

By ROBERT H. WEISS

Special to the Post-Dispatch

As citizens and activists sound the alarm about radioactive risks in St. Louis County and St. Charles County and official health on both sides of the aisle respond with calls for action, a group of city residents is asking: "What about us?"

They are the former residents of the Pruitt-Igoue housing complex, which gained a national reputation when it became so degraded and crime-ridden that the federal government moved everyone out and demolished all of its 33 high-rises. The complexes, starting in 1972 and captured by news photographers, became symbols of federal ineptitude when it came to providing public housing.

Former residents don't remember Pruitt-Igoue that way. For many years, families living there formed a tight-knit community where they played, pic-

nicked and watched out for one another, especially when it came to the kids.

But even in those happy times in the 1950s, residents were filling in for outside forces. In 1954, the government released documents revealing that contract workers had sprayed zinc cadmium sulfide, a potential carcinogen, onto the air surrounding Pruitt-Igoue and other places in St. Louis. It was part of a Cold War-era military experiment.

The group that has dubbed itself PRUITS (Pruitt-Igoue Historical Accounting, Compensation, and Truth Seeking) is made up of veterans, community activists, former residents and Illinois Klu Klux Klan, an attorney who had earlier filed an unsuccessful class action suit on behalf of those residents. They were children in the 1950s when they saw unidentified workers spraying a substance into the air that created a fog-like mist around the buildings and common spaces where they lived and played.

Historical Accounting, Compensation, and Truth Seeking is made up of veterans, community activists, former residents and Illinois Klu Klux Klan, an attorney who had earlier filed an unsuccessful class action suit on behalf of those residents. They were children in the 1950s when they saw unidentified workers spraying a substance into the air that created a fog-like mist around the buildings and common spaces where they lived and played.

Zinc cadmium sulfide also differed from DDT in that it had radiological properties. Many involved in the experimentation with this substance had also been involved in the Manhattan Project, which developed the atomic bomb used against the Japanese to end World War II.

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more than \$20,000 to a GoFundMe created by a reader to benefit Johnson's family.

Moreover, Sultan's accompanying film, which aired on Nine PBS and was shown at the St. Louis International Film Festival, sparked an important discussion on how state and local resources can be used to address these issues for thousands of children in our region. And she has used it as a springboard to do more work on social-justice issues through filmmaking.

I chronicled the plight of Kim Daniel, a 50-plus-year-old woman who had survived several near-death experiences over the course of her life due to a congenital heart defect. Daniel had waited for more than a decade on a list to qualify for a Section 8 housing voucher that would allow her to relocate from a crime-ridden neighborhood to a safer housing complex and less stressful environment. (She actually had survived having bullets fired into her unit.)

But just as Daniel got qualified to relocate, she suffered a seizure that put her in hospital for two months. She could no longer get around without a walker or a wheelchair and would need a more expensive accessible apartment.

Initially, the St. Louis Housing Authority denied her request for additional support. Remarkably and wonderfully, our stories about her plight over the course of the next few weeks led to a reversal. Daniel is now happily ensconced in an accessible apartment in a much safer neighborhood.

Over the course of 2020-21, we went to great lengths to engage faith and civic organizations with the 63106 Project. Overall the sessions were attended by more than a thousand people. In each, our storytellers and the family members they covered shared their experiences and challenged participants to think about how they can address inequities as engaged citizens. Organizations involved included the Archdiocese of St. Louis — Peace





The River City Journalism Fund created a Commentariat, a way of amplifying the voices of young writers who come from marginalized communities. Here (from left) are Michael Bostic, Moriah Morrow and Elizabeth Franklin. Their commentaries on casting their first presidential vote were published June, 2024 in the St. Louis Post-Dispatch. They were recognized at a League of Women Voters event at the Sheldon.

Photo by Richard H. Weiss

& Justice Commission, Cultural Leadership, Eliot Unitarian Chapel, Faith & For the Sake of All, Interfaith Partnership of Greater St. Louis, Jewish Community Relations Council, Kirkwood United Methodist Church, Mirowitz Center, National Council of Jewish Women — St. Louis, and the YWCA of Metro St. Louis.

The 63106 Project, funded by individual donations and generous grants from the Washington-based Pulitzer Center, helped us raise more funds to do more stories. But then I got some jarring news.

## The founding of the River City Journalism Fund

An editor at the Riverfront Times said the newspaper's parent company, Euclid Media, wanted to explore starting a nonprofit journalism arm as had been done in other parts of the country by for-profit publications.

Gosh. How could our little mom-and-pop outfit compete with that? The publisher had staff and infrastructure to support such a venture. On the other hand, we had one advantage. We already had nonprofit status and it might take Euclid as long as a year to get its new venture certified with the IRS.

So I got in touch and asked for a meeting. What if we teamed up?

I ended up being directed to Sarah Fenske, then executive editor of the Euclid chain. Within six months, we rebranded the effort, created a new board and became the River City Journalism Fund (RCJF). We found the resources to do even more social-justice stories, to train young people from marginalized communities to write commentaries, and to offer paid fellowships to two bright and up-and-coming scholars at Washington University.

I have met no finer journalist in St. Louis than Sarah. She is a skilled writer, editor, media

strategist and spokesperson. She also brought star power. She was widely known as the former host of "St. Louis on the Air" (where she still hosts a monthly legal roundtable) and is a regular on Donnybrook on Nine PBS.

Sarah recruited more writers for the River City Journalism Fund and edited their work. Some appeared in the Riverfront Times, but in other local media outlets as well. Together as editors, we were able to increase the quotient of meaningful, in-depth stories in our time and in our town.

The stories can be found at rcjf.org, pulitzercenter.org, stjewishlight.org and stltoday.com. Here are a few examples for readers who might want to take a deeper dive.

RCJF advocates for marginalized communities:

- RCJF speaks up for the people of Pruitt-Igoe.
- RCJF follows the money on behalf of Missourians facing eviction.
- RCJF explores St. Louis County's inequitable application of the death penalty in a series called "Shadow of Death."
- RCJF finds major flaws in St. Louis' College Kids savings account program.

We work with young writers to find their voice and develop their skills as journalists:

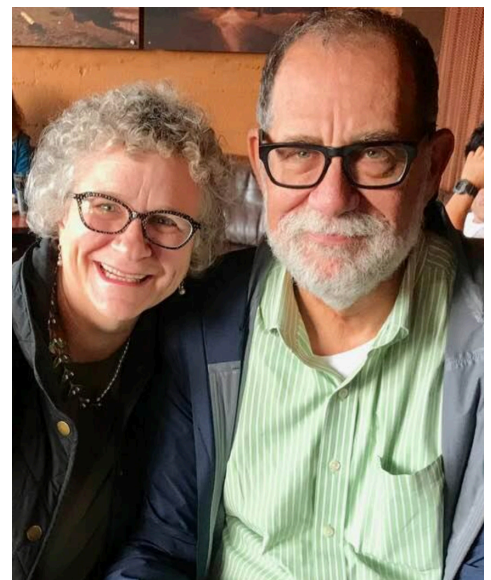
- My first presidential vote.
- Finding my place in the world,
- RCJF revisits the Lynch slave pens.
- RCJF probes the Lindbergh Legacy.

Our work has been cited by the Associated Press and CNN and discussed on nearly every local talk show. Our stories have won numerous awards and have been attached to briefs filed with the Missouri Supreme Court. And more recently we were honored with Focus St. Louis's What's Right With the Region Award.



Sarah Fenske.

Photo provided by St. Louis Magazine



Sally Altman and Richard Weiss.

Just several weeks ago, we came to another inflection point. One of our media partners, the Riverfront Times, laid off its staff and essentially went belly up with a sale to an as-yet-unknown buyer.

RFT's demise was a major blow to the region's media ecosystem. It has led to serious discussions among donors and nonprofit stakeholders about how we can sustain and enhance quality journalism in the region.

Sarah lost her job at the RFT but quickly rebounded. She is leading a major digital expansion of St. Louis Magazine's local news coverage. Meanwhile, she continues in her unpaid role as RCJF's executive director.

So we will continue working on zigging when others zag. Or as the late, great St. Louisan and Hall of Famer Yogi Berra famously once said: "When you come to a fork in the road, take it."

# Arc of the moral universe seems more like a back-and-forth metronome

By Robert Joiner



Photo by Robert Joiner

Remember that quote by Dr. Martin Luther King Jr., about the "the arc of the moral universe" bending toward justice? Guess I get a little impatient at how long it takes to reach the goals of fair play and equity implied in King's speech. At times the arc seems to behave like a metronome moving back and forth, never fully resolving any of the social justice issues. I know that's a cynical view. Still, in reference to that arc and in no special order, I offer from my notebook observations and anecdotes, some long and some short, on a range of topics, all from a newspaper career spanning more than 40 years.

## Dred Scott and 'alternative facts'

Attached to the wrought iron gate on the west side of the Old Courthouse in downtown St. Louis is a bronze plaque honoring Dred and Harriet Scott. Etched at the top of this historic marker are images of the couple while the bottom includes an unflattering curatorial reference to then Supreme Court Chief Justice Roger B. Taney, author of the landmark *Scott v. Sandford* decision, which deprived the Scotts of their freedom and reshaped American history.

The interpretive marker's assessment of Taney is blunt: "He stated that Americans of African ancestry were not eligible to be citizens, based on the historical claim that they 'had no rights which the white man was bound to respect.'"

Some U.S. Park Service officials took offense, arguing that the proposed language was misleading and inappropriate. The agency got involved because it manages the Old Courthouse as part of the Gateway Arch National Park. At the time of the dispute, former U.S. Rep. William L. Clay of St. Louis chaired the House Subcommittee on National Parks and Public Lands. In correspondence to the subcommittee, one Park Service official urged that the proposed wording be deleted, because he said Taney didn't directly say that blacks "had no rights..." In place of the quote, this official proposed a compromise, which said in part that "Black Americans were not citizens and that slavery could not be restricted in the western territories..."

Clay shot back that the Park Service's suggestion amounted to distorting history. In any case, Clay assembled his own panel of historians who sided with his subcommittee's views and persuaded the Park Service to allow the famous quote to remain on the plaque.

## Never ending search for housing

As late as the mid-1940s, housing options for Black Americans were limited thanks in part to the period of openly racist restrictive covenants. The Supreme Court outlawed them in 1948 in its *Shelley v. Kraemer* ruling. Even so, housing options for African Americans were curtailed, partly by controversial urban renewal projects.

The most famous example in St. Louis involved Mill Creek, which had its share of tenements and unsanitary conditions but was a rich and lively community anchored by the five story People's Finance Corp. building, constructed by black people and boasting scores of offices for doctors, lawyers and other professionals as well as two of the city's leading Black newspapers, the *St. Louis American* and the old *St. Louis Argus*.

Mill Creek was the go-to community where Black people could take in a Negro League baseball game featuring the St. Louis Stars at the Black-owned stadium, hang out at the Pine Street YMCA or the Wheatley YWCA, hit the dance floor to a little jazz, blues or ragtime on Saturday nights, then praise the Almighty on Sunday mornings inside any of the 40 or so neighborhood churches. Mill Creek was a historic piece of real estate whose cultural footprint was diminished by indifferent city

and federal urban renewal officials who dismissed the area as a mere slum with nothing of value worth saving. It was razed in 1959.

The *Post-Dispatch* and the old *Globe Democrat* were cheerleaders for this project. Unfortunately, no contingency plans were made to provide enough housing for the displaced. Once these residents were pushed out of Mill Creek by what the local NAACP once called the "urban removal project," Black people had to navigate a crazy quilt landscape to find shelter.

Many of them ended up as sojourners in their own city, their housing options further constrained by subtle and blatant discriminatory practices. Fair housing advocates used testers to prove that point: Blacks and whites with similar economic resources and backgrounds were sent separately to apply for rental housing. In many cases, the fair housing groups found that applications from testers who were Black were rejected while their white counterparts were approved.

Thanks in part to enlightened voices in city government, the city's official web site now acknowledges the net result of the demise of Mill Creek, saying its demolition displaced thousands, reinforced the Black-white north-south division, and "dealt a final death blow to a center of African-American culture."

Its residents are now honored with an impressive granite and limestone installation, called the Pillars of the Valley, on the grounds of the city's new soccer stadium.

## Fairground Park episode II

Remember that story about rioting by whites in response to desegregation of the pool in Fairground Park in 1949? The *Post-Dispatch* did not print the story, arguing that the publicity might make matters worse. Now comes a new twist of a less violent instance of tension at the park a few years before the riot, when another less organized attempt had been made to integrate the pool, according to Jabari Asim, a former *Post-Dispatch* editorial page copy editor and now head of the MFA program and distinguished professor at Emerson College. The author of several books, his next work will be a children's book about wall paintings depicting several Black heroes whose images once graced

Continued on next page



the side of a building on the North Side. It was titled The Wall of Respect which was later painted over by police.

Back to that earlier attempt to desegregate the Fairground Park pool. Asim said the effort included several black males, including his father.

"He told me the effort was led by older boys, who basically formed a parade line with the smaller kids at the back," Jabari says. "They proceeded up Vandeventer toward the park." At that point he said "the oldest, biggest boys came running past my father and his friends. They soon determined that a white mob was chasing them and they reversed course and escaped by running for their lives."

## The first Freedom Rider

The late Rosa Parks went down in history as the "Mother" of the modern civil rights movement. She sat firm in her seat on December 1, 1955 when a driver ordered her to give it to a white male passenger. Her resistance set off a successful Black boycott of the Montgomery, Alabama city's bus system.

Nearly a century earlier the Rosa Parks of her day got on a horse-or-mule drawn yellow and green street car that was part of the Bellefontaine Railway Co. She was said to be pregnant and holding a baby. She is said to have tried to find a seat, but the conductor reportedly threw her off the car. She sued in 1867 and won her case. A jury award for her trouble? \$1.

## Siren song

The St. Louis city government says the latest traffic-stops report shows that Black motorists are nearly twice as likely as white drivers to be stopped by police — 281.7 stops of Black motorists per 1,000 drivers, compared to 146.7 stops for white drivers for every 1,000 motorists. These traffic stops bring to mind the time this reporter was pulled over one muggy summer afternoon during the early '70s.

The officers asked to see my driver's license and registration papers, then one proceeded to search my vehicle. I don't remember being asked permission for the search, but that didn't irritate me because, for the most part, the officers were civil.

But I began to feel a sense of unease after I noticed the meticulous way the officer rummaged through the glove compartment, then behaved as if he'd found something incriminating. Had he planted something, I wondered? In his hand was a small package containing a screwdriver, wrench and other items. Holding up the container for his partner to see, the officer shouted: "Look! Burglar tools!"

I explained that those "burglar tools" were standard emergency equipment in VW Beetles. The officers finally offered

what I felt was a flimsy pretext for the stop — changing lanes without signaling. They gave me a warning about safe driving, then I was on my way.

Maybe they were using what they regarded as humor to get through a stressful day of police work, but the sarcasm about burglar tools was a sign of unprofessionalism and disrespect.

Now here was what surprised me about this traffic stop story. I happened to mention the incident to one of my editors. He drilled me— Where were you headed? Were you speeding? What kind of car were you driving? He disregarded the offensive "burglar tools" comments, then dug into his mental toolbox and pulled out an answer: The cops had stopped me because I was driving a VW Beetle, a car that Black people don't usually own or drive. Another alternative fact. However irrelevant, it apparently helped this editor make sense of his view of this world.

## An unwanted embrace

Margaret Bush Wilson disagreed with President Ronald Reagan on numerous issues — including whether he should hug her. Before you mistake Wilson for a "me too" movement pioneer, let me give you some context. As chair of the NAACP board, her duties included introducing Reagan as the speaker at the group's convention in Denver in 1981. Her introduction was mostly standard stuff, but she included a TV viewer discretion-like comment: This event is sponsored by the NAACP but the organization does not necessarily subscribe to the views which are about to be expressed.

Wilson had worried about how she'd avoid an innocent though unwanted Reagan hug on the convention stage after his speech, according to one of her closest friends, Pearlie Evans, then district director of the St. Louis office of former Rep. Clay.

Preoccupation with the hug might have seemed like a petty matter, but consider this: The concern, according to Evans, was that a photo of a Reagan-Wilson embrace, shown in newspapers across the country, would imply that the civil rights group endorsed the president's conservative agenda.

Worse, Wilson feared a hug would mark her Sammy Davis Jr. moment — a reference, Evans said, to the outcry among many Black people exactly 10 years earlier over a newspaper photo of a smiling Davis hugging former President Richard Nixon. The Washington Post reported that the picture generated hate mail and death threats against Davis.

Sure enough, Reagan reached out for Wilson at some point after his speech.

Their hug was captured in an AP photo that appeared in many newspapers,

including The New York Times. Much to Wilson's relief, the photo didn't cause a public outcry, Evans said. New York Times writer Sheila Rule — formerly a St. Louis reporter at the Post-Dispatch — reported that Reagan had been greeted "politely but coolly" by convention delegates. In the photo, Wilson is smiling with one side of her head against Reagan's chest, but her visage belied her coolness to this president.

## Black writers, white readers

During my years on the Post-Dispatch staff, I heard from plenty of white readers whom I had offended with remarks on matters ranging from racism to Reconstruction to reparations. Though some white people praised me for my views, many others expressed an inexplicable dislike of me and Black people in general, animus that apparently stretched as far back as 1619. I'll never forget this euphemistic line from a letter from one of those disgruntled readers: "We should have picked our own cotton."

**Publisher's note:** Here are the words of Chief Justice Taney in the Dred Scott decision. including the precise words that the Park Service wanted to remove: "the legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument... They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit."

# Race and St. Louis: A reflection on events that shaped my life

By Linda Lockhart

*Linda Lockhart is a St. Louis native. The eldest daughter of Cornelious and Laura Lockhart, Linda attended Lutheran schools from kindergarten through high school. In 1970, she became the first African American student to graduate from Lutheran High School South.*

That is an abbreviated version of my early years. Those three sentences alone tell a lot about me and can be used, at least in part, to explain how I turned out as I did.

Let me elaborate.

When I speak to groups of students, especially those attending the long-running Minority Journalism Workshop, I usually start by saying, "I'm a kid from north St. Louis." More than just a St. Louis native, I spent my formative years living with my parents, Cornelious and Laura Louise Lockhart, and sister Connie in several neighborhoods on the north side of St. Louis — the mostly Black side of town.

So from the start, without knowing me or seeing me, most people with any knowledge of St. Louis demographics would correctly presume that I am African American.

Many people, however, often stumble on the two second sentences — that I "attended Lutheran schools from kindergarten through high school," and that I graduated from Lutheran High School South.

Many have a hard time picturing Black people as Lutherans — historically a denomination dominated by people for German or Scandinavian descent. But Lutheran I am. Third generation, in fact.

Though I can't remember how I learned this, I've long believed that my parents declared at the time of my birth that I would not attend public schools. I was born in 1952 — two years before the U.S. Supreme Court ruled in the Brown v. Board of Education case that separating children in public schools on the basis of race was unconstitutional.

I will never know why they made their choice. All I do know is that when I began kindergarten in 1957 at Mount Calvary Lutheran School in St. Louis, I sat in a classroom where, from my 5-year-old perspective, Black children and white children learned together in their classroom, ate together in the lunchroom and played together at recess.

While it wasn't the case for many Black and white kids in the public schools, this was the beginning of true integration for me.

I remember the teacher, Mrs. Satterwhite. She was tall, blonde and pretty, and she always wore high heeled shoes. But when her young learners graduated and were promoted to first grade, Mrs. Satterwhite wore the prettiest pair of black patent leather slippers. She wore them because she knew I owned an identical pair and would be wearing them that night.

I was thrilled! This tall, blonde, pretty, Lutheran woman had shoes just like mine!

## Unspoken race lessons

While growing up, matters of race were things I observed but rarely talked about.

My family attended an all-Black, Lutheran church; the pastor and his family were white.

I knew my neighbors were Black. Actually, I remember approximately when the last of the white neighbors moved from our block, circa 1963. I was about 10.

I also knew that when we went downtown to go shopping, my mother and grandmother picked stores where they knew they would not have to suffer the indignities of being directed to back entrances or not being allowed to try on clothes in dressing rooms. We went to places where we could walk through cafeteria lines and be served lunch just like the white folks.

As I learned from reading "Jet" and "Ebony" magazines in our home and hair salon, that wasn't the case for girls who looked like me and their mothers who happened to live in places like Birmingham, Alabama, or Greensboro, North Carolina.

In 1958, at age 6, I entered first grade at St. Stephen's Lutheran School, in the old Gaslight Square neighborhood of St. Louis. I was escorted by my mother, and welcomed warmly by the teacher, Miss Elda Lucht, into her classroom of well-behaved children, Black and white, seated side-by-side.

I didn't know two years later that Ruby Bridges, at age 6, had to be escorted by four armed federal marshals for her own safety as she became the first student to integrate William Frantz Elementary School in New Orleans.

In 1966, I became one of the four African American students to integrate Lutheran High School South, in the south St. Louis County municipality of Affton. Though I was nervous and anxious, I knew my situation was nothing like what had happened in 1957 to the famed "Little Rock Nine" who



Photo provided by Linda Lockhart

were blocked from integrating Central High School in Little Rock, Arkansas. President Dwight Eisenhower had to send federal troops to escort the nine Black students into the school, yet they continued to be harassed.

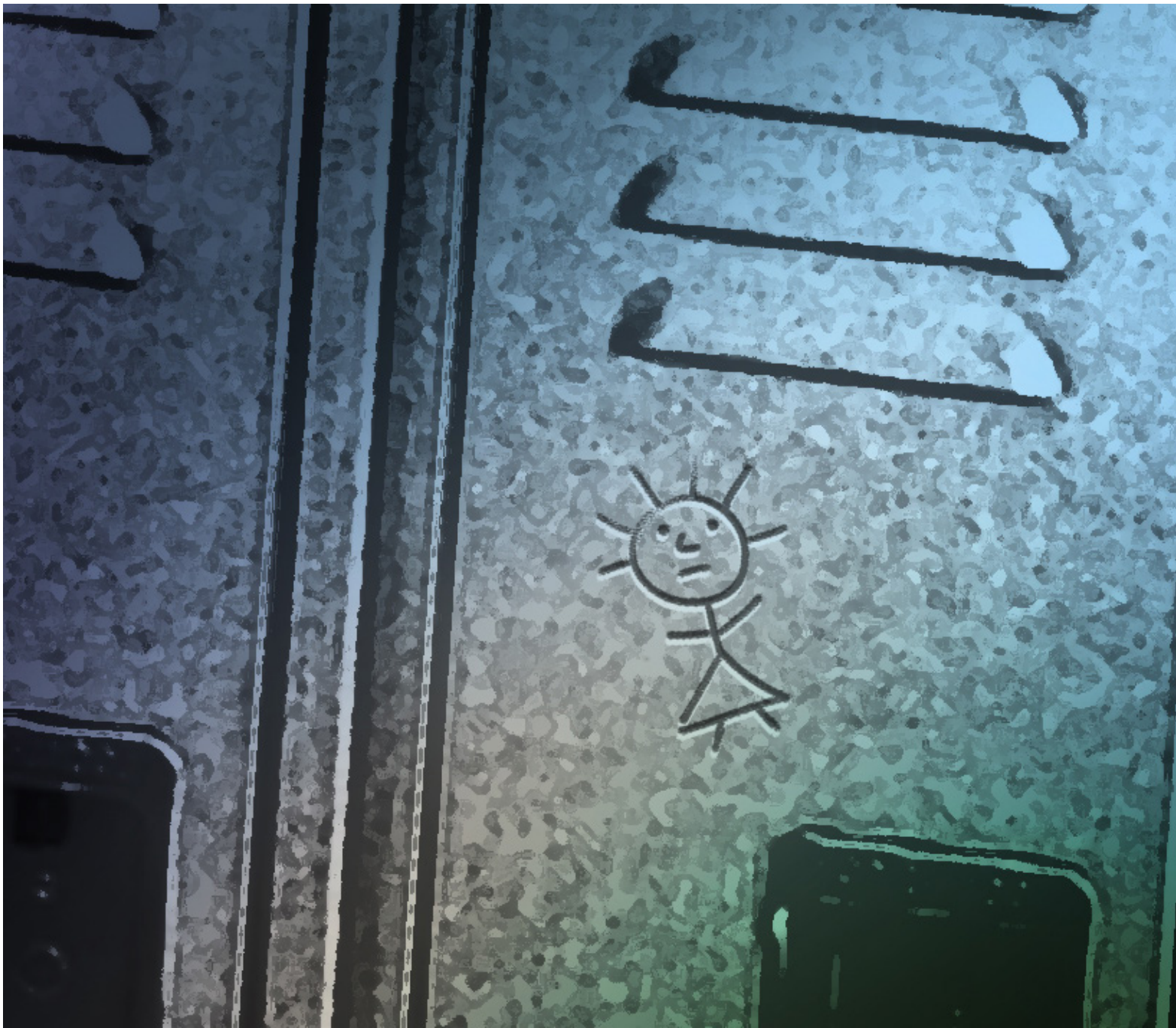
The fact that I attended Lutheran South rather than Lutheran North was surprising to many. Lutheran North, as the name implies, are on the north side of the metro area. The city of St. Louis and St. Louis County are somewhat divided, north from south — Black from white. The assumption at the time was that any Black students attending a Lutheran high school would go to North.

But that wasn't the case for me, because in 1966, at the height of what sociologists called "white flight," my parents joined what was more accurately a middle-class flight from cities to suburbs. They chose to have a home built in Webster Groves, west of the city of St. Louis and decidedly south of the invisible dividing line.

To me, then age 13, I didn't see us as fleeing anything. It was more of a sense of going home. That's because my mother's mother was raised in Webster Groves — the north side — with a host of relatives all

Continued on next page





around. We visited often and I knew the neighborhood well.

At the time I didn't fully appreciate that segregation was also alive and well in Webster, as the city is known. I just knew that I was happy to be able to walk short distances to the homes of aunts and uncles, cousins and long-time family friends. Up one street and down another, there was very likely someone I knew — or who knew me.

It didn't matter to me that most of the white folks lived "up the hill," on the south side of Webster. I knew I could enjoy the community swimming pool and check out books at the public library without interference.

While that may not have been the case for my older cousins, navigating the white side of Webster was never a problem for me.

Neither was I ever harassed in high school, other than the one time I went to my locker and found someone had etched a stick-figure pickaninny into the metal door.

But I was lonely. While four Black students — two boys and two girls — enrolled at Lutheran South in the fall of 1966, I was the only one to graduate four years later. The other three had left the premises long before. One of the boys had lasted two days; the other two weeks.

My imagination conjures images of name-calling and worse that would cause the boys to leave this Christian school that their parents had paid good money for them to attend.

The other girl made it through two years, but didn't return as a junior. That left me alone. Though friendly in class, none of the white girls invited me for sleepovers. None

of the white boys asked me to dance at school parties.

Years later, I learned that one of my friends had wanted to invite me to spend the night at her house with other girls, but her mother "was afraid of what the neighbors would think."

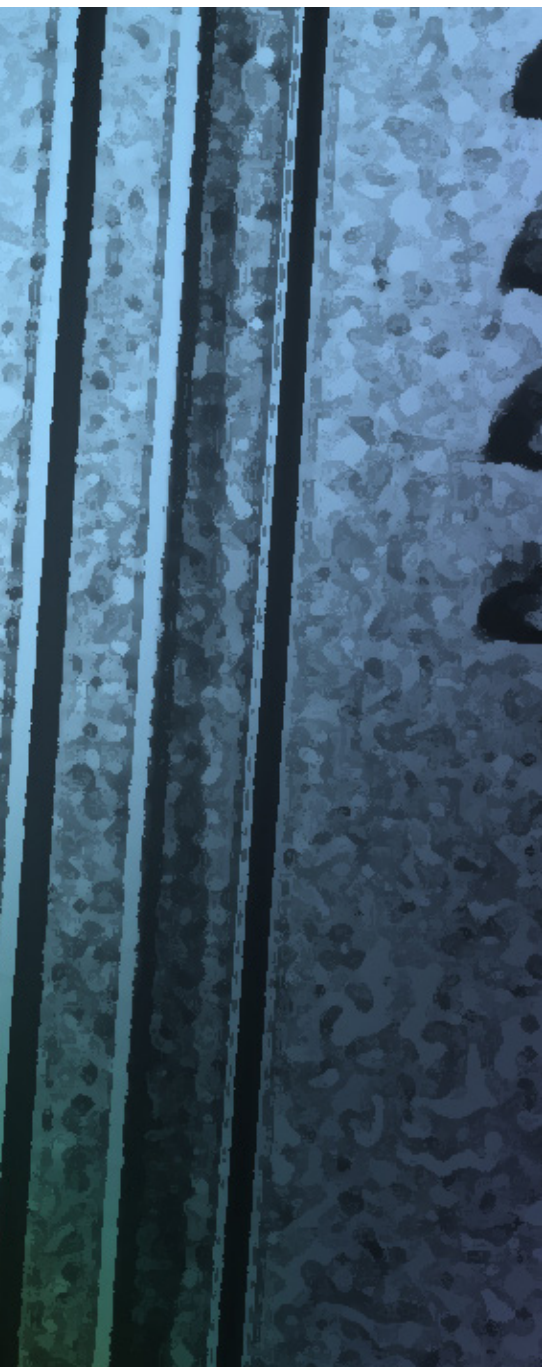
Fast forward some 30+ years later, I moved into that neighborhood. I live there today.

### **An unexpected opportunity**

Back in high school, I had never envisioned myself as a journalist — a reporter. It just sort of happened.

My course became set one day in the spring of senior year when I was notified that I had been selected to receive a scholarship from the St. Louis Post-Dispatch to attend the University of





I embraced the Black Power movement, hanging out at the campus Black Culture House and listening to powerful speakers such as feminist and political activist Angela Davis and poet and civil rights activist Maya Angelou. I grew out my chemically straightened hair, giving way to an enormous Afro.

In 1974, I graduated from the university, began working as a reporter at the Post-Dispatch and got married, all within the span of five months. The marriage didn't last — ending after two years with an amicable divorce. But the job led to a fulfilling career that lasted for more than four decades.

It was the news business that led me to the man who would become my second husband and father of my children: Steve Korris. Unlike my first husband, who was Black, Steve Korris is white. And Lutheran.

I have far too many “Lutheran connection” stories to tell here — perhaps another time.

Back to the job thing, it was the excitement of learning something new every day that I loved most.

The cranky editors, always white, mostly always men, were one of the “givens” of the job. But this was a time of change. In the 1970s and '80s, newsrooms across the country were recognizing the need to open their doors to white women and people of color — mostly Black people.

The fight for equality in the newsrooms as a woman and a Black person were ongoing. The National Association of Black Journalists was established and led efforts around the country to increase the number of Black journalists, not just as reporters, but also through the ranks of editors and managers. I helped launch a local chapter.

I had great opportunities — supported by training from the Maynard Institute for Journalism Education — at newspapers in Milwaukee, Wisconsin, and St. Paul, Minnesota. I eventually returned to the Post-Dispatch where I held many positions, from copy editor to editorial writer.

I endured countless occasions of what are now recognized as microaggressions that add up to subtle and sometimes not-so-subtle forms of racism.

Eventually, in what feels like the blink of an eye, I raised two children and retired from daily journalism work. For the most part, I thought my life was good.

### Reality check

But then I saw what happened to Michael Brown and to George Floyd and I remembered just how ugly the world can be, and how racism is still among us — always was, and probably forever will be.

I sometimes wonder what was the point of the civil rights movement of the 1950s and '60s. I wonder why the need for jobs

and justice is greater now than it was back then.

But then I reflect on the knowledge that many Black people still struggle for opportunities equal to those of whites and the irony that I now live in the subdivision where four decades earlier I was unwelcome to join a group of teenage girls in a night of gossip and pillow fights.

Still, in recent years, when one of the few African American men living in the neighborhood went for walks, White neighbors called the police, asking them to check out this “suspicious character.” All he was doing was taking a walk!

Today, we face a presidential election. Regardless of who wins, the outcome is likely to deepen many divisions — race and ethnicity being among the most dangerous.

Today I am concerned for the future — concerned about further polarization. I fear for my grandchildren. I fear for my nation.

At the same time, I have hope that something good will happen. I see small signs of goodness in Black and brown children playing together with white children, like my grandchildren's sports teams.

The only answer for breaking down racial barriers is by teaching children from the youngest ages that they can learn together, eat together and play together and nothing bad will happen. They might also learn to become friends. That can be a good thing.

Missouri in Columbia, and its famed School of Journalism. The four-year, full-ride scholarship came with entry-level jobs in the newsroom each summer plus an offer for a permanent job upon graduation.

I had been blessed beyond my imagination.

My experiences with having white teachers and classmates for my entire pre-collegiate life had prepared me for being deposited on this predominantly white university campus.

While some of my Black friends struggled with a kind of culture shock in this environment, I sort of just coasted along.

I was thrilled that for the first time since elementary school I found Black friends — especially the guys. Finally, there were guys who would ask me to dance at parties.



# U City teacher vows to continue to teach The 1619 Project despite pushback

By Christina Sneed

It was an early morning in August 2019 when I first heard about a special edition of the New York Times to commemorate 400 years of chattel slavery in America. Entitled "The 1619 Project," this brainchild of journalist Nikole Hannah-Jones introduced me to a new perspective on the origin of America and the integral role the system of slavery played in its founding. I immediately planned to incorporate it into my class and developed a semester-long inquiry unit to engage students in exploring the power of rhetoric, using it as the anchor text.

My students engaged in the unit of study in the Spring semester of 2020 and found the deep dive into its diverse texts to be an immersive experience that expanded their world views and enriched their lives in innumerable ways. Our learning journey was chronicled through a co-created website that included students' authentic thoughts and reflections about the prioritized role of race in American culture. Most concerned how the public education system teaches children to understand race-based historical accounts.

Our study ended with an enduring question of "Whose responsibility is it to teach children about America's racialized history?" My students never questioned whether it should be taught, but rather determined that this concept was urgent and necessary for children to understand America's wealth and prosperity as being built upon the enslavement, subjugation and oppression of Black and brown people.

Why? They felt strongly that learning about America's real, hard histories helped them to understand current racial and cultural conflicts, and would provide the same service for others.

To cite a former student's 2020 op-ed, published in the St. Louis Post Dispatch, "We examined and connected to [the 1619 Project], criticized and skepticized its claims, and left our junior year of high school with a better understanding of how America feels to people who are left in the margins."

So passionate about this work, some students published their reflections in a special edition of the Gateway Journalism Review entitled, "The 1857 Project," to share their newly acquired knowledge and compel others to study and consider counternarratives too often omitted from historical records. Inspired by the 1619 Project, this edition examined the racialized history of Missouri and southern Illinois through the Dred Scott decision and

Lincoln-Douglass debates. In addition to 1619, the 1857 Project presented accounts of history never taught in their classes. The biggest consequence of this work is that the students felt the urgent nature of these texts and the stories they recounted.

I later recounted the best example of this urgency in a post published in AACTE's "Ed Prep Matters" (2021) blog. "...after George Floyd's murder, various students emailed with gratitude, stating that our inquiry unit and subsequent conversations about race, injustice and the need to study hard truths prepared them to handle the rage, frustration, confusion felt by his and other recent murders of Ahmaud Arbery, Rayshard Brooks and Breonna Taylor."

One student wrote, "I know you couldn't have predicted this, but your teaching prepared us for this moment..." Isn't this the purpose of education and aren't these the words every teacher desires to hear from former students? Without knowing what "this" will be, teaching is supposed to prepare students for future unknowns... for a life of uncertainty.

## Push back and book bans

Now, four years later, I am preparing to teach a new African American Literature course and have been ruminating over my experience teaching the 1619 Project. Although it was overwhelmingly positive for me and our school community, I am now hesitant to incorporate it and discussions of it into my syllabus out of fear of public attacks and political pressure.

The post-1619/1857 Project reality is that today's teachers do not have the same rights as those of 2019-2020 and are no longer entrusted with making professional decisions regarding the literary merit of texts. The current societal trends of normalizing politicians as educational experts, book bans, censorship, and "cancel culture" are harming education in deep ways that only educators can comprehend.

How can I create a learning environment in which my students can be equipped to think deeply and freely when my thinking, creativity and innovation is restricted by societal pressures and governmental control?

Rather than focusing on meeting my students' educational needs, I am forced to filter their needs through the agendas of politicians, "Moms of Liberty" and other special interest groups that assert to know the best approaches to educate America's future leaders.

Since know-how is forged from experience, our first thoughts typically are based on what's worked in the past. That's fine in familiar environments. But when faced with new, messy problems inherent in the ever-changing landscape of education, we cannot rest upon the certainties of the past workings of a public education system that was not designed to meet the diverse needs of students, and has not worked to effectively educate the majority of America's children.

As the world continues to evolve, educators are expected to equip students to successfully handle uncertain problems and for uncertain careers and industries. Those who want to restrict educators assert such certainty around this subject matter when it involves so many uncertainties. This paradox should halt their progress in arenas of public opinion. Yet, their persistent attacks have managed to disrupt the workings of public education to the point where many have left the profession, many school systems have cut courses that focus on the histories of marginalized groups of people in America and have banned the use of texts.

How are they so certain that their perspectives are right for Missouri's children and youth? I was in training this week with Jim Knight, a leading educational expert and authority on instructional coaching, and was struck by his warning to educational leaders: "Certainty feels logical, factual, and true. And yet, the reality is that the feeling of certainty is just that, a feeling. Certainty is a dangerous emotion because it makes people feel like they're right and act upon these feelings... especially when combined with bias and moral conviction, certainty stifles innovation, halts free thinking, and prevents progress."

Knight is about to publish an article titled, "The Power of Uncertainty," based upon Maggie Jackson's book, "Uncertain" (2023) that highlights, decades of research studies that shares

"...just a few minutes of perspective-taking inspires people to sit closer to, work with, and help others with similar or opposing viewpoints. The effects of perspective-taking are so powerful that this simple exercise is being used as a foundation of real-world efforts to combat hate. A promising counterpoint to prejudice emerges from a willingness to explore the unknown... But by mentally trying on another's view, we can imagine an individual with a life as textured as our own, a human worthy of connection. We can look past a label. Intriguingly, people

who are more tolerant of uncertainty show less neural disconnection from political opponents while watching clips of tense election debates than those who fear the unknown. The open-mindedness of uncertainty offers a kind of mental brake that we can apply to our tendency to categorize."

In order to progress, we need to embrace uncertainty and engage in more perspective-taking.

## Teachers, not politicians, should decide

In 2022, I submitted a public comment to oppose legislation designed to restrict the selection of texts in K-12 classrooms and the teaching of American history. My opposition to this gross overreach of government was from the perspective of a Missouri taxpayer, a parent of three children, a 10-year educator, and a 21-year youth advocate who has dedicated her life to the service of children and youth, and their education.

I chose to engage my students in studying controversial text because I saw it as a rich opportunity to connect classroom content with current events and to study history in a way that exemplified the historical thinking standard of continuity and change over time. Why not this text?

Examination of the course content and educational standards demonstrated that I met all academic requirements while allowing high school students to debate and reflect upon content that is now centered in the discourse of adults and politicians all over the world.

Students deserve to learn with diverse, rich, powerful, enabling texts. Dr. Alfred Tatum (2019), a leading literacy expert, defines enabling texts as those "that move beyond a solely cognitive focus such as skill and strategy development, but also have sociopolitical and sociocultural influences."

Dr. Ghodly Muhammad (2020) discusses these types of texts in her instructional text "Cultivating Genius," citing them as essential to build criticality in young people — equipping them with "the capacity to read, write, and think in ways of understanding power, privilege, social justice, and oppression, particularly for populations who have been historically marginalized in the world." As a believer in the power of education and Nelson Mandela's definition of it as "the most powerful weapon which you can use to change the world," it is our responsibility to engage students with these types of texts and educational experiences.

The politicization of education threatens teachers' abilities to prepare students for true college and career readiness. By restricting students' access to enabling texts, we do not aim to develop agents of change, but rather "cogs in a machine."

This is one of the most dangerous, limiting factors in today's climate in

education because it prevents teachers from providing relevant, diverse instruction and attempts to ban instructional content, thereby causing further hardships and obstacles for educators who are already inundated with unprecedented learning curves as a result of the pandemic.

Teachers and educational leaders are doing our best to educate, inspire and equip students with career, college and life skills necessary to live successfully in our ever-changing global society. We need increased resources and support to effectively traverse this precarious landscape. Anything that attempts to limit resources and support is a threat to the institution of education.

To ban books and texts without close examinations of their use in educational settings inaccurately targets content that works to include the identities, cultures, perspectives, stories and lived experiences of Missouri's students — especially Black and Brown students who have not been appropriately represented through mainstream K-12 curricular content. We should not accept uneducated depictions of texts, nor should we allow politicians to make us believe that educators are trying to indoctrinate students in Missouri's K-12 system.

All students benefit from engaging with rich, powerful and diverse texts that allow perspective-taking, collegial discourse, debate, critical thinking, analysis and evaluation. Even seemingly controversial texts possess educational value.

This is easily evidenced through student work and can be ascertained by scanning the U.S. banned book lists. For example, one of my favorite texts, "The Awakening" — originally written in 1899 by novelist Kate Chopin — was banned in 1902 in some spaces and censored in others because some considered it as inappropriate content for school-aged children. This powerful, pre-feminist novel, once seen as controversial, is now considered to be of great literary merit. (Chopin was born in St. Louis, wrote *The Awakening* here, dying in 1904 after taking ill at the World's Fair.)

Should it have ever been removed from schools? Who should decide what content is appropriate for the education of school-aged children? This answer is easy: those who pursue specialized training and education



to organize and facilitate the teaching and learning process for children are best equipped to determine what content should be used. Not politicians. Not parents.

One of the major reasons is because educators have the responsibility to read, analyze, evaluate, and interrogate all content slated for instructional use. We also have the pedagogical knowledge and skills to process through educational research and apply it to improve instruction. Neither politicians, nor parents, nor any other position outside of education bears this weight and responsibility. It is not easy and it is a heavy burden to assume.

Educators do not take this lightly and are harsh critics of new curricula. We scrutinize content and question everything — studying, researching, reading, analyzing, debating, evaluating, interrogating thousands of complex, diverse texts each school year, in hopes of preparing high quality, engaging, student-centered lessons for our students. Not because we get paid enough to do this work (because much of this ensues during personal time), and not because we get the respect or appreciation for the personal, challenging, laborious work mandated by our positions... Educators do this work because we love our students and value the role education plays in developing them into strong, resilient adults and 21st century learners.

After much reflection, ten years after the murder of Michael Brown and four years after the murder of George Floyd, events that seemingly shifted our conversations and ideals about race in America, it is apparent that our ways of being have not shifted us towards progress. We have regressed. So, I will continue to boldly teach the 1619 Project and other rich, powerful, enabling texts deemed to be of literary merit because I believe in their ability to move us out of complacency and stagnancy — to free us from the "curse of certainty", one perspective at a time.





## Sixty years of civil rights activism by the iconic Percy Green

Green talks about climbing the Arch, unmasking the Veiled Prophet, battling Hoover's COINTELPRO, fighting job discrimination and police brutality

Sixty-one years ago, Percy Green began a hunger strike in front of the office of then-St. Louis Treasurer John H. "Jack" Dwyer to demand the city remove tax money from Jefferson Bank, which had no Black employees. Green, who had already been branded a "habitual troublemaker" by the St. Louis Globe-Democrat and secretly targeted for dirty tricks by J. Edgar Hoover's COINTELPRO, was arrested within three hours on trespass charges. It was the first of 100 arrests over 20 years. A year later, in 1964, he and a friend climbed the unfinished Gateway Arch to dramatize the demands to hire Black people on that project and in downtown St. Louis,

where almost none was employed. After the protest, he was fired by McDonnell Douglas and challenged his dismissal all the way to the U.S. Supreme Court in a case that established new job discrimination protections. Green, leading the ACTION civil rights group helped unmask the Veiled Prophet in all his Confederate regalia, persuaded the telephone company to hire Black phone installers and faced turmoil in his marriage because Hoover's COINTELPRO program systematically discredited civil rights leaders from the Rev. Martin Luther Jr. on down. Green headed an affirmative action program in City Hall until Mayor Francis Slay sidelined him and

went on to be active in the American Civil Liberties Union of Eastern Missouri. On July 2, 2024, Green reflected in an interview with GJR publisher William H. Freivogel on his long career as a civil rights leader.

Freivogel: Good morning, Percy. How and to what extent do you think Ferguson and its aftermath have changed things and what things have slid backwards? What things never did get changed? To what extent did Ferguson have a lasting result?

Green: Well, ... how did Ferguson become Ferguson?...Well, Ferguson got to be Ferguson because, as I see it, most of the little small municipalities learn their cues or they learn their way from



Percy Green and Richard Daley climb the partially completed Gateway Arch in 1964 to dramatize the absence of Black workers on the project and in downtown St. Louis businesses. Photo courtesy of St. Louis Public Radio

larger cities. And with St. Louis being the dominant city in the area, historically... St. Louis was being run by the white power structure and the white power structure, as I see it, are your large businesses in the area. They're the ones that control the politics; they set the standards. And, of course, smaller cities, when they come into being, they mimic what they've seen. They join some of the associations like the Veiled Prophet and some of these other clubs where chief executive officers of other businesses are members.

They pass that information on to smaller cities and municipalities. And so, that's a learning experience for them when they come into being. And so, Ferguson mimics what St. Louis does. Ferguson has become known pretty much as a result of the murder of Mike Brown. Now, the thing about St. Louis is that it's been a killing police department, it's been murdering a young Black male, or Black males,

historically, under the auspices of so-called fleeing suspects. And they use this thing that almost all police departments utilize, and that is that qualified immunity. And so, that is a standard throughout, where... Police can kill, then claim as if the person that they killed pointed something at them, looked like it was a weapon, and out of self-defense, they had to fire their gun, and ended up killing the person.

Now, the person is dead. They can't dispute that. The only way you can dispute that is if there was someone that was observing it, and they're willing to come forward. Most of the time, that is not the case, because many folks, if they see a policeman murdering, they fear that if they tell the truth on the police, that there are consequences... And so, as a result, they'll claim as if they didn't see anything.

## Video cameras make a difference

Green: The only thing that is going now for the poor, and that's poor Blacks and whites, is this video camera thing. The mere fact now folks can videotape situations and circumstances pertaining to a policeman's involvement.

At least they can show pretty much what occurred. And even then, you find conflicts where the police report conflicts with the video that is taken of the event, which goes to show you that in absence of the video, how a policeman has been lying consistently, for all practical purposes, in terms of their report, to justify their actions when in fact, many times, or even most of the time, there is no justification for such. So, I'm just saying that Ferguson got to be a judge.

Just only learned from the city of St. Louis over a period of time. They had the same program in goal that was in place from its inception. So as I see it, the same will hold true for all of the other little municipalities.

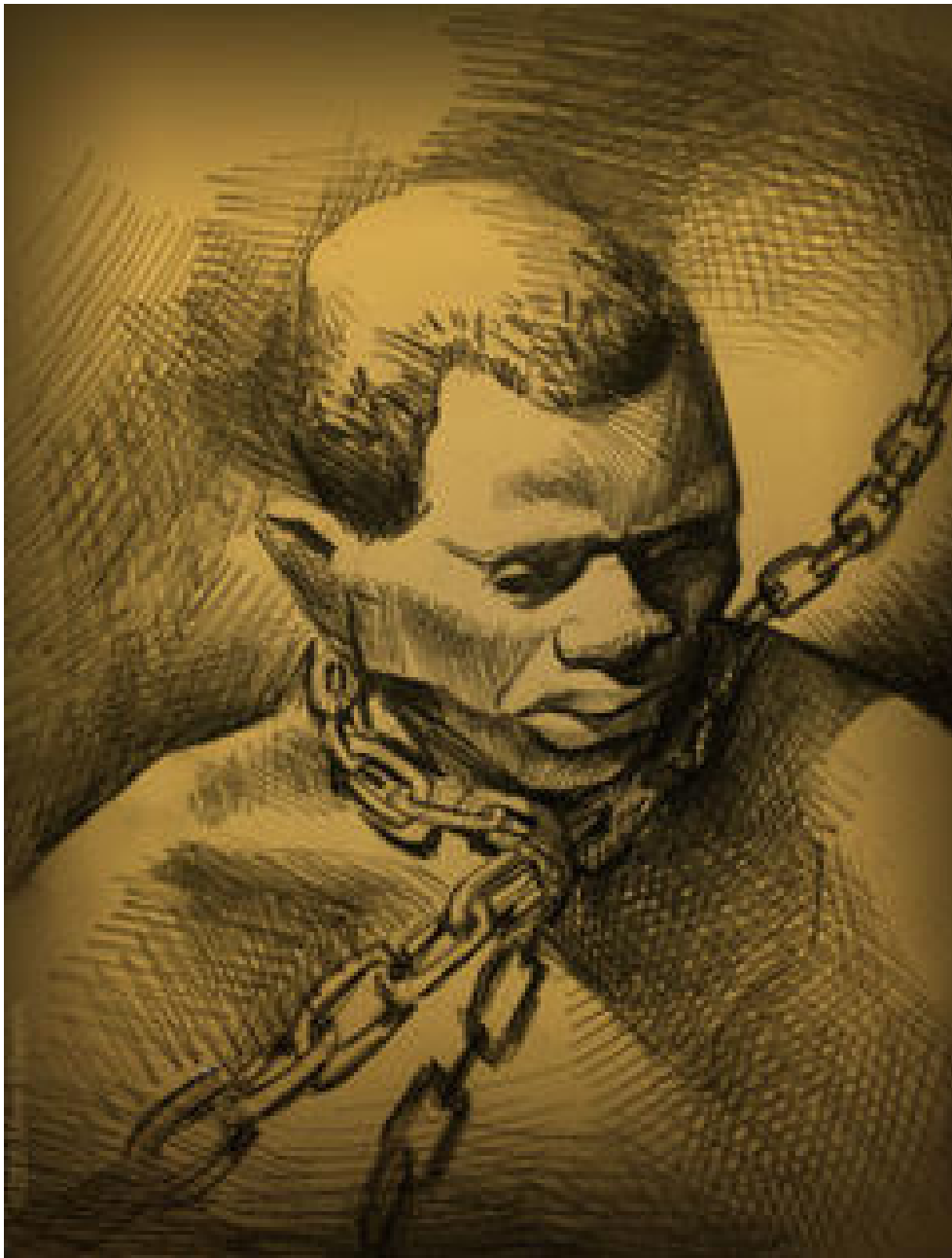
I'm just saying that Ferguson only learned from the city of St. Louis over the period of time from its inception. The only thing with Ferguson is there was an enormous number who witnessed it Black and white. That pretty much made it newsworthy. Because many times, if it's only Blacks that witness a particular crime, it is minimized in terms of value or whether or not it is even considered as news. But if there happened to be some whites who happened to step forward and saw the questionable situation, then of course, in some cases, some fair-minded news directors might qualify it as newsworthy. And then as a result, that then became the trigger for it being exposed to the wider community.

Freivogel: Do you think what you describe as the way police get away with killing Blacks on the street is that still true today? Or has the video and changes after Ferguson made a difference?

Green: It still holds true today. Video has caused some change in some communities to the extent that the video is not destroyed in some manner. In many cases, if by chance, you know, if by chance, the video exists, there are two tracks of videos that I would like to address. One is the police department; many times you see they turn their video off. In some cases, they...can't turn it off. And as a result, John Q. Public gets the benefit of some, of some truth.

But if by chance, there is any way, form or fashion that the police department can claim that, well, we don't know what the person did before the video was turned on — consequently, there's reason to believe that the suspect did this, that, and the





other, prior to the video coming on. And so as a result, we have reason to believe the policeman was justified in doing the shooting... So, wherever there's a possibility for the police department to lie to protect their interests, they will do so. Even with the video revealing the incident to the contrary of their report.

I will admit, thank goodness that at least we have the video, the telephone videos now where John Q. Public happened to be... somewhere close to the incident, that they could videotape it. And that has done two things. It reveals how you cannot accept the policeman's word alone. And then of course it gave rise to some fairness to the public.

### Climbing the Arch for jobs

Freivogel: Tell me about climbing the Arch. Was that 1964? If you were telling me the story of your civil rights activism, does

it start before your climb up the Arch?

Green: Oh, yes. My involvement in the protest movement occurred prior to the Arch. It started when I first became involved in CORE (Congress of Racial Equality) in 1962. I believe it was, by a friend of mine named Joe Fischetti. He and I worked at McDonnell Douglas, and he wanted me to attend a CORE meeting... After he approached me about attending his meeting about four or five times, finally, I went to one, and I found it to be very interesting. At the meeting, it appeared to be educators, Black and whites, were at the meeting, and they were discussing employment.

They were discussing employment discrimination at stores like Famous Barr and Stix. And discussing how they were going to try to get the company or encourage these companies to hire some Blacks in places where Blacks never had

been hired. And one of the persons at the meeting that was really impressive to me was Eugene Tournour. He was a Washington University student at the time, and he seemed to be very, very knowledgeable. At the meetings were Charlie Oldham, Marian Oldham, and others.

Freivogel: These 1962 CORE meetings, were before the Jefferson Bank sit-in?

Green: Oh, yes. Jefferson Bank didn't occur until 1963. Yeah, in 1962, at the time I came on board, shortly afterwards we had what was called a boycott of Kroger. We were trying to get Blacks into some of the jobs at Kroger grocery stores. Kroger had about five stores in what was considered the Black community, but they had no Black cashiers, no Blacks working in the store, period. And so CORE was asking for some butchers and some cashiers. And eventually we got some...

(At Jefferson Bank) they were asking for tellers. We learned that East St. Louis had an action against the banks there and it was successful after a few weeks and it made big news... One of the persons at the Core meeting said, "Well what about Jefferson Bank?" Well, many of us weren't even aware of any problem at Jefferson Bank. But someone reported that Jefferson Bank had moved to a commercial location from Jefferson and Franklin (in the Black community.)

The change was huge. People's lives were ruined because Jefferson Bank was so valuable to them. It was a white owned bank but it served the Black community. It moved to Jefferson and Washington, which was predominantly white. Why would CORE not make a demand on Jefferson Bank for a teller job since Jefferson Bank had been in the Black community for over 20-some odd years, and they didn't have any Blacks in any responsible position, and so that's the way that, so that's how that pretty much got started. The demand was made,

Freivogel: So, did you meet Bill Clay at that time, or did you already know Bill Clay?

Green: No, I did not meet Bill Clay until Jefferson Bank. Bill Clay never came; he wasn't coming to the meetings at the time, although many of the people who were coming to the meetings knew Bill Clay because from what I later learned is that many of the people who were CORE members at the time, they were also had recently helped Bill Clay to become the leader of the 26th Ward. And so these were pretty much the same people; the old hands and whatnot. It was an interracial group that at the time, they worked diligently — from what I understand — to turn out to vote, which got Bill Clay elected.

Jordan Chambers, who was looked upon as the Black mayor of St. Louis during that time, felt Bill Clay running in the 26th

Ward without his blessing was not looked upon favorably by him or that, you know, in his organization. But Bill Clay, he won, and there was a strained relationship between the two of them.

Freivogel: Did you ever get arrested at the Jefferson Bank sit-ins?

Green: Yeah... Not at the big sit-in but later during a solo arrest at the city hall at the treasurer's office... Jack Dwyer was the city treasurer and CORE had asked the city to take his money out of Jefferson Bank because the bank was discriminating. And so I was arrested for trespass. I took vacation at my job off because I knew I was going to be arrested and I didn't want no linkage between me being arrested and my working at McDonnell Douglas. So I took vacation time and I was arrested and bonded out.

## Up the Arch

I had become the chairman of the Employment Committee, and we had started our research into the Gateway Arch activities as to what their employment picture was like. And, and of course, during this period, CORE was — we were having a debate as to whether the group was going to continue to use civil disobedience, or whether we were going to cease and desist from using civil disobedience whether the group was going to transition to using Saul Alinsky's approach in Chicago, whether that was called community action. We didn't think that community action would work here in the City of St. Louis because it was too intransigent. We eventually set up ACTION.

After we have done this research on the Arch, we needed to go ahead and for the sake of trying to get some jobs at the Arch. Richard Daley was part of the group that eventually became ACTION. Daley and I both were arrested on July the 14th of 1964. Daley was an engineering student.

We were arrested when we came down because I had to go to work. See, I was working at McDonnell Douglas at the time from 12 o'clock to 7 in the morning. We climbed the Arch about 12 o'clock during lunchtime because that's when the workers were in a relaxed mode. We climbed a certain level where we would, you know, not be close enough to the workers. We were conscious enough not to get close enough to the workers that could possibly cause an accident and for us to be blamed.

So, the Arch at the time was at the 300 foot mark. We climbed 125 feet up. We knew we were at about 125 feet because they had the markings, you know? And so we climbed up and we remained there until about 5:30 or 6 o'clock. We had to come down because we had already calculated that upon us coming down, we'd be arrested and we'd be busy making it out

to the police. So we would bond out, so I could refresh and be at work. So I wouldn't have any black marks on my work record and give them a reason to terminate me for some strange reason. So that was the thinking. Otherwise, we would have remained there much longer.

Freivogel: Did you make it to work that night?

Green: Yeah... We were arrested and Daley, unbeknownst to me, ended up going to the Workhouse. I wasn't even aware of that. But me, personally, I was bailed out. And I thought, sure, that Daley was bound out, too. But I later learned by talking to him that he never was bailed out. So he remained in jail and ended up with a few days or so in the Workhouse.

Freivogel: Were you ever convicted for going up the Arch?

Green: No. Nicholas Katzenbach (Kennedy's assistant attorney general) you know, Washington, D.C., intervened. They had all of the charges dropped against Daley and I. General peace disturbance and individual peace disturbance were the charges, I think it was. And they were dropped.

Freivogel: Were those, so those were state charges?

Green: So those were the first arrests. That was the second time I was arrested in civil rights, you know, after the Jack Dwyer Jefferson Bank protest. ... I was arrested many times after that.

Freivogel: How many times have you been arrested?

Green: Over a hundred times. In a 20-year period, over a hundred and some odd times. I have been arrested three and four times a year for about 20 years. Not just alone now, that'd be in conjunction with other folks being arrested.

Freivogel: So what had you researched about jobs that were available on who was building the Gateway Arch?

Green: There were no Blacks involved. Yeah, no Black employees. And at the same time, there were no Black contractors. And so now for this, the general contractor was named MacDonald. And after, when we went in to negotiate for the job, or we were doing the research, when we went to the office of MacDonald, at the Arch. He looked at us and said why don't you find us some workers. We told them that was his job. Blacks were being drafted into the military and were doing all sorts of construction engineering, which is road construction, doing a lot of construction type work. How is it that he can't find any Blacks to do construction work?

So he just insists that he put forth the effort, but he just couldn't find any qualified people. And that was the end of it. And so we told him that eventually, after a couple of weeks, that that wasn't sufficient. And

that we're giving him and the whole entire construction industry 10 days to hire a thousand Blacks in all job classification. And of course, we knew that we were going to carry on the action. So, we know that he, or the construction industry, were not going to do any more in 10 days than they would have done in 10 years, because that was our position. So, after about 10 days and whatnot, we had already laid out the strategy as to how we were going to do the Arch project.

We couldn't afford to let the press know ahead of time about climbing the Arch because they would have informed the police department and we never would have gotten close enough to it to even do it.

So, we had to set up a diversionary, surreptitious scheme. We called and told the press that we're having a big, major picket line there at the National Park Service where the tourists come in. We told them that we were going to have a direct action protest there, just to get the press to come there. And then of course, if we were successful in climbing the Arch, once the press was there, then we were going to inform them that there were two demonstrators who had climbed the Arch and that in fact is what occurred. And that's how we were able to get the press there to do some of the covering.

## Green v. McDonnell Douglas

Freivogel: Did McDonnell Douglas fire you for climbing the Arch?

Green: Yeah, 30 days afterwards... They claimed they were having a reduction in workforce. And at this time, I had transitioned from my union job to a research and development job. And they saw fit, even though I was the only Black in this particular category, they saw fit about 30 days afterwards on my birthday.

They argued that they were getting rid of 10 other people also, who happened to be white. But at the time, MacDonald had about 600 research and development technicians. I was the only one. And they claimed that they were laying off 10 folks in a reduction in workforce. And I happened to be one of the unlucky ones, along with nine or 10 other whites. My argument was that they didn't have a sufficient number of Blacks in the first place to be laying off any Blacks. I mean, the fact that they didn't have any. Even if they had 10 Blacks, 600 whites, and they were having a layoff, they were having an insufficient number of Black workers in the category.

And then, of course, when the 1964 Civil Rights Act went into effect, a year later, they were still hiring in a job classification that I had held. So I went back in 1965, when the 1964 Civil Rights Act employment section went into effect, and reapplied for the job

Continued on next page



that I had held for seven years. They had advertised for that job all along, all during that period. And they refused to hire me back in that job classification. And that was the grounds that I filed my complaint on, which went to the Supreme Court of Green versus McDonald. Lou Gilden ended up being my attorney.

Freivogel: And that was an important decision that laid out the test for employment discrimination.

Green. Exactly. The St. Louis NAACP gave me a legendary award.

Freivogel: At the time of the Arch you were having conversations with Union Electric and Laclede Gas to hire more Blacks?

Green: That McDonald construction guy said, you know, 'we can't find qualified people.' They didn't want to send a Black worker into a house where a white housewife might be home. That was with the utility companies here. That was 1964 or '65. That was the utility companies. Southwestern Bell, Laclede Gas and Union Electric. That was where the chief executive officers then pointed out the reason why they didn't hire any Black telephone installer, because it would create too much of a problem of Blacks going into white homes, is the way they put it.

We were advocating more and better paying jobs for Black men. Because we felt that if Black men in the community were allowed to have decent paying jobs, that would cut down on the possibility of unlawful activities in order to satisfy family needs and desires and whatnot. And these were jobs that didn't require a degree. You didn't have to have a degree to install a phone. You could learn on-the-job training. And we felt you learned that job, just like in the military.

In the military they taught folks how to fire weapons that they'd never seen before and become proficient at doing it. And so, we went after those particular jobs while the NAACP was primarily advocating for professional jobs. We felt that it would be more productive in the community if Black males could get some of these good-paying jobs that didn't require an education and be able to provide for one's family. And of course, because those are the jobs that could make a bigger difference or whatnot, that was the position that they took then. So we went after them.

They eventually did begin to start hiring, but when they took a Black out of doing utility work and making the first Black telephone installer, all of the white workers went on a wildcat strike for two or three days. During that struggle I was arrested a couple of times. I was at Southwestern Bell blocking the traffic, locking the employees in. And during some disruption of the business, we locked the doors. We locked

out employees. And a couple of times, we took some dog poop at Laclede Gas and painted the windows... We were tired of Laclede Gas dog poop.

We were arrested for that, but civil disobedience has been our thing, and we were... we had been very colorful with our demonstrations. One company opened a building on Tucker and some of our action members were arrested because we went in there with some with some syrup and poured it all over their their new carpet letting them know that ACTION was still sticking in there, we're sticking with our protest demonstration against them,

## Unmasking the VP

From the utility companies, that's how we gravitated into the VP. We learned that some of the daughters' names were listed in the newspaper as related to chief executive officers of the companies that were running Southwestern Bell and Laclede Gas. No wonder these companies are afraid to do the right thing because socially they are in the same racist environment where you almost give a pledge to say "I will maintain this type of social and class thing."

No wonder none of these chief executive officers want to say that they will do the right thing and start hiring Blacks for fear of what the other members in this social group could very well brand them, or how they could be disciplined within that particular group for doing something that is not considered as accepted behavior. In other words, it would be unwritten code, and even if some of the chief executive officers wanted to do the right thing, they are pretty much prevented from doing so if they want to be in good standing in this particular organization.

That was the way that we kind of rationalized some of them not wanting to break out of that mold and start doing the right thing. That's how we pointed out how the white power structure functioned. To educate the community, we then did some research to see how this organization got to be what it became, and that took us back to the 1870s, 1878, the day of the General Strike whereby the workers both Black and white showed their strength.

There was this general who was a Slayback, a business person who was supposedly a Confederate, and they then created the VP. There was an element of the organization that eventually intimidated the workers and forced them back to the work and then of course a celebration of breaking the strike.

**(Publisher's note:** The Slayback mentioned by Green was Confederate Col. Alonzo William Slayback. An interesting 2007 article in St. Louis Magazine by Ellen F. Harris reports that Slayback Slayback

was a Confederate cavalry officer who commanded the Slayback Lancers during the Civil War. After the war he set up a law office in St. Louis where his brother, Charles, was a grain merchant. The two former Confederates thought the Union had ruined St. Louis and would benefit from some Mardi Gras style festivities. Alonzo Slayback was particularly annoyed by the new newspaper in town, Joseph Pulitzer's Post-Dispatch and its first editor, John Cockerill. In 1882 Slayback barged into a meeting Cockerill was holding at the paper. Cockerill, thinking Slayback was armed, shot him dead.)

Some of the research we did reveals that they (the Slaybacks) were the ones that came up with the hood and robes that look like the Ku Klux Klan. But then later, I learned that this image appeared with the VP before the Ku Klux Klan, suggesting that the Ku Klux Klan got its idea from the VP image rather than the opposite.

We felt the Veiled Prophet was guilty of sexism, as well as elitism. They were auctioning off their daughters among that same class? You know, I mean, that was why we would refer to it as being sexist. We felt as if that the VP should be abolished altogether in terms of the city of St. Louis. However, if it is going to exist at all, have it out there in Ladue. We felt the city of St. Louis is to become a city for all and be prosperous. And to eradicate and start moving away from it, from this racist image and sexist image, etc. It needs to be abolished altogether.

Freivogel: How many years did you march at the Veiled Prophet Ball?

Green: We marched from 1965 up until 1972. We did the unveiling in 1972. I believe it was December 1972. We still carried on a protest. We wanted a lawsuit where they could no longer hold the VP at the Kiel Auditorium. Ray Howard was an attorney then, and they had to move from the Kiel Auditorium, and they located at the Chase Park Plaza. Then we carried on some demonstrations there at the Chase Park Plaza. The unveiling occurred, though, at Kiel.

Freivogel: Who was the young woman who came down the rope?

Green: Gena Scott. But it was a two-person team, two females, Jane Sauer and Gena Scott. Jane Sauer was the one that distributed the leaflets as a diversionary. And then Gena came down the, I forget what you call those poles, the stage cable. And then, of course, one of the cables pulled loose from the ceiling. She fell about six feet, knocking the wind out of her and bruised her ribs. But then she got up, went behind the curtain, came up behind the VP. That was Tom K. Smith of Monsanto. She snatched the mask off and threw it out there on the floor. And that blew the minds



of all of those that were present at that point, you know.

**(Publisher's note:** The Post-Dispatch and other media did not publish the identity of the Veiled Prophet.)

It was just that it was our philosophy that we were a non-violent organization... I mean, that was the only guidance that we had. I didn't want to encourage nobody to engage in something that was going to be felonious and they're going to end up spending a whole lot of time in a penitentiary. So, the events that we executed amounted to a misdemeanor. We wanted to disrupt things of that nature and I felt then the news media didn't have any problem covering disruption.

You know what they (journalists) would do if they knew about it ahead of time, they would show their support to the establishment by informing the police. But they couldn't inform the police about something, if they didn't know anything about it. The news media didn't have no problem covering the arrest situation of Black people or people that are being arrested on behalf of Black folks, because it was about being arrested. It was about that law and order thing. So we were playing on that. I would develop demonstrations that would give the news media what I know that they would like to respond to, but at the same time, it would serve our interests in

exposing what I want to be exposed, even though it would be done at a minimum, but at least it would be exposed to some degree.

Freivogel: Tell me about your years as the mayor's contract compliance officer.

Green: Freeman Bosley was the mayor at the time. And I was the director of contract compliance and certification. And that job was to see that minority contractors would get at least 25% of the amount of the contract that is let. And women-owned businesses would get 5% — that's why they call it the 25/5.

Freivogel: What was it like to work from the inside?

Green: Oh, it was okay as long as I had the authority to make decisions. (Mayor Francis) Slay, I ended up being fired. My whole entire department was terminated. And some of it was moved to the airport because Slay wanted me to certify some front companies to get some contracts. And I wouldn't do it. And so as a result, he tried to get rid of my department and did so. I was terminated and all of my staff was eventually terminated. When I was there, I tried to make sure that legitimate Black-owned businesses and women-owned businesses got city contracts so they could build, as opposed to front companies.

You had a whole bunch of some of the businesses, white-owned businesses.

They would create a side order or grits and claim it was a minority-owned business when, in fact, they were not. You know, they were just a front company. And I would have to do an investigation on all of these companies to determine who is certifiable and who should not be. And then if a certifiable company later became a front company to decertify it. And we took pride in our operation because I wouldn't accept anything to the contrary. So as a result, Slay saw fit to get rid of me and he couldn't corrupt my staff so he got rid of them too.

Freivogel: When did you start getting associated with the ACLU?

Green: It seemed like those guys wanted to do the right thing. I will work with them and that's how I agreed to be a board member. Because it was all about working with them. And then, of course, one of them said that the ACLU had not ever had a Black executive director. And they wanted to know whether or not I would help in trying to find such. And I think that was the hook that really caught me. I said, well, "Okay, I'll do what I can to help you out with that task."

Brenda (Jones) stood out because Brenda had done her homework so well, in terms of knowing something about the history of the ACLU. She did such a superb job doing an interview.

Continued on next page



And Joe Fasetti was a poet, white male. He used to read poetry at Gaslight Square. When I was working at McDonnell Douglas, in the department, he was there and he and I became very good friends because we kind of worked side by side...building wire harnesses. And. So, by virtue of us working together, communicating together, sometimes having lunch together and everything. He and I became associates. And that's when. He started saying, "Hey, I want to know, what's the chances of you going to these meetings with me?" And that's what he was telling me about the core.

And I said, "Well, what is this? What are these meetings about?" So he was explaining to me that it was about trying to break up racial discrimination. And he said, "Hey, you ought to come and check it out." And so after a couple of times, I accepted the invitation. And then we were going to these meetings together. And then, of course, during these meetings, that's how I started observing some of these other people, like Eugene Tournour.

Freivogel: Tell me more about him.

Green: Oh, Eugene Tournour was fantastic. Eugene was a student and he was going out with his wife, then girlfriend, named Roberta Tournour. And they were both students at the time... Now, at the time, I kept hearing this term, "white power structure." Some of the Blacks there who had been members, I heard them using the term, and I heard whites using the term. They were just using it, and I'm just new, so I wanted to know, well, what in the hell is the white power structure?

So, after I've observed Eugene Tournour who seemed to have so much knowledge in being responsive to so much other activity that was going on at these meetings, I finally began to ask him. I said, "Listen, I heard you all using this term. What is the white power structure?" And he explained to me that the white power structure was the invisible government. It was the chief executive officers of all of these major companies in all municipalities, and most of the residents, most of the people are unaware of their decision-making and how they govern their life or whatnot. And I said, "Well, that makes sense." He said, most of the people are not even aware of these particular people. They're not familiar with their names or their functions, and everything.

So, I mean, that was one classic thing. The other is that I was so naive when I was telling him, I said, 'Well, look, at the time of doing the Jefferson Bank.' I told him, 'Well, look, I'm going to take vacation time, and I'm going to engage in some civil disobedience to keep the protests alive at Jefferson Bank.' He said to me, "Well, now, be careful now, because you have your

job, your livelihood and you don't want to do anything that is going to allow them to terminate you." I say, "Well, I'm not going to do anything that will give him reason to terminate me because I come to work every day. I come on time, and I perform while I'm there. So, I'm not going to give him any reason to terminate me."

He said, "But that ain't enough." I said, "What do you mean, Gene?" He said, "Businesses, they can terminate you and will. They can terminate you regardless of whether you're a top performer or whatever else. And they can get away with it." I said, "Well, I'm not going to... I just can't believe that"

And it wasn't until I met my Waterloo there at the arch, after climbing it, that I had just received a performance of excellence in terms of my performance on the job. I hadn't been absent or tardy, but yet they saw fit to lay me off or whatnot.

I said, "Damn." And then later, I learned from a contract that management has the right, in this union contract, to manage and/or mismanage. That blew me away. I mean, but that reminded me about what Gene had informed me. And, I was just so naive at the time. I mean, I felt as if it was okay, as long as I do what I want to do on my own time, I'm not giving anything up and I'm not linking my outside activities with where I work in any negative manner, because when, when I was arrested, I just told them that I was, that I was unemployed, or I told them that I don't give that information out of something to that effect.

But yet, I was terminated. So I give credit to Gene Tournour in providing me the basics of the white power structure. First of all, identifying it and how it controls all communities by way of contributions to the politicians. The institutions in the area, how they control it, because all of them need money. And, all of the businesses, the big businesses, got bigger. If they have the biggest budgets, they're the one that can make the contribution, and their contributions are always influential.

Freivogel: So, would you say, Percy, that the white power structure still controls St. Louis?

Green: Yes.

Freivogel: Even with the Black mayor?

Green: Even with the Black mayor...

The state politicians and whatnot are overwhelmingly white and, of course, they're certainly tied to statewide businesses. That's why they get most of their funding, like from Anheuser-Busch and the utility companies. If you look at the politicians and where they receive their money, it comes from various sources of people that have money. And then, of course, the people who have money, they have interests and they like to have their interests taken care of and their interests

are served by the politicians because the politicians want to continue to receive that money, those revenues, in order to stay in power. And then, of course, the folks with money, if they can't buy this particular politician, they'll buy another one. But we know that money rules politics and whatnot.

Freivogel: Where did you grow up in St. Louis?

Green: I'm a graduate of Vashon. As a matter of fact, they just inducted me into the Hall of Fame a couple of years ago. That wasn't newsworthy. They sent news out on that and nobody said what happened. You know, if I said I was going to be arrested, the news would have been there big time or whatnot.

Freivogel: How old are you and were you ever investigated by Hoover COINTELPRO?

Green: I'm 88. And, as a matter of fact, COINTELPRO is responsible for breaking up my marriage to my son's mother. They not only sent out poison pen letters, but they called Betty in the wee hours of the morning to come down and claim my body. But the big thing that got to her is she wanted to get out of the movement altogether. And we separated because I wasn't going to let it drive me out of the movement. But then I had to be mindful of her safety and our kid. So, we parted company and whatnot for the sake of safety. So, if something was going to happen, target me. I wanted to be the one that they take down and not my wife and kid.

# AP creates new guidance on criminal justice reporting

By Kallie Cox

The way journalists report on criminal justice and law enforcement has evolved over the past 10 years. In 2014 when Michael Brown was killed by police in Ferguson, we saw the beginning of this reform, and in 2020 following the police killings of George Floyd and Breonna Taylor, we saw even greater change.

This year — which marks the 10th anniversary of Brown's death and the Ferguson protests — the Associated Press added a new chapter on criminal justice reporting in the 57th edition of the AP Stylebook.

The new edition was released on May 29, four days after the fourth anniversary of Floyd's death.

The changes to the 2024-2026 Stylebook have been hailed by the journalism community as a positive step forward.

Kelly McBride, writing for Poynter, predicted that a decade from now, "the American newsrooms still standing will have completely reformed how they cover public safety, replacing cheap stories about shootings and stabbings with data-rich narratives that educate communities and hold cops accountable."

The new chapter addresses fairness in reporting, how to treat initial police reports, interviewing victims and family members, mugshots, language, crime data and coverage of marginalized communities.

With this updated guidance, the AP encourages reporters to take steps to ensure fairness even before writing or reporting on a story.

"When considering whether to write about an arrest or criminal charges, ask yourself: Will I follow this case until the end? If not, you may not know if the charges are later dropped or if the suspect was acquitted," according to the Stylebook. "If it is a minor crime and you are unlikely to follow up with coverage about the outcome of the case, consider not naming the suspect in the story or not writing about the case at all."

Additionally, when reporting on crime reporters have to ensure they are making every effort to obtain a comment or statement from the suspect, or their advocates and family members. The AP adds that in breaking news situations when it is not possible to make reasonable efforts to reach a suspect, defense attorney, or suspect's family member, a story can be published without their name.

The AP warns reporters to be wary of

initial statements and news releases from law enforcement.

"Accounts by police, especially in the hours just after a crime, are very incomplete and can be inaccurate, whether about specific details or about motivations behind the crime," the AP writes. "Press for details and substantiation: How do they know? If key details aren't known or can't be confirmed, say so in the story."

This is something that reporters have become acutely aware of in the aftermath of George Floyd's death. Initially, Minneapolis Police released a statement to the media that conveniently omitted the fact that police officer Derek Chauvin knelt on Floyd's neck for approximately 9 minutes and 29 seconds. Instead, the report notes Floyd seemed to be suffering from medical distress during his arrest.

Poynter analyzed the initial statement nearly a year after Floyd's death and the protests that followed here.

The Stylebook contains updated guidance on the language journalists use to cover criminal justice and notably calls on reporters to use person-first language and forbids the use of felon, convict, or ex-con as nouns. It also advises reporters to avoid the terms "juvenile" and "minor" when reporting about crime as they can be dehumanizing and instead encourages the use of "child" or "teen."

The guide specifically highlights coverage of the transgender community telling reporters to use the pronouns and name that align with the person's gender identity rather than what may be included in an official police report. Historically, police have been known to misgender trans individuals who may or may not have had their name changed legally.

Following the announcement of the new chapter, Pulitzer Prize winning journalist Wesley Lowery — who has extensively written about race, police accountability, criminal justice, and who was on the ground in Ferguson following the killing of Michael Brown for the Washington Post — hailed the changes as "a win worth celebrating," in a post to X (formerly Twitter).

He added that this codifies changes to daily journalism that many journalists, including himself, spent years advocating for inside of newsrooms. He said the caveats to this are that the Stylebook changes do more to help future reporting than what is happening at present, the issues currently facing the journalism industry are more

about practice than principle, and he adds that the style guide could have gone much further.

McBride, senior vice president and chair of the Craig Newmark Center for Ethics and Leadership at The Poynter Institute, praised the new chapter as "a foothold for newsrooms looking to chart a new course."

McBride was optimistic in her analysis of the changes and said journalism as a profession, is in the early stages "of a shift in our ethical standards."

"The ability to embrace ethical improvements is not unlike the ability to evolve the business model. I can see the front-runners who are already ahead of the curve. I can see the bulk of the industry that will eventually catch up. And I can tell who the laggards are, who will hold back in defiance," she writes. "In 10 years, I'm betting there will be a correlation between the speed at which newsrooms adopt a more journalistically sound approach to covering public safety and the stability of their bottom line."

AP's new recommendations stops short of banning the use of mugshots. Instead, it encourages journalists to think critically before using mugshots in stories and tells newsrooms not to use the photos as a lead image on stories, galleries, or video thumbnails until after a conviction.

Other style guides and media organizations, including McClatchy and The Marshall Project, have moved away from publishing mugshots and banned their use in most circumstances because of the lasting harm these images can cause and how they disproportionately impact people of color.

GJR wrote about how more news organizations had stopped publishing mugshots in the wake of Floyd's murder.

Although the AP doesn't go as far as other media outlets with their new guidance, they do link to other more comprehensive guides and resources for news outlets.

These included:

- Poynter's training and guidance on covering local crime,
- The Language Project from The Marshall Project,
- The Philadelphia Center for Gun Violence Reporting and
- The Dart Center for Journalism and Trauma.

Additionally, more comprehensive information on covering the transgender community and trans victims of violence can be found here.



# U.S. Supreme Court continues to undermine its legitimacy

By William H. Freivogel

In the U.S. Supreme Court term just concluded, Chief Justice John G. Roberts Jr. wrote landmark opinions that may further undermine the legitimacy of the court that carries his name in the history books.

The decision recognizing broad immunity for former President Donald Trump shocked many legal commentators because it granted Trump such broad immunity that the decision would seem to have protected Richard M. Nixon from the Watergate crimes for which he needed a pardon. And it explicitly protects Trump's pressuring of Justice Department officials to support his attempt to overturn the 2020 election he lost to President Joe Biden.

In another case, Roberts buried a long-standing, much-cited precedent by overruling the 1984 Chevron decision that had required courts to defer to the expertise of regulatory agencies when there was ambiguity in the law. In an increasingly complicated and technical world, Roberts left it up to judges to sort out the complicated questions about the environment, health and safety, even though the justices have often shown they are lost among the intricacies of modern technology.

For example, a few days before the court overruled Chevron, Justice Neil M. Gorsuch embarrassed the court in a ruling against the EPA ozone rules by confusing nitrous oxide — "laughing gas" — with nitrogen oxide, an air pollutant. Gorsuch is the son of the Reagan-era EPA director forced out for mishandling toxic waste sites such as Missouri's dioxin contamination.

The emergence of a more moderate middle — especially the moderating views of Justice Amy Coney Barrett — may soften the hard-right conservative image of the court. But those more moderate decisions had fleeting significance because they didn't have deep constitutional roots.

The Biden administration's win over Missouri and the Gateway Pundit in an internet free speech case decisively rebuked the extremely conservative 5th U.S. Circuit Court of Appeals. And the court's refusal to ban the abortion medication mifepristone soundly rejected the extreme argument of Erin M. Hawley, the wife of Sen. Josh Hawley, R-Mo. But both decisions were based on the technicalities of legal standing and don't foreclose further challenges to the abortion drug or social media moderation of false or

dangerous posts about immunizations and false election claims.

The legitimacy of the U.S. Supreme Court is more important to Roberts than anyone else on the planet. He has been chief justice for almost two decades and, at 69, could be chief for two more.

Even though Roberts has taken actions and made statements to shore up trust in the court as an apolitical caller of balls and strikes, his big decisions this term appeared to undermine that effort.

The Roberts court is viewed today as the most conservative since the Great Depression and the least respected among the American people, according Gallup.

## Upending precedents

One reason it has lost legitimacy is the willingness of its Republican-appointed judges to knock down or dodge established precedents to achieve conservative results on abortion, affirmative action, guns, health and safety regulations, voting rights and campaign finance.

Roberts tried in 2022 to keep the conservative majority from overturning Roe by proposing in Dobbs to preserve a limited constitutional right. But even with all the power and influence of the chief justice, he failed.

The justices in the Dobbs 5-justice majority did not seem to foresee the consequences of ending reliance on 49 years of law compiled after Roe v. Wade in 1973.

Some of the justices in that Dobbs majority seemed to genuinely believe that they were removing the issue from the Supreme Court docket and sending it back to the states. They didn't realize that two years later they would face cases like the one this term from Idaho about whether hospitals should try to stabilize the health of a woman facing a dangerous pregnancy or fly her out of state. The court decided that, for the time being, the Idaho hospitals should care for the women instead of putting them on helicopters as they had been to comply with Idaho's anti-abortion law.

There seems to have been little realization among the conservative majority in Dobbs that doctors in red states banning abortion would soon be faced with deciding whether a pregnant woman had a complication serious enough to threaten her life. Or deciding

whether to withdraw the FDA approval of mifepristone for medicated abortions early in pregnancy. The court this term turned down a challenge to medicated abortions filed by Hawley on behalf of anti-abortion doctors. The court ruled that the doctors had not been injured by the availability of the drug and therefore didn't have standing to sue. But the court left for another day the regulatory issues about the FDA's approval of the drug that accounts for two-thirds of abortions.

## Roberts claims immunity decision is narrow

Roberts seemed genuinely taken aback by the tone of the vociferous dissents from Justices Sonia Sotomayor and Ketanji Brown Jackson to his landmark decision extending broad immunity from prosecution to Trump. Sotomayor, instead of concluding with the traditional language about dissenting "respectfully," wrote instead, "With fear for our democracy, I dissent."

Roberts accused the dissenters of "fear mongering on the basis of extreme hypotheticals about a future where the President 'feels empowered to violate federal criminal law.'"

He suggested his opinion was narrower than the dissents claimed. The separation of powers established by the Constitution requires the court to protect the president's ability to forcefully execute his office without fear of future prosecution, he said. The president isn't above the law, but he is the only person who is his own branch of government, Roberts noted.

He said the dissents had "a chilling tone of doom that is wholly disproportionate to what the Court actually does today — conclude that immunity extends to official discussions between the President and his Attorney General, and then remand to the lower courts to determine...whether and to what extent Trump's remaining alleged conduct is entitled to immunity."

Roberts did leave the door open to prosecutors presenting evidence in the lower court to show that Trump shouldn't have immunity for organizing slates of fake electors, his pressure campaign on then Vice President Mike Pence to accept the slates and his tweets and speech related to the Jan. 6, 2021 attack on the Capitol.

But it is the absolute immunity that



Roberts extended to Trump's discussions with the Justice Department that brought much of the criticism. Trump badgered the Justice Department to take his side on the 2020 election even though it had found no evidence of election irregularities.

By ruling that prosecutors could not introduce evidence of the president's motive or even of the illegality of the president's actions, the Roberts' opinion opened itself to an array of damaging hypotheticals and historical comparisons.

The president could order Seal Team 6 to kill a political opponent. The president could orchestrate a coup. Nixon's orchestration of the Watergate coverup would not have been a crime. Ordering the Watergate burglary might not have been a crime.

Even though Roberts cited favorably the 1974 Supreme Court decision ordering Nixon to turn over the Watergate related tapes of Oval Office conversations, would that decision have even arisen if prosecutors were barred from seeking and using evidence of a president's conversations to establish motive? Would Nixon have been forced from office?

One of the six conservatives in the majority — Justice Barrett — disagreed with the portion of Roberts' decision that prevents prosecutors from introducing evidence related to Trump's official acts as context for Jan. 6 actions that may not have immunity — such as assembling fake slates of electors. She wrote that the Constitution did not require "blinding" the trial court by blocking evidence of crimes by a president.

If Roberts had taken Barrett's lead, he could have achieved a narrower majority opinion that would have attracted less criticism — just the kind of more limited

decision he has often urged.

The strong public reaction to the Trump decision is partly fueled by the involvement of the wives conservative Justices Samuel Alito Jr. and Clarence Thomas in the events of Jan. 6, with Alito's wife flying a flag associated with the attack and Thomas' wife contacting the White House in support of Trump's efforts. Had Alito and Thomas recused themselves, Barrett's more moderate position might have had a 4-3 majority.

Many liberal commentators accused the court of favoring Trump for partisan political reasons. But Roberts wrote that he was writing for all times and that the court's opinion "applies equally to all occupants of the Oval Office, regardless of politics, policy, or party."

Georgetown law professor Irv Gornstein, director of its Supreme Court Institute, told the Los Angeles Times.

"If you think that tit-for-tat prosecution of ex-presidents poses a greater risk to the presidency and democracy than Trump, you probably think that presumptive immunity for all official acts makes sense. But if you think that Trump is the greater threat, as many Americans almost certainly do, you probably think the court cares more about Trump and his reelection prospects than it does about democracy and the rule of law."

Some conservatives also criticized Roberts' opinion for failing to correctly apply the conservative majority's "originalist" approach to constitutional interpretation — that the Constitution should be interpreted the way it was understood by the Framers. The critics pointed out that the Constitution does not include the word immunity and that the Framers were rebelling from the trappings of a monarchy that included sovereign immunity.

The Roberts' opinion could offer Trump more protection than Trump could have given himself with a pardon if he were elected president. Presidents can't pardon in state prosecutions, such as the ones in Georgia and New York. But Trump's new armor of immunity, fitted for him by the chief justice, applies in state courts as well as federal ones.

### Conservatives in the middle

Barrett is increasingly emerging as the most moderate of the conservatives who sometimes join Roberts and the Democratically appointed justices to make a majority. Stephen I. Vladeck, a law professor at Georgetown University, wrote in the New York Times that Barrett had found "her literal and figurative voice — and has easily become the most interesting justice."

Trump's other two appointees, Brett Kavanaugh and Gorsuch, also occasionally cross over. Justices Alito and Thomas, whose acceptance of lavish gifts have raised ethical questions, almost never make common cause with the Democratically appointed justices.

The more moderate middle emerged most often in cases appealed from the conservative 5th Circuit, headquartered in Texas, which is to the right of the conservatives on the Supreme Court.

That was true in two decisions protecting the prerogatives of online platforms to make editorial decisions removing false or dangerous posts from their social media platforms. The court turned down the attempt by Missouri, Louisiana and far-right commentators such as the Gateway Pundit to wrap their posts in First Amendment protection because of claimed Biden administration coercion forcing the platforms to remove conservative posts.

Last month, the court also overturned lower court decisions involving Florida and Texas laws restricting social media moderation. The court said that the 5th Circuit and another appeals court had not properly protected the "editorial discretion" of the social media companies. Barrett, Roberts and Kavanaugh joined the liberals in that decision.

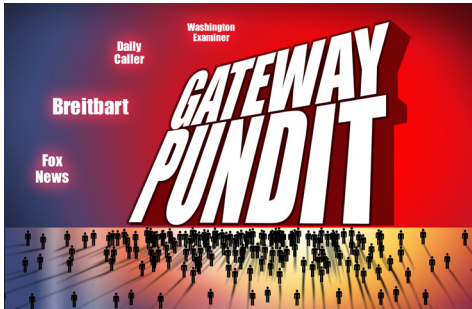
The rejection of 5th Circuit decisions may not mean the court is as moderate as it sometimes appears, Pamela Karlan, a Stanford law professor, told the New York Times. The "Fifth Circuit is making the Supreme Court seem more moderate than it is," she said.

As a whole, the more moderate conservatives joined conservative decisions that will have a lasting impact — such as Trump v. U.S. and decision overturning Chevron. The decisions where they joined the liberals have a fleeting shelf life.



# Missouri, Gateway Pundit lose speech case in U.S. Supreme Court

By William H. Freivogel



Missouri and the right-wing Gateway Pundit lost their U.S. Supreme Court claims that the Biden administration had coerced social media companies to suppress their free speech by removing false and dangerous internet posts about COVID-19, vaccinations and election denial.

The vote was 6-3 with three of the more moderate conservatives joining the three justices appointed by Democrats. Amy Coney Barrett wrote the opinion, joined by Chief Justice John G. Roberts Jr., Justice Brett M. Kavanaugh, Elena Kagan, Sonia Sotomayor and Ketanji Brown Jackson. Dissenting were the court's three most conservative members, Samuel A. Alito Jr., Clarence Thomas and Neil M. Gorsuch.

The court alignment is significant because of several recent cases where two or more of the conservative in the middle — Barrett, Kavanaugh and Roberts — have joined with the more liberal judges to create a moderate majority. The recent decision limiting gun rights of domestic abusers was another example.

For Missouri to prove a violation of the First Amendment, it had to show that the government had coerced the private social media companies into taking down the conservative posts. Proof of government coercion was required because the First Amendment only protects people against government suppression of speech.

Barrett said that Missouri, Louisiana, the Gateway Pundit and other conservative commentators had not connected the dots. They had not shown that a government official's coercion about a particular post had resulted in a social media platform's decision to take down that post. Because they did not connect these dots they did not have standing to sue, the court ruled.

"The plaintiffs, without any concrete link between their injuries and the defendants' conduct, ask us to conduct a review of the years-long communications between dozens of federal officials, across different

agencies, with different social-media platforms, about different topics," Barrett wrote. "This Court's standing doctrine prevents us from exercising general legal oversight of the other branches of Government."

NPR's Supreme Court correspondent Nina Totenberg described Barrett's opinion this way: "In a rather ladylike way, she dismembered the Fifth Circuit's reasoning from A to Z. She said that the Fifth Circuit also erred by treating the government and the platforms each as a unified whole and that the plaintiffs had to demonstrate standing for each claim they press against each official who allegedly did anything bad to them. And this requires a certain threshold to show, namely, that a particular defendant — the defendant here is the official — pressured the particular platform to censor a particular topic before that platform suppressed a particular plaintiff's speech. It's a lot of particulars..."

Barrett said that the conservative 5th U.S. Circuit Court of Appeals had overlooked "clearly erroneous" findings of lower court judge Terry A. Doughty who had ruled last July 4 that the Biden administration's pressure on social media companies was "the most massive attack against free speech in United States' history."

One of the faulty facts in Doughty's opinion cited by Barrett was a supposed "censorship request" from the administration. "The record it cites says nothing about 'censorship requests,'" Justice Barrett wrote. "Rather, in response to a White House official asking Twitter to remove an impersonation account of President Biden's granddaughter, Twitter told the official about a portal that he could use to flag similar issues."

Even though Missouri lost in the Supreme Court, Missouri Attorney General Andrew Bailey's press statement didn't sound like it. The statement said: "Today, Missouri Attorney General Andrew Bailey announced that the United States Supreme Court has cleared the way for his office to obtain more discovery in his landmark First Amendment case exposing Joe Biden's censorship regime. In his case, *Murthy v. Missouri*, Attorney General Bailey argued that top officials in the federal government coerced big tech social media companies into violating Americans' right to free speech."

Republican Missouri Sen. Eric Schmitt,

who filed the lawsuit while he was attorney general, issued a slightly less upbeat statement: "While this isn't the outcome we were hoping for, this case is a huge win for Americans and for the whole country, because it exposed nearly every part of the Biden Administration's vast 'censorship enterprise.' I'm extremely proud to have filed this case as Missouri's Attorney General. Many knew that censorship was happening before this case, but *Missouri v. Biden* broke the dam wide open and showed the entire world the lengths that the Biden Administration and Democrats went to silence disfavored speech."

Barrett's opinion explained in detail why Jim Hoft, the St. Louisan who publishes the far-right Gateway Pundit along with his brother Joe, did not have the standing to sue.

In claiming standing, "Hoft points to the FBI's role in the platforms' adoption of hacked-material policies," wrote Barrett. "And he claims that Twitter, in December 2020, censored content about the Hunter Biden laptop story under such a policy. The post was titled: 'Where's Hunter. How is Hunter Celebrating the New Year. New Photos of Hunter Biden Pushing Drugs on Women Emerge.'"

But Barrett said Twitter took the action based on its own policy, not the FBI's, therefore removing the necessary showing of government coercion. She wrote, "Hoft's own declaration reveals that Twitter acted according to its 'rules against posting or sharing privately produced/distributed intimate media of someone without their express consent.' Hoft provides no evidence that Twitter adopted a policy against posting private, intimate content in response to the FBI's warnings about hack-and-leak operations."

Despite Barrett's pointed criticism of the lower courts' faulty factual record, Justice Alito said in dissent that he was prepared to accept that record. "If the lower courts' assessment of the voluminous record is correct, this is one of the most important free speech cases to reach this Court in years," he wrote. "Freedom of speech serves many valuable purposes, but its most important role is protection of speech that is essential to democratic self-government."



# Lawsuit argues new Missouri law redacting names from court filings hampers defense lawyers, journalists

By Ryan Krull

A new state law intended to protect the privacy of witnesses and victims of crimes is instead hampering defense lawyers and journalists, a lawsuit filed last week in Cole County Circuit Court in Missouri argued.

That law, which took effect in August, contains a provision requiring that the names of crime victims and witnesses be redacted in court filings. But the lawsuit now seeking to overturn the law says that these reactions are overly broad in mandating that the names of prosecutors, police officers, public officials and others whose positions preclude a "reasonable claim of privacy interest" be blotted out of public view.

As the GJR previously reported, Missouri's redaction law is among the most censorious in the nation.

The lawsuit was filed on May 31 by attorneys Michael Gross and Nina McDonnell, lawyer and journalist William Freivogel and the Missouri Broadcasters Association. (Freivogel is the publisher of GJR and was not involved in the editing of this story.)

The suit describes the difficulties that the redaction requirements have caused plaintiff McDonnell, a defense attorney who

often represents incarcerated individuals seeking to have their criminal convictions overturned. Under the new law, preparing her defense now involves going through and making the redactions on trial transcripts that can run hundreds if not thousands of pages long. The redaction law "exacerbates the problem of access to justice," the suit claims, by putting the cost of this time-consuming onto people who are locked up and already struggling to afford to mount appeals.

The effects of the law extend beyond those seeking post-conviction relief, the suit claimed.

The broad scope of the redactions make it difficult for journalists to report on the court system, the suit says, complicating the media's role as public watchdog and the public's understanding of "the full facts" of what is happening inside that branch of government.

"Courts have always been the most transparent branch of the government," said Dave Roland, representing the plaintiffs in the suit. He points out that observers of American democracy dating back to Alexis de Tocqueville have noted that the courts'

openness provides a unique opportunity for average citizens to understand their inner-workings. "The redaction statute challenges that. That is really concerning," Roland said.

The task of defending the status quo falls to state Attorney General Andrew Bailey, whose office has itself recently been accused of running afoul of the new redaction law.

Last month the Kansas City Star reported that the state of Missouri lost a \$23 million lawsuit filed by Florida-based HHS Technology, which in 2022 sued over breaches of contract related to the state's Medicaid program.

Bailey's office subsequently filed an appeal and in doing so "did not make a single redaction in the entire record," wrote lawyers representing HHS Technology in their own filings responding to the appeal.

Roland said this ought to make the attorney general's office sympathetic to the suit filed last week.

"I am hopeful that the AG's office, especially in light of their recent situation, would be understanding that this is a problem," he said.





## St. Louis Public Radio sovereign immunity claim is unprecedented

By William H. Freivogel

The University of Missouri, on behalf of St. Louis Public Radio, is making an unprecedented legal claim of sovereign immunity in the defamation lawsuit filed against it by former general manager Tim Eby. Eby maintains he was defamed by stories quoting station employees accusing him of upholding “white supremacy.”

The university’s legal filings describe the station as “an arm of the state exercising exclusively governmental functions” and conclude it should receive immunity from Eby’s suit.

Eby’s lawsuit is against the Board of Curators of the University of Missouri who hold the license for St. Louis Public Radio. The legal defense of sovereign immunity originates with the university lawyers.

The legal filings do not cite a case

where a public broadcasting network affiliated with a state has won a claim to sovereign immunity in a defamation case. A LexisNexis search by GJR found no decisions where a federal or state court had recognized this government immunity from a defamation suit for a public broadcaster with a government affiliation.

Sovereign immunity is a doctrine from English law to protect the king and government from lawsuits. Former president Donald Trump builds on this doctrine in claiming absolute immunity for presidential acts. Police officers and other government officials also receive qualified immunity from many civil rights suits. (See Qualified Immunity: A get out of court free card)

But, until now, no public broadcasting

operation has won such a claim. In fact they have run away from government entanglements.

Last year National Public Radio complained when Elon Musk’s X platform labeled NPR “state-affiliated” and “government-funded” media. NPR stopped posting content on X because it thought the government labels undermined their journalists’ independence.

John Lansing, head of NPR, said at the time, “It would be a disservice to the serious work you all do here to continue to share it on a platform that is associating the federal charter for public media with an abandoning of editorial independence or standards.”

When Congress established the Corporation for Public Broadcasting, the

statute explicitly stated it “will not be an agency or establishment of the United States Government.”

The university's legal argument in the Eby case is that the station “is in effect an arm of the state exercising exclusively governmental functions and is therefore immune from liability” in the same way as “the State Department of Agriculture or a public hospital district.”

Eby's attorney Christian Montroy expressed surprise that St. Louis Public Radio is representing its news organization as “state-run media” immune from defamation suits that the Post-Dispatch or Riverfront Times or KMOX would face for publishing or broadcasting the same content.

Eby's legal filing argues that portraying St. Louis Public Radio as “exercising exclusively governmental functions” conflicts with St. Louis Public Radio's frequently expressed claim of being “editorially independent,” which is expressed in its Statement of Editorial Integrity. That statement says:

“....even though the University of Missouri System Board of Curators owns our FCC license, we maintain editorial independence of our content. This is in alignment with UMSL's foundational principle of academic independence upon which the University of Missouri system is founded. The support we receive from the University of Missouri-St. Louis does not influence our editorial content or news coverage.”

Tina Pamintuan, St. Louis Public Radio's CEO (and Eby's replacement), told the Riverfront Times, which first reported on the sovereign immunity claim, that the public need not worry.

“I am 100 percent confident in the journalism that is produced at STLPR. Our reporters are highly trained professionals who take a lot of care in their work.

“STLPR exists to uplift its community and this region through fair, rigorous, fact-based news and information. That is our focus and it's important that we continue to keep that in mind. Like all nonprofit media, we have limited resources that are put to best use by prioritizing our mission.”

The sovereign immunity claim, which the state has been making since last fall, came before St. Louis Circuit Court Judge Joseph Patrick Whyte for a hearing last month. Joseph E. Martineau, the media lawyer from Lewis Rice, outside counsel in the case, declined to comment as did Christian Basi, public affairs director of the MU/UM system.

Eby had been the station's general manager for 11 years until he was forced out in September 2020.

Eby's removal came during the contentious summer of 2020 after a

group of staffers published a blog post accusing him of choosing “to uphold white supremacy at the station.” A story on the station's website linked to the blog post and another story a year later stated Eby resigned “amid accusations from newsroom staff that he ignored problems of systemic racism at the station and mismanaged finances.” Eby maintains the station knew these statements were false.

GJR's Lexis search found only one defamation case in the nation where a public radio station connected to the state government had tried to claim sovereign immunity in a defamation case. That one was in Missouri and the station lost.

In *Allen v. Salina Broadcasting* in 1982, the Missouri Court of Appeals for the Southern District ruled that Salina Broadcasting could not claim sovereign immunity even though the public radio station was run by a public school.

The station had reported that Allen, a realtor, was “starving his cattle to death.”

The appeals court had to decide if the station's report was part of its governmental functions at the school, which would give it sovereign immunity, or instead was a “proprietary” function, which would mean it did not get sovereign immunity.

The court ruled the station's actions were proprietary. “At the time of the alleged defamatory broadcast... there was ‘substantially’ no student involvement... the particular news program complained of was handled and broadcast by paid staff personnel with students seldom, if ever, called upon to participate in any meaningful sense.”

Eby's lawyer says the Salina case should control the decision on sovereign immunity in the St. Louis Public Radio case. The St. Louis station was acting in a proprietary, not governmental way, just like the Salina case.

At St. Louis Public Radio paid staff compose and broadcast news reports without significant student help and the reports are broadcast to a wide audience, not just within the university.

Missouri on behalf of the station says Judge Whyte should not follow the Salina case because a university is different from a local school. It points out that a public hospital was found by Missouri courts to have sovereign immunity. St. Louis Public Radio is more like a public hospital than a public school, it argues.

If St. Louis Public Radio were found to have sovereign immunity because it was an arm of the state, then questions might arise as to whether its reporters could protect their notes or sources from another arm of the government — for example from a prosecutor.

In 2015 former Circuit Attorney Jennifer

Joyce subpoenaed “all raw and aired video and audio footage in connection with the incident involving Mansur Ball-Bey...” Police shot and killed Ball-Bey Aug. 19, 2015 during a raid on a St. Louis home on Walton Avenue. They said they fired after the 18-year-old African American pointed a gun at them.

St. Louis Public Radio did not provide the requested materials. Then editor Margaret Wolf Freivogel wrote in a column: “The fishing expedition into our out-takes will jeopardize our reporters' ability to serve the public in the future — and it will provide no public benefit now.”

Joyce dropped her attempt to obtain the materials after other news media provided some of what she was seeking. Mark Sableman, a First Amendment expert, took the lead in discussions with the circuit attorney.



## St. Louis longstanding alt-weekly dies: The Riverfront Times 1977-2024

By Kallie Cox

The heart of St. Louis, and its sole alt-weekly newspaper died on Wednesday, May 22.

My colleagues and I logged on to our weekly staff call at 9:30 a.m. and instantly I started to panic. Our executive editor, Sarah Fenske, was one minute late, and she was always, exactly, two to three minutes early.

All of us were already on edge.

Two weeks before the sale, the weekly meeting was pushed back an hour, and Fenske had logged on in tears with bad news: Two of our colleagues — the arts & culture staff writer and the paper's audience engagement manager — had been laid off effective immediately that morning.

This time, all of us were shown the door. The paper's owner, Chris Keating, asked Fenske to come in for a meeting at 8 a.m. on May 22. As she pointed out to us on the call, this is never good news in journalism.

At that 8 a.m. meeting he informed Fenske that he had sold RFT, and that none of the editorial staff would be kept. We were sacked immediately and told we'd receive our last paycheck in the coming days. This is the same situation that happened to the first professional newspaper I ever worked at, the Southern Illinoisan. Lee Enterprises sold the Southern in 2023 to Paxton Media Group who fired the entire staff.

Keating was not even present on the call. Instead, Fenske informed us an hour and a half later.

Some staffers broke down with her, and others were angry. None of us was truly shocked. Keating didn't have the funds or business planning to offer severance or even a full paycheck to the staffers he sacked second hand.

A few weeks prior to the sale of RFT, Keating fired Laura Bassett who he had just hired on Feb. 1 as the executive vice president of his company, Big Lou Holdings. Big Lou Holdings also owns and operates Out In STL, Sauce Magazine, the Detroit Metro Times, the Cincinnati CityBeat, and LEO Weekly, which is based in Louisville, Kentucky.

Bassett, the former EIC of Jezebel and an election columnist with the Cut, is based in New York and was an exciting addition to the company. She didn't make it 90 days under Keating's leadership. Keating purchased RFT in August 2023 as owner of Big Lou Holdings LLC, according to RFT. Prior to this, he had

been the chief operating officer of Euclid Media Group, the paper's previous owner.

At the time, Keating said as reported by RFT:

"The Riverfront Times has a long tradition of excellence, and I plan to continue that. Whether it's great restaurant criticism or a deeply reported story that explains the most important issues facing our communities, people rely on these publications. I intend to make sure they not only survive but thrive in this new era."

After leaving the company Bassett started her own Substack called "Nightcap." In one of her first posts to the platform she explained her departure from Big Lou. In the post, Bassett spoke of potential layoffs and of a job offer to an editor that was allegedly rescinded.

"Twenty days into the job, I woke up to an email from Keating threatening to fire me if I was uncomfortable 'making staffing changes,' aka firing the entire staff of a beloved local newspaper. I managed to talk him off the ledge for a few more weeks," she wrote. "But he laid me off anyway in mid-March, citing severe budget woes. He said he'd hoped to see a bigger jump in traffic across his portfolio sooner, that 90 days just wasn't fast enough."

So far Keating has declined to comment on the sale to news outlets. In an email to GJR Keating declined to say who the new buyer is but said: "I do not have a comment about the sale specifically as my priority is doing all I can to help as many former RFT employees land jobs elsewhere at Big Lou or other employment opportunities."

On the call, Fenske told us what she could and was kind to all of us, even while breaking down herself from the news that she too is now unemployed. She called us afterwards offering to be a reference, and she has maintained our company Slack channel — which she and the managing editor administrate — sending opportunities and jobs to all of us.

We don't know who the new buyer is, and we don't know what they plan to do with the website. We lost our email access the next afternoon.

Before these layoffs, I debated reporting a story about the merits of alt-weekly publications and why I believe they have the power to revive journalism and local news.

Despite everything, I still believe this is true.

RFT is the first (professional) publication that valued my voice as a reporter, and that valued my ideas.

Before working for the alt-weekly, I worked as a general assignment reporter for Lee Enterprises and as a public safety reporter for McClatchy. These publications canned important stories for the sake of pageviews, and at McClatchy, used the term "accountability" only as a quick buzz word when talking about pageview metrics and corporate goals.

At the RFT, accountability was prized above all else and was something all of us chased daily.

This idea of chasing accountability was also implemented behind the scenes at our own newspaper. Fenske made sure that no matter how small they were, any extra edits or corrections after publication would be noted to the reader with an editor's note at the bottom of a story. This promoted a level of trust and transparency with our readers that many newspapers are lacking.

Fenske is one of the best editors I have ever had the pleasure of working with. She knew how to provide mentorship on a deadline, enhance a complicated policy story, write a killer headline, and most importantly to our coverage, how to listen.

She never pressured me to run a mugshot in my stories — something I am adamantly opposed to in most cases — and she allowed me to direct much of our coverage regarding protests against Israel's brutal onslaught of Gaza and the Palestinian people. She never pressed me to use terms I felt didn't do the situation justice like calling it the "Israel-Hamas war" as other St. Louis outlets do, following guidance from the Associated Press. She allowed me to use the term "genocide" with attribution in paraphrases and quotes — small things that allowed us to cover the situation in an empathetic and thoughtful way. This gained us more trust and sources in the community and led to better coverage.

We were one of the publications that, despite our lack of funding for any kind of legal support, stayed at Washington University as police began to violently arrest peaceful protestors, shoved a bike in the face of a presidential candidate, and injured an elderly professor standing off to the side

filming the scene. The local TV stations left.

Alt-weekly publications are the future of news and hold the key to revitalizing trust in local media because they are run by locals, not soulless corporations and hedge funds too caught up in their own bureaucracy to recognize the needs of their community. And perhaps most importantly, they are free.

At 24, I no longer know a single person my age who has a subscription to a local newspaper. I knew a few fellow journalism students in college but with the return of student loan payments, jumps in inflation, and mass layoffs, one by one they canceled.

We were one of the only free newspapers in St. Louis that had coverage of the

arts, local politics, and that put police accountability at the forefront of our paper. Now that is gone and the community is worse off for it.

The Riverfront Times told stories other outlets wouldn't touch, scooped major accountability stories that left legacy media scrambling to follow, and featured communities, artists, and activists who otherwise would not have received media attention in the city.

Just recently, my colleague Ryan Krull covered the fact that a racist church leader is helping to vet GOP candidates in Vernon County, contributor Mike Fitzgerald reported how COVID-19 relief dollars fueled an illegal

rooming house operation, and the paper recently ran my cover story that a McClatchy paper had previously turned down about how abortion douglas are filling care gaps in a post-Roe world.

The competition we helped foster pushed other outlets in the city to do better as well — and this competition is good for everyone. When reporters are scrambling to scoop each other and to get to the heart of a story in a way that is unique from their peers, the public benefits. Now with one less competitor, St. Louis will have a less informed populace and especially in an election year, that's a damn shame.

## GOOD NEWS

# Chicago alt-weekly returns to weekly print issue

By Olivia Cohen

In an increasingly rare move for a print publication, especially with the abrupt closure of The Riverfront Times, Chicago's alt-weekly expands its print operations.

The Reader began printing weekly editions of the paper again starting June 5, after reducing its paper distribution to a biweekly in June 2020 because of the pandemic, said Chasity Cooper, director of Marketing + Strategic Communications for the Reader.

Salem Collo-Julin, who took over as editor-in-chief of the Reader in March 2023, said the decision to go back to weekly print editions was in part to reintegrate the "trustworthiness" of a weekly printed paper. The Reader, a nonprofit newspaper serving Chicago since 1971, covers the Chicago arts scene, culture and city-based investigations.

"We wanted to get back into people's lives and also reaffirm the relationships that we have with our longtime readers," Collo-Julin said.

The expanded distribution comes as the Reader's journalism also got a boost. The alt-weekly took home a Pulitzer Prize for Local Reporting this year for their "Missing in Chicago" investigation. The project, done in partnership with City Bureau and the Invisible Institute, focused on how Chicago approaches solving missing persons cases.

The Reader's return to a weekly print run is an unusual boost for print publications.

The Riverfront Times, its counterpart alt-weekly in St. Louis, folded in May, ending a 46-year-long run for the paper. All of the staff were laid off.

"This is bad for journalism, bad for the community, and bad for democracy. The public needs to understand the crisis facing journalism and support their local news outlets," said Elizabeth Donald, who is the St. Louis Society of Professional Journalists

President. "Our society functions best with a diversity of voices telling the stories of the human experience, and the RFT was a major voice in that chorus in St. Louis."

Todd Stauffer, the executive director for the Association of Alternative News Media said that alt-news publications are often the "papers of record."

"Our board of directors recently voted to shorten our name to just "AAN" because, in some cases, the daily newspaper or the corporate-owned TV stations are so thinned out that there isn't much to be "alternative" to," Stauffer said. "Particularly in mid-sized cities around the country, the AAN publication in town is the paper of record, doing the hardest work on reporting issues affecting residents."

But in Chicago, Collo-Julin said the pivot back to print weekly made financial sense for the paper, which is published by the Reader Institute for Community Journalism.

Collo-Julin said the biweekly distribution of the Reader's papers is 60,000 and that they often run out of papers, struggling to keep the pick-up and newsboxes stocked around the city.

"We get calls or emails every week about people wanting to find the paper, yes. And we know that our papers travel: each one person who picks up a paper usually shares it with others," Collo-Julin said.

As they return to weekly print editions, Collo-Julin said the Reader is working with the Local News Accelerator Project at Northwestern to reevaluate their current distribution process and locations.

The Chicago Tribune and the Chicago Sun-Times continue to print daily, although the Tribune shifted its printing operations in the city to the northwestern suburban Daily Herald plant that it owns, back in June.

The former printing plant on the Chicago River \$185 million when it was built in 1982 and was billed at the time as the largest newspaper production facility in North America. The Tribune also prints the Sun-Times.

Only 5% of Americans say they prefer printed newspapers to consume their news, while 58% say they prefer digital devices, 27% prefer TV news and 6% say they prefer radio.

Since 2004, the U.S. has lost over 2,100 newspapers nationwide. Even more have either decreased or ceased print editions of the paper.

Since the start of the COVID-19 pandemic in March 2020, more U.S. papers shifted to digital-only structures, with few coming back to print in the years since.

Ken Herts, the chief operating officer for the Lenfest Institute for Journalism, an organization that aims to support sustainable local journalism and newsrooms, said COVID-19 only accelerated the "print-to-digital" transition.

"Covid just accelerated the print-to-digital transition that was already fully underway. Yes, many newspapers stopped printing or went out of business during Covid, but that has been the trend pre-and-post covid as well," Herts said. "That's due to the decline in print advertising revenue that started about 15 years ago, as advertisers moved their spending from print to digital and then to mobile products."

Herts said that given revenue from print papers have fallen 80% in the last 15 years there are becoming fewer places for publications to print enough to justify seven days of printing per week. However, he said that some print advertisement revenue still exists in the marketplace, which would make





Photo by Addison Annis

# College journalists face stigma as they cover political conventions

By Robert Chiarito

In late June in Chicago, after a routine hearing in a federal lawsuit against the city brought by a coalition of protest groups that want closer access to the Democratic National Convention, the plaintiffs and their attorneys gathered in the lobby of the Dirksen Federal Courthouse for a short press conference.

This happens regularly at the Dirksen, whether it's related to a trial of a fallen music superstar like R.Kelly, a corrupt Chicago alderman like Ed Burke or any number of crime syndicate members that have passed through the federal court in Chicago, properly known as the Northern District of Illinois.

After the short hearing, members of the press took the elevators down from the 21st floor where the hearing occurred to wait in the lobby for a presser, where a roped-off bullpen was set up. TV cameramen were already set up, and once the reporters arrived, it would only be a few

minutes until the attorneys and their client arrived to give their take of what happened upstairs.

On this day, a group of graduate student journalists from Northwestern University's Medill School of Journalism, Media, Integrated Marketing were inside the courtroom. While they went through security in the lobby like every other citizen and were allowed into the courtroom, once they entered the bullpen in the courthouse lobby, members of the U.S. Marshals Service, responsible for security at the court, demanded to see their City of Chicago press credentials, which are only issued to full-time staff members of professional news organizations.

Since the students only had their Medill press credentials, they were forced to exit the bullpen and stand to the side and were not allowed to record the press conference — something any member of the public who passed through security would have been

allowed to do.

The Medill students were led by Kari Lydersen, an assistant professor at Medill who found the incident so confusing that she said it caused her to wonder if the U.S. Marshals denied her students access because perhaps they mistook them for protesters.

"They were just trying to get accurate information," Lydersen said of their desire to attend and record the press conference.

Never mind that Medill is considered one of the premier journalism schools in the United States. Never mind that earlier this year, undergraduate student journalists working for The Daily Northwestern broke the story about the hazing in the Northwestern's men's football program that would be picked up by national outlet. — or that they, like other college journalists at campuses around the country, would routinely beat national outlets on coverage of college encampments that occurred on

university campuses this spring from coast to coast.

The Medill students did not have the proper credentials, according to the U.S. Marshals in charge that day. The U.S. Marshals Service did not respond to a request for comment for this story. However, Joseph Fitzpatrick, an assistant U.S. attorney in the Northern District of Illinois and spokesperson for the courthouse, said that he was not aware of any recording restrictions in the lobby except for the prohibition on recording the security screening process.

As journalists from all over the world descend on Milwaukee for the Republican National Convention in July and then Chicago in August for the Democratic National Convention, security will be intense and credentials will be tough to get. For the DNC, more than 3,000 media requests have come in already, according to Chicago Police Officer Alexis Interrante, who works in the department's Office of News Affairs and processes the requests.

While student journalists are eligible for convention press credentials (unlike the City of Chicago credentials), the incident the Medill students faced at the Dirksen is one example of the hurdles student journalists may face while attempting to cover both political conventions.

"It's a lose-lose situation," Lyderson said. "They get the hostility towards journalists and the increasing law enforcement and government walls that are put up toward journalists but they don't get the privileges that so-called official journalists get so they lose out on both fronts."

Yet, while the hurdles may be tougher because of the increased security around both events, they are nothing new to student journalists at schools around the country. For many student journalists, the highest hurdle is a perception issue, which may seem subjective and invisible but can be as tough to overcome as the security barricades currently being erected outside the Fiserv Forum in Milwaukee in preparation for next week's RNC. And the experts who spoke to GJR for this story said if students from Medill are facing hardships, it's a safe bet that journalism students around the country are as well.

"There's almost a dismissal of professionalization because the word student comes before the word journalist. I don't like to call them student journalists. I call them pre-service like in education where they call student teachers pre-service teachers," said Patrick Johnson, an assistant professor of journalism and former director of student media at Marquette University in Milwaukee.

Johnson said it's vital for student journalists to get past gatekeepers in order

to cover events and learn.

"To me, one of the most significant learning opportunities our journalists can have is to cover something live."

Karishma Bhuiyan, one of the Medill students who was turned away at the Dirksen Federal Building, agreed that the student journalist label can be an obstacle that can limit them and ends up hurting their readers.

"I feel like whenever me and my peers say that we're student journalists that we are taken less seriously than someone who is fully employed. Generally young people don't gravitate toward the news. So when we aren't taken seriously it makes it harder to get news to other young people."

Isabelle Senechal, another Medill student journalist who was turned away at the Dirksen Federal Building, said the student label has handicapped her at times but she has found an approach that tends to work for her.

"I generally try to introduce myself as a journalist and not a student journalist because I found when I introduced myself as a student journalist, people tend to not want to talk to me," Senechal said. "I think they consider it a waste of time even though our work gets published and is news."

Laura Widmer, executive director of the National Scholastic Press Association, Associated Collegiate Press and Quill and Scroll, said the perception that student journalists are not real journalists is a "short-sighted" view and that those believe that they need to realize the importance of student journalists.

"A lot of college papers are filling a news desert for not only their college community but the community that their college is in," Widmer said.

Bhuiyan said that one of the reasons the student journalists often scooped national outlets during coverage of the college encampments was because several universities only allowed their students and faculty on school grounds. However, that experience ended up earning the student journalists respect from several national outlets — something she thinks should not just be a one-off incident.

National outlets "realized they need to work alongside the student journalists to get access. There's so much activity going on at college campuses, student journalists should get respect because they are doing a lot of work. If we treat each other as equals there's so much we can learn from each other."

Bhuiyan said along with the perception problems associated with being a student journalist, she faces another hurdle because she wears a hijab.

"I wear a hijab. I do feel like sometimes I'm treated differently than my white peers,"

she said, adding that when she went through security at the Dirksen Federal Building she had to show three forms of identification while her classmates only had to show one.

Bhuiyan's classmate Malavika Ramakrishnan agreed, saying that even though she does not wear a hijab, she faces discrimination at times because she is from India. However, she said her main issue has been because she's a student journalist.

"Sometimes it's harder for people of color and women of color especially but mostly, some people don't take student journalists seriously," Ramakrishnan said.

Ramakrishnan added one way she scores points is simply by being nice to gatekeepers and potential sources, like protesters who are wary of any media.

"I try to be a nice person to them and that really helps," she said.

Senechal also said that on the flip side, student journalists have an advantage over traditional media when it comes to covering campus news.

"Generally younger sources tend to open up to us more because they can recognize that we're the same age or in the same stage of life. I think it's easier to report on a community that you're part of rather than parachuting in as an outsider."

For the RNC and DNC, the Medill students were credentialed through partnerships with the Chicago Reader for DNC coverage and the Wisconsin State Journal for the RNC.

"We're not going to write about a speech that a politician makes because there will be so many media outlets and journalists there," Senechal said, adding that "no one will read" her story if she wrote about President Joe Biden or former President Donald Trump's speech. Instead, she and her classmates are focused on finding niche stories.

"We're really trying to focus on stories that are about the context of the area. The history, looking for unique angles so that our pieces stand out to our readers and the readers of the organizations that we're partnering with."

Widmer said that's a good strategy, and added that student journalists have one vital trait that some professional journalists may have lost — hunger.

"They are trying to get great stories for their portfolio. They don't say, 'oh gosh, I can't. I have to study for a test tomorrow.' They're out there getting the story."



# Are American journalism's ethics really so much better than the Brits'?

By Maggie Jones Patterson

The New York Times recently ran a front-page article by Justin Scheck and Jo Becker exposing questionable ethical practices by two British journalists who had been hired as the Washington Post's new leaders. The Post, The Guardian, Vanity Fair and others news outlets carried similar exposés.

According to these articles, both men had engaged in questionable journalistic practices in Britain. While the articles implied that such practices were considered beyond the pale in American news outlets as reputable as the Washington Post, the American public is generally unfamiliar with the nuances of journalistic ethics. They might have been left scratching their heads.

(The story did not play big at all in regional newspapers between the coasts of America, but it raises the kinds of questions that frequently come up in journalism classes and public discussions across the country.)

In describing the new hires' decades-long association with phone hacking, "blagging" (a British term for creating a false identity to obtain information), and stealing documents, the Times article repeatedly proclaimed that most American news outlets' ethics codes condemn such practices. The implication was that these Brits — Will Lewis, who is the Post's new publisher, and Robert Winnet, who was scheduled to become the paper's editor after the November elections — were hauling their dirty laundry across the sea and potentially soiling the American news outlets' clean linens. Winnet later said that he withdrew his name from consideration to stay in Great Britain at The Daily Telegraph.

Journalists everywhere have been notoriously bad at telling the public why they do what they do. At this time, more than ever, journalists should be especially careful to explain their scruples and assure the public that their ethics are tightly fastened. After all, the press — and its political coverage in particular — is under heightened scrutiny that will only become more intense in the lead up to the election and beyond, no matter who is elected.

The recent articles about the Post hires — especially the one in the New York Times

— stake a moral high ground for American journalism. For the most part, they are right to do so. American mainstream journalism does not pay for information or tap phones. In Britain, both the tabloid press and the more respectable broadsheets are guilty of those behaviors and more.

But with ethics, the devil is in the details. The public may have to blink back incredulity to envision the American journalists on the higher road. Already skeptical news consumers may well question whether the American news organizations' behavior is all that distinctive from that of their British colleagues.

For example, the word blagging may be new to Americans, but the practice of our journalists pretending to be someone to get information is not. The recent story about what U.S. Supreme Court justices said to filmmaker Lauren Windsor was obtained by methods widely condemned in press ethics codes. Windsor posed as a conservative Catholic at a gala dinner and asked Justice Samuel Alito and Chief Justice John Roberts leading questions while secretly recording them. She never told the justices they were speaking on the record before making her edited recordings public. While initially American news outlets widely condemned Windsor's unethical methods, any hesitation to run her findings at the top of the news was short-lived.

The New York Times reported that in 2002, Winnet scored a scoop for the Sunday Times of London when he identified members of the House of Lords, a major political donor, and an insurance industry leader as among those British elite signing up to buy a Mercedes luxury car that was being re-issued. The Maybach, which cost approximately £250,000 (\$372,000 in 2002), had once been called "The Nazis' favorite limousine." The buyers' names, the New York Times' investigation showed, were obtained by private investigator John Ford — a blagger — who later admitted he had called a Mercedes dealer, faked a German accent and presented himself as a key fob manufacturer who needed to confirm the spellings of customers' names. Ford, who describes himself as a "common thief," said that he used his skills as an actor and mimic to obtain information and records

that he turned over to the Sunday Times.

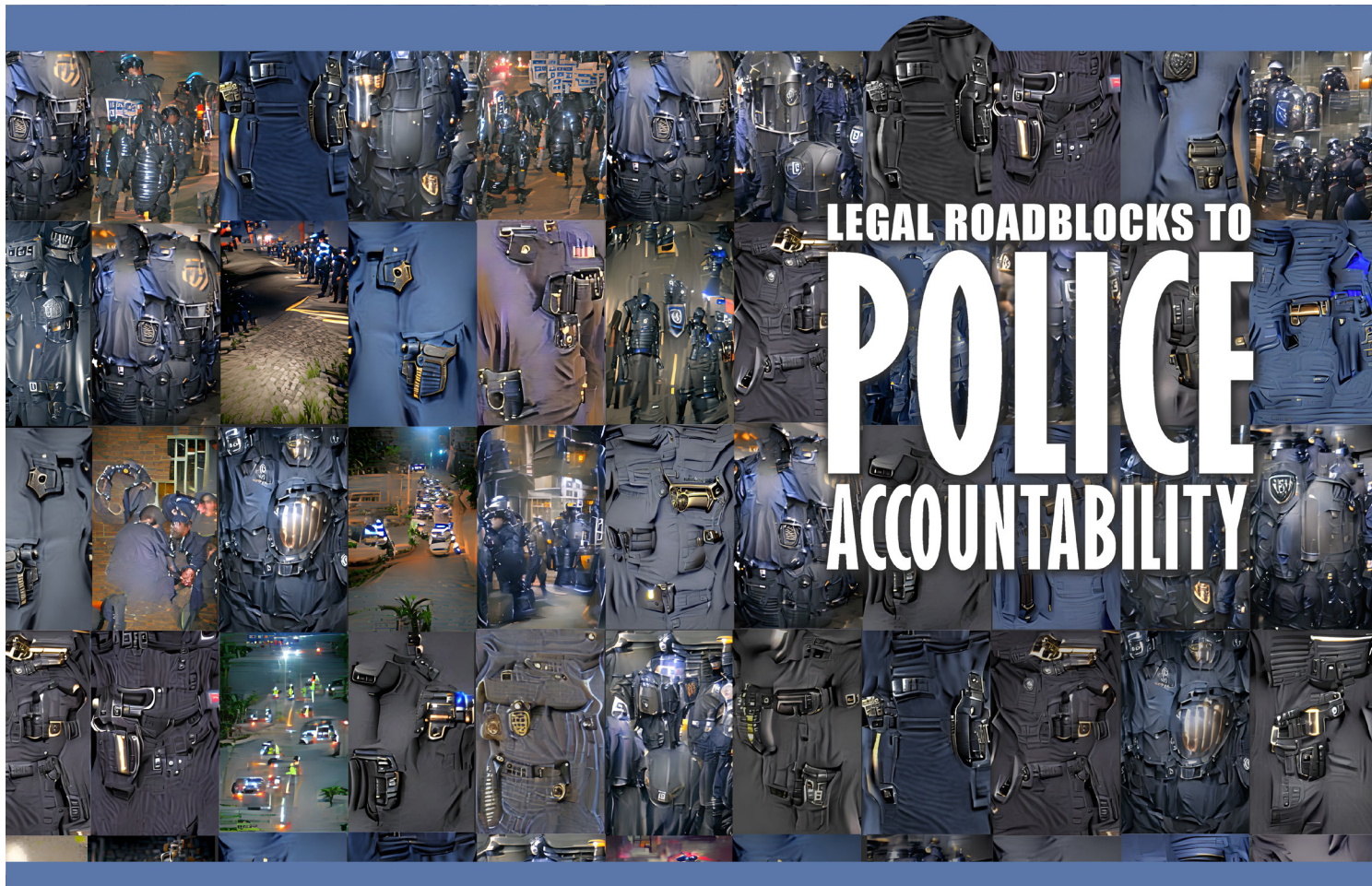
Blagging is illegal under British law, but it can be legally permitted when the public interest is involved. According to the Post, Mark Lewis, a media lawyer who has brought phone hacking cases to court, questioned how much public interest was at work in the Maybach story. On a utilitarian scale, did the benefit to public interest outweigh the harm of the sleazy reporting tactic? Winnet, meanwhile, went silent on his involvement with Ford after accepting the editor position with the Post before he declined it.

American journalists may condemn blagging by an actor, but reporters themselves have used disguises and deceptions to get a story, and it is a time-honored tradition. Back in 1887, the famed Nelly Bly feigned madness in order to be committed to Women's Lunatic Asylum on Blackwell's Island. She then documented the institution's abusive conditions for Joseph Pulitzer's paper, the New York World.

Although undercover reporting always raised eyebrows and many American news organizations have banished it, the practice enjoys a stellar history — including Shane Bauer working as a guard to expose the deplorable conditions in private prisons for Mother Jones; Neil Henry at the Washington Post, who went undercover as a migrant worker in 1983; and other Post staffers, reporters Dana Priest and Anne Hull and photographer Michel du Cille, who won a Pulitzer for Public Service after exposing mistreatment of soldiers at Walter Reed Hospital in 2018. Those Post reporters did not go undercover, but they did not make themselves known to hospital authorities.

Undercover reporting fell out of favor — but not out of existence — after the Chicago Sun-Times was denied a Pulitzer for its compelling 1978 Mirage Bar coverage. The paper bought a corner bar, equipped it with hidden cameras that focused on the various inspectors — fire, health, ventilation, etc. — who came to the Mirage and picked up bribes, which were not explicitly offered to them but rather left on a countertop.

The Sun-Times effort made a huge splash that led to multiple reforms of a corrupt system.



But when the series came before the Pulitzer committee, some members spoke against those undercover tactics. Eugene Patterson, then president and editor of the St. Petersburg Times, argued that the Mirage series "had an element of entrapment." Ben Bradlee, former executive editor of the Washington Post, said "We instruct our reporters not to misrepresent themselves, period." The Pulitzer committee's rebuke reverberated throughout American journalism, and instances of undercover reporting fell precipitously.

Subsequently, undercover reporting fell out of fashion in journalism, but a few remaining examples were popular with the public — presumably because the public saw that what was revealed mattered and garnered tangible results. In 1992, Prime Time producers falsified job applications to work in Food Lion's delicatessens and used hidden cameras to document unhealthy food being mislabeled and sold to customers. In 2004, HBO Real Sports used undercover methods to show enslaved little boys forced to ride as camel jockeys in the United Arab Emirates. The boys were subsequently replaced by robots.

Journalists on both sides of the pond cite public interest as the end that justifies illicit means. That argument holds more weight when the stories expose fraud and

harmful practices. But when reporters probe the lives of celebrities, or criminals and their victims, the definition of public interest can devolve to merely what piques the public's interest.

For reputable American journalists, paying for information is forbidden. The fact that it is stolen, not so much. In his recent book, "Collision of Power: Trump, Bezos, and the Washington Post," retired Post editor Martin Baron recounts the story of the paper's decision to publish parts of highly classified materials, leaked (considered stolen by some) by Edward Snowden from the National Security Agency. Baron attests to the Post's careful weighing of revelations about how the NSA was violating Americans' privacy rights against concern for national security and protection of agents and informants. The questionable way these documents were obtained hardly came up.

At Donald Trump's recent trial in New York, the public learned that the National Inquirer does pay for stories, which in some cases it agrees not to publish. Did that public also understand that the National Inquirer obeys its own unique ethics practices and is not a considered reputable or mainstream journalism outlet?

American journalists reported that Winnet and Lewis had worked together at the Daily Telegraph uncovering a

scandal about MP's expense accounts in 2009. They paid £110,000 for a stolen disk containing the politicians' expenditures, worked for months verifying the information, then published articles detailing MP's lavish spending of public funds. A major political scandal resulted.

American journalism needs to do a better job of explaining itself to the people it does reports for. Legally, ethically and culturally, American journalism holds to a mantra of transparency put forth by Supreme Court Justice Louis Brandeis over a century ago: "Sunlight is said to be the best of disinfectants." The mission statement of virtually every major news organization in this country pledges its journalism to act in the public interest. When news organizations put that commitment above all other interests, they seldom go wrong.

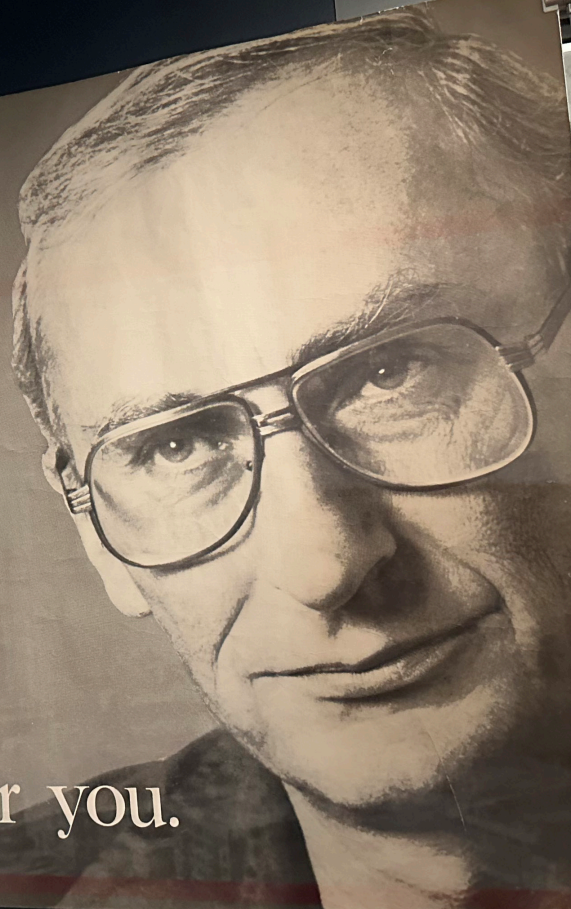
But the turning points in ethical decision-making are often subtle and complex. Good journalism sometimes must cause harm to achieve a greater good. It must constantly ask hard questions of itself. It also should do a better job of explaining itself to its audiences.

Maggie Patterson is professor of journalism at Duquesne University in Pittsburgh, former reporter for the Pittsburgh Press, and co-author of four books.



# Mike Royko and the new *Daily News*

—they stand up for you.



Photos by Cierra Lemott

## Exhibit celebrates life, career of Chicago columnist Mike Royko

By Cierra Lemott

Last month, Chicago magazine declared in a headline that it was “the summer of Royko” in the city.

Royko is the late Pulitzer Prize-winning columnist Mike Royko, a legend whose image is so big that he has his own Facebook group, “Mike Royko is God.”

Over his celebrated career writing about corruption, everyday life and the curse of his Cubs, Royko wrote more than 7,500 columns for three Chicago newspapers — the Chicago Daily News, Chicago Sun-Times and Chicago Tribune. He won the Pulitzer in 1972 while at the Daily News, which no longer exists.

The summer line-up includes a one-man

show and an exhibition, “Chicago Style: Mike Royko and Windy City Journalism” at the Newberry Library in downtown Chicago.

All summer, a parade of Chicago journalists have visited the exhibit, sharing selfies and stories like they’re on a pilgrimage.

In 2005, Royko’s widow, Judy Royko, donated his papers and other artifacts to the Newberry.

The museum planned an exhibit in 2022 for the 25th anniversary of his death but the world was still recovering from the COVID-19 pandemic. The free exhibit opened this summer at the Newberry. It is translated into

Spanish.

Bill Savage, professor of instruction in the English Department at Northwestern University and co-curator of this exhibit, has taught Royko in his curriculum for decades. He was asked by Sarah Alvarez and Kristin Emery of the Newberry, his fellow co-curators, to aid in curating this exhibit and gladly accepted this new role.

“I’ve been teaching Royko in my Chicago literature classes at Northwestern for literally 25 years, so I’m very familiar with his writing and that’s obviously an important part of the exhibit,” Savage said.

When speaking of the exhibit, Savage



stated that "it's not just the words; it's the context in which he created."

Royko died in April 1997 of heart failure.

Items featured in the exhibit include Royko's Rolodex, his tweed jacket, press passes, notebooks, an ashtray and an opened pack of Carlton 100s from his desk, found after his death. It allows viewers to get a full picture of who Royko was and things that were important to him and his career.

"What can we say about those items that tell the story about journalism and about him, as well as trying to give people a

chance to engage with his writing, because that's really what made him who he is," said Emery, director of governance and strategic initiatives for the library.

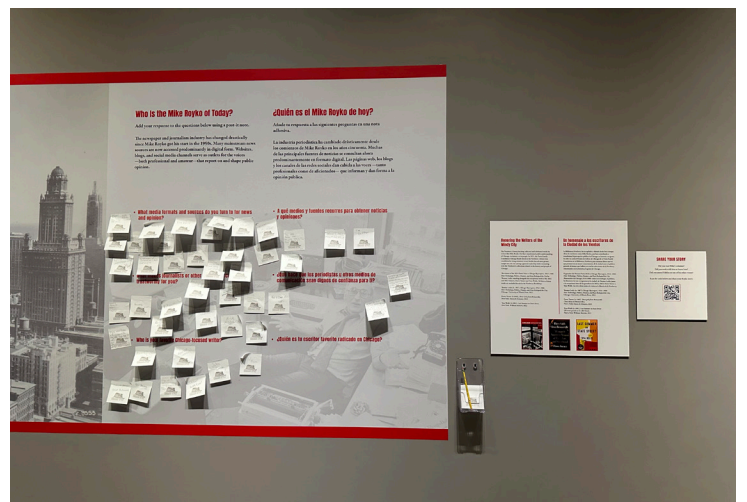
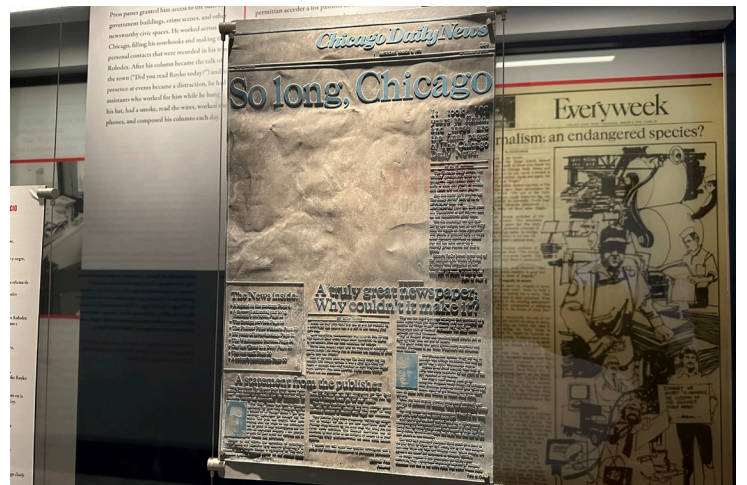
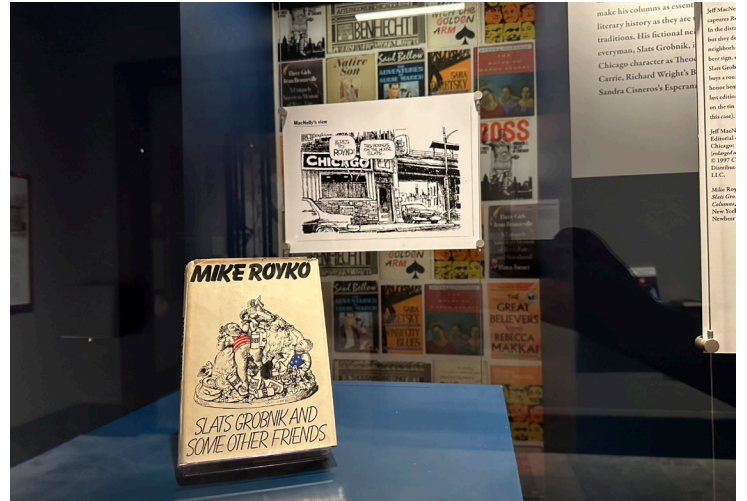
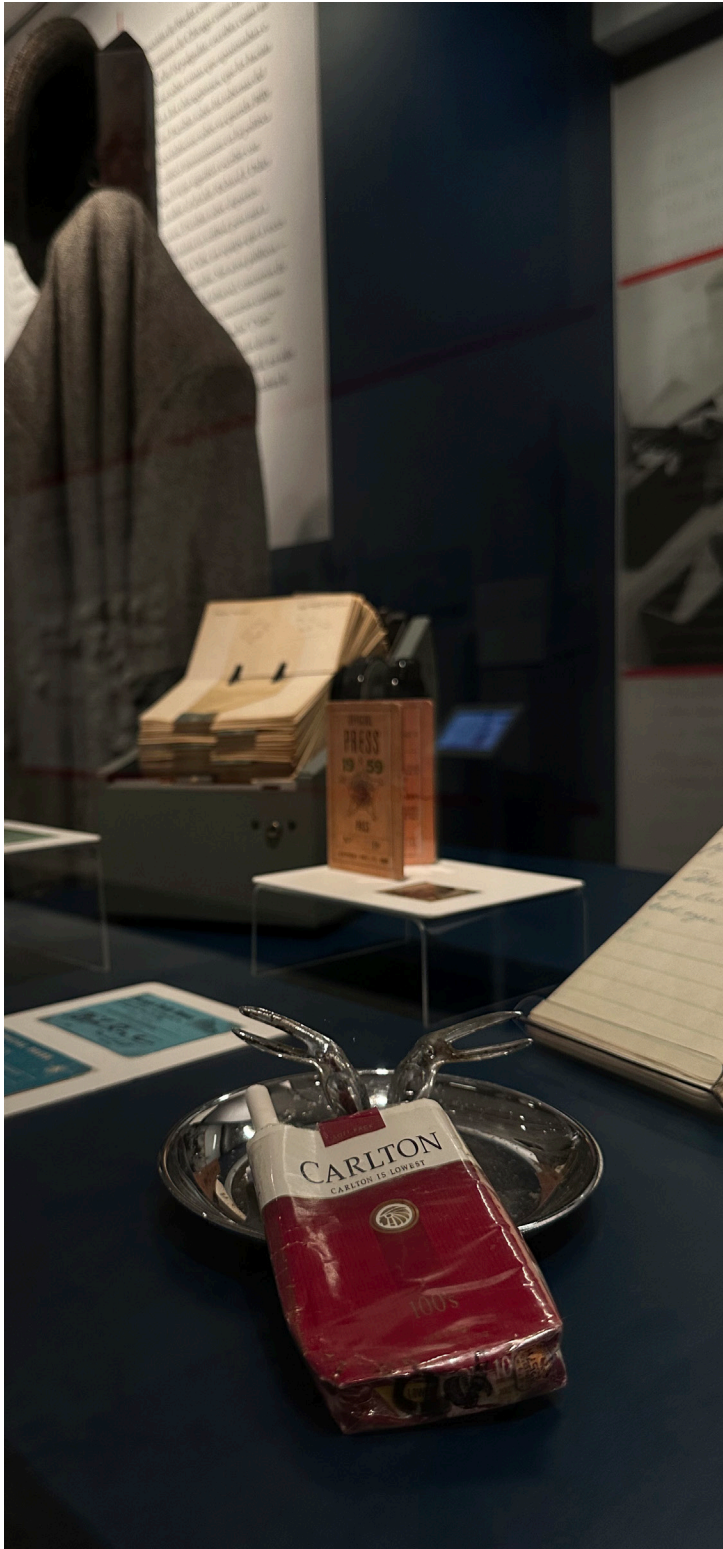
The library has planned a public event on Aug. 29 connected to the exhibit about the 1968 Democratic National Convention. It also will be streamed on Zoom.

The takeaway that the co-curators want visitors to leave with is the importance of Royko in not only Chicago history but also the history of journalism and column writing. As a syndicated columnist, his reach went far

beyond the city's borders.

"A newspaper columnist, his work is as important and as strong in reflecting a legacy of people who have written about Chicago and helped shape the way people understand Chicago as some of the greats of literary figures that we think of as writing about Chicago like Sandra Cisneros or Richard Wright or many others," said Alvarez, the Newberry's director of exhibitions.

"Chicago Style: Mike Royko and Windy City Journalism" will be at the Newberry until Sept. 28.







# Long-time Post-Dispatch cartoonist Tom Engelhardt dies at 93

By Dan Martin

Tom Engelhardt, the crusading liberal editorial cartoonist for the Post-Dispatch for 35 years, died Sunday, July 28. He was 93.

Engelhardt, a resident of Webster Groves and, before that, University City, started at the paper as a 12-year-old newsboy. It was then he became a fan of the paper's two-time Pulitzer prize-winning editorial cartoonist Daniel Fitzpatrick, after whom Engelhardt modeled his cartooning philosophy.

In his long career — with the Post-Dispatch from 1962 to 1997 — he drew over 8,000 cartoons. Along with countless awards from civil liberty and environmental groups, he was inducted into the St. Louis Media History Foundation Hall of Fame in 2014.

Engelhardt was born on December 30, 1930, the youngest of four children of Alexander and Gertrude Engelhardt.

He graduated from St. Louis University High School in 1949 and studied art at the old St. Louis Music and Arts College and the University of Denver before serving in the U.S. Air Force. Afterwards, on the GI Bill, he studied at Oxford University's Ruskin School of Art in England as well as the City of Oxford College while traveling extensively in Europe, often hitchhiking. After returning to the States, Engelhardt studied at the School of Visual Arts in New York City. He never earned a degree but was a voracious reader, especially of current affairs and news.

After freelancing in New York, he landed a cartooning job with the Newspaper Enterprise Association syndicate in Cleveland but was ultimately fired because his anti-Richard Nixon cartoons upset some of the syndicate's conservative newspaper clients.

In 1962, Engelhardt took his portfolio to a newspaper convention in New Orleans, looking for work. He ran into Post-Dispatch editorial cartoonist Bill Mauldin who invited him to join editorial page editor Bob Lasch and him for drinks. That led Engelhardt to apply for Mauldin's job; Mauldin, who had just won his second Pulitzer Prize at the Post-Dispatch, was moving to the Chicago Sun-Times.

In the early 1960s Engelhardt met President John F. Kennedy at the White House as part of a group of visiting members of the American Association of Editorial Cartoonists. Shortly thereafter Engelhardt resigned from the association because he didn't want to belong to any group that might bring into question his objectivity. For that same reason, he never registered with any political party; he was always an independent.

Kennedy also played a part in one

of Engelhardt's most famous cartoons. The cartoon he drew for the November 22, 1963, early edition depicted Kennedy peeking out of a jack-in-the box, as Texas cowboy dolls squared off shooting at each other. The cartoon symbolized Kennedy's ongoing efforts to end infighting among the conservative and liberal Democrats in Texas. The president, however, was assassinated two hours after the paper hit the newsstands, and the Post-Dispatch had to frantically recall all of the issues.

Engelhardt's cartoons continued in the liberal tradition of his predecessors. His philosophy was also very similar to that of the legendary Washington Post cartoonist Herb Block, so much so that Engelhardt filled in for Block's syndicate when he was away. Block said, "I value Tom as a friend and a cartoonist." Engelhardt and Block were such close friends that Block chose Engelhardt to be one of the pallbearers at his memorial service.

Engelhardt believed a good editorial cartoon should contain four basic elements: truth, or one side of it, humor, moral purpose and good drawing. He detested work that just made shallow gag cartoons of current events. He considered himself to be in general a social liberal whose stances didn't fit neatly into boxes and who marched to his own drum.

"Tom was a gentle, low-key soul with a keen eye for hypocrisy, dishonesty and wrongdoing in high places," former Deputy Editorial Page Editor William Freivogel said.

Thin, soft spoken and quick to smile and laugh, Engelhardt seemed incapable of anger. He said he took his anger out on paper because it was easier that way. His preferred tools were dip pen and India ink along with a No. 4 lithographic crayon.

The bulk of his cartoons now belong to the State Historical Society of Missouri in Columbia, where they are used in exhibits and in an online catalogue, alongside those of his childhood hero, Fitzpatrick.

In 2015, the Society published a collection of his work in the book "Four Turbulent Decades: A Cartoon History of America 1962-2001" written by curator Joan Stack. The forward was written by his old friend, famed cartoonist Jules Feiffer.

His late wife Kath passed away in 2018 after nearly 58 years of marriage. He is survived by four children and eight grandchildren.

His visitation and funeral were on Aug. 1 at St. Francis Xavier (College) Church at St. Louis University, 3628 Lindell Boulevard, St. Louis.

# Tom Engelhardt: A legacy in black and white

By Roy Malone



Tom Engelhardt was a decades-long supporter of the St. Louis Journalism Review and then the Gateway Journalism Review. The late Roy Malone, who was a colleague of Engelhardt's at the Post-Dispatch, wrote this article in an April 2008 journalism review.

When Tom Engelhardt got a call recently telling him that copies of about 8,000 editorial-page cartoons he drew for the St. Louis Post-Dispatch during 35 years were uncovered during a relocation of the editorial page offices, he knew he better act fast.

"I got the impression they might be pitched," the retired cartoonist said.

The call came from Dan Martin, an artist and cartoonist at the Post. A carpenter had led Martin to a storage area behind chicken wire where an old file cabinet held three dozen loose-leaf binders full of the prints, each on 8 by 11-inch sheets.

"I didn't know they were there. Things get put in nooks and crannies and forgotten about," Martin said.

He told the carpenter: "These are valuable for research. Let me call Tom."

Most of the originals of Engelhardt's drawings were already at the State Historical Society of Missouri in Columbia. They are in the society's Western Historical Manuscript Collection. There are plans to have a public exhibit of the cartoon collection in September in conjunction with the 100th anniversary of the University of Missouri's journalism school. The exhibition includes work of other Post cartoonists as well.

The copies Engelhardt retrieved last month have also been delivered to the historical society. Many of his cartoons--

he drew five a week--have been on display through the years at public events. The main library in downtown St. Louis also has copies of them.

Engelhardt had given away cartoons to some politicians (Lyndon Johnson got one for his presidential library) and to colleagues, friends and relatives, including his four grown children. He lives with his wife Kath in University City. He retired 10 years ago.

His first cartoon for the Post was on Oct. 1, 1962. He had replaced Bill Mauldin. Mauldin had succeeded longtime cartoonist Daniel Fitzpatrick, but he left the Post after four years to go to the Chicago Sun-Times.

Engelhardt's last cartoon was on Dec. 31, 1997. He was replaced by John Sherffius who quit in 2003 in protest over an editor's complaint about his cartoons. Sherffius was replaced by R.J. Matson.

Engelhardt preferred drawing cartoons about civil rights, the Vietnam War and the environment. He's not keen on some current cartoonists who seem to be going for a gag line, rather than making a point about a public or moral issue. He said cartoonists have survived for centuries since they sold their drawings for a penny each at public places, then on the printed page and now online. He still likes seeing a cartoon in print rather than finding it on a computer.

Does Engelhardt still draw? Well, he did one for this story, showing himself at his drawing board.

Thanks, Tom.

St. Louis cartooning exhibit opens in May "See You in the Funny Papers: The Rich Tradition of St. Louis Cartooning," a free



exhibit, will run May 17 - Aug. 30 at the Sheldon Gallery, 3648 Washington Blvd.

In addition to contemporary local and national cartoonists like Mike Peters, Mort Walker and Mary Engelbreit, there will many original historical cartoons and cartoonists represented like "Blondie," "Maggie and Jiggs," Al Hirschfeld, Bill Mauldin, Tom Engelhardt and Daniel Fitzpatrick.



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