

2018

# Missouri \*@!!?\*@! – Too Slow

Mae C. Quinn

University of Florida Levin College of Law, [mae.quinn@law.ufl.edu](mailto:mae.quinn@law.ufl.edu)

Follow this and additional works at: <https://scholarship.law.ufl.edu/facultypub>

 Part of the [Civil Rights and Discrimination Commons](#), and the [Human Rights Law Commons](#)

---

## Recommended Citation

Mae C. Quinn, *Missouri \*@!!?\*@! – Too Slow*, 62 St. Louis U. L.J. \_\_\_\_ (forthcoming 2018)

This Article is brought to you for free and open access by the Faculty Scholarship at UF Law Scholarship Repository. It has been accepted for inclusion in UF Law Faculty Publications by an authorized administrator of UF Law Scholarship Repository. For more information, please contact [kaleita@law.ufl.edu](mailto:kaleita@law.ufl.edu).

## MISSOURI \*@!?!\*@! – TOO SLOW

MAE C. QUINN\*

*Hound dogs on my trail*  
*School children sitting in jail*  
*Black cat cross my path*  
*I think every day's gonna be my last*  
*Picket lines*  
*School boycotts*  
*They try to say it's a communist plot*  
*All I want is equality*  
*For my sister my brother my people and me*  
*I don't trust you any more*  
*[All] You keep on saying [is] 'Go slow!'*  
*But that's just the trouble*  
*'Do it slow'*  
*Desegregation*  
*'Do it slow'*  
*Mass participation*  
*'Do it slow'*  
*Reunification*  
*'Do it slow'*  
*Do things gradually*  
*'Do it slow'*  
*Why don't you see it*  
*Why don't you feel it*  
*I don't know*  
*You don't have to live next to me*  
*Just give me my equality*  
*Everybody knows about Mississippi goddam...*  
*[Too slow]<sup>1</sup>*

---

\* Inaugural Director, MacArthur Justice Center at St. Louis; Former Professor and Director, Juvenile Law and Justice Clinic, Washington University School of Law; and sometimes Twitter commentator: @maecquinn. This essay reflects remarks given at the St. Louis University School of Law's 2017 William J. Childress Memorial Symposium: Human Rights in the American Criminal Justice System.

1. These selected lyrics from Mississippi Goddam, written by Nina Simone during the civil rights movement about southern states like Mississippi, were considered so taboo that when the promo disc was released its packaging used the symbols reflected in this essay's title—rather than

## INTRODUCTION

When asked to share my thoughts at this symposium about contemporary human rights issues in domestic criminal law—and how they manifest in St. Louis, Missouri in particular—I could not help but think of these words. Nina Simone, the brilliant vocal artist and civil rights activist, wrote these lyrics over fifty years ago and then bravely and controversially sang them for a mostly-white audience at New York City’s Carnegie Hall following the 1963 shooting death of Medgar Evers.<sup>2</sup>

Evers was a military veteran who turned civil rights activist and organizer for the National Association for the Advancement of Colored People (“NAACP”) after being turned down for admission to University of Mississippi School of Law because he was Black.<sup>3</sup> He worked in Mississippi on desegregation and racial justice efforts, including organizing business boycotts and investigating southern lynchings.<sup>4</sup> And tragically he was assassinated in front of his own home on June 12, 1963, while wearing a T-shirt that read “Jim Crow Must Go,” by white supremacist Byron De La Beckwith.<sup>5</sup>

When the Black community, including Dr. Martin Luther King, Jr., and its allies took to the streets in Jackson, Mississippi to protest yet another fatal act of racist violence against a Black body, white police showed up with rifles, chemical agents, and riot gear.<sup>6</sup> Although De La Beckwith was arrested and tried

---

Simone’s actual word choice. See Picture sleeve for Missouri Goddam promo single, WIKIPEDIA, [https://en.wikipedia.org/wiki/Mississippi\\_Goddam#/media/File:Mississippi\\_Goddam.jpeg](https://en.wikipedia.org/wiki/Mississippi_Goddam#/media/File:Mississippi_Goddam.jpeg) [<https://perma.cc/5AZA-4GFP>]; see also Mississippi Goddam Lyrics Annotated, GENIUS, <https://genius.com/Nina-simone-mississippi-goddam-annotated> [<https://perma.cc/57E2-MMA5>].

2. Ian K. Smith, *Top 20 Political Songs: Mississippi Goddam – Nina Simone, 1964*, NEW STATESMAN (March 25, 2010), <https://www.newstatesman.com/music/2010/03/mississippi-goddam-nina-simone> [<https://perma.cc/9YZ7-35LM>]; Claudia Roth Pierpont, *A Raised Voice: How Nina Simone Turned the Movement into Music*, NEW YORKER (Aug. 11, 2014), <https://www.newyorker.com/magazine/2014/08/11/raised-voice> [<https://perma.cc/LCG5-NVA5>].

3. *NAACP History: Medgar Evers*, NAACP, <http://www.naacp.org/oldest-and-boldest/naacp-history-medgar-evers/> [<https://perma.cc/X6TG-N4VA>].

4. *Id.*

5. *Id.*; see also DeNeen L. Brown, *Trump Calls Evers a Hero at the Mississippi Civil Rights Museum. Here’s Why.*, WASH. POST (Dec. 9, 2017), [https://www.washingtonpost.com/news/retropolis/wp/2017/12/08/in-mississippi-a-racists-rifle-tells-a-chilling-story-but-will-trump-overshadow-it/?utm\\_term=.a84042f5a698](https://www.washingtonpost.com/news/retropolis/wp/2017/12/08/in-mississippi-a-racists-rifle-tells-a-chilling-story-but-will-trump-overshadow-it/?utm_term=.a84042f5a698) [<https://perma.cc/452G-CVZK>] (describing how Evers’ investigative and organizing efforts drew repeated death threats from racists and that De La Beckwith ultimately carried them out using a scoped rifle).

6. See Rachel Swarns, Darcy Everleigh & Damien Cave, *Unpublished Black History: The Day Medgar Evers Was Killed*, N.Y. TIMES (Feb. 2016), <https://www.nytimes.com/interactive/projects/cp/national/unpublished-black-history> [<https://perma.cc/BB4D-VGEN>] (including previously unpublished photographs of peaceful protests that occurred on the day of Evers’ death); see also Jerry Mitchell, *Mylie Evers: “I Felt the Bullets. I Felt the Tears.”*, CLARION LEDGER (Dec. 9, 2017), <http://www.clarionledger.com/story/news/2017/12/09/civil-rights-museum-medgar-evers-widow-felt-bullets/932266001/> [<https://perma.cc/Q6X7-XSJF>] (recounting how police “brought the dogs

2018]

MISSOURI \*@!!?\*@! – TOO SLOW

3

two times during the 1960s for Evers' murder—two different all white, all male juries failed to reach a verdict, setting Beckwith free.<sup>7</sup>

Current circumstances may not be identical to when and why Nina Simone boldly sounded out at Carnegie Hall.<sup>8</sup> But in the Show Me State today, far too much of her song and its context continues to ring true.<sup>9</sup> Politicians, academics, and others assert we have reformed ourselves as a region post-Ferguson.<sup>10</sup> But the sad reality is that little has changed locally. St. Louis, Missouri, its institutions, and its government officials continue to cling to practices established long before the 1960's due process revolution in this country—and that reflect lack of respect for civil and human rights.<sup>11</sup>

#### I. ST. LOUIS, MISSOURI AND CONTINUING SIMILARITIES WITH SIMONE'S 1960'S WORLD

Much of what Simone lamented is alive and well today in St. Louis. Although a good deal of my time in Missouri has been spent as a law professor, I offer this assessment not based upon any theoretical academic vantage-point.

---

out" to violently respond to Evers' demonstrations); Joseph Williams, *John Doar: The Gary Cooper of the Civil Rights Movement*, U.S. NEWS & WORLD REP. (Nov. 13, 2014), <https://www.usnews.com/news/blogs/washington-whispers/2014/11/13/john-doar-the-gary-cooper-of-the-civil-rights-movement> [<https://perma.cc/S7ZW-N9RV>] (describing the "riot gear" worn by police following Evers' death).

7. NAACP, *supra* note 3; *see also* Brown, *supra* note 5.

8. *See generally* James Forman, Jr., *Racial Critiques of Mass Incarceration: Beyond the New Jim Crow*, 87 N.Y.U. L. REV. 21, 23, 61 (2012) (cautioning against over-simplification in parallels between contemporary policing and prosecution practices and Jim Crow policies of the past, particularly when the "analogy diminishes our understanding of the particular harms associated with the Old Jim Crow"); *see also* Alexandra Walsham, *Introduction: Past and . . . Presentism*, 234 PAST & PRESENT 213, 214 (Feb. 2017) (describing the range of views held by historians about studying past events by way of contemporary comparisons and understandings, including those who believe in "the capacity of history to help us to comprehend, if not resolve, contemporary issues").

9. *See, e.g.*, Ray Sanchez, *Why Ferguson Touched a Raw National Nerve*, CNN (Nov. 29, 2014, 7:05 AM), <http://www.cnn.com/2014/11/29/us/ferguson-national-protests/index.html> [<https://perma.cc/523U-SYYM>]; *see also* Brief for The Roderick and Solange MacArthur Justice Center et al. as Amici Curiae Supporting Petitioners, *Bennett v. City of St. Louis*, No. ED-105470 (Mo. Ct. App. E.D. July 10, 2017), [http://stl.macarthurjusticecenter.org/uploads/rsmjc-stlouis/documents/2017.07.10\\_amicus\\_brief\\_-\\_final.pdf](http://stl.macarthurjusticecenter.org/uploads/rsmjc-stlouis/documents/2017.07.10_amicus_brief_-_final.pdf) [<https://perma.cc/5M4C-R3C3>] (drawing parallels between racially-biased and reactionary policing in St. Louis during 1960's protests and today).

10. Mae C. Quinn, "*Post-Ferguson*" *Social Engineering: Problem-Solving Justice or Just Posturing?*, 59 HOWARD L. REV. 739, 741 n.5 (2016) (noting the problems inherent with the term "Post-Ferguson," despite its common use to describe circumstances following the uprising relating to the shooting death of Michael Brown, an unarmed Black teen, at the hands of white Ferguson police officer Darren Wilson).

11. *Id.* at 741-42 ("Too much of what is being floated as 'fixes' are shallow, surface-level, feel-good 'innovations' that steer clear of constitutionally-rooted, critically race-based, fundamental rethinking.").

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

A. *School Kids, Dog Attacks, and Jail*

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

This has not happened only in the most serious of situations. Instead I have watched as local law enforcement have been deployed repeatedly into our schools to remove kids for supposedly violating curfews or testing positive for marijuana while on juvenile court probation.<sup>13</sup> Rather than summoning such young people to court to address any alleged non-criminal status violations, a presumption of guilt has prevailed.<sup>14</sup> Thus, public shaming and shackling has been used to degrade and demoralize already at-risk youth in this community—frequently in front of schoolhouse peers—culminating with juvenile detention.<sup>15</sup>

Find yourself accused of a higher-level charge or just happen to have turned seventeen—and I can assure you the treatment is even more harsh. Missouri is only one of only a handful of remaining states that automatically treat seventeen-year-olds as adults for criminal justice purposes.<sup>16</sup> Thus, such teens are routinely rounded up and placed in pens in our local jails—institutions that have drawn repeated critiques for ongoing inhumane conditions, including turning children

---

12. See, e.g., Rachel Lippmann, *One Year On, Advocates Say Little Has Changed in St. Louis County Family Court*, ST. LOUIS PUB. RADIO, (July 28, 2016), <http://news.stlpublicradio.org/post/one-year-advocates-say-little-has-changed-st-louis-county-family-court#stream/0> [<https://perma.cc/H3QX-3YTQ>]; Mae C. Quinn, *Robbed of Childhood and Chances—Ferguson and Beyond*, ST. LOUIS POST-DISPATCH (Mar. 25, 2015), [http://www.stltoday.com/opinion/columnists/robbed-of-childhood-and-chances-ferguson-and-beyond/article\\_7d5cdd2f-1e3b-5e40-b95a-68fcf6bba77f.html](http://www.stltoday.com/opinion/columnists/robbed-of-childhood-and-chances-ferguson-and-beyond/article_7d5cdd2f-1e3b-5e40-b95a-68fcf6bba77f.html) [<https://perma.cc/AMD8-NK35>]; *Clinic Leads Charge to Reform Juvenile Sentencing Laws*, WASH. UNIV. LAW: NEWS, <http://law.wustl.edu/news/pages.aspx?id=9693> [<https://perma.cc/P679-HNVK>].

13. See also Candace Johnson & Mae C. Quinn, *Chaining Kids to the Ever Turning Wheel: Other Contemporary Costs of Juvenile Court Involvement*, 73 WASH. & LEE L. REV. ONLINE 159, 169 (2016) (discussing practice of random, unannounced visits to schools by probation officers).

14. *Id.*

15. *Id.* at 169–70; see also generally Mae C. Quinn, *The Other Missouri Model: Systemic Juvenile Injustice in the Show Me State*, 78 MO. L. REV. 1193, 1214 (2013).

16. Vivian Murphy, *Missouri Fails 17-Year-Old Offenders*, KAN. CITY STAR (April 6, 2017 8:30 PM), <http://www.kansascity.com/opinion/readers-opinion/guest-commentary/article143191849.html> [<https://perma.cc/PX62-NZPW>].

2018]

MISSOURI \*@!!?\*@! – TOO SLOW

5

upon each other to fight “gladiator-style” for the entertainment of jail staff.<sup>17</sup> Indeed, one of my seventeen-year-old clients who was exposed to such fights also suffers from a mental health diagnosis and was repeatedly thrown into “the hole” in one of the St. Louis City jail houses without adequate treatment or food, resulting in his losing of thirty pounds while awaiting trial.<sup>18</sup> Yet despite national and international attention on the region after events in Ferguson, inhumanity in our jails continues.<sup>19</sup>

It is not just seventeen-year-olds who are sent to those facilities. Kids under seventeen charged with various felonies can also find themselves pushed into adult jail settings following juvenile certification hearings<sup>20</sup>—even when evidence of guilt is questionable or lacking sufficiency.<sup>21</sup> Shockingly, in my experience this generally occurs after one-hour hearings with only one witness presented by the government—and where no testimony on the issue of probable cause is ever presented—even where homicide and other serious allegations are at issue.<sup>22</sup>

---

17. Erik Ortiz, *More Inmates Say Guards at St. Louis Jail Forced them to Fight “Gladiator Style,”* N.Y. DAILY NEWS (July 3, 2013, 1:00 PM), <http://www.nydailynews.com/news/crime/in-mates-claim-gladiator-style-fighting-st-louis-jail-article-1.1389261> [<https://perma.cc/447X-WS4>].

18. It was because of that situation, about five years ago, that I first contacted the United States Department of Justice (“DOJ”) about civil rights violations impacting young people in this community. *See generally* U.S. DEP’T OF JUSTICE, CIVIL RIGHTS DIV., INVESTIGATION OF THE ST. LOUIS FAMILY COURT, ST. LOUIS, MO. (2015) (finding St. Louis County Family Court routinely violating the Due Process and Equal Protection Clauses of the U.S. Constitution). For whatever reason, DOJ did not open a new investigation relating to St. Louis City’s jail facilities. However, other information I provided to DOJ helped lead to its investigation of the St. Louis County’s Juvenile Court system, which is further discussed below.

19. *See, e.g.,* Danny Wicentowski, “*This Place is Hell*”: *An Undercover Trip Inside St. Louis’ Workhouse*, RIVERFRONT TIMES, (Aug. 7, 2017), <https://www.riverfronttimes.com/newsblog/2017/08/07/this-place-is-hell-an-undercover-trip-inside-st-louis-workhouse> [<https://perma.cc/X8YH-TJ5U>] (describing inhumane conditions in St. Louis City’s other jail facility – the Medium Security Institution—known in the community as “the Workhouse.”).

20. MO. REV. STAT. § 211.071 (2016).

21. I have personally been involved in several such cases and Juvenile Court certification decisions, which do not result in reported opinions available for public scrutiny. In this way, the supposed “confidentiality” of Missouri juvenile court proceedings is used as a shield by court and government officials. *See, e.g.,* Johnson & Quinn, *supra* note 13, at 161. For this reason, I worked with advocacy groups like Metropolitan Congregations United to press for community supporters to be present for youth and their families during certification hearings – in part to serve as further eyes and ears to otherwise invisible practices. This is another important way, consistent with calls later in this paper, for non-lawyers to get involved in system reform efforts locally.

22. U.S. DEP’T OF JUSTICE, *supra* note 18, at 2; *see* Rachel Lippman, *Despite positive reputation, Missouri’s juvenile justice system has serious systemic problems*, ST. LOUIS PUB. RADIO (Oct. 5, 2015), <http://news.stlpublicradio.org/post/despite-positive-reputation-missouris-juvenile-justice-system-has-serious-systemic-problems#stream/0> [<https://perma.cc/X3DF-BHBG>]

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

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

In one particular heartbreaking clinic case from about five years ago, we represented a young Black child who was charged with felony robbery and resisting arrest after his grandmother had called police. She was upset that he took \$5 from her wallet. But she did not want him arrested—much less removed from her home, prosecuted, and the victim of a brutal attack. Instead, a group of officers chased the unarmed child—who weighed about 100 pounds—down the road and into an open garage. Rather than entering to talk to the child and bring

---

(“[There is a] failure to adequately determine whether the child actually committed the offense with which he or she is charged.”).

23. U.S. DEP'T OF JUSTICE, *supra* note 18, at 15.

24. *See generally* JOLANTA JUSZKIEWICZ, TO PUNISH A FEW: TOO MANY YOUTH CAUGHT IN THE NET OF ADULT PROSECUTION 13–37 (2007), [http://www.campaignforyouthjustice.org/images/nationalreports/to\\_punish\\_a\\_few\\_final.pdf](http://www.campaignforyouthjustice.org/images/nationalreports/to_punish_a_few_final.pdf) [<https://perma.cc/4WSX-GCRL>] (describing negative consequences for youth detained in adult jails pending resolution of adult charges, particularly given the high number of cases that may ultimately be resolved as misdemeanors or dismissed); *see also, e.g.*, Arthur Hirsch, *Juvenile Advocates Say Policy to Mandate Adult Charges Has Failed*, BALTIMORE SUN, Mar. 1, 2014 (describing similar issues in Baltimore, where fewer than 10% of kids charged as adults, and made to await resolution of their cases in adult jails, are ultimately convicted as adults and sentenced to prison).

25. U.S. DEP'T OF JUSTICE CIVIL RIGHTS DIV., MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEP'T OF JUSTICE AND ST. LOUIS COUNTY FAMILY COURT 3 (Dec. 14, 2016), <https://www.justice.gov/crt/case-document/st-louis-county-family-court-memorandum-agreement> [<https://perma.cc/U8L8-X5YH>]; Lippman, *supra* note 12.

26. U.S. DEP'T OF JUSTICE CIVIL RIGHTS DIV., INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT 31 (2015), [https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson\\_police\\_department\\_report.pdf](https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf) [<https://perma.cc/JD4V-EH8S>] (“[C]anine officers use dogs out of proportion to the threat posed by the people they encounter, leaving serious puncture wounds to nonviolent offenders, some of them children.”).

27. Quinn, *Robbed of Childhood and Chances*, *supra* note 12.

2018]

MISSOURI \*@!!?\*@! – TOO SLOW

7

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

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

### *B. Picketing, Protests, and Fearing for Your Life*

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

While running the MacArthur Justice Center in St. Louis over the last two years, I have worked on the cases of numerous protesters arrested by St. Louis City police—including those taken into custody for laughing during a Donald Trump rally,<sup>29</sup> having the audacity to film police with their telephones,<sup>30</sup> and peacefully marching in support of LGBTQIA rights.<sup>31</sup> Most of these individuals faced the further indignity of being processed at the local jail, rather than cited and released, and made to post cash bail to secure their pre-trial liberty. In each of the above matters we ultimately prevailed at trial or successfully convinced prosecutors that our clients were improperly charged.

Yet, local police remained largely undeterred—and were perhaps even more enraged by the thought of protesters prevailing in court—as was demonstrated

---

28. AM. CIVIL LIBERTIES UNION, *Press Release: Judge Orders St. Louis Police to Immediately Change Tactics and Protect the Rights of People* (Nov. 15, 2017), <https://www.aclu.org/news/judge-orders-st-louis-police-immediately-change-tactics-and-protect-rights-people> [<https://perma.cc/7MFK-LEYE>]; Complaint at 2–8, *Ahmad v. City of St. Louis, Missouri*, No. 4:17-cv-2455 (E.D. Mo. Sept. 22, 2017), ECF No. 1.

29. Sarah Fenske, *Man Arrested After Laughing During Trump Rally Sues St. Louis Police, President*, RIVERFRONT TIMES (Mar. 9, 2018, 9:26 AM), <https://www.riverfronttimes.com/news/blog/2018/03/09/man-arrested-after-laughing-during-trump-rally-sues-st-police-president> [<https://perma.cc/2E4V-X8FS>].

30. This “cop watching” case, involving a well-known activist who was featured in the Ferguson-focused documentary #WhoseStreets?, has not received press coverage or resulted in a reported decision. However, it was dismissed after we pushed back against the prosecution, relying in part on actual footage of the alleged incident.

31. See, e.g., *One Charged, Two Detained Overnight Following an LGBT Rally in St. Louis*, ST. LOUIS POST-DISPATCH (Feb. 27, 2017), [http://www.stltoday.com/news/local/crime-and-courts/one-charged-and-two-detained-overnight-following-a-lgbt-rally/article\\_b683800f-56e5-5f8b-aaa2-d0734ff3f074.html](http://www.stltoday.com/news/local/crime-and-courts/one-charged-and-two-detained-overnight-following-a-lgbt-rally/article_b683800f-56e5-5f8b-aaa2-d0734ff3f074.html) [<https://perma.cc/5MH4-9GBX>].



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

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

Stockley waived trial by jury to allow local Judge Timothy Wilson to decide his guilt or innocence.<sup>38</sup> After hearing all the evidence, the judge took the case under submission for several weeks, ultimately issuing a thirty-page written opinion acquitting Stockley of all charges on September 15, 2017.<sup>39</sup>

---

32. Ashley Jost, et al., *More than 80 arrested after protest violence downtown; 'Police owned tonight,' chief says*, ST. LOUIS POST-DISPATCH (Sept. 18, 2017), [http://www.stltoday.com/news/local/govt-and-politics/more-than-arrested-after-protest-violence-downtown-police-owned-to-night/article\\_ebf53117-0396-515c-a6c2-84d50c6bbdfc.html](http://www.stltoday.com/news/local/govt-and-politics/more-than-arrested-after-protest-violence-downtown-police-owned-to-night/article_ebf53117-0396-515c-a6c2-84d50c6bbdfc.html) [<https://perma.cc/8V52-MQM7>].

33. Joel Currier, *Officer's "Kill Shot" was Fired from Only Six Inches from Anthony Smith's Body, Prosecutor Alleges*, ST. LOUIS POST-DISPATCH (Aug. 2, 2017), [http://www.stltoday.com/news/local/crime-and-courts/officer-s-kill-shot-was-fired-six-inches-from-anthony/article\\_22fce07d-70a6-5ce3-8bcd-b1567f53ed46.html](http://www.stltoday.com/news/local/crime-and-courts/officer-s-kill-shot-was-fired-six-inches-from-anthony/article_22fce07d-70a6-5ce3-8bcd-b1567f53ed46.html) [<https://perma.cc/8QKT-B23Y>].

34. *Id.*

35. *Id.*; Danny Wicentowski, *Ex-St. Louis Cop Jason Stockley Testifies that He's No Murderer*, RIVERFRONT TIMES (Aug. 9, 2017), <https://www.riverfronttimes.com/newsblog/2017/08/09/ex-st-louis-cop-jason-stockley-testifies-that-hes-no-murderer> [<https://perma.cc/KW5A-9LMJ>] ("Although Stockley's attorneys had previously argued that the audio recording contained no such statement, Stockley conceded Tuesday that he could, in fact, hear the words.").

36. Danny Wicentowski, *The Stockley Files*, RIVERFRONT TIMES (Oct. 4, 2017), <https://m.riverfronttimes.com/stlouis/the-stockley-files/Content?oid=9006642&storyPage=1> [<https://perma.cc/Q4QG-FSD2>]; Dakley Andone & Janet DiGiacamo, *Judge to Rule in Murder Trial of Officer Accused of Planting Gun on Suspect*, CNN (Sept. 1, 2017, 5:09 PM), <http://www.cnn.com/2017/09/01/us/jason-stockley-officer-shooting-trial/index.html> [<https://perma.cc/JF9J-PDNX>].

37. See Wicentowski, *supra* note 35; see also Andone & DiGiacamo, *supra* note 36.

38. Taryn Finley & Ryan J. Reilly, *Ex-St. Louis Cop Who Said He'd "Kill this Motherf\*\*\*r" Before Shooting Black Man Found Not Guilty*, HUFFINGTON POST (Sept. 15, 2017), [https://www.huffingtonpost.com/entry/st-louis-cop-jason-stockley-anthony-smith-not-guilty\\_us\\_59a965a0e4b0b5e530fe090e](https://www.huffingtonpost.com/entry/st-louis-cop-jason-stockley-anthony-smith-not-guilty_us_59a965a0e4b0b5e530fe090e) [<https://perma.cc/2D45-Y4LQ>].

39. *Id.*

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

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

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

40. See Joel Currier & Christine Byers, *Heated Protests Follow Stockley Acquittal*, ST. LOUIS POST-DISPATCH (Sept. 16, 2017), [http://www.stltoday.com/news/local/crime-and-courts/heated-protests-follow-stockley-acquittal/article\\_c7ee91ad-e65b-5da6-84cb-0b478078c8cb.html](http://www.stltoday.com/news/local/crime-and-courts/heated-protests-follow-stockley-acquittal/article_c7ee91ad-e65b-5da6-84cb-0b478078c8cb.html) [https://perma.cc/Z7Y3-9EBU]; Timothy J. Wilson, YOURMISSOURIJUDGES, <http://www.yourmissourijudges.org/judges/wilson-2014/> [https://perma.cc/7KBF-GZ6D].

41. Findings and Verdict at 21, *State v. Stockley*, No. 1622-CR02213-01 (Mo. 22nd Jud. Cir., Sept. 15, 2017). The Findings and Verdict can be accessed digitally, see Jeremy Kohler, *Read the verdict in the Jason Stockley murder case*, ST. LOUIS POST-DISPATCH (Sept. 15, 2017), <https://bloximages.newyork1.vip.townnews.com/stltoday.com/content/tncms/assets/v3/editorial/5/7b/57b2d12c-83d8-53a0-ba1f-18b659a7e569/59bbe0a450230.pdf.pdf> [https://perma.cc/3DMB-RXA2].

42. Findings and Verdict at 2, 17, *State v. Stockley*, No. 1622-CR02213-01.

43. Findings and Verdict at 26, *State v. Stockley*, No. 1622-CR02213-01.

44. See, e.g., Charles P. Pierce, *St. Louis Police Shooting Ends with Injustice*, ESQUIRE (Sept. 15, 2017), <http://www.esquire.com/news-politics/politics/a12254635/anthony-lamar-smith-shooting-verdict/> [https://perma.cc/H9VR-W3HM] (“Wow. Just wow.”); Melissa Matthews, *Jason Stockley Verdict: How Bias May Have Influenced Judge*, NEWSWEEK (Sept. 15, 2017), <http://www.newsweek.com/judge-wilson-implicit-bias-acquittal-666231> [https://perma.cc/8WQK-ERUP]; Jeremy Stahl, *This Judge’s Excuses for Acquitting Jason Stockley of Murder are Pathetic*, SLATE (Sept. 15, 2017), [http://www.slate.com/blogs/the\\_slatest/2017/09/15/this\\_judge\\_s\\_excuses\\_for\\_acquitting\\_jason\\_stockley\\_of\\_murder\\_are\\_pathetic.html](http://www.slate.com/blogs/the_slatest/2017/09/15/this_judge_s_excuses_for_acquitting_jason_stockley_of_murder_are_pathetic.html) [https://perma.cc/A8QX-TAN3].

45. *St. Louis Reacts to the Not Guilty Verdict in the Jason Stockley Case*, ST. LOUIS POST-DISPATCH (Sept. 15, 2017), [http://www.stltoday.com/news/local/st-louis-reacts-to-not-guilty-verdict-in-jason-stockley/collection\\_398c09a5-41fc-52f1-96b5-f4e77c259a44.html](http://www.stltoday.com/news/local/st-louis-reacts-to-not-guilty-verdict-in-jason-stockley/collection_398c09a5-41fc-52f1-96b5-f4e77c259a44.html) [https://perma.cc/D9ZA-CH4P] (collection of photos depicting faith leaders and others marching in the streets).

other militarized responses.<sup>46</sup> In one particularly horrific incident, nearly 100 St. Louis Metropolitan Police Officers eerily banged their batons on the ground as they encircled unarmed protesters—and mere bystanders—in a “kettle” in downtown St. Louis.<sup>47</sup> Once officers cordoned off all areas of escape, they attacked those inside the circle with chemicals, batons, and verbal abuse—and then arrested them.<sup>48</sup>

However, those swept up in the kettle included a military officer who lived just a few blocks away and was out taking a walk, a medical student, and a Black undercover officer who was not recognized by his own colleagues but instead beaten by them.<sup>49</sup> By the end of the week, police had forcibly arrested approximately 200 St. Louis residents for alleged protest related activities, again processing many into the local jail and demanding cash bail before allowing for their release.<sup>50</sup> And, again, St. Louis, Missouri became the focus of national and international press coverage.<sup>51</sup>

On September 22, 2017, the American Civil Liberties Union (“ACLU”) filed a lawsuit on behalf of Stockley protesters, challenging the continued use of chemical agents and other militarized police practices in response to protected First Amendment activity.<sup>52</sup> My office, the MacArthur Justice Center, filed suit the next day, in part challenging the automatic imposition of cash bail for protesters who should instead be released on their own recognizance.<sup>53</sup> In

---

46. Jeremy Kohler et al., *Undercover Cop, Military Officer, and Med Student Among Those Swept Up During Downtown Protests*, ST. LOUIS POST-DISPATCH (Sept. 25, 2017), [http://www.stltoday.com/news/local/crime-and-courts/undercover-cop-air-force-officer-med-student-among-those-police/article\\_e2dcc3de-f228-5311-a35f-e60e1bd9ebee.html](http://www.stltoday.com/news/local/crime-and-courts/undercover-cop-air-force-officer-med-student-among-those-police/article_e2dcc3de-f228-5311-a35f-e60e1bd9ebee.html) [https://perma.cc/DV58-WH7W]; Jost, *supra* note 32.

47. Kohler, *supra* note 41 (including video and audio of the kettling incident).

48. *Id.*

49. *Id.*

50. Eli Chen et al., “Free Our People”: Activists’ Attention Turns to Those Arrested During St. Louis Protests, ST. LOUIS PUB. RADIO (Sept. 18, 2017), <http://news.stlpublicradio.org/post/free-our-people-activists-attention-turns-those-arrested-during-st-louis-protests#stream/0> [https://perma.cc/XF23-7SQJ] (describing efforts to raise money to bail out those arrested during Stockley protests).

51. See Sarah Kloepple, *How National, International Media is Covering St. Louis’ Jason Stockley Protests*, ST. LOUIS MAG. (Sept. 19, 2017), <https://www.stlmag.com/news/how-national-international-media-is-covering-st-louis-protests/> [https://perma.cc/9JDB-QHXN] (“From CNN to BBC News, St. Louis has garnered a spotlight similar to the one in 2014 after the police killing of Michael Brown.”).

52. *Press Release: ACLU of Missouri Files Lawsuit Against City of St. Louis for Unconstitutional Police Conduct*, AM. CIVIL LIBERTIES UNION (Sept. 22, 2017), <https://www.aclu.org/news/aclu-missouri-files-lawsuit-against-city-st-louis-unconstitutional-police-conduct> [https://perma.cc/3EVB-EF56].

53. See Rachel Lippmann, *St. Louis Municipal Court Limits Cash Bail*, ST. LOUIS PUB. RADIO (Oct. 27, 2017), <http://news.stlpublicradio.org/post/st-louis-municipal-court-limits-cash-bail#stream/0> [https://perma.cc/E7ND-A2JS].

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

Thus, the ACLU moved for an injunction and presented days of testimony from those protesters—and bystanders—harmed by the harsh and inhumane treatment of aggressive law enforcement.<sup>55</sup> In the end, on November 15, 2017—three years after events in Ferguson, and more than fifty since Simone sang at Carnegie Hall—a federal judge had to order St. Louis police to adopt constitutional protocols to protect the rights of protesters and legally enjoin their continued use of chemical agents and other violent tactics against those engaged in non-violent demonstration.<sup>56</sup>

Yet, even with the District Court order, it is clear that many Black St. Louis residents remain scared of arbitrary police violence, feel unprotected in their own communities, and do not trust that change will happen anytime soon. For instance, while during 2017 many local police busily drew overtime pay to monitor and harass unarmed Black Lives Matter protesters,<sup>57</sup> St. Louis experienced over 200 homicides—190 involving Black victims.<sup>58</sup> And the vast majority of those homicides remain unsolved.<sup>59</sup> At a forum for the appointment of a new permanent St. Louis Metropolitan Police Department Chief, a local Black activist announced, “We are concerned about the murder of young black men by white armed police officers, sir. We’re concerned about the Jason Stockleys of the world who gun down black men.”<sup>60</sup> And still, just recently, the

---

54. *Id.*

55. Jessica Karins, *Protesters, Bystanders Testify About Alleged Police Abuse in ACLU Trial*, ST. LOUIS AM. (Oct. 21, 2017), [http://www.stlamerican.com/news/local\\_news/protesters-bystanders-testify-about-alleged-police-abuse-in-aclu-trial/article\\_6b90aa72-b66a-11e7-a748-7b6a629c0e73.html](http://www.stlamerican.com/news/local_news/protesters-bystanders-testify-about-alleged-police-abuse-in-aclu-trial/article_6b90aa72-b66a-11e7-a748-7b6a629c0e73.html) [https://perma.cc/97NF-PLEA].

56. AM. CIVIL LIBERTIES UNION, *supra* note 28.

57. Christine Byers, *Police Overtime Costs Mounting as Protests Continue in St. Louis*, ST. LOUIS POST-DISPATCH (Oct. 6, 2017), [http://www.stltoday.com/news/local/crime-and-courts/police-overtime-costs-mounting-as-protests-continue-in-st-louis/article\\_94046d60-0a94-5a62-8ab7-a34e685e56c7.html](http://www.stltoday.com/news/local/crime-and-courts/police-overtime-costs-mounting-as-protests-continue-in-st-louis/article_94046d60-0a94-5a62-8ab7-a34e685e56c7.html) [https://perma.cc/SFR6-7YFT].

58. Kim Bell, *In a Year with 200-Plus Slayings, Most St. Louis Victims are Black Men in Unsolved Cases*, ST. LOUIS POST-DISPATCH (Dec. 22, 2017), [http://www.stltoday.com/news/local/crime-and-courts/in-a-year-with-plus-slayings-most-st-louis/article\\_59542f7a-d559-5326-861d-2aa687a1e933.html](http://www.stltoday.com/news/local/crime-and-courts/in-a-year-with-plus-slayings-most-st-louis/article_59542f7a-d559-5326-861d-2aa687a1e933.html) [https://perma.cc/7DLJ-3QMY].

59. *Id.* The count of 203 St. Louis homicides—the highest in over a decade—apparently does not include the many victims killed by St. Louis police officers this year and the numerous others who were shot and survived. Indeed, St. Louis leads the nation in victims of police shootings. *See St. Louis Cops Lead Nation in Rate of Police Shootings*, RIVERFRONT TIMES (Dec. 12, 2017), <https://www.riverfronttimes.com/newsblog/2017/12/12/st-louis-cops-lead-nation-in-rate-of-police-shootings> [https://perma.cc/Y349-E6YD].

60. Rebecca Rivas, *Half of Police Chief Finalists are from St. Louis; Half are Black*, ST. LOUIS AM. (Dec. 14, 2017), [http://www.stlamerican.com/news/local\\_news/half-of-police-chief-finalists-](http://www.stlamerican.com/news/local_news/half-of-police-chief-finalists-)

City of St. Louis' interim Police Chief, who was under consideration as a finalist in the search,<sup>61</sup> granted a promotion to the very officer who allegedly beat his undercover colleague caught in the “kettle” used on Stockley verdict protestors when he mistakenly believed that colleague was a protester.<sup>62</sup>

## II. RESISTING AND PRESSING FOR CHANGE—BUT TAKING CARE TOO

As I mentioned, for nearly a decade I have been engaged in defense representation and civil rights litigation to try to push back against constitutional violations and indignities all too often visited upon Black children and adults in this community. I have done this work—even leaving teaching for a period to launch a civil rights non-profit office for the MacArthur Justice Center when asked—because I believe it is necessary. But such efforts to bring about legal vindication and relief, are imperfect at best, particularly when it comes to the rights of youth.<sup>63</sup>

Civil litigation takes a long time and is a “blunt instrument” for addressing complicated systemic issues.<sup>64</sup> Judges are also political actors prone to bias.<sup>65</sup> Overreliance on the courts merely reifies the very institutions and hierarchies that need to be rethought—and potentially dismantled.<sup>66</sup> And a law license obviously is not essential to being an agent of change. Even lawyers in training should not underestimate the power of themselves as people—joining with other

---

are-from-st-louis-majority/article\_1e8c9e90-e156-11e7-a7cd-833c4e5c8e2a.html [https://perma.cc/6KVJ-5APJ].

61. Celeste Bott & Erin Heffernan, *New St. Louis police chief says he'll work to rebuild trust, stem violence*, ST. LOUIS POST-DISPATCH (Dec. 29, 2017), [http://www.stltoday.com/news/local/metro/new-st-louis-police-chief-says-he-ll-work-to/article\\_448da8c1-753b-5bdc-a8c6-4883f2150340.html](http://www.stltoday.com/news/local/metro/new-st-louis-police-chief-says-he-ll-work-to/article_448da8c1-753b-5bdc-a8c6-4883f2150340.html) [https://perma.cc/Z28N-7N36].

62. Rebecca Rivas, *Chief O'Toole Promotes White St. Louis Officer Who Allegedly Beat Black Undercover Cop During Stockley Verdict Protest Mass Arrest*, ST. LOUIS AM. (Dec. 22, 2017), [http://www.stlamerican.com/news/local\\_news/chief-o-toole-promotes-white-st-louis-officer-who-allegedly/article\\_1d24ed42-e768-11e7-b1af-9b172b643ecd.html](http://www.stlamerican.com/news/local_news/chief-o-toole-promotes-white-st-louis-officer-who-allegedly/article_1d24ed42-e768-11e7-b1af-9b172b643ecd.html) [https://perma.cc/39LP-5WBB].

63. See, e.g., Nancy J. Moore, *Conflicts of Interest in the Representation of Children*, 64 FORDHAM L. REV. 1819–20 (1996) (describing generally the challenges involved in representing the legal interests of youth).

64. See Susan Sturm, *Reframing the Civil Rights Narrative from Compliance to Collective Impact*, in CIVIL RIGHTS IN AMERICAN LAW, HISTORY, AND POLITICS 145, 147 (Austin Sarat ed., 2014).

65. *Id.* (discussing “judicial conservatism” and its impact on civil rights litigation).

66. See Scott L. Cummings, *Movement Lawyering*, 5 U. ILL. L. REV. 1645, 1652 (2017) (“Ongoing skepticism of courts among progressives, combined with a more general blurring of traditional boundaries of expertise, has reoriented lawyers toward multidimensional problem-solving strategies, further fueled by the spread of new technologies.”); see also Sameer M. Ashar, *Public Interest Lawyers and Resistance Movements*, 95 CALIF. L. REV. 1879, 1894, 1904 (2007).

people of all races and walks of life—to advocate for reforms without heading into courts or even having passed the bar.<sup>67</sup>

As residents of this community—even if you are here for only three years—you can do this in ways great and small. Because every day and with every decision you make, by and large, you are either contributing to the status quo or resisting it. Such resistance can occur in your decisions about where to live and spend your time, what you do with your hours outside of school, and even where you eat. Being mindful about these day to day affairs helps avoid blind complacency in a community that is decidedly divided between haves and have nots, Black and white.<sup>68</sup>

Speaking up and out about witnessed injustices is another way, even outside of representing clients and handling cases, that law students can help press for reform in St. Louis.<sup>69</sup> Calling out problematic actions and analyses of systemic actors—like those who have openly criticized Judge Timothy Wilson’s opinion in the Stockley case<sup>70</sup>—and saying out loud the names of those individuals who visit injustice on others is no small act. But, of course, it is not just individuals but the institutions in this town that have allowed for Nina Simone’s 1960’s world to continue largely unabated.

You are consumers spending large sums of money by way of tuition. Law schools should be accountable to their students and the communities around them. Saint Louis University Legal Clinics should surely be commended for their most recent efforts, leadership, and commitments around events in Ferguson.<sup>71</sup> By comparison, during my time at Washington University’s Legal Clinic—at a school with one of the largest financial endowments in the

---

67. See, e.g., Dom Jones, *Words with Activist, Lawyer, and “White Privilege II” Contributor, Nikkita Oliver*, BLAVITY, <https://blavity.com/words-activist-lawyer-white-privilege-ii-contributor-nikkita-oliver> [<https://perma.cc/S3BQ-FTCB>] (describing Nikkita Oliver’s work as a Queer Black law student activist and warning against white allies failing to examine their white privilege and allow other voices to be heard); see also generally REBLAW, *Rebellious Lawyering 2018 Conference Webpage*, <https://reblaw.yale.edu/> [<https://perma.cc/PW6M-D7F2>] (“RebLaw is the largest student-run public interest conference in the United States.”).

68. Chico Harlan, *The Road that Divides*, WASH. POST, Aug. 23, 2014, at A1.

69. See, e.g., Quinn, *supra* note 10, at 746 n.24; see also Jess Davidson, *White Silence is Not an Option*, HUFFINGTON POST BLOG (Dec. 6, 2017, 3:28 PM), [https://www.huffingtonpost.com/jess-davidson/-white-silence-is-not-an-o\\_b\\_10927210.html](https://www.huffingtonpost.com/jess-davidson/-white-silence-is-not-an-o_b_10927210.html) [<https://perma.cc/7WP7-RVHL>] (“Guilt, discomfort and grief will not solve the problem alone. We cannot depend on empathy to save Black Lives. Rather, we must embrace our discomfort and act.”); Sarah Margaret Babbs, *From a white person to white people: We’re complicit*, U.S. CATHOLIC (Aug. 15, 2017), <http://www.uscatholic.org/articles/201708/white-person-white-people-were-complicit-31110> [<https://perma.cc/MFZ9-83G2>].

70. See, e.g., Pierce, *supra* note 44.

71. *SLU Clinics Recognized for Ferguson Work*, MO. LAWYERS WEEKLY (April 22, 2015), <http://molawyersmedia.com/2015/04/22/slu-clinics-recognized-for-ferguson-work> [<https://perma.cc/AR9R-PSZL>].

country<sup>72</sup>—similar commitment of time, energy, risk-taking, and resources simply was not present.<sup>73</sup> This may seem shocking given that Washington University’s Legal Clinic program consistently ranks among the top ten in the country.<sup>74</sup> But such numbers, generated by way of a dubious system that fails to account for substance or substantive change-making, mean little. Indeed, Washington University—which has just broken ground on a multi-million-dollar project that makes the institution feel more insular than before,<sup>75</sup> and accepted yet another multi-million donation from an organization involved in extracting millions from indigent prisoners and their families<sup>76</sup>—in my opinion

72. Lynn O’Shaughnessy, *20 Biggest College Endowments*, CBS NEWS: MONEYWATCH, (Feb. 4, 2013, 1:49 PM), <https://www.cbsnews.com/news/20-biggest-college-endowments/> [<https://perma.cc/F85Z-BBB2>] (placing Washington University among the top twenty largest university endowments).

73. Indeed, particularly at the outset, there was a deafening silence on campus about events in Ferguson. I personally wrote to the administration about the need for the school’s leaders to speak up and out about what was happening in our community. Thereafter leaders sent some emails to campus members, meetings were held internally, and a good number of “talks” and “conversations” were convened. But in my opinion little concrete was offered to impacted community members by an institution with more money than nearly any college in the nation—one that does not support local government by way of payment in lieu of taxation (“PILOT”), like many other private colleges do. See Jesse Bogan, *St. Louis Officials Weigh Asking Nonprofits to Chip in for Services*, ST. LOUIS POST-DISPATCH (April 7, 2010), [http://www.stltoday.com/news/local/metro/st-louis-officials-weigh-asking-nonprofits-to-chip-in-for/article\\_0bcf7711-92ed-5327-80c6-926b887f9b18.html](http://www.stltoday.com/news/local/metro/st-louis-officials-weigh-asking-nonprofits-to-chip-in-for/article_0bcf7711-92ed-5327-80c6-926b887f9b18.html) [<https://perma.cc/37UP-ZRZZ>] (quoting Washington University official as resisting requests for further financial support by local officials); see also Jenna Robinson, *Should all University Property Be Tax-Exempt*, MARTIN CTR. FOR ACAD. RENEWAL (Oct. 16, 2017), <https://www.jamesmartin.center/2017/10/university-property-tax-exempt/> [<https://perma.cc/RFE2-UEWE>]. Moreover, students complained to me about what appeared to be tone-deafness and apathy on the part of the school, which frequently referred them to other organizations to become engaged with reform initiatives. They also reported that their own efforts to speak up at the Law School were being managed and even implicitly threatened with potential disciplinary or other negative actions by school officials.

74. See *Best Clinical Training Programs*, U.S. NEWS & WORLD REP., <https://www.usnews.com/best-graduate-schools/top-law-schools/clinical-training-rankings> [<https://perma.cc/Y2K6-D6GT>].

75. Susan Killenberg McGinn, *Groundbreaking Ceremony Marks Start of University’s East End Transformation Project*, WASH. U.: SOURCE (May 4, 2017), <https://source.wustl.edu/2017/05/groundbreaking-ceremony-marks-start-universitys-east-end-transformation-project/> [<https://perma.cc/MC3E-NPYH>] (explaining that the “largest capital investment in the Danforth Campus recent history” is intended to add more buildings and a high-end eatery for existing students, and a visitor center for prospective students); Oliver Lazarus, *The Lofts and the Changing Face of the Loop*, WASH. U. POL. REV. (Apr. 13, 2015), <http://www.wupr.org/2015/04/13/the-lofts-and-the-changing-face-of-the-loop/> [<https://perma.cc/M5UZ-XJGX>] (“The dictum “don’t go north of the Loop” is common among students, reinforcing Delmar Boulevard’s segregational elements ... indicative of the “insularity” of current students, similar to what many students call the “Wash. U. bubble.””).

76. See *Taylor Family Establishes \$10 Million Scholarship Challenge*, WASH. U.: SOURCE (Nov. 14, 2017), <https://source.wustl.edu/2017/11/taylor-family-establishes-10-million-scholar>

has done little relative to its wealth to substantively address the issues plaguing this community.

But what about the rest of the SLU Law School faculty who live and work here—those who do not teach in the clinics? How are they helping to change the situation locally? And at the risk of making them uncomfortable after hosting this event, what of deans and chancellors who wield additional prestige and influence? By virtue of their positions of power they can help take on important systemic issues—like racially segregated public schools and the deplorable level of public defense funding in our state—by simply writing editorials.<sup>77</sup> And students can urge them to do so.

You have also heard about some new and creative legal strategies from the attorneys on my panel—and throughout this symposium. But do not be limited by our ideas. Be even more innovative as you become lawyers, thinking of new ways to blend law and technology, litigation and other tools, to influence policing practices and prosecution policies—just as Medgar Evers' wife remained tenacious and creative in seeking justice for her husband's death.<sup>78</sup>

For instance, even as we continue to protest Jason Stockley's acquittal, have all avenues of prosecution, punishment, and policy change been considered? What of his AK-47? What was the state of the law around possession of such items in 2011? Should he have gotten the benefit of a self-defense instruction at all if displaying such a weapon of war was unreasonable or made him an initial aggressor? How might you support efforts to reopen the wrongful death suit, settled based on imperfect information when details were withheld from the family? What other possibilities might students generate?

In doing resistance work, however, be sure to take care of yourself. I am here to tell you that it is not easy and can take its toll. After twenty-two years of social justice lawyering—the last two spent launching a non-profit civil rights

---

ship-challenge/ [https://perma.cc/DPQ5-QPCM] (describing Taylor as “executive chairman of St. Louis-based Enterprise Holdings” without also mentioning the Taylor family's involvement in the Keefe Group); Tim Barker, *Prison Services are Profitable Niche for Bridgeton Company*, ST. LOUIS POST-DISPATCH (Feb. 15, 2015), [http://www.stltoday.com/business/local/prison-services-are-profitable-niche-for-bridgeton-company/article\\_62560bec-4010-5342-9e11-5d647aeb-a2a.html](http://www.stltoday.com/business/local/prison-services-are-profitable-niche-for-bridgeton-company/article_62560bec-4010-5342-9e11-5d647aeb-a2a.html) [https://perma.cc/X2VU-T63J] (describing the connections among the Taylor family's Enterprise Holdings work and Keefe, as well as efforts to keep distance between the two); see also Jake Lyonfields, *Editorial: Prison Profiteering Paid for My College Education*, ST. LOUIS POST-DISPATCH, July 9, 2015, at A15 (describing Taylor family's involvement with Keefe Group, which sells commissary and other items to prisons for resale to inmates).

77. I was pleased to see that SLU Law Dean William Johnson shared this message on Twitter just a few days ago: “Discomfort is important for critical self-reflection, growth and consciousness, which in turn are critical for meaningful change, in my view.” @Dean\_WPJohnson, TWITTER (Dec. 15, 2017, 4:25 PM), [https://twitter.com/dean\\_wpjohnson?lang=en](https://twitter.com/dean_wpjohnson?lang=en).

78. *Myrlie Evers-Williams*, BIOGRAPHY, <https://www.biography.com/people/myrlie-evers-williams-205624> [https://perma.cc/X7VJ-5J5T] (describing thirty-year effort by Evers-Williams before Edgar's killer was successfully prosecuted).



law firm in this town with only two attorneys advancing a range of important law suits and advocacy campaigns—I feel the need to take a bit of a breather myself. Sometimes taking a break means moving away, and not just from the legal, but from traumatizing and dehumanizing environments that remain unchanged after decades.

Black Lives Matter protesters locally declare, “No Justice, No Profit” to drive shoppers away from our malls.<sup>79</sup> And the NAACP issued travel advisories for our state to warn against people of color visiting Missouri.<sup>80</sup> Thus, leaving the Show Me State, refusing to relocate here, or threatening such actions en masse, may be one of the strongest ways groups can make clear that Missouri state and local governments have not moved quickly enough to address systemic injustices.<sup>81</sup> And with such threats of mass departures or boycotts, perhaps government officials will finally step up and take proper stock of the civil rights mess that remains Missouri.

### III. MISSOURI \*@!?!\*@! – TOO SLOW

I know I am no Nina Simone and this is not Carnegie Hall. But I cannot help but further note the similarities between this platform, and the national debut of the song with which I started my presentation. Here, I have the opportunity to address a nearly all-white audience from the hallowed stage of an esteemed—and religious—institution about the injustice all around them. So, as I conclude, I also feel the need to call out ongoing local civil and human rights violations by way of words that may have some shock value given the venue: Missouri, Goddam—Too Slow!

---

79. Angela Mueller, ‘No Justice, No Profit’ Calls for Black Friday Boycott, ST. LOUIS BUS. J. (Nov. 13, 2014), [https://www.bizjournals.com/stlouis/morning\\_call/2014/11/no-justice-no-profit-calls-for-black-friday.html](https://www.bizjournals.com/stlouis/morning_call/2014/11/no-justice-no-profit-calls-for-black-friday.html) [<https://perma.cc/JEV2-UQN9>].

80. Taryn Finley, NAACP Warns Minorities, Women Heading to Missouri: “They May Not Be Safe,” HUFFINGTON POST (Aug. 7, 2017), [https://www.huffingtonpost.com/entry/naacp-travel-advisory-missouri\\_us\\_597f39e7e4b02a4ebb76e48c](https://www.huffingtonpost.com/entry/naacp-travel-advisory-missouri_us_597f39e7e4b02a4ebb76e48c) [<https://perma.cc/XDF8-XZVY>].

81. Brendan O’Brien, *Protests Could Derail St. Louis’ Bid for Second Amazon Hub: Sources*, REUTERS (Sept. 23, 2017, 5:18 AM), <https://www.reuters.com/article/us-missouri-crime-amazon/protests-could-derail-st-louis-bid-for-second-amazon-hub-sources-idUSKCN1BY0D7> [<https://perma.cc/VK3T-2ALE>] (suggesting ongoing social justice problems in St. Louis could impact business ventures in the future); John Eligon, *Protests Disrupt Commerce in St. Louis, and Regional Leaders Take Notice*, N. Y. TIMES, Oct. 21, 2017, at A11; see also Patricia Hureston Lee, *Shattering ‘Blight’ and the Hidden Narratives that Condemn*, 42 SETON HALL LEGIS. J. 29, 86 (2017) (discussing how St. Louis community members are in the best position to identify and solve community problems without relying on the legal system).