



# The Society for the Study of Social Problems

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December 19, 2014

Mr. Eric H. Holder, Jr.  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Holder:

We are writing on behalf of the Society for the Study of Social Problems (SSSP), one of the oldest and largest sociological associations in the United States, to express our deep concern with a recent Grand Jury decision in Staten Island not to indict police officer Daniel Pantalone for the choking death of Eric Garner, despite the fact that the event was caught on tape. Reaction to the legal system's failure to indict the police officer transcended ideological and partisan lines. What makes this incident even more troubling is that it appears not to be an isolated event. Just a week before this decision, in Ferguson, Missouri, a Grand Jury reached the same conclusion in the killing of another unarmed black man by a police officer. Michael Brown, only eighteen years in age, was shot nine times by police officer Darren Wilson, three times in the head. But it does not end here. Add to their deaths at the hands of police officers, all since July of this year, John Crawford III in Dayton, Ohio; Darrien Hunt in Saratoga Springs, Utah; Cameron Tillman in Houma, Louisiana; Akai Gurley in Brooklyn, New York; Tamir Rice in Cleveland, Ohio; and Romain Brisbon in Phoenix, Arizona. To date none of the police officers involved in these shootings have been held legally accountable. It is difficult to look at these and other cases and not see that race continues to be a factor in how justice is dispensed, evidenced, in part at least, by the wildly disproportionate number of fatal shootings of unarmed black men and boys by police officers and the mass and disproportionate incarceration of black men in the country's prisons.

In 1900, W.E.B. Du Bois asked in a lecture delivered at the third annual meeting of the American Negro Academy, "what part is the color line destined to play in the 20th century?" This is a question that we find ourselves asking about the 21<sup>st</sup> century, especially in light of these recent events, the race-baiting to which the first black president has been

subjected, the gutting of the Voting Rights Act by the Supreme Court, and voter suppression laws in state after state, to reference but a few causes for concern. As the country becomes more and more ethnically and racially diverse, the need to construct a society free of racial and ethnic prejudice and discrimination, linked to the need to increase the trust between minority communities and the police sworn to protect them, has never been greater. Yet, what we have seen in the past few months has been the exact opposite – and for this reason we believe it imperative for the federal government to recognize that it still has a critical role to play in fashioning a society in which a person’s color or ethnicity is not a factor in whether he or she lives or dies. If states and municipalities cannot protect the civil and legal rights of their citizens regardless of race or ethnicity, *then the federal government must step in, as it has in the past, to protect these rights.*

There is an old saying that a prosecutor can get a grand jury to indict a ham sandwich. What is troubling, however, is that state and municipal prosecutors are probably more likely to seek the indictment of a ham sandwich than a police officer, in part because of their structural relationship with the police. In *United States v. Williams*, Justice Antonin Scalia explained the function of the grand jury in this way: “[I]t is the grand jury’s function not ‘to enquire . . . upon what foundation [the charge may be] denied,’ or otherwise to try the suspect’s defenses, but only to examine ‘upon what foundation [the charge] is made’ by the prosecutor. [citations omitted] As a consequence, neither in this country nor in England has the suspect under investigation by the grand jury ever been thought to have a right to testify or to have exculpatory evidence presented.” This was not the way it worked in Ferguson, and it was probably not the way it worked in Staten Island.

We applaud the Justice Department’s investigation of these events, and hope that it can help to restore the trust in our criminal justice system lost in communities of color by these events. We hope and trust that the Justice Department’s investigation will be thorough and transparent in order to ensure that justice is served, even when the alleged perpetrator is a police officer.

Sincerely,



Marlese Durr, Ph.D, President  
The Society for the Study of Social Problems



Héctor L. Delgado, Ph.D., Executive Officer  
The Society for the Study of Social Problems



Nancy Mezey, Ph.D., Vice-President  
The Society for the Study of Social Problems

Cc: President Barack H. Obama