

Congress of the United States
House of Representatives
Washington, DC 20515

August 11, 2014

The Honorable Eric Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Attorney General Holder:

The facts that have begun to emerge surrounding the August 9, 2014 killing of 18-year-old Michael Brown by a police officer in Ferguson, Missouri raise potentially serious concerns, particularly because it may be part of a continuing pattern of the use of deadly force by police against unarmed African-Americans. While we appreciate that the facts are still coming to light in this case and we do not pre-judge the incident, we believe that the seriousness of the incident requires intervention by federal law enforcement agencies and we are heartened to learn of the parallel federal investigation that you announced today.

According to press reports, Mr. Brown, who was unarmed, was fatally shot by a member of the Ferguson Police Department this past Saturday afternoon.¹ The St. Louis County Police Department, which is currently investigating the shooting, claims that the shooting occurred after Mr. Brown assaulted the officer and the two men struggled for the officer's gun, but local community members have expressed strong skepticism and outrage about this explanation.² According to one eyewitness account, several shots hit Mr. Brown as he attempted to flee with

¹Julie Bosman & Emma G. Fitzsimmons, *Night of Unrest Over Police Killing of St. Louis Teenager*, N.Y. TIMES, Aug. 11, 2014, available at <http://www.nytimes.com/2014/08/12/us/looting-and-unrest-follows-vigil-for-st-louis-teenager.html?hp&action=click&pgtype=Homepage&version=HpSum&module=second-column-region®ion=top-news&WT.nav=top-news>; Leah Thorsen, *Anger, Confrontation After Fatal Shooting of Teen by Ferguson Police Officer*, ST. LOUIS POST-DISPATCH, Aug. 10, 2014, available at http://www.stltoday.com/news/local/crime-and-courts/anger-confrontation-after-fatal-shooting-of-teen-by-ferguson-police/article_04e3885b-4131-5e49-b784-33cd3acbe7f1.html.

²*Id.*

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his hands in the air, suggesting discrepancies with the St. Louis County Police account.³ More broadly, press reports suggest that Mr. Brown's shooting may be symptomatic of larger racial tensions in Ferguson.⁴

We applaud the Department of Justice's decision to investigate the shooting of Michael Brown, but hope that you will consider expanding the scope of federal involvement and ask that the Department dedicate sufficient resources to investigate the legal and civil rights ramifications of the shooting and surrounding circumstances. We urge the Department to examine both the facts of the specific incident as well as the potential for any pattern or practice of police misconduct by the Ferguson Police Department. We understand that the federal investigation will be concurrent to, rather than supplant, the St. Louis County Police Department's investigation of this matter, but this arrangement may be insufficient for at least two reasons. First, the St. Louis County Police Department may not be the most objective or credible body to investigate civil rights matters involving law enforcement given evidence of racial profiling by that department in the recent past, which Congressman Clay had asked the Department of Justice to investigate.⁵ Second, only the federal government has the resources, the experience, and the full independence to give this case the close scrutiny that the citizens of Ferguson and the greater St. Louis area deserve. Moreover, to the extent that a pattern or practice of police misconduct may exist, such misconduct would be a clear violation of *federal* law, including 42 U.S.C. § 14141, which makes it unlawful for State or local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States. Such conduct would include the use of excessive force by police.

³ Leah Thorsen, *Anger, Confrontation After Fatal Shooting of Teen by Ferguson Police Officer*, ST. LOUIS POST-DISPATCH, Aug. 10, 2014, available at http://www.stltoday.com/news/local/crime-and-courts/anger-confrontation-after-fatal-shooting-of-teen-by-ferguson-police/article_04e3885b-4131-5e49-b784-33cd3acbe7f1.html.

⁴ Julie Bosman & Emma G. Fitzsimmons, *Night of Unrest Over Police Killing of St. Louis Teenager*, N.Y. TIMES, Aug. 11, 2014, available at <http://www.nytimes.com/2014/08/12/us/looting-and-unrest-follows-vigil-for-st-louis-teenager.html?hp&action=click&pgtype=Homepage&version=HpSum&module=second-column-region®ion=top-news&WT.nav=top-news>.

⁵ Christine Byers, *Whistleblower in St. Louis County Police Racial Profiling Probe Alleges Retaliation*, ST. LOUIS POST-DISPATCH, Jul. 9, 2013, available at http://www.stltoday.com/news/local/crime-and-courts/whistleblower-in-st-louis-county-police-racial-profiling-probe-alleges/article_3f52ec44-f9ab-5b06-b1f9-868cd63fc9ba.html; see also Christine Byers, *NAACP Files Civil Rights Complaint Against St. Louis County Police*, ST. LOUIS POST-DISPATCH, Jan. 18, 2014, available at http://www.stltoday.com/news/local/crime-and-courts/naacp-files-civil-rights-complaint-against-st-louis-county-police/article_5e3ddfee-b883-55a1-bf08-948f74c96e47.html (outlining NAACP's allegations that the department engaged in racial profiling and racially discriminatory employment practices).

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We further appreciate the fact that the Community Relations Service is already present in Ferguson to help calm tensions in the community following the shooting of Mr. Brown. A full federal investigation, however, is needed and we ask that the full resources of the Department of Justice be brought to bear in this matter.

Please direct your response to the Committee on the Judiciary to the attention of Ranking Member Conyers at 2142 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-6906). Further, please copy your response to the other undersigned Members' offices. Thank you for your prompt attention to this matter.

Sincerely,



Representative John Conyers, Jr.
Member of Congress



Representative Marcia L. Fudge
Member of Congress



Representative Wm. Lacy Clay
Member of Congress