

THE SOCIAL CONTROL OF A POLICE SHOOTING

A CASE STUDY

by

BONNIE SEMORA

(Under the Direction of Mark Cooney)

ABSTRACT

On the morning of October 12, 1995, Edward Wright, a young black man, ran out of his family's home unclothed. Wright overwhelmed the first officer to find him and that officer fired on Wright, who died of his wounds. The purpose of this study is to examine three questions about the aftermath of the shooting. First, large crowds of angry African Americans gathered immediately and then again for days. A riot seemed to be imminent. What actions were taken by leaders to prevent violence? Second, the legal review of the potential criminal case against the officers was conducted by the local district attorney. Why did he not file criminal charges, or even refer the case to a grand jury for review? Third, a civil suit was filed against Athens-Clarke County. Why did Athens-Clarke County pay a settlement in the civil case when no criminal case had been prosecuted?

An ethnographic case study of the aftermath of the shooting was conducted, allowing identification of the details of the specific events which contributed to the three

outcomes. Donald's Black's theoretical perspective was used. Black argues that we can understand conflicts by examining the status of adversaries, their supporters, and their detractors along five dimensions of social space: the vertical (wealth), the horizontal (integration), the corporate (organizational), the symbolic (cultural), and the normative (social control). This research shows, first, that specific peacemakers, *counterrioters*, with cross-cutting ties with both African Americans their adversaries worked to prevent violence. Second, the district attorney acted as a settlement agent with closer ties to the officers than to African Americans when he made a decision not to refer the case to a grand jury. Third, the county attorney for Athens-Clarke County supported the plaintiff when he demanded their insurer settle the case after the plaintiff made a *Monell* claim, which might have resulted in a higher award in the event of a trial. Thus, the research shows that the status of the participants influenced the outcome of the three conflicts in the way that Black's theory predicts.

INDEX WORDS: conflict management, riot, race, police shooting

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DEDICATION

For my mother, born Flossie Fay Dement,
And my father, Travis Branard Semora.
Both so intelligent, both wanting more education,
And both supporting me in my own.

And for my husband, William Michael Hussey,
My beloved Billy Mike.

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CHAPTER 1

INTRODUCTION

On October 12, 1995, Edward Wright, a black man who had been running down the street naked, was shot and killed by police officers with the Athens-Clarke County¹ Police Department. Officer Calvin Baxter² said he shot and killed the unarmed Wright because Wright attacked him, beating him until he feared for his life. What might have been seen as a simple case of self defense became a public issue in which blacks and whites charged one another with racism, abuse, and extortion. Portions of the community held public demonstrations expressing their disapproval of the shooting, but little violence occurred even when emotions were high. No criminal charges were filed against the officers, but Wright's family filed, and settled for an unstated sum, a civil suit against the local government. An annual Afro-centric festival was created in Wright's memory, and political careers were enhanced and damaged.

The issue of race aside, the shooting of Wright was likely to be controversial because he was an unarmed citizen. There is an inherent tension in the attempt to establish a peaceful society by allowing one group, police officers, to use violence. This tension is exacerbated in our society by media portrayals of police. On television and in the movies, police kill dozens of people every week, but the reality is that few officers ever have to

¹ The City of Athens and Clarke County unified after a referendum in 1990, and now form The Unified Government of Athens-Clarke County, Georgia, which will be referred to here as Athens-Clarke County or Athens.

² Because this is a report of an important historical event, respondents were promised confidentiality in only a few cases. Most respondents openly agreed to have their real names used. (See Appendix A for consent forms). The officers involved in the shooting did not agree to be interviewed. Pseudonyms have been used for them to protect them and their families.

resort to deadly force. Geller and Scott (1992) estimates that each year the *half million* police employed in the U.S. kill 600 suspects, wound an additional 1200, and miss as many as they hit—1800. This means just 7 officers out of 1,000 fire on suspects annually.

The officers on the scene of the shooting of Edward Wright, Calvin Baxter and Dave Redding, like all police officers, were assigned the task of managing those individuals whose behavior has become dangerous. Police officers have the authority to use sanctions not available to other individuals in enforcing community norms. Specifically, police are charged with the ability to use deadly force immediately, without consultation with the community, although they must follow the guidelines it sets. Those guidelines were modified in 1985 when the Supreme Court ruled in *Tennessee v. Garner* that deadly force could be used to effect the arrest of a *fleeing* felon:

If the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where [471 U.S. 1, 12] feasible, some warning has been given. (U.S. Supreme Court, *Tennessee v. Garner*, 471 U.S. 1, 1985)

Under Section 17-4-20 of the Georgia Code, peace officers may use deadly force to arrest felons who are fleeing or resisting arrest “only when the officer reasonably believes . . . that the suspect poses an immediate threat of physical violence to the officer or others.”

The public, but not police officers, maintains a blissful lack of awareness of what the law means. The law means that, in order to use deadly force, officers must fear for their own lives or serious bodily injury, or for the lives or injuries to another. In plain English, an

officer must be scared to death in order to shoot at someone. Baxter claims that he met this standard. His detractors claim that if he did, it was only because Wright was black.

Outline of the Study

This study examines the aftermath of the shooting of Edward Wright. Although I will briefly describe the differing perspectives of the shooting, the purpose of this study is to examine what happened afterwards, first when tempers were high, and later when attorneys took over the process of resolving differences. This first chapter serves as an introduction to the parties involved and the process of the study. In the next chapter, I will begin a discussion of the literature and theory to be used and explain the research methods. Three chapters will each examine specific research questions, and the final chapter will summarize the findings of the study.

A brief glimpse of the shooting reveals that Edward Wright had become increasingly agitated in the days preceding the shooting. The night before the shooting, when his family sought spiritual help, Wright took his clothes off in the church parking lot. They convinced him to dress and took him home. On the morning of the shooting he came out of the shower, said, "We come into this world naked and we go out naked," and ran down the street without his clothes. His family and others called police. When Officer Calvin Baxter, arrived at the scene, Wright would not respond to Baxter's instructions, and Baxter sprayed him with pepper spray. Wright became combative, and when Officer Dave Redding arrived, Wright was on top of Baxter beating him. Redding got them separated, but Wright pursued Baxter, who fired several rounds at Wright. Again Wright physically attacked Baxter, and again Redding had to separate them. Baxter lost possession of his weapon, and Redding had to kick it out of the way. Wright

continued to move about the scene until restrained on an ambulance stretcher. He died later in the local hospital.

The purpose of this study is not to assess the legality or the morality of the shooting. In this study, I will examine the aftermath of the shooting, using the theoretical perspective of pure sociology as developed by Donald Black (1976, 1979, 1987, 1989, 1995, 1998, 2002). Black has developed a radically new kind of sociological theory, pulling from writings on social structure to develop a theory which focuses on social geometry rather than psychological variables to explain human behavior. He first develops his theory by explaining the behavior of law (1976). He observes that five dimensions of social space explain the behavior of law: the vertical (stratification); horizontal (social integration); corporate (membership in organizations); cultural (the symbolic aspect of social life); and the normative (social control). Black later (1998, Chapter 5) discusses in more detail how social control can be aimed at social superiors as well as social subordinates. Social control is conflict management, and can be explained using the other four dimensions of social space: vertical, horizontal, corporate, and cultural.

Black (1989) identifies five forms of conflict management, including avoidance, toleration, soliciting support from third parties such as settlement agents, negotiation, and self-help. In this study, three of these forms of conflict management become significant. First, self-help is “the expression of a grievance by unilateral aggression” (Black, 1989, p. 75). This means that, when two parties are in a conflict, one initiates violence to handle the dispute. In the context of this study, the form of violence likely after the shooting of Wright was that of a riot. The second form of conflict management used was

that of negotiation, or “the handling of a grievance by joint decision” (Black, 1998, p. 83). When using negotiation, two parties engage with one another directly or with supporters, such as lawyers, to achieve a peaceful resolution to their disagreement. Negotiation was used to avoid rioting and to resolve the civil case filed against the city. Finally, parties to a conflict may seek a third party to help them resolve a conflict by acting as a mediator, arbitrator, or judge. In this case, the district attorney became the settlement agent when he declined to present the potential criminal case against the officers to the grand jury.

This is a case study of the shooting of Edward Wright. In a discussion of case studies, Becker (1992) points out that a traditional search for causes leads to probabilistic statements. Cause explains variance, but “causal arrows do not represent the complex interdependencies of stories” (p. 215). Case studies examine the conjunctures of a multitude of variables. This study is an ethnography (Wolcott, 1999) using participant observation, in-depth interviewing, and archival analysis. I was a participant observer in that I have been a police officer and have been involved in a shooting. In addition, when the “Edward Wright Justice Coalition” was formed, I made meetings, kept minutes, and participated in the planning of a festival held in Wright’s name. This gave me excellent access to the members of the community who were leaders in the resolution of the shooting, and I was able to interview them at length. Finally, I read everything published in the local newspaper about the shooting for weeks.

Perspectives of the Shooting

A cloud of differing perceptions and memories obscures the actual step-by-step events at the scene of the shooting, preventing outsiders from being able to identify the

“truth” about what happened. (A time line is provided in Appendix A.) Witnesses and some community members, especially African Americans, objected that Baxter had nothing to fear from the obviously unarmed Wright. At the other end of the spectrum, the officers’ supporters argued that Wright was, at the very least, deranged. When stopped by police, he created a situation in which escalating use of force was necessary. Wright beat Officer Baxter and caused him to lose control of his firearm even after Wright had been fatally wounded. In this study, I will not attempt to resolve the legal questions, but it is useful to review the disparate accounts briefly.

The Police

The police believe that the shooting of Edward Wright was legally and morally justified. In the office of his attorney, Hue Henry, Calvin Baxter made a statement to the Georgia Bureau of Investigation about the shooting (GBI statements of Calvin Baxter). Baxter said that when he got to the scene, Wright immediately became combative. Baxter tried to subdue Wright using pepper spray. Wright got Baxter down on the ground and pummeled his head repeatedly with his fists. When Redding arrived, he struck Wright and got Baxter away from him. Wright pursued Baxter shouting, “Kill me!” Baxter said Wright’s attack was so aggressive that it constituted a deadly threat, and Baxter feared he would lose control of his firearm, increasing the threat he was under that much more. Even after Baxter shot Wright, his attack did not stop:

He attacked me, even after he was shot. He attacked me. He knocked the gun out of my hands. I was on the ground. I was trying to get my weapon away from me. I said, “Get my gun, my gun, get my gun!” And [Officer] Dave [Redding] kicked it away. And Dave got me off of him, got me separated from him. I’m not exactly sure how he done it, but he did. I had felt him hitting me—and I tried—I almost tried to block that out and concentrated on getting my gun away.

In his statement to the GBI, Officer Dave Redding describes a dramatically poignant scene in which he literally had to pry Baxter out of the grasp of the fatally wounded Wright:

The suspect grabbed Baxter and reached around his neck and they fell to the ground. Baxter dropped his gun and yelled, "Get my gun." I kicked the gun toward the edge of the road. The suspect reached for the gun before I kicked it. The suspect would not let go of Baxter's shirt. I put my foot on the suspect's shoulder and was pulling Baxter away from the suspect.

In the following weeks, public criticism of the police was fierce. Critics said Baxter should not have used pepper spray so quickly, and Redding should have handcuffed Wright. (Gordon, 1996; deposition of Elizabeth McKeever, September 30, 1997). Police officers responded by writing editorials encouraging residents to recognize the difficult position in which Baxter and Redding had found themselves (Meadow, 1995; T. F. Hunt, 1995; Holland, 1995). Hue Henry (1995), attorney for Baxter and Redding, wrote a letter reminding officials of the presumption of innocence, and reminding readers there had been no outcry over the questionable shooting of Gregory Charles Boyd, a black man shot by a black police officer in 1994. (This shooting is discussed in Chapter 3, below.)

African Americans

There is, of course, a range of views about the shooting held by both African Americans and whites. What I will describe here are the most prevalent views I found among those groups.

Many African Americans believe that the shooting and its aftermath were racially biased. Local African Americans have stated repeatedly that a young white man,

especially a student at the local university, would have been handled much differently, and certainly would not have been shot down. Some believe that the officers should have used greater physical force against Wright to avoid the necessity for deadly force. Others argued that it would have been better to be hurt in a fight with Wright than to have killed him.

The Georgia Bureau of Investigation took statements from several witnesses saying that Wright had beaten Baxter badly, but the witnesses denied making these statements when they were deposed in connection with the civil case two years later. Some of the witnesses to the shooting, including Elizabeth McKeever, knew Wright. After the shooting, she tried to get other officers arriving at the scene to help with first aid. McKeever said in her deposition that after he was fatally wounded, Wright fell, got up, walked around the scene, and fell again six times. "I counted them suckers. Every time," she said in her deposition on the civil case (deposition of Elizabeth McKeever, 1997). She got a blanket from her home, walked up to Wright to wrap him in the blanket, and he fell on her. After the ambulance arrived and transported Wright, she drove to his mother's house to notify her of the shooting. McKeever's perspective on the shooting is so different from the officers because of her close relational and cultural ties to Wright. She knew Wright and his family, and like her, they are African American.

Williams (1998) actually studied community policing and citizen perspectives of the police in the neighborhood in which Wright was killed just before the shooting occurred. Five themes emerged from his study. Police displayed a lack of respect for citizens and negative interactions with police occurred. Citizens perceived inequitable delivery of police service but they also lacked knowledge about officers. Finally, a lack

of citizen participation in addressing crime problems was based on fear of retaliation from crime suspects. Thus, according to Williams' study, the neighborhood was already primed and ready for conflict and misunderstanding between police and African Americans.

Whites

Within hours of the shooting, local officials, most of whom were white, were in the neighborhood where Wright was killed. They walked through the neighborhood and then made one meeting after another, assuring "the black community that the investigation into the shooting [would] be handled properly" (Thompson, 1995b). Their efforts were directed toward averting civil unrest in response to the shooting. Less than a week after the shooting, when it appeared that the Georgia Bureau of Investigation and the police internal investigation were going to clear Officers Baxter and Redding, Athens-Clarke County manager Al Crace "expressed dissatisfaction with probes into the death" (Stroer, 1995b). White and black ministers met with one another and with groups of African Americans, pledging they would work together to improve race relations throughout the county. During the closing months of 1995, some city residents wrote letters to the local papers telling of positive interactions with police in other settings.

Once the threat of violence had passed and the news was not being dominated by the actions of local leaders, the tone of public comments about the case changed. A civil suit had been settled out of court with a payment to Wright's family. Conservatives openly expressed resentment about that compromise and about a downtown festival named for Wright. They insisted that Wright was shot not because he was black, but because his behavior was illegal and life-threatening.

In summary, the shooting of Edward Wright was highly contested. Other police officers generally supported Baxter and Redding after the shooting, pointing out that Baxter was overwhelmed by Wright. African Americans as a group thought the shooting was racially motivated, arguing that a white student at the local University of Georgia would not have been killed under the same circumstances. Athens has a significant liberal white population which was dismayed by the shooting. White and black leaders worked to calm the anger bubbling to the surface. Athens is in the Old South, however, and there were whites who openly voiced their resentment over the settlement in the civil case and the creation of a festival in Wright's name. In the next section, I will say more about the police and about race.

Placing the Participants

In this study, I will address the question of how the structural position of social participants in the aftermath of the shooting influenced the form, style, and quantity of the response of Wright's family and the local African American community to his shooting. In this section, I will briefly outline the structural position of police, the police view of shootings, and the structural position of African Americans in our society.

The Police

According to Bittner (1975), the police are "a mechanism for the distribution of situationally justified force in society" (p. 39). When Americans "call the cops," they expect the representative of the state who shows up to be able to exercise the unopposable force of the state to help them in their conflict, whether it is with family, friends, or strangers.

The police force as a whole represents the full power of the collective of the citizens—of the state. Police departments can be powerful organizations and allies, and beyond the department, the officer's employer – a city, county, or state – is capable of offering support, and sometimes does. Over the years, however, the American public has asked the police to use less force, and police departments have made efforts to comply. This has created an adversarial relationship between officers and their department, resulting in a “code of silence (Crank, 1998, pp. 224-226) and contributing to the formation of employee organizations (Bopp, 1971).

Police Shootings

The definition and response to a police shooting differs dramatically for officers and the public, especially for African Americans. Much of the literature about police shootings addressed to police officers covers post-traumatic stress disorder (PTSD) (Pole, Best, and Weiss, 2001; Everly, 1995; Blau, 1994; and Gersons, 1989), which is defined as a normal reaction to an extraordinary event, i.e., one outside the range of normal experience. Police officers and their families must manage PTSD after a shooting. The second major concern that officers have after a shooting is the degree to which the justification of the shooting will be questioned by the press, the department which employs them, and the legal system.

In stark contrast, when a police officer shoots a black person, the African American community may interpret the exercise of ultimate state authority as a modern form of lynching (Myrdal, 1962). The leadership in most police departments recognizes the degree of controversy which can arise with any shooting of a black person by a white

police officer. In fact, former Minneapolis Police Chief Anthony Bouza told a reporter that:

...when the police chief is called “at 3:00 in the morning and told, ‘Chief, one of our cops has just shot a kid,’ the chief’s first questions are: ‘What color is the cop? What color is the kid?’ “And,” the reporter asked, “if the answer is, ‘The cop is white, the kid is black’?” “He gets dressed,” replied Bouza. (Geller and Scott, 1992, p. 1)

A lot of officials got dressed the morning of October 12, 1995.

Race and Southern Society

As a nation, our response to matters of race is somewhat schizophrenic. In a country founded on equality of all citizens, only white male property owners were originally considered to be citizens. After the Civil Rights Movement of the 1960s and 70s, African Americans achieved nominal equality, but blacks continue to occupy a subordinate position in modern America. Here I will briefly outline the structural position of African Americans as it relates to Black’s theory.

African Americans have made great strides in moving toward social and economic equality, but blacks continue to hold a weaker position in social space along each of the five dimensions: vertical, horizontal, organizational, cultural, and normative. The vertical dimension is about wealth, and blacks as a group hold a position clearly below that of whites. At the organizational level, the races remain segregated, with blacks and whites attending different churches and joining different clubs. African Americans are not as well tied into the mainstream community. This reduced social integration is reflected in greater unemployment (Bureau of Labor Statistics, 2009) and lower rates of marriage (Dixon, 2009). Culturally, blacks have been expected to acknowledge the superiority of whites by using honorifics, while whites addressed blacks

of all ages by their first names. Whites have used this as one tool to maintain cultural distance from blacks. At the same time, whites have access not only to a wide variety of historically European culture, but as the more powerful group, they may co-opt black culture, as evidenced by their consumption of blues and jazz. The disproportionate application of social control to young African American men is evident today, especially in the inequitable crack cocaine laws. Although cocaine and crack are the same drug, blacks are more likely to use crack because it is cheaper. Prior to recent reforms, a conviction for possession of crack cocaine resulted in a mandatory prison sentence equivalent to someone convicted of possessing 100 times as much powdered cocaine. Even after legal reforms in 2007 and 2010, a conviction for possession of crack cocaine results in a prison term equivalent to a conviction for 18 times as much powdered cocaine (Associated Press, 2010; Richards, 2007).

In summary, Officers Baxter and Redding have in common with other officers concerns about their own safety, and concerns about the personal, professional, and legal aftermath of a shooting. African Americans have in common a history of subordination to whites. The purpose of this study is to examine how these differences impacted the aftermath of the shooting of Edward Wright. The following are the research questions which will guide this study.

Research Questions

The primary purpose of this research is to identify the factors which shaped the community's response to the shooting of Edward Wright in three ways. First, crowds gathered and there was the potential for violence immediately after the shooting and for several days thereafter, but there was no riot. Second, Officer Baxter committed a

homicide – he killed another person – but he and Redding were neither charged nor taken before the grand jury. Third, even though they were not charged criminally, Athens-Clarke County paid a settlement to Wright’s mother on behalf of his children. These issues will be addressed as three research questions.

Question 1: There was no full scale riot in Athens-Clarke County, Georgia. Why not?

Angry crowds had gathered immediately after the shooting of Edward Wright, and there were sporadic incidents of potential violence, but there was no large scale riot. How full-scale rioting was avoided is a very important issue. Sociologists are just beginning to ask how to avoid violence in schools (Time and Payne, 2008) in domestic relations (Contrino, et al, 2007), and at the workplace (Kessler et al, 2008). Very little research has addressed the question of how to avoid a riot. This case study provides an opportunity to examine in some detail the actions community leaders took in order to avoid a riot. It also provides the opportunity to observe where they were successful, and where there was some level of violence. It will be shown that where riots were avoided, negotiation, or the promise thereof, took their place.

Many researchers have examined the causes of riots. Riot commissions, historians, and sociologists have suggested that the riots occurred because of poverty, inadequate housing, inadequate schooling, economic competition, immigration of large numbers of people, racism, and the growing political power of African Americans (Governor’s Commission, 1965; Lieberman and Silverman, 1965; Spillerman, 1976; Gilje, 1987; Bergesen and Herman, 1998; Mixon and Kuhn, 2005; Wilmington Race Riot Commission, 2006). Myers (1997, 2000) developed a theory of the diffusion of riots

because of media coverage from large core cities to smaller peripheral cities using data on the riots of the 1960s, but, as will be shown, his work would not apply to a somewhat isolated event in a small Southern city.

One factor which Myers points out, drawing on Lieberman (1992), is that in order for a riot to occur, there must be a precipitating incident. Police maltreatment of minority group members has resulted in violence from Los Angeles to New York, and in smaller cities throughout America. The shooting of Edward Wright qualifies as an incident which could precipitate a riot. The most volatile times in Athens-Clarke County were the hours right after the shooting, and when people gathered in response to the shooting.

Therefore, the question is: Why not this time? When was there potentially violent public objection to the shooting and its legal outcome? When were there cases of localized violence against police? What combination of forces came together in Athens-Clarke County, Georgia that allowed the city to escape serious violence?

Question 2: In spite of all the criticism directed at the officers, they were not charged with any criminal offense, and the case was not even referred to the grand jury. Why not?

An extension of this line of inquiry includes an exploration of other ways in which people addressed the conflict around the shooting. The dictionary definition of homicide is the killing of one person by another. Whether or not the killing may be prosecuted as a murder depends, in part, on the law. Section 16-5-1 of the Georgia Code reads that, “(a) A person commits the offense of murder when he unlawfully and with malice aforethought, either express or implied, causes the death of another human being.” The killing may be excused, however, when and to the extent that “he or she reasonably believes that such

threat or force is necessary to defend himself or herself or a third person against such other's imminent use of unlawful force” (Code of Georgia 16-3-21)

Many members of the African American community, as well as liberal whites, believed that the officers faced inadequate provocation to justify the use of deadly force. They did not believe that Officer Baxter could have reasonably believed he had to use deadly force to defend himself. They expected criminal indictments against the officers.

So why were there none? Specifically, what series of interactions among the African American community, political leaders, and legal officials, including the police, resulted in the way the case was channeled in the legal and political systems? When and how did attorneys become involved? Which attorneys became involved? Why were the officers involved in the shooting not prosecuted criminally? Leaders from both sides of the conflict pled their case before the District Attorney. He wrote a letter extremely critical of the shooting, so why did he not even refer the case to the grand jury?

Question 3: Wright’s family filed a civil suit against Athens-Clarke County which was settled out of court with a large sum paid to the family. Why did Athens-Clarke County not go to court?

Immediately after the shooting, news reports showed that local attorneys Kenneth Dious and Janet Mathis were active in voicing objections to the shooting (Easterly, 1995). Later, the local paper (Thompson, 1995c) reported that representatives of three law firms in Athens were working together on a civilian investigation into the shooting. They included Ken Dious, Deborah Moore, and attorneys from Jenkins, Parker, and Wilson.

In a field interview, local NAACP vice president Thomas Oglesby stated that Murray’s step-father had talked her into using attorneys from Atlanta (Interview of

Thomas Oglesby). On October 3, 1996, a civil suit was filed by Janice Murray against the City of Athens-Clarke County on behalf of Wright's young children. The plaintiff's attorneys included Gregory Stokes and Stanford Klinger of Stokes law office, and Philip Savrin and Theodore Freeman of Freeman, Mathis, and Gary. All listed addresses in Atlanta (*Murray v. Unified Government of Athens-Clarke County*, 1996). Depositions were taken in the case, and it was scheduled to go to trial on Monday, April 12, 1999 (Martin, 1999). Spectators had gathered when it was announced that the case had been settled out of court the previous Friday, with an unstated sum paid to Wright's mother on behalf of the children.

Several questions arise. How did the original attorneys become involved in the case? What created the shift from the original attorneys to those who filed the civil suit? The case had been investigated by the local department and the Georgia Bureau of Investigations. Numerous depositions were taken, with attorneys for both parties present. After all this time and expense, and with no criminal charges filed against the officers, why did the city settle out of court? Why not go to court and plead their case that Wright did in fact present such a threat to the officers, especially Officer Baxter, and that he was justified in using deadly force? Why pay a large sum of money to the family of the man who provoked his own shooting?

Summary

In answering these questions, I expect to contribute to three bodies of literature – that on collective violence, conflict management, and race. I will focus on the theory of Donald Black, which is embedded in his paradigm of pure sociology. Donald Black suggests that the structural position of adversaries and third parties in a conflict directly

impacts the form of management used to address the conflict as well as its outcome. In this case, third parties included not only witnesses but also a wide spectrum of community, state, and national citizens, leaders, and officials. Some of these leaders and officials were charged with being objective and fair interpreters of the shooting, while others openly supported specific agendas. I expect to show how the position of the primary participants, witnesses, leaders, and officials affected the immediate outcome of limited violence, to explain violence when it occurred, and to show how the legal examination of the event was channeled away from the criminal system and into the civil system. I am using Black's theory because it is the most comprehensive theory of conflict management and can address all these issues.

Finally, this study will contribute to the literature on race. Many of us would like to believe that race no longer matters in the U.S., but race is an important variable in placing disputants in this conflict. In the next chapter I will show that race is a predictor of education, employment, income, housing patterns, and other measures of integration into mainstream society. Race is an important factor in determining who is targeted for social control and what type of social control is used. Race continues to be a major basis of stratification in this country, and as Gunnar Myrdal (1962 (1944)) said, our American dilemma.

CHAPTER 2: LITERATURE, PEOPLE, AND METHODS

In this chapter, I will explain Donald Black's paradigm of pure sociology as it applies to this case. His theory of law quickly developed into a theory of conflict management applicable to cases such as this. I will explain negotiation, settlement agents, and self-help as methods of conflict management, and show the role of partisanship in disputes. Then I will show in more detail the placement of participants in the conflict following the shooting. Finally, I will discuss qualitative research methods, which were used in conducting this research.

The Literature

General Theoretical Perspective – Pure Sociology

In his early work, Black (1976) examines structural influences on legal outcomes, which vary in time and social space. Law is defined as “governmental social control” (1976, p. 2). Law can be quantified. It varies in time and social space. The three aspects of a legal case which are important in determining the behavior of law are the location of each party in social space; the distance between parties; and the direction of the application of law. Black (1979) begins to call his theory “pure sociology” to stress the fact that he is concerned only with the effects of social factors—the structural position of actors in social space. He omits any consideration of the psychological factors which are so difficult to cull from most of American sociology.

Pure Sociology and the Theory of Law

In *Sociological Justice*, Black (1989) defines law as the “amount of governmental authority brought to bear on a person or group” (p. 8). He writes, “The doctrines of law—the rules and principles—do not by themselves adequately predict and explain how cases are decided” (p. 4). In fact, apparently identical cases often have different outcomes. Black asserts that it is the social structure of a case, as illustrated by the social characteristics of those involved in it, which determine its outcome. As the social structure varies, the amount of law varies. In criminal cases, for example, calling the police is exercising more law than not calling the police. Having someone arrested is exercising more law than not having them arrested. **Social structure** is composed of the five dimensions of social space: the vertical aspect, the horizontal, the corporate, the symbolic, and the normative.

Stratification is “the **vertical** aspect of social life... any uneven distribution of the material conditions of existence” (Black, 1976, p. 11, emphasis added). Black proposes, for example, that downward law is greater than upward law. The upper classes have access to more law to apply downward toward their inferiors.

Organization is “the **corporate** aspect of social life, the capacity for collective action” (Black, 1976, p. 85, emphasis added). Being organized means that we can function together – we can act collectively. According to Black, both groups and individuals vary in their degree of organization. A group may be organized very simply, or in a complex arrangement. Individuals may be members of no organizations, of only a few, or of many complex organizations. Law is greater in a direction toward less

organization than toward more organization. That is, individuals are more likely to have to defend their actions in court than organizations such as cities or companies.

Black defines morphology as the “**horizontal** aspect of social life, the distribution of people in relation to one another, including their division of labor, networks of interaction, intimacy, and integration” (1976, p. 37, emphasis added). People participate to varying degrees in social life, and those “near the center of social life have more law than those further out” (p. 49) and can direct law toward those on the periphery. Well integrated members of society have many long-time friends, close friends with whom they are in regular contact. They have more access to law than those who are more socially isolated – those on the periphery who know only a few neighbors with whom they rarely interact.

Black (1976) writes that culture is “the **symbolic aspect** of social life, including expressions of what is true, good, and beautiful... It thus includes ideas about the nature of reality, whether theoretical or practical, and whether supernatural, metaphysical, or empirical” (p. 61). Differences occur in cultural diversity and cultural distance. In this paper, diversity will be defined as the extent to which groups in a society hold a variety of religious, ideological, or moral values. Cultural distance between two cultures will be defined as the degree of difference between them. The extent to which people participate in the dominant culture of their society is a measure of their conventionality (Cooney, 1998, p. 27). Black writes, “Law is greater in a direction toward less conventionality than toward more conventionality” (1976, p. 69). Thus, members of majority groups have more access to law which they can use against minorities than the other way around.

Black (1979) originally set out to explain the behavior of law. His fifth independent variable was **social control**. He wrote that law, or governmental social control, varied inversely with other social control, or “the normative aspect of social life” (1976, p. 105). Thus if someone is treated for mental illness, that style of social control, therapeutic, reduces the likelihood that the law will be invoked. In addition, social control defines both deviance and respectability. Less law is directed at the more respectable members of a society. More law is directed at those who are less respectable, especially as their normative distance from the first party increases. Black’s theory of the behavior of law is summarized in Table 1.

Table 1. The Behavior of Law: A Summary.

Dimensions of Social Status	Law is typically directed:
vertical	downward
horizontal	from the core to the periphery
corporate	from members of organizations to individuals
symbolic	from the conventional to the unconventional
normative	from the respectable to the deviant

Negotiation, Settlement, and Self-Help

Black’s first major theoretical statement was his theory of law. After he published that theory, he turned his attention to the larger question of how people handle conflict of all types. He equates social control with **conflict management**, which becomes the primary social dimension his work aims to explain.

Black developed a typology of five forms of conflict management: avoidance; toleration; soliciting support from third parties, including settlement agents; negotiation;

and self-help – one party handling a grievance by taking unilateral aggressive action against the other (Black, 1990). Of particular importance to this study are negotiation, settlement, and self-help.

Negotiation is “the handling of a grievance by joint decision” (Black, 1990, p. 54). Third parties may or may not be involved. Black argues that negotiation occurs where adversaries are equal, or where they can engage allies who are equal. In modern America, lawyers sell their social equality with one another as a commodity to their clients. Negotiation occurs where adversaries have cross linkages with one another, and where adversaries are either corporations or have access to groups which can participate in negotiations. Negotiation occurs where there is sufficient homogeneity for adversaries to share language and social and legal practices. Finally, negotiation occurs where adversaries or their representatives are accessible to one another, allowing communication between them. Black calls settings with these characteristics *tangled networks*.

The theory addressing negotiation is summarized in Table 2.

Table 2. Qualities of groups which facilitate negotiation.

Form of Conflict Management	Negotiation
Qualities of the Social Setting	equality
	cross linkages
	accessibility
	homogeneity
	organization
Type of Group	tangled network

The second form of conflict management important in this study is use of a third party in a settlement role (Black and Baumgartner, 1983). Settlement roles include friendly peacemakers, mediators, arbitrators, judges, and repressive peacemakers.

Friendly and repressive peacemakers are indifferent to the matter at issue in a dispute. They just want to end the dispute. Friendly peacemakers are closer to the parties involved and take a gentler approach. Mediators do not make or enforce decisions. They are people who listen to both parties and offer advice. An arbitrator listens and makes a decision, but has no power to enforce it. Finally, judges both make decisions and enforce them.

Settlement occurs in settings with inequality and social distance between the settlement agent and the adversaries. There is organizational asymmetry and heterogeneity between them. In each case, the settlement agent is superior to both adversaries. This setting constitutes a triangular hierarchy as summarized in Table 3.

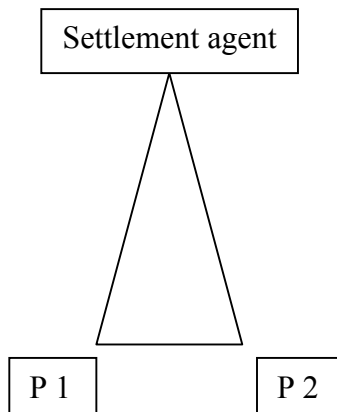
Table 3. Qualities of groups which facilitate settlement.

Form of Conflict Management	Settlement
Qualities of the Social Setting	inequality
	relational distance
	isosceles triangulation
	cultural heterogeneity
	organizational asymmetry
Type of Group	triangular hierarchy

In order for settlement agents to be impartial, they must be equally social distant from both parties in a conflict. The shape of their relationship is an isosceles triangle as in Figure 1. The greater the social distance, the more authoritative their decisions will be. In the American legal system, people in a number of branches of the criminal justice system can function as judges, generally by dismissing cases. Police officers can choose not to arrest, and prosecutors not to prosecute. Probation and parole officers can choose not to revoke probation or parole. In each of these situations, if a case is pursued, then

another, higher level person takes on the role of judge. The type of group in which settlement occurs is a *triangular hierarchy* (Black, 1990, p. 57).

Figure 1. Isosceles triangle showing the position of an impartial settlement agent.



The third form of conflict management is self-help. “Self-help is the expression of a grievance by unilateral aggression” (Black, 1989, p. 75). Self-help can vary in quantity, ranging from criticism through property destruction to violence, including murder. The pure sociology of self-help most relevant to this study has been developed by Senechal de la Roche (1996) in her work on collective violence. She begins by arguing that collective violence varies along two dimensions: breadth of liability (individual or collective) and degree of organization (low or high). The four types of collective violence she examines then are lynching (individual liability, low level of organization); riots (collective liability, low organization); vigilantism (individual liability, high organization); and terrorism (collective liability, high organization).

For example, in Tulsa, Oklahoma in 1921, Blacks tried to protect a man accused of assaulting a white elevator operator from a white lynch mob. An unorganized mob of

whites rioted in Black neighborhoods, killing 300 blacks over one alleged assault. (Oklahoma Commission, 2001). In contrast, Senechal de la Roche (1996) reports that in 1856, the San Francisco Vigilance Committee had a constitution and a chain of command. They functioned for three months, holding tribunals of individual troublemakers.

Senechal de la Roche points out that collective liability varies directly with each of the four dimensions of social space: vertical, horizontal, organizational, and symbolic. She uses the term social polarization to capture social distance along all four dimensions of social space. Therefore, “*Collective liability to collective violence varies directly with social polarization*” (p. 116). For instance, the Rodney King beating and the trials against the white officers involved illuminated the divide between Blacks and Whites in the U.S. Gilje (1996) estimated that in 1992 there were 30 riots around the country after the not-guilty verdict against the white police officers charged in his beating.

Senechal de la Roche also addresses the continuity of deviant behavior, that is, the frequency and duration of the deviance. She writes, “The continuity of deviant behavior is low where offenses are infrequent and momentary [e.g. isolated acts of theft, vandalism, or murder] and high where offenses are frequent or chronic [e.g. epidemics of crime, long term deviant acts such as prostitution, industry pollution, or oppressive regimes]” (p. 118). Continuity of deviant behavior has an impact on the organization of collective violence. Specifically, “*The organization of collective violence varies directly with the continuity of deviant behavior*” (p.118).

Senechal de la Roche’s observations on rioting as a form of self-help are summarized in the following table:

Table 4. Social distribution of four forms of collective violence.

		Continuity of Deviant Behavior	
		high	low
Social Polarization	high	More Organization	Less Organization
		TERRORISM	<u>RIOTING</u>
		Collective Liability	Collective Liability
	low	More Organization	Less Organization
		VIGILANTISM	LYNCHING
		Individual Liability	Individual Liability

Partisanship

When a conflict arises, third parties frequently become involved. Partisanship is alliance behavior. It is taking sides. Partisanship occurs both in conflicts involving the law and in those that do not. In a discussion of "Taking Sides," Black (1998) examines the factors which affect partisanship. Using the term "social distance" to refer to the dimensions relational distance and cultural distance, Black suggests, "*Partisanship is a joint function of social closeness and superiority of one side and the social remoteness*

and inferiority of the other” (p. 129, emphasis in the original). Thus a party to a conflict who is of a high social rank and has close connections to others will attract more partisans than one who is of a low social rank and begins with few friends.

Senechal de la Roche (2001) expands Black’s theory of why collective violence is collective. Where third parties are intimate, homogenous, and interdependent with one another, they are more likely to form a solidary group. As the status of the victim in a conflict increases, the more likely the victim is to receive support. The more solidary the group, and the more it supports one party to a conflict, the more partisan it is. For instance, blacks living in a neighborhood together are likely to know one another, be of a similar social class, and depend on one another. If a well-liked or respected member of the neighborhood is victimized, that person is likely to receive partisan support.

According to Senechal de la Roche, the higher the level of partisanship, the more likely collective violence will result. In this study focusing on lynching, she concludes that strong partisanship with the victim and weak partisanship with an offender increases the likelihood of lynching. A logical extension of her theory is that where there is strong partisanship with the victim and weak partisanship with the offender, and collective liability placed on the offender, the likelihood of rioting increases.

Black also writes of weak and strong partisanship, and cold and warm partisanship. Weak partisanship occurs when third parties related to one adversary are distant from both, and strong when they are close to one but not the other. Cold partisanship occurs when third parties are equally distant from both adversaries. Warm partisanship occurs when third parties are equally close to both adversaries.

Cooney examines a specific type of warm non-partisanship. In contrast to Senechal de la Roche's discussion of factors leading toward collective violence, Cooney (1998) examines patterns of homicide to learn what factors lessen violence. Cooney observes that partisans may act as either warriors, who stand ready to fight on behalf of their principal, or as peacemakers, who work to end conflict between two parties. It is the relationship of third parties to *both* sides of a conflict which determines partisan behavior. Of special interest to this study are cross-cutting ties. When third parties have organizational or individual ties to both parties, their social distance from each is reduced. Rather than choose between the sides, third parties may work to reduce the conflict. Specifically, people with ties to both sides of a conflict may separate the two parties, they may try to persuade them to talk rather than fight, and they may mediate the disagreement.

In Cooney's cross cultural study of homicide, he compared conflicts in which third parties had ties to only one disputant and those in which ties were cross-cutting. For parties with discrete ties, 83% of homicides lead to vengeance killings. For those with cross-cutting ties, only 38% lead to vengeance killings.

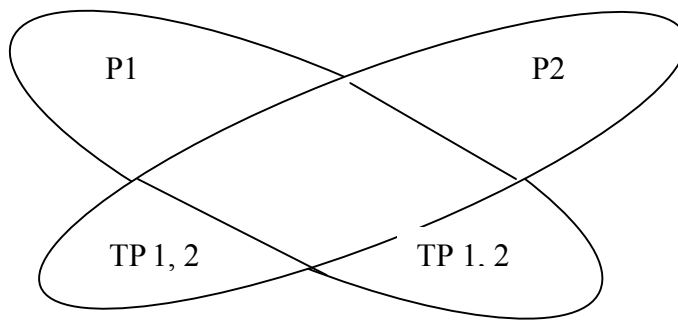
For example, Clayton and Carole Robarchek (1992) studied the difference in levels of violence between the Semai and the Waorani, two groups which appeared to be very similar on the surface. The two groups live in equatorial rain forests, engage in shifting agriculture and hunting, and function in autonomous bands. Both groups are egalitarian and have bilateral kinship lines. The salient difference is that the Semai are extremely peaceful, while the Waorani have an incredibly high homicide rate. The cause of the difference is apparently that the Semai rely on extended, overlapping kindred

networks when they are in need or in conflict with others, while the Waorani rely on the members of their immediate families. Waorani usually marry a child of a parent's different-sex sibling. They are close to their parents and siblings, but have disputes with in-laws and potential spouses. The complex arrangement of Semai networks makes it typical for any member to have ties to both parties in a conflict, creating a dramatically more peaceful society.

In summary, Senechal de la Roche points out that **violence becomes collective** when a solidary group provides strong partisanship to a high status victim. Rioting is the result when there is collective liability.

Cooney writes that **peace-making**, in contrast, results from the cross-cutting ties of third parties to a conflict, as shown in Figure 2. Third parties who are close to one actor in a conflict along one dimension of social space may also have ties to the other actor, along with a desire to keep peace between them. In the Figure, adversary Party 1 has close Third Parties 1 and 2, perhaps based on kinship. The same is true of adversary Party 2, but each is connected to third parties in the other's camp by other social ties, such as organizational membership in a gang.

Figure 2. Cross-cutting ties of third parties to parties in a conflict.



Why not another theory?

There is a multitude of theories of deviance and social control which might be used to examine this shooting of Edward Wright. Why not use one of them? Many of the theories have either substantive or methodological flaws. For instance, Shaw and McKay (1942) developed a theory of delinquency based on social disorganization. They write that in poor communities, when the poor engage in earning a living illegally, alternate value systems develop which compete with mainstream values. Institutions of social control such as the family are weakened when some members participate in illegal activities. People may actually gain prestige by engaging in criminal activity to accumulate material goods. Such a theory helps explain individual street-level crime based on the conditions of the community. The theory might help us understand who riots, but not necessarily how to prevent riots and it tells us nothing about the criminal and civil cases.

There are also theories that deal with the substance of law and negotiation. In the area of law, Gallanter (1974) writes that repeat players (RP) have experience which one shotters (OS) do not have. This experience helps them win at litigation, but it also allows them to see, and shape, the bigger picture through such activities as changing the rules. Gulliver (1973, 1979) addresses negotiation, observing that negotiation begins with selection of the arena where the negotiation will take place and a definition of the specific matter in dispute. Disputants narrow their differences and search for agreement. The problem is that these theories of law and negotiation are specific to those topics and are inadequate to explain any one of the research questions, much less all three.

Methodological flaws appear in most popular theories of violence which are crime theories and have a strong psychological component. For instance, Collins (2008) claims that much of domestic violence is about forward panics which escalate from one incident to the next. Felson (2009) argues that Collins overlooks theories of frustration-aggression, violence as instrumental behavior, and violence as social control. Both theorists ask that we take measures of psychological states – panic, frustration, and anger. These psychological variables are difficult, if not impossible, to measure.

Black's theory, in contrast, does not take into account any person's psychological state in examining a conflict. It contains no unmeasurable variables. Using these other theories in examining the events around the shooting of Edward Wright is not practical. They are not general enough to examine questions about the behavior of crowds of angry African Americans *and* the behavior of the district attorney *and* the actions of the attorneys involved in the civil suit. Black's theory can explain all of these events while remaining consistent and parsimonious. Black's theory is original and it can be falsified.

In short, Black's theory remains sociological. It does not drift into the psychological world of the individual, but stays rooted in the social structure and the status of players in a conflict. In addition, Black's theory meets all the qualification for being an effective theory. It is testable, general, parsimonious, consistent, valid, original, and applicable to the everyday world.

Summary of Theory

In summary, Black writes that the position of disputants in social space (i.e., their vertical, horizontal, corporate, symbolic, and normative positions) determines the behavior of parties in a conflict. Social control is conflict management, and may take the

form of negotiation, settlement, or self-help. Negotiation occurs in tangled networks and is aided by third party mediators drawn into the conflict. Settlement takes place in a triangular hierarchy and is impartial when the settlement agent is equidistant from the parties in conflict. Self-help occurs where social distance is great. High levels of social polarization and low continuity of behavior lead to collective liability but low levels of organization, and the result is rioting. The participation of third parties may serve to either increase or reduce conflict. Third parties with cross-cutting ties to both parties in a conflict will work to reduce the conflict.

This study is an application and extension of Black's theory. The purpose of the study is to use the theory to explain what happened after the shooting of Edward Wright. Specifically, I will use Black's theory to explain the limited violence which occurred, and the actions leaders took to prevent collective violence. With Black's theory I will explain why the potential criminal case against the officers was not referred to the grand jury. Finally, I will examine the social structure of individuals involved in the civil case and how that impacted the negotiation which occurred. An outline of the theory presented here is shown in Table 5.

Summary of the Blackian Theory of Conflict Management

Table 5. Forms of Conflict Management – mechanisms used to express a grievance.

Form of Conflict Management	Self-help	Negotiation	Settlement
May result in	Violence	Compensation decided between parties.	Third party recommendation or decision
Leading toward collective violence	-Where social polarization and collective liability are high - Where continuity of deviant and organization of response are low		
Leading toward partisanship and violence	High status victim From a solidary group		
Leading toward peace-making	Cross-cutting ties	Cross-cutting ties	

Placing the Participants

According to Black's theory, it is the position of people and groups in social space which determines the outcome of a conflict among them. In this section, I will first describe the structural position of police. I will also discuss the position of African Americans in our society. I will touch on the qualities of Southern society, and of the country, in order to develop an understanding of race relations. This information is important to our understanding of how the results of this study illustrate and expand Black's theory.

The Police and Police Shootings

Before a shooting, officers are powerful agents of the state. Afterward their position as members of the working class becomes salient. In this section, I will discuss this dichotomy of high status and low as it relates to police officers and police shootings.

Agents of the State

As agents of the state and employees of a given jurisdiction, police officers are tied to powerful entities with abundant financial resources. The financial resources (vertical position) of these political jurisdictions are greater than those of most individuals, making them very powerful. The jurisdictions are in fact, charged with the social control of their citizenry, and they have an abundance of law makers and law enforcers with which to apply social control.

The most powerful of organizations is that of the nation state. Structurally, at the moment when an officer fires at a suspect, the officer is an agent of the state. The state is manifest in the officer and is exercising control over one of its citizens via the officer. The control being exercised is the most powerful action available to the state – the taking of the life of one of its citizens. The officer is the embodiment of the greatest power the state has. The power of the state (or jurisdiction) continues to be salient in the aftermath of a shooting. Defending the officer may be part of defending its own right to authorize the use of deadly force. Part of this defense will likely include managing legal cases resulting from the shooting.

Another benefit of being an agent of the state is a relationship with a few significant investigators. An internal affairs division is made up of officers from the

jurisdiction in which a shooting occurs. In Georgia, the Georgia Bureau of Investigation conducts investigations into major events, including police shootings. Usually they are charged with assisting local law enforcement agencies and local peace officers on major cases, and they may even know the individual officers under investigation following a shooting. The prosecutors who would handle cases of police misconduct are most likely to be local and to have prosecuted cases on behalf of the officers in the past. All of these investigators can be a source of tremendous support to officers who are involved in shootings because of their organizational and personal (lateral) ties to the officers.

Public Employees

Van Maanen (1974) observes that police recruits report beginning police work because they want to do consequential work and they liked the adventurous nature of police work. Raganella and White (2004) explores the question for whites, blacks, and Hispanics using data from 2002, and get similar results. Hispanic women and Blacks most commonly indicate that they were beginning police work because they want an opportunity to help people. Hispanic men and whites go into police work first for job security and benefits. Those two choices, helping others and security, were among the top three reasons for all groups.

Reasons for becoming police officers, and the experience of being police officers, are somewhat at odds. Officers have to deal with life's seamy side, and some of that pollution rubs off on them (Douglas, 1975, 1966; Carl Klockers, 1980; J. Hunt, 1984), impacting relationships with family and friends. While officers want an exciting job which allows them to contribute to society, they do not want to be involved in shootings

(Semora and Holyfield, 1998). First, they do not want to kill anyone. Second, officers know that once they shoot someone, whether or not the shooting is fatal, they will have to defend their actions.

Over the years, the American public has asked the police to use less force, and police departments have taken greater care to enforce rules against police use of excessive force. This has created an adversarial relationship between officers and their departments. The police force as a whole represents the full power of the collective of the citizens—of the state—but once officers leave their beat for the station, they rejoin the working class. Even the most defensible shooting may be closely scrutinized by their department, the local District Attorney, and other agencies in response to criticism by the public and the media. Their position in social space as public employees is different from their position in social space as agents of the state. In Houston, where I worked, police officers distinguish between members of the public, who they refer to as “citizens” with legal rights, and police officers who are not citizens and have no rights. Following is a summary of the social position of police officers as public employees.

Vertical and Organizational. Approximately 30,000 civil suits are filed against officers every year for work related activities (Chambers, 1996). In rare cases, criminal charges are filed. Officers then find themselves on the other side of the courtroom from the state which may have authorized their use of deadly force. Their vertical position as individuals is relatively low. Although they have a regular income and benefits, they are ill equipped as individuals to afford the legal representation necessary in court cases, whether civil or criminal. In response, officers have formed their own organizations, in

the form of police unions, which empower them to exercise formal political power and hire legal counsel (Bopp, 1971).

Integration. While mid-management and administrators approach the middle class, working class police officers and investigators are not as well integrated into society. They may be married and participate in some organizations, such as churches. Lindsey (2007) writes, however, that “isolation from traditional community and social support systems” (p. 5) stems in part from working long hours, and I would add from working shift work. Waddington (1999) reports that officers “find social encounters with non-police friends... and others fraught with difficulty” (p. 298). Officers are more comfortable with others familiar with the “backstage” aspects of their role. Moon (2006) notes that this finding from studies of police officers is similar across countries.

The isolation of police officers leads to a strong informal connection among officers and a cultural “code of silence.” Crank (1998, pp. 224-6) perceives two dimensions to this code of secrecy. First, he writes that secrecy from the public is a result of repeated exposure to the public’s own corruption and the officers’ desire not to reveal themselves to the public as “other.” Second, secrecy from the “brass” is a result of harsh discipline for rule violations and a need for officers to support one another for mutual protection (cf. Manning, 1977). Crank (pp. 147-149) also relates this nearly blind support for other officers to an officer’s own need for support during physical confrontations (cf. Van Maanen, 1974), and to the effect of solidarity based on continuous conflict with and challenges to their authority from multiple outside groups (cf. Coser, 1956).

Cultural. Police officers have their own culture, distinct in many ways from mainstream culture. Within the culture of police officers, the meaning of a shooting is different from the meaning the general public attaches to the shooting. For officers, the ability to control violence is crucial, allowing them to take charge of scenes so they can keep themselves safe and aid the victims (Crank, 1998). Crank says, “Guns transform police work into a heroic occupation, providing both a bottom line and an unquestionable righteousness that pervades all police-citizen encounters” (p. 82). Police officers become, not moral servants, but moral custodians, “good guys with *stopping power*” (p. 82).

Van Maanen (1980) points out that once police officers fire their weapons, they must make sense of an event which may have shaken their sense of self. In fact, much of the literature about police shootings covers post-traumatic stress disorder (PTSD) (Pole, Best, and Weiss, 2001; Everly, 1995; Blau, 1994; and Gersons, 1989), which is defined as a normal reaction to an extraordinary event, i.e., an “extreme traumatic stressor” (American Psychiatric Association, 2000, *DSM-IV-TR*).

In summary, officers are given tremendous authority, but as soon as they exercise that authority, their behavior comes under scrutiny, they become targets of social control, and their status as working-class stiffs comes into play. Faced with such scrutiny, police officers exercise an informal code of silence and organize into employee groups to defend one another against accusations of inappropriate conduct. Thus, an individual officer’s position in social space may be illustrated in the following way:

Table 6. The position of officers in social space.

Dimension	As agents of the state	As members of the working class
vertical	high - attached to the financial resources of their employers	medium - limited personal financial resources
organization	high - attached to large, powerful organizations – the state and the jurisdiction	medium - must develop employee organizations to afford legal representation
integration	high - connected to other law enforcement agencies – including those charged with investigating shootings high - connected to prosecutors – including those who prosecute police officers	medium - relatively isolated from the public medium - relatively isolated from the police department's administration - code of silence - need for mutual support
culture		- managing PTSD - unique culture develops around the power to use deadly force - moral custodians with stopping power
social control	high - agents of social control	medium – also objects of social control

Race and Southern Society

As a nation, our response to matters of race is somewhat schizophrenic. In a country founded on equality of all citizens, only white male property owners were originally considered to be citizens. White supremacy in income, employment, and education continue to seriously impede the economic and social upward-mobility of African Americans. After the Civil Rights Movement of the 1960s and 70s, African Americans achieved nominal equality, but blacks continue to occupy a subordinate position in modern America. African Americans have made real progress in moving toward social and economic equality, but race is still correlated with their position, usually a lower position in social space along each of the five dimensions: vertical, horizontal, organizational, cultural, and normative.

Edward Wright was a black man killed by white police officers. This case has to be understood against the background of more general race differences in the United States and in Athens, Georgia. In this section, I will review the status of African Americans in the U.S. and in Athens as it relates to pure sociology.

Vertical. When Black discusses the vertical status of individuals, he is referring to wealth (Black, 1976). In the U.S., wealth has been predominantly held by upper and middle-class whites. The status of blacks is still impacted by their method of entry into the United States. Most Africans arrived in the United States before the Civil War to work in the Old South as slaves. After the Civil War, as the number of Jim Crow laws and lynchings increased in the South, blacks began moving to large cities, especially in the north, but including Houston, Atlanta, and New Orleans ([Lemann, 1992](#)). The population of blacks is still concentrated in the South, major cities, and California. Table 7 shows the population distribution by race for the U.S., Georgia, and Athens (U.S. Census Quick Facts, 2008 data).

Table 7. Percentage population distribution by race/ethnicity of the U.S., Georgia, and Athens.

	United States	Georgia	Athens
White	65	58	61
Black	12	29	25
Hispanic	16	8	9

One indicator of vertical position is income, and median incomes of blacks fall well below those of whites nationally, at the state level, and locally as reflected in Table 8 (U.S. Census, 2000).

Table 8. Median per capita income for blacks and whites in the U.S., Georgia, and Athens.

	U.S.	Georgia	Athens
White	\$23918	\$24724	\$20053
Black	14437	14371	12127

Black poverty rates remain well above those of whites. In Table 9 is a comparison of poverty rates by race in the U.S., Georgia, and Athens according to State Health Facts (Urban Institute and Kaiser Commission, 2008).

Table 9. Poverty rates by race.

	United States	Georgia	Athens
White	12.3	11.5	[26] ³
Black	33.2	31.9	[34]
Hispanic	30.6	32.2	[32]
Overall	18.3	19.4	28

The numbers reveal a truly bleak picture for residents of Athens. Partners for a Prosperous Athens is a grass roots organization formed to address economic and social conditions. They report (2006) that while poverty rates in the U.S. had remained fairly steady, and poverty rates in Georgia had come down slightly before the recession of 2009, poverty rates in Athens had increased from just over 20% in 1990 to more than 28% in 2000. Within the county, 25.2% of children (under 18) live in poverty. Athens is a college town, but if all possible college students are removed from the calculations, the poverty rate is still extremely high at 23.5%. An astounding 16.8% of Athens residents live below half of the official poverty line.⁴

³ Figures in brackets are approximations based on data recovered February 11, 2010 from www.city-data.com/poverty/poverty-Athens-Clarke-County-Georgia.html.

⁴ All three racial groups in Athens, whites, blacks, and Latinos, have similar proportions living below the poverty line.

Organizational. At the organizational level, the races remain segregated. Within the Bible Belt of the South, church membership is important to whites and blacks. Churches have played a particularly important role for African Americans. During slavery, blacks were usually not allowed to congregate except during church services. It was black ministers who played the largest role in starting and leading the Civil Rights Movement. For blacks today, an active church membership is frequently a sign of respectability required of leaders (Hunt and Hunt, 2000). Thus churches have been a source not only of spiritual strength, but also of emotional and political strength in the face of slavery and subordination.

Private organizations in Athens are still segregated. The Athens Country Club (the older of the two country clubs in town), the Chamber of Commerce, the Athens Downtown Development Association, the Lion's Club, and the Kiwanis Club are predominantly white organizations. Other organizations such as the NAACP, Ministers Crusading for Christ, and Black Men of Athens (not currently active) are predominantly black.

Locally, the most powerful organizations are the city-county government and the district attorney's office. Prior to 1990, Athens was a city within Clarke County, Georgia (Athens-Clarke County Unified Government). With unification of the two governments, duplication of services was reduced in a county dominated numerically and geographically by the city. The primary elected official is called a mayor, and the board is a commission, using the language of a county. The full name of the government is The Unified Government of Athens-Clarke County. The district attorney is elected in and

responsible for the Western Judicial District of the state, which includes Clarke and Oconee Counties.

Black political representation is another measure of their corporate position in society. Slightly less than 13% of the national population is African American. Representation at various levels of the government ranges from very inequitable to levels proportionate to the population. Only one federal senator is African American; 43 of 435 members of the House of Representatives are African American. In Georgia, circumstances are somewhat better. While 29% of the state population is black, 4 of the 13 federal representatives (31%) are black (Cabanela, 2010), and 21% of The State Assembly of Georgia is African American (New Georgia Encyclopedia, 2010). Several key positions in Athens are or have recently been held by African American men. The mayor is white, but two of ten County Commissioners are black. Black elected officials include the sheriff and a state representative; black appointed officials have included the chief of police, a fire chief, and the warden of the local branch of the state prison system.

Integration. DuBois (1996(1903)) complains that the African American man is disadvantaged and that he faces despair just as “sociologists gleefully count his bastards and his prostitutes” (p. 105), but Durkheim (1966(1951)) tells us that marriage and divorce reflect levels of integration into the society, and we continue to make the counts. For instance, Dixon (2009) reports that, while the portion of unmarried black and white women increased from 1950 to 2000, the change was more dramatic for blacks. For white males, the percentages not married rose from 32% to 40%, but for black men, it went up from 35% to 57%. For white women, the shift was from 34% to 43%, but for black women, the numbers jumped from 38% to 64%. In examining the marriages of women, Bramlett and

Mosher (2002) found that the marriages of black women were more likely to dissolve than those of white or Hispanic women. Specifically, black women “are less likely to marry by age 30” (p. 31) and less likely to shift from cohabitation to marriage. Their first marriages are disrupted earlier, and they are less likely to cohabit after the first marriage. Later marriages also end earlier than for other women.

According to Bramlett and Mosher, causes for the disruption may include high rates of unemployment, incarceration, and mortality, and lower levels of education and income, as well as being raised by single, less-educated parents in greater poverty. Dixon organized these factors into three groups. A difference in sex ratios and employment instability among black men are structural factors. Cultural factors include a shift in the view that marriage is a prerequisite for sex, resulting in more cohabitation. Individual factors include expectations of possible mates, which Dixon reports are unrealistically high, and a lack of knowledge about sustaining a long term relationship.

Wilson (1987) also argues that the unemployment and underemployment of African Americans have a direct impact on the marriageability of black men. Recent data from the Bureau of Labor Statistics show the following unemployment rates for December, 2009: whites 9.3 %, blacks 15.6 %, Hispanics 12.7 % and Asians 7.3 %. Such numbers reflect the lack of integration of African Americans into our work force.

Integration in public schools has been required since the Supreme Court ruled in *Brown v. Board of Education* that they must be integrated. What the Court could not have anticipated is the many ways in which segregation could be maintained. Locally, white flight to the bedroom communities surrounding Athens occurs because the schools there are considered to be superior. Within the county, predominantly white private

schools include one Montessori school (through eighth grade), and two private schools with classes K-12. It is within public schools in Athens, as in other districts around the U.S., where a more pernicious form of segregation occurs through tracking. Vocational level classes are dominated by African Americans and Latino/as, while upper level classes are dominated by whites. Special education classes for children performing poorly at school are filled with African American boys. Black youth are thus stymied in becoming integrated into mainstream society because their access to secondary education is restricted.

In spite of the prejudice and discrimination reflected in disrupted families and *de facto* segregation, there is an odd closeness among many Southerners, black and white, resulting from their horizontal integration, which often takes the form of tangled networks (above). Black women have worked in white homes for centuries. In more recent years, it is not unusual for the black “nanny” to have disciplinary authority over the white children she cares for. One aspect of such relationships rarely mentioned in the sociological literature is the depth of caring which develops between the nanny and her charges. In fact, Romero (1992) contrasts the emotional closeness between black maids and the families who employ them with the distance maintained by “professional” Chicana maids. Even where there is no emotional closeness, it is widely accepted that those black employees who are treated as invisible because of their lowly status are also exposed to all of the otherwise confidential goings-on in white households, white businesses, and government. This results in a system which appears to be segregated on the surface, but which contains many formal and informal contacts among blacks and

whites. African Americans are therefore integrated into a wide spectrum of white society, even though some still come through the back door.

Cultural. Factors which influence people's cultural standing include the content of their culture, that is, whether it is mainstream or not. The content of culture includes religious, ideological, and moral values. Cooney (1998, p. 27) points out that conventionality is measured by the degree to which people participate in the dominant culture of their society. According to Black (1976), the quantity of culture is also important, that is how many different aspects of mainstream and other cultures people have access to and participate in. One measure of the quantity of culture is educational attainment.

A look at Southern culture reveals how the subordinate position of African Americans on the other four dimensions of social space has been reflected in the content of the culture. While black labor was used in the north to keep wages low when white workers dared to ask for better benefits (Quadagno, 1994), blacks were still needed as farm labor in the South long after the Civil War (Bernstein, 1998). Both before and after the Civil War, social distance was clearly reflected in the style of social exchange between blacks and whites. Blacks addressed whites using honorifics, while whites of all ages addressed blacks of all ages by their first names. A significant number of whites still hold "Jeffersonian doubts" about blacks, believing that they may, after all, be evolutionarily inferior.

Race-ethnicity as represented by skin color, including shades of darkness, has been and still is important in America in the minds of both blacks and whites. Keith and Herring (1996) note that slave masters favored slaves with white ancestry. Following the Civil War, mulattoes had better opportunities for education, training, and learning about

the dominant culture. Russell, Wilson, and Hall (1992) report that there was a social class of mixed-race African Americans who formed an exclusive elite following the Civil War. For instance, only those with light enough skin to show blue veins were eligible for membership in the Blue Vein Society. This elitism continued until the Black Renaissance of the 1920s. Evelyn N. Glenn (2008), like Russell, Wilson, and Hall, points out that blackness is associated with dirt, “black sheep,” and dark deeds. She argues that “colorism, the preference for and privileging of lighter skin and discrimination against those with darker skin” (p. 281), continues to influence group relations. In fact, skin color is still “a form of symbolic capital” which impacts one’s life chances. Keith and Herring’s contemporary study shows that lighter skin color is still positively correlated with educational attainment, occupational distribution, and income, with the effect being greater for women than for men.

One measure of culture is education. The following table reflects the portion of the white and black populations which have high school and college educations nationally, statewide, and in Athens (U.S. Census, 2000). The numbers show that blacks consistently lag behind whites. In Athens, the portion of whites and blacks who are high school graduates is lower than in Georgia or the U.S. The portion of blacks with bachelor’s degrees is also lower than at the state or federal level. The higher portion of whites with bachelor’s degrees in Athens is probably due to the fact that it is a college town.

Table 10. Education levels by race.

	United States		Georgia		Athens	
	High School	Bachelor's	High School	Bachelor's	High School	Bachelor's
White	56.8%	17.5	54.7	18.9	44.5	26.2
Black	41.3	8.1	43.5	8.7	35.8	6.2

(U.S. Census, 2000)

Whites dominate in most styles of art and music, education, religion, morality, and ideology. Whites enjoy greater cultural diversity because they have their own Eurocentric cultures, both high and popular, as well as the cultures of other groups, which they co-opt. Tate (2003) suggests that it is African American's history as slaves which have made "the Black body, and subsequently Black culture... a hungered-after taboo item" (p. 4) for whites. He argues that whites co-opt black culture, observing:

Readers of Black music history are often struck by the egregious turns of public relations puffery that saw Paul Whiteman crowned the King of Swing in the 1920s, Benny Goodman anointed the King of Jazz in the 1930s, Elvis Presley propped up as the King of Rock and Roll in the 1950s, and Eric Clapton awarded the title of the world's greatest guitar player (ostensibly of the blues) in the 1960s. (p. 3).

Overlooked in such pronouncements were the contributions of "Count Basie, Duke Ellington, Chuck Berry, B. B. King, and other African-American pioneers" (p. 3).

Social Control. In terms of social control, African Americans are clearly at a disadvantage compared to whites. As slaves, blacks could be killed or maimed at the whim of an owner. Although there was some change in the treatment of African Americans after the Civil War, the Jim Crow era brought new atrocities. From 1880 to 1940, nearly 400 people were lynched in Georgia alone (Tolnay, Beck, and Massey, 1987). During the same era, 415 were executed in the state. Both groups were primarily made up of African American men.

The disproportionate application of social control to African Americans continues today. Blacks, especially young black men, are arrested and incarcerated at higher rates than whites throughout the country. As reflected in Table 11 according to the Department of Justice, in 2004 the proportion of blacks in state, federal, and local jails far exceeded their proportion of the population (Harrison and Beck, 2005; U.S. Census Bureau, 2008). These differences reflect both higher levels of the commission and prosecution of street crimes by blacks, and differences in the prosecution of drug offenses, especially the discrepancy between the treatment of crack and cocaine offenders. For example, blacks are more likely to be arrested for possession and distribution of crack. For over twenty years, from the mid-1980s to 2007, possession of 5 grams of crack with the intent to distribute carried a mandatory prison sentence of 63 to 78 months. In 2007, the minimum was reduced to 51 to 63 months. A mandatory 5 year prison sentence for possession of powdered cocaine with the intent to distribute comes with the possession of 500 grams, or 100 times as much (United States Sentencing Commission, 2009; Richards, 2007).

Table 11. Proportion of African Americans
in U.S. and in American prisons.

Race	White	Black
in U.S. population	62%*	12.9%
in jail and prison population	36.5	42.7

* approximate proportion with Latinos removed from Census Data.

One reason that young black men are arrested in disproportionate numbers is surely that they are more likely to be on the street than behind middle-class doors, but the literature shows that police officers seek out black men in a way not experienced by white men. For instance, Brunson and Miller (2006) found that both delinquent and non-

delinquent African American youth reported disproportionate rates of police “hassling” them and of negative police actions. Such actions included using antagonistic and derogatory language, being physically aggressive, planting evidence, and not turning in evidence.

More telling is a study by Smith, Allen, and Danley (2007) of African American college students in high ranked schools. They experienced high rates of being confronted by police on or near the campuses where they were students. Students were reported and interrogated as suspicious when on campus, such as when one was in a computer lab studying physics late at night. They were confronted in social spaces, such as when engaging in sports in a dorm parking lot. Black students were also confronted when off campus. One young man was stopped when he went to get a midnight snack because he “fit the description” of a purse snatcher across town. In Athens, black students learn early not to hang out in the downtown area. They are prevented from entering bars and restaurants with a dress code restriction. When dressy polo shirts with large horizontal stripes became popular with young black men, they were added to the list of prohibited clothing in the bars.

Black men face so much surveillance and social control in part because of their role as “symbolic assailants” (Skolnick, 1967). Skolnick writes that police officers use a perceptual shorthand to identify those likely to offend. Unfortunately they are not alone. This is the basis of someone calling police about a suspicious physics student – suspicious to both the caller and the police because he was black. In Athens, calls of “black man walking in my neighborhood” have been even made to the police when the chief was out for an evening stroll (personal communication).

In summary, African Americans have in common a history of subordination to whites. That subordination is reflected in their position along each of the five dimensions of social space. African Americans are in a lower position along a vertical axis because of their lower incomes, lower levels of wealth, and higher unemployment. African Americans continue to be kept out of “white” organizations, including political bodies. They experience a lack of integration based on segregation in public schools, marriage rates, incarceration, and lack of integration into the work force. When they interact with members of the mainstream society, it is not always as equals. Southern culture reflects and reinforces the subordinate position of blacks. Social control is disproportionately aimed at blacks, especially at young black men. A summary of the position of African Americans in social space is illustrated in Table 12.

Table 12. The position of African Americans in social space compared to whites.

vertical	Lower incomes Higher poverty rates
organization	Segregated by church affiliation Segregated in social organizations Under-represented in politics
integration	Lower rates of marriage Higher rates of unemployment Higher rates of incarceration <i>De facto</i> segregation of schools Back door access to the white world
culture	Southern culture is built around African American inferiority. Skin color as negative symbolic capital Blacks have lower levels of educational attainment. White culture dominates and co-opts black culture.
social control	In earlier centuries, maimed or killed at the whim of whites The target of high rates of social control under criminal law Targets of excessive surveillance by the public and by police

In this study, I have so far reviewed the literature on Black's theory of conflict management and identified the location of police officers and African Americans in social space. The theory provides the guidelines for discovering how the social geometry of this case affected the three outcomes under examination. In the next section, I will review the research methods used in this study. By following the guidelines set by the theory, I was able to conduct research to identify who was important in each of the conflicts under study and what their status in the community was at the time of the shooting. Examination of the outcomes of the conflicts allowed me to support the theory or show that it was inconsistent with the outcomes.

Qualitative Research Methods

Black (2002) encourages both empirical testing of his theory and further contributions to it through the use of case studies. This is an ethnographic case study of the shooting of Edward Wright. In this section, I will discuss the literature on qualitative research, including case studies and ethnographies. I will specify the sources of data used in this study, and the method of data analysis.

The Case Study

One application of qualitative research is the case study. In 1992, Ragin and Becker edited a book in which they and other qualitative methodologists struggled with the question of case studies. In the book, Becker (1992) points out that a search for causes leads to probabilistic statements. Cause explains variance, but "causal arrows do not represent the complex interdependencies of stories" (p. 215). Case studies examine the conjunctures of a multitude of variables. That is, through a case study, we can learn

under what conditions X_1 has an effect on the dependent variable, which may happen only when X_2 , X_3 , X_4 , and X_5 are also present. The researcher therefore uncovers a complete list of the conditions necessary for an outcome to occur. Such a deterministic model requires that measurement be error-free (Liebersohn, 1992). Causal processes that are “discovered in cases and generalized through analogies constitute our theories” (Walton, 1992). Those theories are simplifications of empirical reality:

The empirical world is limitless in its detail, complexity, specificity, and uniqueness... We make sense of its infinity by limiting it with our ideas. In effect, theoretical ideas and principles provide ways to see the empirical world and to structure our descriptions of this world. In this light, empirical research can be seen as culminating in theoretically structured descriptions – understandings that result from the application of constraining ideas to infinite evidence. (Ragin, 1992, p. 218)

It could be argued that to be more “scientific,” a different research design should be used. The most scientific research design is the experiment in which conditions are held constant and the outcome is predicted, but it is certainly not feasible to include a police shooting in an experimental design. This case study allows the social structure of the Wright shooting to be reconstructed in detail – something that would be impossible with an experiment, a survey, or an examination of archival data alone.

According to Yin (2009) single-case study designs are appropriate when cases are critical, extreme, representative or typical, revelatory, or longitudinal. The Wright case qualifies as being critical to testing and expanding Black’s theory. By revelatory, Yin means that the case presents an investigator with “access to a situation previously inaccessible to scientific observation” (p. 49). As I will explain below in my discussion of this study as an ethnography, I was able to develop a unique access to many participants

who were important in determining the outcome of the public response to the shooting, as well as the criminal and civil cases which resulted from the shooting.

Burawoy (1991) writes that by conducting case studies we can examine “how the social situation is shaped by external forces” (p. 6), and relates his ideas to C. Wright Mills’s (1959) argument that, as sociologists, we should try to connect personal troubles to public issues. Burawoy suggests that we do this by using case studies to reconstruct existing theory rather than developing new, grounded theory. Fitzgerald (2006) agrees, writing that in depth research should be focused on cases “selected for their potential theoretical yield” (p. 20). Eisenhardt and Graebner (2007) argue, in fact, that theory building from case studies allows us to build “bridges from rich qualitative evidence to mainstream deductive research” (p. 25). They define *theoretical sampling* as selecting cases “because they are particularly suitable for illuminating and extending relationships and logic among constructs” (p. 26).

The case study has been a useful tool for sociologists. Cultural case studies help us understand how people socially construct violence, such as the Arkansas riots of 1919 (Cortner, 1988), how they find meaning for disasters (Stuhlmiller, 1996), and how we as social scientists should define disasters (Erikson, 1976). Structural examinations of disasters show how race affected the management of the Katrina and 1927 Mississippi floods so that African Americans were at a disadvantage (Rivera and Miller, 2007). Investigations of the sinking of the Titanic (Schumm, et. al, 2002), the Northridge earthquake (Bolin and Stanford), and the Chicago heat wave of 1995 (Klinenberg, 2002) show how social class determined who survive and the recourses available to survivors.

In another case study, Griffin (1993) examines a lynching which occurred in Mississippi in 1930. A Black man who had killed a white farmer was shot by the farmer's friends. Griffin comments that narratives appear to be merely description "while really presenting... an artful blend of explanation and interpretation" (p. 1099) which does not distinguish between temporal and causal antecedents. Griffin conducts an event-structure analysis by examining specific counterfactuals. His examination of the "rich, real world context" (Eisenhardt and Graebner, 2007) reveals that the opposition of law enforcement officials to a lynching is sufficient to prevent the lynching.

Other case studies have applied and extended Black's theory using qualitative methods. For instance, in Baumgartner's (1988) examination of *The Moral Order of a Suburb*, she is able to identify the ways people manage conflict informally. She finds social control in a suburb is managed with a restrained approach – what she calls moral minimalism – usually by exercising avoidance. Baumgartner expands our understanding of Black's theory by showing how the social geometry of the suburb leads to moral minimalism, which occurs in societies with independence among residents, individuation, social fragmentation, and social fluidity.

Likewise, Tucker (1999) uses Black's theory in his discussion of managing conflict at work. He observes that downward social control in a work setting is likely to take the form of discipline. Strong, even physical discipline has occurred in highly stratified societies. Black's theory suggests, however, that a therapeutic approach would be common when social distance is less. In the corporation Tucker studied, HelpCo, weak discipline was exercised in the operations department, where there were "moderate levels of inequality and social distance (Tucker, p. 47). Such discipline included threats, taking

away privileges, small wage increases, written warnings, and termination. Where there was less social distance between managers and workers, such as with salespeople, therapeutic forms of conflict management were used. First, managers tried to understand or tolerate inadequacies, caused perhaps by a divorce or a “personality” difference. Second, they spoke with subordinates, allowing them to talk their way into a solution to a problem. Third, managers engaged in “counseling session” in which they discussed a problem in more detail. Finally, the environment could be changed by transferring an employee to another part of HelpCo. His research supports Black’s theory, showing that even small differences in social distance impact the form and degree of social control.

In the study of a riot in a small city, Senechal de la Roche (1990) found that the vertical position of whites in Springfield, Ohio, affected their participation in the riot and its outcome. On August 14, 1908, two black men were in jail, one charged with rape and one with murder. Whites rioted, attacking black and Jewish business and lynching two blacks. Four whites were killed by blacks resisting the attack. The middle class first encouraged the white, working-class rioters, but then began to fear the rioters would turn on them. Following the riot, only working-class white rioters were prosecuted. The middle class was able to reduce the political power of both blacks and poor whites through the riot. Senechal de la Roche’s study shows that law was directed downward from the middle class to the working class, as Black has predicted.

In sum, although case studies lack breadth, the considerable depth of the data they yield provides a powerful means for testing and refining theories. Through case studies, we are able to identify complex relationships and show the processes by which social forces impact events. This study, an example of theoretical sampling, is an important

application of Black's theory, one that was possible because of my access to members of the public and the police department which other researchers would not have had. This study will help illuminate and extend the relationships among Black's concepts of social structure.

Ethnography

This study is an ethnography. Wolcott (1999) defines ethnography as both process and product. As process, ethnographic techniques include participant observation, in-depth interviewing, and archival research. Participant-observation varies along a continuum from on-looker to a researcher who goes "native." Schutt (1999) defines participant observation more specifically as development of "a sustained relationship with people while they go about their normal activities" (p. 280).

Schutt writes that in-depth interviewing involves "open-ended relatively unstructured questioning in which the interviewer seeks in-depth information on the interviewee's feelings, experiences, and perceptions" (p. 280). According to Wolcott, inquiring varies along a continuum from casual conversation to psychological testing. In-depth interviews in this study involved casual conversation, written accounts of historical events, as well as semi-structured and structured interviews (Wolcott, p. 52).

Finally, Wolcott writes that ethnographic techniques include archival strategies. The historical data are used "to augment field work, which retains its centrality to the inquiry" (p. 60). Other researchers may believe that "intersubjectively verifiable data" are a better source for scientific data, but the ethnographer is concerned with everyday life, which may not be revealed in archived data. In addition, just because a datum is recorded on paper and placed on a shelf does not mean it is an unbiased bit. In this study,

I examined all articles addressing the shooting of Edward Wright in the local newspaper. In addition, I examined depositions and offense reports available from the court in which the civil suit was set.

Participant Observation

Adler and Adler (1987) discuss the development of participant observation methods by two generations of the University of Chicago field researchers and later existentialists and ethnomethodologists. The amount of detachment a researcher is expected to maintain in the field has varied. The second generation of the Chicago School, which had to become self-conscious about their methods to justify qualitative rather than quantitative research, tried to be detached and objective.

Ethnomethodologists, in contrast, “insist that researchers become members of their settings” (p. 28) because only then can they truly understand the perspectives of members.

In conducting this research, I have attempted, like the second generation of Chicago field researchers, to be objective. The most obvious potential problem would be for me to understand and take the police officers’ perspective in this case. Two experiences have helped me overcome this tendency. First, I worked for 15 years as a field training officer and street sergeant with the Houston Police Department. During this time, I supervised numerous officers, good and bad. I was required to investigate traffic accidents, citizen complaints, and police shootings in which suspects were not wounded, and then make recommendations about disciplinary action against the officers.

Second, I came of age during the Civil Rights movement, and part of my ethnic heritage is Mexican American. I was raised to think of myself as white in a community

in Texas made up of blacks and whites, with one Mexican American family (not my own). My white (maternal) grandparents had been tenant farmers. The first farm they bought, just before I was born, was in an African American community, and their closest neighbors were black. My grandparents and my parents maintained the cultural mores of the South, expecting blacks to use honorifics with them while calling blacks by first name. They used terms which are now discredited for referring to blacks. At the same time, they did not hate or teach me to hate. In fact, when their closest neighbors, the Turners, feared that two visiting teenage nieces were in danger from a new white neighbor, we spent the day watching over the young women until my grandfather could lay down ground rules for the new neighbor. Some see this as patriarchal. Clearly we were exercising white privilege, but the Turners were well respected in the black community, and from my perspective as a child, they were clearly wealthier than my grandparents. They had both a tractor and a horse, while my grandfather plowed his truck farm with mules.

During the 1960s, the town “fathers” in my hometown decided to go forward with integration without resistance. Local schools were integrated when I was in tenth grade. My mother told me proudly that word had come back from the Turners that I was the first girl, meaning the first white girl, to speak to another of their nieces. My own reaction to having the black students in school was that there were a lot of really interesting kids among them, and it had been unjust for me to be denied their acquaintance.

Although I was raised to think of myself as white, there was an understanding in my family, and in some of the community, that my father might be Mexican American. He denied it, assuring everyone in town that we were of French descent. He did not go

off to college with me, however, and there I found people who were sure I was Mexican American and expressed their prejudice toward me. I began to explore my ancestry and try to learn about Mexican Americans. Throughout my adult life, I have come to identify more and more as a Mexican American, while recognizing that I function primarily as white in a white world. The experiences of being taught not to hate blacks, of recognizing early the value of black culture and friends, and of feeling the sting of prejudice have created in me a sensitivity about the implications of race and ethnicity.

I am a participant observer in this study in several ways. First, as a former police officer and a resident of Athens at the time Edward Wright was killed, I followed the story closely in the local newspaper. My fellow graduate students, knowing that I had been a police officer, sought information from me about how the shooting might have occurred. In one instance, a fellow student took out his anger about the shooting on me. Second, I was invited by Chief of Police Jack Lumpkin to attend the local Citizens' Police Academy, which I did in the spring of 2003. We were encouraged to do "ride-alongs" with officers as part of the program. I reminded Chief Lumpkin and informed the officers I rode with that I was conducting this research. Third, my interest in this study stems from my twenty years experience in the Houston Police Department, during which time I was careful to observe the handling of police shootings. On March 5, 1991, I shot and wounded a robbery suspect just two days after the beating of Rodney King. A public controversy over the shooting was narrowly averted because of a professional relationship I had developed with a leader in the African American community. I have, therefore, experienced both the real necessity to use deadly force and the degree to which structural relationships can influence the public outcome of a shooting.

Finally, in order to gain access to some parts of the community, I attended meetings of the Edward Wright Justice Coalition from 1999 to 2001 (field notes; also see the following discussion of approval for my research). The coalition was made up of middle-class African American leaders and white radicals who created a festival in Wright's name. I announced at the first coalition meeting that I was conducting research into the shooting and made it clear that anyone who did not want to be included in the research could notify me. I also announced that I was a retired police officer. Because I was taking notes at the meetings, I was asked to keep minutes. I attended 17 meetings during the 3 years. The first year there was an average of 11 participants. I helped solicit funds from local businesses to cover the costs of the festival. At the festival, I conducted interviews and helped with small tasks, including collecting donations and cleanup.

In-Depth Interviewing

In order to conduct this study, I had to seek permission from the Human Subjects Committee of the Office of the Vice-President for Research at the University of Georgia. I submitted an application form, interview schedules for involved officers and for others, and consent forms for involved officers and for others (Interview schedules and consent forms are in Appendix B.). In both consent forms I pointed out to respondents that they might become emotionally distraught when discussing the shooting. They were given the option of taking a break from the interview, not answering the question which upset them, or ending the interview.

Because Wright had been killed by the officers, there was no statute of limitations which applied to the shooting. It was hypothetically possible that murder charges might one day be filed against them, even though the case had been thoroughly investigated and

closed within two months of the shooting. The consent form for officers therefore included the following:

Because there is no statute of limitations on homicide or on civil rights violations which result in death, there is a slight possibility of a criminal indictment on this case should new evidence be uncovered. Both criminal and civil aspects of this case have been reviewed extensively. Bonnie Semora's research interest concerns events which occurred after the shooting, and most of the questions will be about those later events. Although the possibility of criminal indictment is remote, I understand that anything I say in this interview may influence future decisions about the case.

In fact, both officers declined to be interviewed. One has since died of natural causes.

When I began this research, and when I was doing participant observation with the coalition, the Human Subjects Committee did not require an "Informational Letter." They later required one, which I submitted. The purpose of the letter is to notify participants, such as the members of the coalition, that research is being conducted, and they can decline to participate by notifying the researcher.

Holstein and Gubrium (1995) argue that all interviews involve the social construction of meaning between the interviewer and the respondent. Rather than viewing research subjects as "vessels of answer," they urge the researcher to recognize that a respondent "not only holds facts and details of experience but, in the very process of offering them up for response, constructively adds to, takes away from, and transforms the facts and details" (p. 8). Interview schedules, then, "should be guides at best, not scripts, for the give-and-take of the interview process. Schedules need [flexibility]... New questions and discussion items are added or combined as the interview unfolds, according to the organization and diversity of meanings being conveyed" (p. 56).

In conducting this study, I began with a specific interview schedule. I interviewed people with very unique roles in the Wright shooting and its aftermath. In order to gain information on the three research questions addressed in this study, it was necessary to modify the questions for various types of respondents. In order to develop a full understanding of each respondent's perspective, I used follow-up probes when appropriate.

I conducted a number of formal and informal interviews when working on the Edward Wright Justice Coalition to create the Annual Edward Wright Afro-Centric Festival. As part of participant observation, I went into housing projects and handed out fliers about the festival, conducting interviews as I went. I conducted formal and informal interviews at the festival. From press reports and by working with the coalition, I learned who had been involved in the aftermath of the shooting, and I contacted respondents and requested interviews.

Detailed field notes were taken of all the interviews. Early in this research, longer, formal interviews were taped on a Realistic Micro-51 Model No. 14-1190 when respondents consented to being taped. As soon as possible thereafter, I transcribed the tapes, using my field notes as backup. I transcribed the field notes using a Panasonic microcassette transcriber model RR930 provided by the Sociology Department at the University of Georgia. Later interviews were recorded on a Sony ICD-PX820 and transcribed from it. A total of 19 in depth interviews were conducted. The total number of less formal interviews was 27.

I did not initially promise respondents confidentiality, thinking that I might want to write about the incident as the historical fact it is. This was carefully pointed out to

respondents. They were given the opportunity not to have their interviews recorded, to have only parts of their interviews recorded, and to ask me to provide confidentiality for all or part of the interviews. Field notes and transcriptions were carefully marked to reiterate the request for confidentiality. Later, the Human Subjects Committee requested that I promise confidentiality. I went back to the Human Subjects Committee and asked to have that requirement dropped and the rules for confidentiality to return to what they had been originally, which they approved. The only pseudonyms I have used are for the respondents as who requested confidentiality and for the officers involved in the shooting.

Respondents included a nurse, a former police officer, current police officers, attorneys, pastors, and members of the community at large. Many of the respondents were African American. The question of interviewer effects therefore arises. Davis (1997) conducted a study in which he found that African Americans were more likely to agree to contradictory appraisals of the two political parties and two prominent political figures, Ronald Reagan and Jesse Jackson, when the interviewer was white. In a second wave of interviews, the same African Americans were more likely to express a distinct preference for Democrats and Jesse Jackson if the interviewer was African American. She concludes that African Americans still engage in “masking” and “become competent actors with an acute sense of what might satisfy the interviewer” (p. 311). This is relevant in the way it may shape current research by a “white” researcher like myself interviewing black respondents. Fawcett and Hearn (2004) encourage open-mindedness on the part of the researcher with all respondents. They suggest that interviewer effects can be reduced with “strong attention to historical context, a critical relation to the topic of research, a self-

reflexivity of the researcher as author, [and] an awareness of the social location of the author and the topic” (p. 216).

Respondents have ranged from disenfranchised young black men and women in a housing project to white attorneys and public officials. Only one is a middle-aged white woman like myself, and as the former mayor of Athens, she has a higher social status than I do. Physics tells us that we change anything we measure in the process of measurement, but to deny my respondents a voice simply because our social statuses vary seems more irresponsible. In addition, the community leaders I have interviewed displayed none of the signs of “masking” their views. In fact, most were quite frank in their comments.

Archival Research

In conducting this research, I used several types of archival resources. The local newspaper was not “on line” at the time of the shooting (October, 1995), or for several years afterward. (Later articles could be found on line at www.onlineathens.com.) I examined microfilm copies of the *Athens-Banner Herald* at the Athens-Clarke County library. I read everything published in the local paper for four months about race, but especially about Wright’s shooting. I sought all articles about the shooting through 1996. There were 56 articles and letters to the editor in 1995 about the shooting. There were 18 in 1996, when an African American chief, Jack Lumpkin, was appointed, and Jesse Jackson visited Athens, in part because of the shooting. In 1999, there were at least 14 articles and letters to the editor when the civil case was resolved with a payment to the family and the first Edward Wright Afrocentric Festival was held. I used that material in identifying and understanding the sequence of public events surrounding the shooting.

A copy of the GBI report on the shooting was available, as well as the medical examiner's report. This included statements from the officers and from witnesses which helped in putting together a sequence of events about the shooting itself. Attorneys for the plaintiff and for Athens-Clarke County spent weeks interviewing and deposing witnesses in the case in preparation for a civil trial. The depositions were also available at Clarke County Superior Court.

Summary

In summary, Donald Black's paradigm of pure sociology forms the basis of an analysis of the shooting of Edward Wright. Black's theory is structural and includes five primary dimensions of social space: vertical, horizontal, corporate, cultural, and normative. Although he developed the theory initially to explain the behavior of law, he now examines as his primary dependent variable the management of conflict, including avoidance, toleration, negotiation, third party settlement agents, and self-help. Of particular importance to this study are the last three. Negotiation involves a joint decision between adversaries. Adversaries can hire attorneys to raise the social status of their side in a negotiation. Settlement agents will be impartial if their social distance from the two adversaries is equal.

Self-help is unilateral action taken by one party in a conflict. It takes the form of collective violence, specifically rioting, when offenses occur infrequently, resulting in less organized opposition, and when social polarization is high, resulting in collective liability. Peace-making occurs when there are cross cutting ties of third parties to both

adversaries, such as when a third party is a family member of one adversary but plays on a sports team with another. In such cases, third parties work to reduce conflict.

In this study, it is important to understand police officers as very powerful agents of the state *and* as working class employees of jurisdictions which may or may not support their actions in a shooting. As agents of the state, police officers are empowered to use deadly force. Their department and the political entity in which it falls may provide them with powerful support. The American public has asked that officers use less force that was used in the past, however, and departments examine police behavior, especially police shootings, more carefully than in past decades. As a result, officers have formed employee unions which provide them with legal counsel when they are involved in a shooting.

African Americans have moved up the social ladder since the days of bondage, but they are still disadvantaged along all five of the dimensions of social space. They are not as wealthy as whites. Their participation in organizations is generally limited to black organizations, although in Georgia, the portion of blacks among elected officials is close to the portion of blacks in the population. Integration into the mainstream population is generally weaker than for whites as reflected in rates of marriage, unemployment, and incarceration and in *de facto* segregation in public schools. Culturally, African Americans are at a disadvantage because of skin color and inadequate opportunities in education. Finally, blacks are more frequently the targets of social control, especially the law, resulting in high percentages of black men with arrest records and experience in America's prisons.

This ethnographic case study was conducted to discover what happened after the shooting of Edward Wright. A case study is appropriate for this research because it allows for probing into relationships and sequences of events in detail to determine what led to an outcome. This study is ethnographic in that it involves participant observation, in-depth interviewing, and archival research. I have been able to engage in objective participant observation for several reasons. I was raised in the South, with a mixed racial background. I participated in producing a festival held in Wright's name. I am a retired police officer and have been involved in a shooting. In depth interviews were conducted with numerous respondents involved in the aftermath of the shooting. I conducted archival research by examining the local newspaper articles on the shooting, as well as the police reports and depositions.

In what follows, I will examine three outcomes of the shooting. First, given that controversial shootings of African American men occur infrequently, resulting in low organization of responses to them, and social polarization of African Americans and whites is high, resulting in collective liability placed on whites, why was there no riot? What actions by police, public officials, and African American leaders reduced the likelihood of violence?

Second, I will suggest that presenting a police shooting to a grand jury functions as a form of citizen review. Why was the homicide investigation into Wright's death not taken before the grand jury? How did the social position of the actors in social space, especially the relationship of the district attorney to African Americans and police officers, influence the outcome of the potential criminal case?

Third, what impacted the outcome of the civil suit against the officers and the City of Athens? Given that no criminal charges were filed, and the case was not even referred to the grand jury, why did Athens-Clarke County settle the case out of court with a payment to Wright's family? How did the social position of the actors in social space influence the outcome of the civil case? I will examine each of these questions in detail, and then provide a summary of my findings in this study.

CHAPTER 3: THE NEAR-RIOT

The shooting of Edward Wright was immediately controversial because it was public. It occurred about 7:20 a.m. on a Thursday. People were getting up and leaving for work. There was a school bus nearby. A number of the witnesses knew Wright, and if they knew him, they surely knew that he was no drug user, no drug dealer, but a young man with a job and a family. He was a neighbor. And everyone could see that he was naked. How could the police shoot down a naked man? Why could two strong young police officers not find another way to subdue someone?

Beyond all this, Edward Wright and the witnesses were black. The police officers were white. As early as the 1940s, Myrdal (1962 (1944)) recognized that police shootings of black men symbolically took the place of lynchings in this country. Controversial shootings and beatings of black men make headline news in the United States. Just a few years earlier, Rodney King had been beaten, and riots occurred when the white officers who beat him were found not guilty in state court.

As the struggle between Wright and the officers occurred, witnesses began to gather. With the shooting and the arrival of additional officers, the crowd grew, and it was angry. Wright was transported to the hospital, and relatives and friends gathered there. They were angry, and when they learned of Wright's death, they became angrier, damaging property at the hospital. Over the following days, they stayed angry. Civic leaders and pastors held meetings in the community. Those who could went into the

meeting places, and overflow crowds stood outside, ready to vent their rage. A march was organized for that Saturday, with hundreds making their way from the scene of the shooting toward downtown to show their dismay and anger over what they saw as a senseless act. Over the following days, angry confrontations with police occurred.

While there were sporadic events in Athens-Clarke County in which minor violence occurred, there was no full scale riot. What happened to prevent that? In this chapter, I will explore my first research question:

Research Question 1:

There was no full scale riot in Athens-Clarke County, Georgia. Why not?

I begin by defining the term riot and summarizing the history of riots in small cities – those places where we hope to see Normal Rockwell set up an easel rather than witness collective violence. I examine literature addressing race riots from the 1960s and 1970s. After comparing the Wright case to other shootings and one death in police custody in Athens-Clarke County, I review the Blackian theory on self-help as an introduction to my findings in this case. I apply Black's theory to the aftermath of the shooting of Edward Wright and present a summary of my analysis.

The Literature

What is a riot?

Legal definitions of riot have varied historically and by jurisdiction. The definition of riot passed down to us in common law is a disturbance by three or more people assembled without official authority in order to engage in an enterprise in a

violent manner, whether or not the enterprise itself is illegal (Bouvier, 1856). Currently, in Georgia, two people engaged in unlawful violence constitutes a riot (Code of Georgia, 16-11-30, 2009). In Texas, a riot occurs when seven people create a danger to property or people **and** obstruct government functions, especially law enforcement, **or** disturb people in the enjoyment of legal rights (Texas Penal Code, Section 42.02).

Wanderer (1969) examined 75 “riots and civil disturbances” from the summer of 1967. He developed a scale of riot severity. Some cities apparently reported riots in which even vandalism did not occur. The severity of riots increased with vandalism, then interference with firemen, and then looting. Next were sniping, calling state police, and calling the National Guard. In the most severe, one or more law enforcement officers or civilians were killed.

It seems quite easy to meet the legal definition of riot for Georgia, but much more difficult to meet the legal definition of riot in Texas. I will show that Wanderer’s observations on the severity of riots and civil disturbances seem more applicable to this study.

Riots in Small Cities

After the shooting of Edward Wright, local leaders, both black and white, were concerned that there might be a riot. The most volatile times were the hours right after the shooting, and when people gathered in response to the shooting. We like to think that in smaller communities we know one another well enough we should not need to resort to collective violence to manage grievances. History shows us, however, that violence can occur in small cities, too.

Sugrue and Goodman (2007) point out that during the 1960s, “scholars of urban unrest generally ignored the widespread upheavals that shook up leafy suburbs, small industrial towns, and little cities” (p. 569). Of 163 riots which occurred in 1967, 45% were in cities of less than 100,000, and 28% were in cities of less than 50,000. In 1967, in Plainfield, New Jersey, Sugrue and Goodman tell us, police were thought to have abused a woman they arrested for disturbing the peace. A few days later, at the time of a major riot in neighboring Newark, police in Plainfield failed to take seriously a report made by a black teen about being assaulted by whites. Finally, Plainfield police tried to disperse a gathering of angry young people, but the crowd became hostile and began destroying cars, looting stores, and barricading streets.

Among other riots in small cities was one in Springfield, IL in 1908 (Senechal de la Roche, 1990). In that case, two black men were charged in separate crimes against whites. Whites rioted against successful African American and Jewish businesses, but blacks resisted, killing four whites. In 1970, in Augusta, Georgia, a black 16 year old retarded boy being held in jail with adults was apparently killed by other inmates (Winn and Inman, 1970). Blacks burned 50 businesses in one night. Six black men were killed by police.

The small town character of Athens, Georgia, has not precluded it from having riots. In 1961, after a college basketball game, students began demonstrating against the admission of the first African Americans to the University of Georgia – Charlene Hunter and Hamilton Holmes (Thurmond, 1978). A crowd of about 1,000 gathered, and some members of the crowd threw bricks and bottles through a window into the dormitory room of one of the students.

In 1970, during the same weeks of the disturbance in Augusta, National Guardsmen shot students demonstrating against the war at Kent State. While University of Georgia students were decrying the shooting (Interview of Ernie de Pascale), African American high school students continued holding marches which had started a month earlier. They were voicing concerns about how black school officials and students were being treated during the process of integrating the Athens public schools (Bailey, 1970). Disturbances erupted and spread downtown (Interview of Pastor Larry Fort). The newspaper reported 80 arrests on April 30 (*Athens Banner Herald*, 1970a), and 75 arrests the night of Tuesday, May 12, when five fires were intentionally set (*Athens Banner Herald*, 1970b). According to the local paper, 200 National Guardsmen were called to Athens on May 13 in order to handle continued racial unrest (Johnson, 1970). The night of Friday, May 15, a total of 263 protestors were arrested. The National Guard left Athens on May 17 (*Athens Banner Herald*, 1970c).

In 1970, the population of Clarke County was 65,177, while it had grown to 87,594 in 1990, just a few years before the Wright shooting (US Census, 1995). A number of the people who were demonstrating about racial issues in the 1970s, and a number of the people who were arrested were white (*Athens Banner Herald*, 1970b). It seems unlikely that black and white leaders did not know one another in 1970. In fact, Pastor Killian, who figures so prominently in the Wright shooting, housed Hamilton Holmes in 1961 to keep him safe from UGA students. Killian is quoted as an Athens businessman in the 1970 news coverage.

What was apparently missing during these times of unrest were ties to members of the other camp. While whites from UGA attended planning meetings of African

Americans, there is no indication in the news coverage that black and white community leaders met to discuss events. There were few blacks in leadership positions in the county, and few black police officers. Athens was still part of the Old South, with whites firmly entrenched. Authorities arrested African Americans for “unlawful assembly,” although the chief of police refused to say how large a group would be considered illegal (*Athens Banner Herald*, 1970a). They denied parade permits, used tear gas to break up groups of African American (*Athens Banner Herald*, 1970b), and made arrests “to prevent violence” (Johnson and Blackwell, 1970). Blacks accused police of “indiscriminate physical violence, invasion of private homes by officers,” and use of abusive language (Johnson, 1970). As I will show in this chapter, their response was much different than the response to the potential for violence in the Wright case.

The Riots of the 1960s and 1970s

Attempts to explain riots proliferated after the race riots of the 1960s and 1970s. Harris (1998) provides one outline for understanding the research on riots. He argues that violence is a “contributory component to the long-standing African American freedom movement” (p. 369), and that much of existing sociological theory is flawed. Harris groups those flaws into two categories. First, variations of the riffraff genre include notions that rioters are riffraff, riots are started by rabble-rousers, or riots have to do with the poor adjustment of blacks to white society or to new neighborhoods after migrating. Second, white writers believe the reason for black violence is a desire to access the American Dream.

A number of sociologists have been critical of rioters in the way that Harris describes. For instance, Oberschall (1968) writes that the key to understanding riots lies in an examination of “police-Negro relations” (p. 329), and that riot participants come

from all social strata, but he also writes that the Los Angeles riot of 1965 was a “violent lower-class outburst” (p. 329). Turner (1994) observes that, beyond looking at precipitating events, we must explain why people act collectively and extrainstitutionally instead of merely complaining. Turner does not seem to be pursuing a riffraff theory, but then he observes that:

the most important indication [of increasing riot conduciveness] is an increasing series of confrontational incidents... Unless these incidents are met with absolute repression, each incident builds confidence... If the punishment is not severe and inevitable, the fear of consequences is dulled... the hope is raised that more serious disruption will lead to a more adequate response to the rioters’ grievances” (p. 314).

Others have addressed the issue of migration as it impacts riots. Sugrue and Goodman noted that, at the time of the Plainfield, New Jersey riots, the population of Plainfield had increased dramatically as blacks migrated from the South and from big northern cities to the suburbs. Bergeson and Herman (1998) argue that, in the 1992 riot in Los Angeles, changes in the racial/ethnic composition had an impact on riots, but not because of black immigration. They find that rioting was more violent in areas blacks were leaving and suggest that riots were the result of an African American backlash at Latinos and Asians who were replacing them.

Harris’s second category of flaws includes the objectification of African Americans by considering the Euro-American experience to be universally applicable to humanity. Thus, African Americans are said to want the American Dream, but are “lacking in identity and agency [and] incapable of shaping any historical moment as independent, self-conscious, social actors” (p. 377).

Other researchers have, as Harris says, tried to identify the nature of rioters and rioting in relation to their full admission into American political life. Hahn (1970) writes

that cities with fewer incidents were marked by being more responsive to the needs of their residents, who presumably would have already had better access to American political life. Katz (2007) writes that Latinos/as engaged in peaceful protests in April and May of 2006, rather than engaging in collective violence, because of “their faith in the ameliorative capacity of American government” (p. 28).

In discussing when riots do occur, Lieberman and Silverman(1965) write that riots happen when institutions are malfunctioning and the city cannot resolve racial issues. Mattick (1968) writes that riots are a conservative movement by which blacks demand change. Paige (1971) found that participants in the riots of 1967, in Newark, NJ, were dissidents, engaging in political protest, who “scored high on political efficacy but low on political trust” (p. 810). They wanted change but were skeptical of getting it with the political structure then in place, so they participated in riots. Turner (1994) called the riots of the 1960s “message riots” which “ghetto dwellers [could justify] as an effort to get attention to the true plight of the black poor” (p. 311).

The Governor's Commission on the Los Angeles Riots (1965, from the “Christopher Commission) emphasized the struggle for the American Dream in their report on the 1965 LA riot. They reported that unemployment was high and education inadequate in the riot area. Law enforcement was oppressive. Retail store owners, especially grocery store owners, sold low quality products for unfair prices. Transportation to better neighborhoods, and better stores, was inadequate. Finally, although dependence on welfare was down in the country as a whole, it was up in Los Angeles.

Harris argues that riots are not caused by ruffraff or by a desire to participate in the white American Dream. In fact, riots are part of an African American freedom movement based on “self-generative values and motifs cultivated by Blacks” independent of white ideology, especially that of the American Dream. In support of this statement, Sugrue and Goodman (2007) report that after the 1967 riot in Plainfield, NJ, community leader Lin Cathcart said, “We’re not niggers anymore. We’re black men. We are no longer jealous of one another and are working together and respecting the neighborhood.” Cathcart was not pleading for a part of the American Dream, but was demonstrating pride in his neighborhood and his race.

In line with Harris comments, Senechal de la Roche (1996) notes that a view of collective violence as deviant behavior has “increasingly been rejected as ideological” (p. 98). Harris’s argument, when he points to the African American freedom movement, is cultural. Senechal de la Roche, discussed in Chapter 2 and below, follows Black’s structural theory to explain rioting. Their arguments coincide in that neither views riots as a struggle to attain the American Dream. Both see rioting as a move by a group people to right a wrong that has been done to them – to take matters in their own hands – to engage in what Black calls self-help.

Communication in Riots

Black writes that it is the position of actors in social space and the distance between them which impact the exercise of social control. Wealth determines the vertical position and distance, and social control defines deviance and respectability. The corporate, lateral, and symbolic dimensions of social space are about our connections with one another in organizations, directly, and culturally. In much of Black’s writing,

these positions seem to be fixed, although he acknowledges that they can be altered by the presences of partisans. In this section, I argue that modern technology has impacted the degree to which the position of actors in social space is fixed. Specifically, communication has literally brought us together, reducing the social distances among us along the corporate, lateral, and symbolic dimensions.

Several writers have discussed the roll of media and of communication in riots. Oberschall (1968) observed that the Los Angeles riot of 1965 was the first in which rioters could watch themselves on television. The mass media reported on movements of the police, and rioters “could choose when and where to strike, and still have ample time for retreat” (Oberschall, p. 336). Sugrue and Goodman (2007) noted that in Plainfield, NJ, in 1967, rioters communicated by telephone, word of mouth, and the media. In fact, Newark, NJ, who was experiencing their worst riot the same week as Plainfield, became “a metaphorical outside agitator” (p. 590) as a result of media reports on the Newark riot. In both LA and Plainfield, social distances among rioters were reduced. Turner (1994) theorizes that inadequate communication with authorities leads to festering grievances, the spread of misinformation, and inadequate management of situational crises – in Black’s terms, to increasing social distance between rioters and authorities.

In examining riots of the 1960s, Spilerman (1976) examined the structural characteristics of cities as they related to riots. Myers (1997) did an event history analysis using Spilerman’s data, and found support for economic competition and diffusion models. Diffusion was the result of social learning “driven by a variety of communication processes among established social networks” (p. 97). In a later study (Myers, 2000), he examined the diffusion of riots, again using data from the 1960s. He

wrote that severe riots in larger cities are more contagious than minor riots in smaller cities. He found that riots flow from the center to the periphery, because the media concentrates on larger cities and news flows to the periphery, helping to spread the riots. This coincides with Sugrue and Goodman's observation that Newark was an outside agitator for Plainfield.

Myers's studies differ from this one in two ways. First, he was examining the waves of riots which occurred during the 1960s. Spilerman (1976), and later Myers, studied 341 riots which occurred between 1961 and 1968, seven short years that constitute a very unusual period in our history. Second, in 2000 Myers was trying to identify why riots spread from city to city which was not an issue in the 1994 shooting of Edward Wright. Myers work is important to this study and to the advancement of knowledge of riots because of his close examination of the effect of the media, i.e. communication, on riots.

Although the issue of modern communication cannot be explored in depth in this study, it is important to note the effects of cell phone and internet use in the Arab Spring (the uprisings in the spring of 2011) (Lindsay, 2011), and the riots in London after the August shooting death of a man being arrested on drug charges (The Guardian, 2011; Schone, 2011). In both cases, modern electronic communication among protestors reduced the social distance among them. After watching those events, Bay Area Rapid Transit officials "cut off underground cellphone service... to thwart a planned protest over the recent fatal shooting of a 45 year old man" (Collins, 2011) by transit police. Here police actively stopped modern electronic communication with the intent to disrupt a protest.

The Theory Revisited

Several questions must be asked about the immediate aftermath of the shooting of Edward Wright. First, what limited the degree of collective violence in reaction to the shooting of Wright? Why did negotiation, but not collective violence, prevail in the community? That is, when was there a potential for a riot, and what actions were taken to avoid rioting? Beyond that, when did more minor clashes between police and African Americans occur? Who was involved? What was different about those events?

Events such as the shooting of Edward Wright constitute conflicts which can best be examined using Black's structural theory of pure sociology. As noted above, Black (1998, Chapter 5) addresses "the handling of a grievance by unilateral aggression," which he calls self-help. Senechal de la Roche (1996) argues that, in a setting with a high degree of social polarization, aggrieved parties will place liability for a grievance on a collective—on the community. If the offensive behavior causing the grievance occurs infrequently, those engaging in collective violence will be poorly organized. Thus self-help in response to infrequent deviance in a polarized setting takes the form of a riot.

In addressing partisanship, Black argues that parties to a conflict who have a high social rank and are close to others will attract more partisans. Senechal de la Roche points out that third parties form solidary groups when they are intimate, homogenous, and interdependent. Thus, African Americans of a similar social class who live near one another and depend on one another are likely to form a solidary group in defense of a person of high social rank. The theory is taken one step further by Black, who points out that it is the relationship of third parties to *both* adversaries which determines partisan behavior. Where such third parties are close to one side only, violence may result. As

Cooney (1998) observes, where third parties have cross cutting ties to both sides, they will work toward peace. This theory is summarized in Table 5.

Table 5. Forms of Conflict Management – mechanisms used to express a grievance.

Form of Conflict Management	Self-help	Negotiation
Leading toward partisanship and violence	High status victim From a solidary group	
Leading toward collective violence	-Where social polarization and collective liability are high - Where continuity of deviant and organization of response are low	
May result in	Rioting	Compensation from a group
Leading toward peace-making	Cross-cutting ties of counterrioters	Cross-cutting ties

Researchers have identified specific peacemakers who were active during riots.

The Kerner Commission (United States National Advisory Commission on Civil Disorders, 1968) examined 24 disorders which occurred in 1967. They identified part of the riot process as “the control effort, including official force, negotiation, and persuasion” (p. 67). They used the term “**counterrioters**” to refer to supporters of existing institutions who took specific action to stop rioters. Counterrioters included ministers, social welfare workers, well-known community residents, and young men from the community who used persuasion, asking rioters to “cool it.” In some cases they received official recognition. The counterrioters were generally better educated, more affluent, and voiced more support for existing social institutions than rioters or non-rioters.

While other investigators have mentioned counterrioters in riot areas (Paige, 1971; Mattick, 1968), it was Warren (1969) who examined the types of neighborhoods which produced counterrioters in Detroit. Warren examined the migration in and out of

neighborhoods not in order to make a statement about African American adjustment to change in the way that concerned Harris (1998), but to identify types of neighborhoods which produced counterrioters. He found counterrioters active in two types of neighborhoods: stepping-stone and integrated. In stepping-stone neighborhoods, there was a flux of residents in and out, but, unlike transitory neighborhoods, there was good socialization of newcomers. In integrated neighborhoods, residents had frequent contact with one another, were involved in organizations together, participated in politics, held the norms of the mainstream community, and were integrated into the mainstream (white) community. Thus, the integrated and stepping-stone communities fostered connections among residents and produced a specific type of peacemakers – counterrioters.

Why would angry people with the potential to riot respond to the counterrioters? Black writes that ideas are quantitative variables whose “magnitude [is] a matter of its contribution to knowledge – its truth and importance – measured by how people define and respond to it... In any setting, then, the success of an idea is measured by the recognition it receives” (Black, 1979, p. 164). Ideas have a position in time and space, and that position can be used to predict their success. An idea that moves downward from high to low status will be more successful than an idea that moves upward in social space. Relational distance is also important in that the closer people are the more value they place on one another’s ideas.

In applying this theory to the studies of counterrioters, we see that counterrioters reported by the Kerner Commission included ministers, well-known residents, and social welfare workers who were more educated, wealthier, and more supportive of social institutions than rioters or non-rioters. Their ideas were therefore moving downward from

high to low status individuals. Warren found counterrioters in well integrated communities and in stepping-stone communities where newcomers were socialized into the community. In these communities, relational distance would be less than in poorly integrated communities.

In the aftermath of the Wright shooting, there were serious concerns about the possibility of a riot. The shooting attracted hundreds of people in support of Edward Wright. There is a high degree of social polarization between blacks and whites in the south, especially between blacks and police officers. The recent history of race riots indicates African Americans blame whites as a group for the unjust treatment they receive. Controversial police shootings are not actually common events, however, and public responses are not generally well organized. Conditions seem to fit the criteria for a race riot, but there was not one. One goal of this study is to explain how the social structure influenced this outcome. Specifically, was social polarization less than it seemed on the surface? Who were the peacemakers and how did they counter the expression of violence?

The Precipitating Incident and Wright's Status

Myers (2000) writes about the spread of riots during the tumultuous 60s. Myers (2000, p. 202) also notes that his studies leave questions unanswered, including the basic question of how riots start. Myers writes that:

Once potential rioters make a decision to support rioting behaviorally, they do not necessarily immediately head out into the streets. Instead there must be a spark, a *precipitating incident*, that sets off rioting and provides an opportunity for adherents to put their conviction into action. (p. 203, emphasis added)

One of the more common precipitants of race riots which Lieberman and Silverman found between 1913 and 1963 was “killings, arrest, interference, assault, or search of Negro men by white policemen” (p. 889), but not all such confrontations result in riots. Specific data on race of suspects killed by police are difficult to find. Geller and Scott (1992) assembled data from the Federal Bureau of Investigation showing that in 1989, American police killed 285 suspects of whom 146 (51%) were white, 92 (32%) were black, and 47 (16.5%) were Hispanic. Clearly not all the shootings of blacks resulted in riots. How do such shootings differ?

In Athens-Clarke County, Wright is one of five black men shot by police between 1994 and 2010. In a sixth incident, a white man died in police custody after being “hog tied.” The other deaths attracted less attention. What happened in the other six deaths?

In January, 1994, Gregory Charles Boyd and a passenger were approached by two officers who suspected a drug sale had just occurred (Shearer, 2001; Ford, 1994). The passenger jumped out of the car and one officer held him. The other officer, Aku Cromwell, reached into the vehicle to try to pull out the driver, Boyd – a risky tactic at best. Boyd drove away, dragging Cromwell, who managed to get his feet to the bed of the truck. Boyd was swerving, trying to run Cromwell into utility poles and signs and to throw him from the truck. Boyd did run Cromwell into a mailbox. Cromwell fired twice, killing Boyd.

There was no mention of Boyd having a criminal history, but Boyd was apparently selling drugs. Cromwell exposed himself to danger when he reached in Boyd’s vehicle, but the shooting did not create controversy. There was no mention in the

press of family or friends who criticized to the shooting. Boyd apparently had no partisans who would object to the shooting.

In September, 2001, Stacy Rondell Bostic robbed the Suburban Lodge on Macon Highway. Gurr (2001) reports that an officer, J. S. Moss, saw him running along a highway soon thereafter and ordered him to stop. Bostic first complied, then drew a 9 mm handgun from his waist and fired twice at Moss. Moss fired back, but Bostic continued to run away while firing at him. Moss returned fire, killing Bostic.

Bostic had been charged with two armed robberies at a convenience store on South Lumpkin in 1989. He pled guilty to robbery by intimidation, a lesser offense, and was given five years in prison. After being released in May, 1992, he was sentenced to ten years for armed robbery and running from police in Gwinnett County. He was paroled a second time in April, 2001. At the time of his death, he was wanted for parole violation. Gurr reported that Bostic was supposed to be staying with his sister in Athens, but there was no mention of a response from her in the newspaper. There was only one article written directly addressing the shooting. There was no mention of family and no report of a public outcry regarding the shooting. Again, Bostic had no partisans who might object to the shooting.

On November 6, 2001, police got a call regarding an abandoned car in a moving lane of traffic on W. Broad Street (Gallentine, 2001). Witnesses said the driver left the car and ran toward Old Epps Bridge Rd. Officer J. C. Liddle found the driver, suspect Timothy Derrell Hood, 22, yelling at a vehicle stopped at Gardenia and Old Epps Bridge. Hood told Liddle he was an informant for the police department and needed to talk to him. When Liddle approached him, "Hood then placed the barrel of an automatic pistol

directly on Liddle's forehead and told him he was going to kill him” (Shearer, 2001). Liddle was able to knock the weapon to the side and fire at Hood killing him.

Gallentine reported that Hood had numerous traffic misdemeanor arrests since 1996, and felony charges for breaking into a car and selling cocaine. According to his mother, Azalee Hood, he had just been “released from the county jail only a few weeks [before], after serving time for a parole violation” (Gallentine, 2001).

There were only two articles in the local newspaper immediately following the shooting – a brief article on November 7 (*Athens Banner Herald*, 2001a) and a more detailed one by Gallentine (2001). Hood’s parents, Robert and Azalee Hood, told the press that they did not think Hood would have pulled a gun on an officer. Azalee Hood said she did not think her son would have carried a gun. Hood said she:

does not like guns and does not allow them in the house... Azalee Hood said she believes her son... was unfairly targeted by the police... she claims many police wrongly go after young black men like her son. “I know in Clarke County, the majority of the police didn’t like Tim,” she said. “He was the type who would speak his mind and they didn’t like what he said.” Azalee Hood described her son as a former Cedar Shoals High School football player who loved sports, animals and playing with his siblings and neighbor children. (Gallentine, 2001).

In spite of his mother’s support, there was no public outcry over the shooting of Tim Hood. In fact, on November 9, three days after Hood was killed, Shearer (2001) wrote an article based in part on an interview with Police Chief Jack Lumpkin. Lumpkin said that in both shootings in 2001, “officers’ lives were in imminent danger.” The chief said the shootings would be reviewed in an attempt to identify ways to reduce fatal shootings. He reported that in other cases, officers had shown restraint by not firing their weapons. One involved Officer Liddle who, with other officers, had arrested Horace Ellington Smith, age 18, when they got a call about a fight and a large crowd (*Athens*

Banner Herald, 2001b). When they arrived, Smith ran through the crowd firing into the air. Officers arrested him without discharging firearms.

Tim Hood did have a partisan in Athens, his mother, Azalee Hood. She spoke with the press detailing her son's good traits and arguing that he would not carry a weapon, much less attempt to use one against an officer. She did not file suit, however, and no public outcry occurred. Police Chief Lumpkin spoke in support of the officers, noting how officers' lives are placed in danger and what the police department was doing to reduce the need for officers to use deadly force. He noted that the officer who shot Hood was one of the officers who had shown restraint when under fire. Tim Hood's partisan was his mother, but Officers Moss and Liddle had Chief Lumpkin and the police department on their side – a high ranking individual and the organization he directed.

A more controversial death occurred in police custody in July 19, 1997, when a white man, Eric William Irby of Franklin County, was arrested following a car chase (Martin, 1999). It began in the early morning hours of a Saturday when officers tried to arrest Irby for driving without taillights and weaving, and it ended with his death. Irby's mother filed a suit on behalf of his daughter. The most complete public account of the event is in the decision of the US Court of Appeals for the Eleventh Circuit (2004) when they ruled, in reversing the US District Court for the Middle District of Georgia, that Athens-Clarke County and its officers "did not violate Irby's Fourth Amendment right to be free from excessive force."

The Appeals Court noted that Franklin Springs Police Officer Cleveland observed Irby and Roy Clark Hutchinson in a red truck with a burned out taillight weaving between lanes. When the officer tried to stop him, Irby started a chase which reached speeds of 75

miles an hour through 30 miles of Franklin, Madison, and Athens-Clarke Counties. Officers from other jurisdictions joined the chase. They tried rolling roadblocks and bumping Irby's truck to make it spin out, but their efforts failed. At one point Irby lost control of his truck, struck a mailbox, and landed in a ditch, but he was able to continue to flee. The second time Irby lost control and landed in a ditch, he rammed a police car while trying to drive out, but knocked himself back in the ditch. Officer Cleveland took the passenger, Hutchinson, into custody. Hutchinson told authorities that Irby vowed "during the chase that he would not return to prison" (Harper and Shearer, 1997). Hutchinson was later released on bond from Franklin County and then disappeared (US Court of Appeals).

Officer Carr of Madison County approached the driver, Irby, who repeatedly refused Carr's commands to turn the truck off. When he finally turned the truck off, he refused to get out. Carr opened the door and reached in for Irby. After several attempts, Carr was able to pull him out of the truck. Irby started screaming in a way that seemed designed to help pump his own adrenaline and then tried to get Carr's weapon from his right hand. Irby was on top of Carr in the ditch at one point. Carr struck him with the weapon on top of the head, causing it to discharge. When the two separated, Carr pointed his weapon at Irby, who screamed again and ran into the woods. According to press reports, he ran about 75 yards (Martin, 1999)

As Irby ran, Carr struck him three times on the leg with a baton (US Court of Appeals). Officer Phillips of the Franklin County Sheriff's Department arrived and helped Carr handcuff Irby, who "yelled that the officers were going to have to kill him to take him" (US Court of Appeals). Irby continued to resist violently even after being cuffed. A third officer arrived to help get Irby back to the patrol cars, but Irby was able to kick Officer

Phillips in the chest. The officers got him to the ground, but he continued to struggle. They requested leg restraints, and Officer Eckert and three other officers from the Athens-Clarke police department arrived with a nylon strap or “hobble cord.” Officer Eckert was bruised in an effort to put the hobble cord on Irby. Because they could not get the cord on Irby, Eckert told one of the officers to pepper spray Irby.

Once he was sprayed, Irby moaned and became compliant. The officers placed the hobble cord on him, pulling his feet to within 12 inches of his hands. They then physically carried him to the patrol cars and placed him face down behind a running car. They turned his head to one side, and an officer checked for and found a pulse (Gordon, 1997). An ambulance was called (US Court of Appeals). When they arrived, Irby had no pulse. He was transported to Athens-Regional Hospital, where he was pronounced dead. The Medical Examiner at the Georgia Bureau of Investigation said his death was caused by positional asphyxia, with the methamphetamine and amphetamine in his system contributing to his death. The pepper spray and carbon monoxide did not contribute to his death. (The dismissal of the civil case will be discussed in Chapter 5.)

Irby had a record. The press reported that Irby, age 25, was a short-order cook “with a history of run-ins with the law” (Gurr, 2003). The *Franklin County Citizen* (Brancato, 1997a) said that Irby had served 18 months for aiding and abetting the kidnapping of a woman he knew. On the morning of his death, he had apparently committed a burglary at a residential pool house (Harper and Shearer, 1997). When a Stephens County resident reported the burglary, police found Irby’s wallet at the pool house and recovered stolen items from Irby’s home in Martin. They actually charged him with burglary, not knowing that he had just died.

Irby was from out of town. His primary supporters were his family in Franklin County. His mother told a reporter she had identified his bruised body. She said, “He was like a rabbit being chased by a pack of wild dogs, and they just tore him up” (Stroer, 1997). His relatives said he had a heart of gold, although he had recently been trying to act bad by getting tattoos and shaving his head. His girlfriend said, “He was trying to be tough, but he wasn’t. Prison life really messed him up. He did not want to go back. It’s not like he’s a criminal. We had barbecues. We went to McDonalds.” His sister said, “I just went crazy. All they had to do was pile on him. It’s not right. He shouldn’t have died” (Stroer, 1997).

The case continued to make news – including 25 articles in the *Athens Banner Herald* by the end of October (*Athens Banner Herald* Staff, 1997). One individual high level supporter, University of Georgia law professor Donald E. Wilkes (1997), wrote an article in the *Flagpole Magazine* criticizing the District Attorney’s decision not to pursue criminal charges against the officers. There was no organization or extended group to which Irby belonged that objected to what occurred. Irby’s status was not high enough to attract many supporters.

The Athens-Clarke officers had high level supporters. In an interview with the *Franklin County Citizen* (Brancato, 1997b), Athens-Clarke County Attorney Ernie de Pascale pointed out that Athens-Clarke officers did not know why Irby was being pursued, but the length of the chase made it seem that Irby had committed a serious crime. De Pascale told the reporter, “Why don’t you ask your police up there in Franklin County why they chased him across three counties for a tail light violation?” District Attorney Harry Gordon determined police had not committed a crime. He said Irby’s death resulted from

the use of methamphetamine and his continued struggles with police, causing them to restrain him (Gurr, 2003).

The police chief's position changed between the time of the event and the beginning of litigation in the civil case. In 1997, Chief Jack Lumpkin said that, although the report was not complete, he had "no indication that any of my officers did anything wrong" (Harper, 1997). In 2003, when a motion was filed to separate him from the civil case, the motion was granted because Lumpkin had just issued a verbal command a week earlier that hog tying be banned at the police department. His command had not been relayed down the chain of command (Gurr, 2003).

The supporters of the Athens-Clarke police officers were much more powerful than Irby's family. Ernie de Pascale was the county attorney, and he represented the governmental organization when he spoke to the press. District Attorney Harry Gordon made a decision that no crime had been committed by police. The police chief initially voiced support for the officers. As in the shootings of Bostic and Hood, the officers had very strong partisans. In this case, their partisans included two attorneys and the chief of police, and the organizations they represented. Even though there were objections to Irby's death, they came from individuals and not a group or organization.

In the sixth case, Samuel Thomas Cunningham, III was shot by Officer Lou Pasqualetti on the night of October 29, 2010 (Floyd, 2010). Pasqualetti said he was on patrol when he heard a call about police investigating cars being broken into at the Hull Street Parking deck at the University of Georgia (Johnson, 2011c). He drove through the neighboring housing project, Parkview Homes. He began following two young men when

he heard an argument in a nearby apartment. Sam Cunningham was arguing and then fighting with his good friend John Willie Jennings. Both had been drinking.

According to the press (Johnson, 2011c), Cunningham had grabbed Jennings' necklace and Jennings struck Cunningham in the head hard enough to draw blood. Cunningham drew his pocket knife and stabbed Jennings in the shoulder. When Pasqualetti knocked on the door, he got no response, probably because the men could not hear him over their music. According to Pasqualetti's use-of-force report:

"Samuel Cunningham was moving forward to attack (Jennings)," and he "put the knife to (Jennings') neck and I watched him slicing (Jennings') neck," Pasqualetti wrote in his use-of-force report. "It appeared to me that he was trying to kill (Jennings). "Believing that I could not hesitate," Pasqualetti made a split-second decision to draw his gun and shoot Cunningham, he said. (Johnson, 2011c)

Cunningham had two important partisans in the community. The first was Jennings, who began yelling immediately after the shooting that police had killed his brother (Floyd, 2010). In fact, Pasqualetti had to handcuff Jennings before other officers arrived. Neighbors were angry, too. One said, "They were the best of friends, and (police) shot Sam" (Floyd, 2010). Jennings believed Cunningham would have followed verbal orders from Pasqualetti (Johnson, 2011a). Cunningham's second supporter was his mother, Juanita Cunningham, who said Jennings "told the police that he could handle anything that happened in his house and he wouldn't call the police." (Johnson, 2011a). She said she would not accept any findings by the authorities (Johnson, 2011b).

The third person to express public concern about the shooting was Rick Hawkins of Athens' alternative paper, *The Flagpole*. Hawkins (2010) wrote that Pasqualetti had killed a thirty pound dog which had lunged at him the year before. He questioned whether that was Pasqualetti's "best reasonable option." At the time of the shooting of Cunningham,

Hawkins wrote, "But the question of whether Pasqualetti could reasonably have been expected to try to defuse the situation without the use of deadly force is enormously grave." He insisted that the entire community needed to ask if Pasqualetti should continue to be employed as a police officer.

Officer Pasqualetti had his partisans, too. The first ones were managers in the police department. In the first report of the shooting (Floyd, 2010), Maj. Mike Shockley of the Athens Police Department said, "He shot the perpetrator with the knife to save the life of the other man." The first quotes by Chief of Police Jack Lumpkin came five days after the shooting when he corrected initial reports that Pasqualetti had ordered Cunningham to drop his knife (Johnson, 2010). Major Shockley said, "SPO Pasqualetti fired his service weapon without giving commands due to the jeopardy he felt for Mr. Jennings' life. SPO Pasqualetti was in his ACCPD uniform and displaying his badge of office at the time of the shooting" (Johnson, 2010). Pasqualetti said that he saw Cunningham "slicing (Jennings') neck" and believed he could not hesitate to fire (Johnson, 2011c). Lumpkin also made a strong statement when Pasqualetti came back to work after the investigation:

As you will recall, SPO Pasqualetti, prior to firing his weapon, did observe a bleeding victim with a knife to his neck," Lumpkin said. "That is one of the essential and material facts that must be applied" under Georgia law when determining if an officer was justified in using deadly force. (Johnson, 2011a)

Others officers supported Pasqualetti after the shooting. One said, "If I'm ever involved in a police shooting, and I hope I never am, I hope it's as clear a situation as Lou was in" (Johnson, 2011a). The police department's investigation, which relied heavily on the investigation by the Georgia Bureau of Investigation, cleared Pasqualetti (Johnson, 2011b).

Even Jennings had apparently made a statement in support of Pasqualetti. Johnson (2011b) reported that when Art Spence, an Athens Housing Authority manager went to check on Jennings' apartment, he told Jennings he had been lucky. Jennings said he was right, "that he knew Mr. Cunningham was getting ready to cut his throat... (and he) knew that what happened saved his life." Jennings later denied making the statement.

Two very important people also had cross cutting ties in the community at the time of the shooting of Sam Cunningham. Chief of Police Jack Lumpkin is African American, and he is from Athens. He came up through the local police department. He was brought back to Athens from another police department after the shooting of Edward Wright. Second, the pastor of the church Cunningham's mother attended was Michael Gerald. He was quoted in the paper as saying:

Hopefully, the community will not show any signs of violent outburst or what have you, for we should receive the merits of the case based on the investigation... There's legal recourse for the family through a wrongful death claim, and that's the remedy we should adhere to. In the meantime, we should respect the authorities' findings. (Johnson, 2011b)

Gerald also had cross cutting ties. He was a former New Jersey state trooper and undersheriff.

Boyd was apparently selling drugs, and he aggressively attacked the officer who tried to arrest him. Bostic had a record for robbery, was fleeing from a robbery he just committed, and fired at an officer. Boyd and Bostic had no one taking their side when they were shot. Hood had a record for selling drugs and breaking into cars. He was fleeing from a car he had stolen, and he put a pistol to the head of a police officer. His mother supported him, but no one else did, and Chief Lumpkin supported the officer. Irby was using methamphetamine, ran from police, and then resisted arrest. There was controversy at the

time of his death and his mother filed a civil suit two years later, but there was no organization or group other than his family to take up his cause. Instead, the officers had the support of the county attorney, the district attorney, the chief of police, and the organizations they represented. Sam Cunningham's mother, his intended victim, and one journalist supported him, but fellow officers, supervisors including the chief, the police department, and the GBI all supported Officer Pasqualetti in his shooting. While some African Americans expressed disapproval and held a candlelight vigil after the shooting, others had strong cross cutting ties, including the African American chief of police and the black pastor with a background in law enforcement.

Senechal de la Roche (2001) tells us that victims with higher status will receive more support, and that was the case with Edward Wright. Wright had a job, a church-going family, and friends with whom he played basketball. His status along the vertical, cultural, corporate, and horizontal dimensions were higher than those of the other men described here. He had no criminal record, marking his normative status much higher than theirs. He was doing something illegal – we require our citizens to wear clothing – but his reason for undressing was not to derive sexual pleasure or to offend others. His family called police to get help for him, but when police arrived they shot him. Wright's mother pointed out in a letter to the editor, "First they said my child was on drugs. I knew all along that he was not on drugs, but I had to read the rumors daily. Now there are rumors that he was mentally ill. That, too, is untrue" (Murray, 1995). The attorneys handling the civil case put out a statement saying, "All indications are that Edward Wright was undergoing a religious experience in the morning that he was shot" (Thompson, 1996a). Others would say he was having a psychotic break.

The reason for Wright's behavior and the appropriateness of the shooting are not subjects of this research. What is important for this research is that so many African Americans thought the shooting was unjustified, that the officers could have and should have subdued him with less-than-deadly force, and that his shooting was another example of white police officers abusing their power over black men. Wright became a symbol of African American men killed and abused at the hands of whites, especially police. The last mass lynching in the United States occurred at Moore's Ford, just 15 miles from Athens, in 1946 – within the memory of local residents. Wright's shooting was another symbolic lynching which raised his social status and pulled African Americans together into a solidary group.

Elizabeth McKeever, a witness to the shooting, expressed this sentiment in her deposition for the civil case. She knew Wright. She tried to stop his bleeding after he was wounded. She tried to get officers arriving at the scene to help with first aid.

McKeever stated in her deposition on the civil case:

What we don't like about it is that the justice system covering it up. No matter what you give this person you can't compensate that woman for her child. How could you honestly sit in my eyes, to honestly say that it's justice? *We're going through all of this, bringing it back up in our past and stuff*, and everybody in the community feel that y'all trying to make it seem that these police officers were right. (Deposition of Elizabeth McKeever, 1999, emphasis added.)

Avoiding the Riot

Gatherings and Demonstrations, but no Riot

After the shooting of Edward Wright, it was the ties that leaders in the African American community had to local officials, and the positions they themselves had as local officials, combined with their positions in African American churches and organizations, which both prompted them to act quickly and decisively to prevent

violence and allowed them to do so. As noted in Chapter 1, Williams (1998) had just conducted a study of the neighborhood where Wright was shot pointing out problems with the relationship between residents and police. As soon as leaders, black and white, began to understand what had happened at the scene of the shooting, they called in those who could go to the scene, bridge the fissure between the groups, and calm the crowds gathered there.

At the Scene

For example, Pastor Archibald Killian, an African-American minister, had been a military police officer and was one of the first black Athens police officers. He received a call at home the morning of the shooting from Donerell Green, an African-American serving as acting-head of Athens-Clarke County Human and Economic Development Department. Pastor Killian told me:

I was at home in bed when I got a phone call that somebody, a black man with no clothes on, had been killed, or shot by the police. They said there was about to be a riot, and could I come help try to contain it. I thought, "I don't believe my police did that." I came to the church. There was definitely about to be a riot."

Killian himself did not form an opinion about the shooting until he learned the most obvious of facts. "I formed an opinion when I learned he didn't have any clothes on. They could see he didn't have a weapon." In spite of the fact that he disapproved of the officers' actions on the scene, he worked diligently to prevent trouble. After all, he was a pastor and he had been a police officer, giving him strong cross-cutting ties with the black community and the mainstream, white community, especially the police. This was evident in his comment that referred to "my police." They were not just Athens-Clarke

County police, they were his personal police officers, and he was a specific type of peacemaker – a counterrioter.

Pastor Killian said he and the other pastors worked to prevent a riot in part because of their organizational ties. They had churches in the area. He said, “Rev. Fort has a church around there. Since we [pastors] all have a vested interest in it, we was interested in saving the community.”

Killian and the other black leaders were also integrated enough into the white world to understand how a riot would be handled. He said he knew the danger that would come to the African American community for rioting:

You know those folks [mayor, commission, police department] wasn't going to let them burn up downtown. Like I told Ms. O'Looney [the mayor], I said, “You can't lose. You've got the army. It's impossible for you to lose. I'm trying to keep the people that don't have the army, that think they've got an army, from getting killed.” Cause that's exactly what would have happened.

Because of their cross-cutting ties, Killian and Fort had a deep understanding of what would happen if a riot occurred. They worked hard for peace.

Mayor Gwen O'Looney heard about the shooting on the radio as she drove to work. O'Looney is a member of the white middle class, but she has a liberal bent, and one of the residents near the scene of the shooting was the sister of her secretary. She also had direct ties to the area where the shooting happened, and she was not scared to be in the community. The mayor had worked in the housing projects before going into politics, and she had campaigned alone in housing projects when she ran for council. As mayor she had “a good foundation of cooperation and friendship and working together on other things” before the shooting.

Mayor O’Looney was among the elected officials who walked through the neighborhood in an effort to bridge the gap between residents and officials. Because she knew the community so well, Mayor O’Looney knew specifically who some of the troublemakers were. She said, “There’s a group of men from east Athens, from Nellie B (housing project), that are older, probably in their early 30s, that were troublesome people, that were always involved in trouble.” Mayor O’Looney approached the troublemakers and many others directly and voiced her disapproval of the shooting on Thursday morning. The newspaper reported that a black man told Mayor Gwen O’Looney, “ ‘Y’all need to get rid of that killer cop’ [and she answered] ‘We’re working on it’ ” (Thompson, 1995a). By walking through the community, she reminded black residents of connections between city leadership and locals, of their cross-cutting ties, and she acted to further reduce the social distance between them. She was acting as a peacemaker.

One of the reasons that these counterrioters were successful was that they were well-known in the black community and their status there was high. Their ideas were moving in a downward direction to people who felt close to them.

At the Hospital

Athens-Clarke County police dispatch records show that police asked the dispatcher to notify the Athens Regional Medical Center at 7:38 a.m. that a group of about 35 people would be en route to the hospital (Athens-Clarke Police Record of Call #952850071). In a statement to the GBI, Katie Parrott, Emergency Room Department Educator, said that Wright was in full cardiac arrest when he arrived at the hospital (Statement to GBI Agent M. R. Stucky, October 16, 1995). He was pronounced dead at

7:53 a.m. At 8:08, unit 2254 asked for unit 2228 to assist them at the hospital “asap” (Athens-Clarke Police Record of Call #952850076).

At the hospital, family and friends gathered to learn about Wright’s fate. In an interview, Parrott told me that there was a potential for violence in the emergency room at the hospital:

We were unable to resuscitate Wright. We then began to deal with family, and it became a very tense, difficult situation. We had hundreds of people coming to the hospital. We had security come and lock all the doors and stand by to help us with crowd control.

My job was to help sort out people and kind of corral the family in the family waiting room. I was with the physician when he went in to tell the family that Wright had died. There was much hysteria and crying and people running in and out of the room.

When those gathered at the hospital learned of Wright’s death, they became hostile with the security guards. Members of the crowds then became verbally abusive with the staff. People in the crowd began taking some of their anger out on physical objects at the hospital. They broke a lamp and knocked a hole in the wall. This vandalism might technically be called a riot, but it was contained by one hospital employee seeking out one person to help control the crowd when Parrott looked for a peacemaker:

In that situation, culturally, a lot of the time, they [African Americans] have a matriarchal figure or one person that comes in and seems to take over the role of calming and controlling. It was not Edward’s mother. It may have been his grandmother. I can’t tell a family to get a grip and I can’t come to them and say the right things, but this person can. [I could tell this person], “We want to get Wright family back to see him. We want to help you with this process, but we cannot do it if people are out of control and hysterical, and we will not do it if people are being aggressive and violent.”

Parrott had handled people upset over the loss of a loved one, and she knew that, as a white woman, she was not the best person to control angry African Americans. She

sought out a peacemaker, someone who had close ties to the members of the angry crowd *and* would support hospital staff in their tasks. She could not be a peacemaker herself, but she was a *peace facilitator*.

The Second Day

Donerell Green and Killian set up a meeting for noon on Friday, October 13, 1995, the day after the shooting. The meeting was attended by city officials and community leaders, all of whom spoke for calm. Angela Browner, Wright's godmother, told the gathering, "We want no violence. No violence" (Thompson, 1995b). Pastor Killian said there was a real potential for violence that day, but the efforts of the leaders were successful:

I'd say it was 3 or 4 times as many people there as could get in the church. There was a potential for violence then. But the tenor of the meeting was that we're not over here seeking violence and retribution. We're trying to get the thing straightened out. The business owners and the people that live there in general, they wanted the peace, and they're the ones that kept it in control.

Pastor Larry Fort was present at the meeting and gave a similar account of events, saying, "We projected the spirit of peace, the spirit of God, and that was received on that day. That's not to say that there were not some agitators out there. But the spirit of God prevailed, and there was a great calm" (field notes, 9-28-01). At this meeting, as at the scene of the shooting, pastors and political leaders, and Wright's godmother acted as peacemakers on the basis of their cross-cutting ties, calling for calm and assuring the crowds that legal action was being taken.

The Saturday March

At 10:00 a.m. on Saturday, October 14, two hundred marchers met at Martin Circle and Luther Lane. Mayor Gwen O’Looney was furious. The morning paper had included the headline “GBI: Baxter justified in use of lethal force” (Stroer, 1995b). She believed it was much too early for the Georgia Bureau of Investigation to draw such a conclusion, and the report made a tense situation worse. Mayor O’Looney had taken action to try to keep the march from becoming a confrontation with police by insisting that Police Chief Ronald Chandler not present a show of force. She told him to place one officer “inside” and have one “follow the parade just like any other parade.” This was in direct contrast to the actions of the police chief in 1970, who had prohibited “unlawful assembly and used tear gas to break up crowds. The mayor was not as socially distant from the marchers as Chief Chandler, and she used her authority to require him to act in a peaceful fashion.

A total of nearly 400 people led by Mayor Gwen O’Looney marched to Lay Community Center and listened to several speakers (Easterly, 1995). Other pastors gave credit for preventing violence that Saturday to Pastor Larry Fort of New Freedom Christian Center. Pastor Fort said he and J. T. Jones, president of the Spring Valley Community Association, marched from Martin Circle to Lay Community Center with the crowd:

On that day, I was sure that I was there—in the crowd to help monitor the crowd and try to control the crowd. And a couple of times, people wanted to break away and do some violent things, and we talked them out of it. J. T. Jones, president of the Spring Valley Community Association was there. When people tried to break away, we convinced them, “No, let’s not do that. “

When we came up E. Broad to Foundry St., there was a group saying, “Let’s go on down to City Hall.” [We] were saying, “No, we have a route. Let’s show

people that we can be decent and in order. What we're looking for here is justice. So let's go to our designated place, [Lay Park] and make our statement there. Let's speak our minds, but let's be peaceful." Now in fact, a few people did end up going down there, but there was no violence.

But if you didn't have people in the crowd who were maintaining peace and calm, then it would have been easy for a big part of the crowd to just take off through town and start rioting. That would have been very easy.

Fort said he knew that it was possible to stop a riot because he had seen it done before. When Fort himself was 16, he had been part of a riot in school that turned into a riot in the city as a whole. His participation was cut short when a black teacher he knew said, "Y'all please go back. Please stop this." She taught him how to be a peacemaker.

One group broke away from the Wright march. According to an op-ed piece by Major David Holland (1995), about 40% of the marchers broke away from the designated route and went to City Hall. Extra police units handled the situation without incident. This part of the crowd did not even engage in vandalism. While their behavior apparently alarmed police, it did not constitute a riot.

Once at Lay Center, the marchers gathered in the parking lot in front of the building. Speakers included NAACP vice-president Thomas Oglesby and Mayor Gwen O'Looney. Oglesby was angry. He said, "I wanted to just let them go [riot]," but he did not want the people in the crowd hurt (Interview of Thomas Oglesby). Mayor O'Looney said she was concerned about violence. She stood next to Pastor Killian and the other pastors so she would be identified with them and would be safer personally. She noticed City Manager Al Crace moving closer to her.

The marchers were nervous about the police at Lay Park. Larry Fort said:

At Lay Park, after we gathered there, someone came up to me and said, "There they are. The police officers are watching us." And then as certain people came up to speak about what they had seen, what had transpired on the day of the

shooting, there were people who were upset and saying that the police were not going to listen to us. And the DA was not going to listen to us.

And the crowd started getting a little agitated. When I got to the microphone, I remember saying to them, “Do not get violent. Do not get out of control. We (meaning the ministers and leaders) we’re going to make sure that this thing is not washed over. If we riot, if we get violent, we’re giving them what they expect. Don’t give them the satisfaction of saying that they were right about us.” And it did seem to calm the crowd.

The marchers and the crowd at Lay Park did not become violent. The peacemakers included an important pastor, Larry Fort, and the president of a civic club, J. T. Jones, both of whom worked hard to prevent violence. Jones, as a civic club president, had cross-cutting ties of his own. He worked with business owners and home owners in the area where the shooting occurred. He was acting on their behalf in preventing violence – keeping the peace and countering the potential for rioting.

A Community Meeting

Monday, October 16, was a big day. The Million Man March was held in Washington, D.C. Edward Wright’s funeral was held at Holy Cross Chapel. There was a meeting that evening at East Friendship Baptist Church about the Wright shooting.

Pastors Killian, Fort, and Dr. James Washington went to the community meeting at East Friendship. Pastor Edward Pittman was at the meeting. Although the ministers are hesitant to speak against him, it is easy to collect criticism of Pittman. Pittman has a criminal record, including a charge of murder from 1971 (field notes; Thompson, 1995b). Pittman claimed to be a minister at East Friendship Baptist Church and had formed a group called Help Save Our Children. Although he was not calling for violence, calmer heads thought his words were inflammatory and could have easily led to violence or changed to a call for violence later (field notes).

Pastor Fort said, “The people wanted leadership.” A significant number of people at the church wanted Pittman to be their leader, and Pittman was clearly eager to take that role. During the meeting, someone asked who they wanted to be their leader, and as a group they shouted, “Killian!” The newspaper reported that Killian and Pittman had been picked to head a committee to conduct an independent probe into the shooting (Thompson, 1995b).

Some Residents Became Violent

In spite of the ministers’ best efforts, there were sporadic collections of angry crowds who engaged in low levels of violence. The *Athens Banner Herald* reported that Wright’s death had “spawned more tense show-downs than police care to count, including a near-riot early Saturday [10-14-95] at Krystal’s, when an angry mob of blacks chanting ‘Ed Wright’ surrounded officers and flung food, bottles, and milk crates at them” (Stroer, 1995a). The paper reported that it took a dozen police an hour to disperse the crowd. Sgt. Mike Sales observed, “I don’t think the responsible tax-payers of the community were out there” (Stroer, p. 5).

A police administrator who had worked an off-duty job at Krystal’s at the time of the Wright shooting said that young men, ages about 19 to 24, made derogatory comments to police about the Wright shooting. He said they were known to the officers as people who would have caused trouble over other issues previously, and the Wright shooting was just an excuse to cause more trouble.

Another respondent, Sgt. Smith, had a different perspective on the “near-riot” at Krystal’s. He said he worked the off-duty job. When the bars closed, the restaurant

would get a lot of business. On the night of the disturbance, there was a normal crowd. He was standing outside when they began chanting about the shooting of Edward Wright. He went inside with the other officer who was present and they called dispatch for backup. When their backup arrived, one officer got a video camera out. The crowd then moved from the Krystal's parking lot to the Popeye's parking lot next door.

Smith said that the crowd was made up of men and women ages about 17 to early thirties, and probably included a few more young men than women. He pointed out that crowds follow "1 or 2 or 3 leaders" and said he thought they just wanted to vent. They had free rein in the parking lot, but no one was hurt, and words are just hot air.

The most dramatic moment came when an older sergeant arrived. Smith said the sergeant, who was white, was a man of few words and was well respected in the black community. Probably half the crowd knew him and knew he was fair. The sergeant walked to the edge of the Krystal's parking lot, and then walked into the crowd alone. From his perspective, Smith could tell where the sergeant was because he could see the crowd parting as he went through. The sergeant came out of the crowd, and within a few minutes the crowd dispersed and the parking lot was empty. Smith never knew if the sergeant said anything as he walked through the crowd, or what he might have said. Here again, ideas from a respected person close enough to members of the crowd to feel safe walking calmly among them were respected and violence was averted.

Based on interviews and newspaper reports, it was clear that at least one officer felt very threatened by what happened – the officer who contributed the most to the newspaper report. At least one officer, the sergeant who walked among the people in the crowd and got them to dispersed, was apparently not intimidated at all. Vandalism

occurred, along with a weak attempt at assaulting the officers. This event would seem to meet the legal definition of riot in Georgia, and perhaps even in Texas, but it still falls under the least violent of Wanderer's categories of riot severity

In summary, despite the swirl of events, clear empirical patterns predicted by the theory emerge. In contrast to the riots of the 1970s, African Americans held leadership positions in the city and could call on peacemakers – counterrioters – who could influence crowds and prevent riots. Application of the theory of pure sociology to the events is presented below, followed by a chapter summary.

An Analysis

The Application of Black's Theory of Conflict Management to Wright's Shooting: The Near-Riot

Outcome 1: Gatherings and demonstrations occurred, but there was no riot.

The Theory Revisited

Table 5. Forms of Conflict Management – mechanisms used to express a grievance

Form of Conflict Management	Self-help	Negotiation
Leading toward partisanship and violence	High status victim From a solidary group	
Leading toward collective violence	-Where social polarization and collective liability are high - Where continuity of deviant and organization of response are low	
May result in	Rioting	Compensation from a group
Leading toward peace-making	Cross-cutting ties of counterrioters	Cross-cutting ties

Summary of Events

1. In order for a riot to occur, there must be a spark that sets off those with the potential for engaging in riots. The controversial shooting of a black man by a white police officer becomes a symbolic lynching and is one such *precipitating event*.
2. Peacemakers with cross-cutting ties to mainstream society and to potential rioters will work to prevent a riot. The peacemakers were people with a close relationship to African Americans at the scene of the shooting. They acted as *counterrioters*.
3. Unlike other men who had died in encounters with police in Athens-Clarke County, Georgia, Edward Wright was a respected young man among his neighbors in the African American community. His shooting took on the characteristics of a symbolic lynching. A solidary group formed in opposition to his shooting. The conditions for partisanship were met.
4. The neighborhood where Edward Wright lived was made up of the working class and working poor. A study of the neighborhood had shown that citizens did not have knowledge of police officers, citizens believed police lacked respect for them, and negative interactions with police occurred. The conditions for high social polarization seemed to be met.
5. Deaths in police custody in Athens, Georgia are rare. Only five black men were shot by police officers between 1994 and 2010. There was a low continuity of this behavior, and the organization of the crowds gathered in response to Wright's shooting was low. No leader emerged to organize a violent response. The conditions for collective liability seemed to be met.

6. The morning of the Wright shooting, October 12, 1995, the conditions for collective violence in the form of rioting seemed to be met.
7. *Peace facilitators* called specific, known *peacemakers* in the community, including Pastor Archibald Killian, to the neighborhood in which the shooting occurred. These peacemakers had cross-cutting ties to police and the city administration on one hand, and the African American community on the other. They could act as *counterrioters*.
8. At the hospital where Wright was pronounced dead, Katie Parrott, a *peace facilitator*, sought out a leader among family members to act as a *peacemaker* to avert violence. The *peacemaker* was successful and violence was kept to a minimum, stopping an event that involved only the lowest level of violence that might be called a riot.
9. The mayor and members of the commission went to the scene of the shooting to speak with residents after the shooting. Mayor Gwen O'Looney, who had worked on community improvement projects in the neighborhood, called for the firing of Officer Baxter. She insisted the police chief not present a show of force during the Saturday march. These actions reduced the social distance between the city leadership and black residents, and added social distance between leadership and the police. Mayor O'Looney acted as a peacemaker and a counterrioter.
10. The ties Pastor Killian, Pastor Fort, and others had to the black community, other black leadership, and local white leaders allowed them to continue to function as peacemakers at the meeting on Friday, October 13.
11. Pastor Larry Fort and community leader J. T. Jones walked almost three miles with marchers the second day after the shooting, working to keep marchers from leaving

the planned route and engaging in violence. These peacemakers were among the counterrioters working in the community.

12. Some of the marchers broke off from the group and did not follow the planned route, but they engaged in no violence. Their behavior could not be called riotous.
13. There were, in fact, sporadic incidents of violence in the community in the days following the shooting. The most serious of these events involved only a low level of vandalism.
14. Those causing trouble were young African Americans who were more socially distant from the leadership of Athens-Clarke County than black leaders were.
15. Police officers were able to contain the most serious of these incidents because of the efforts of one sergeant to keep the social distance between white officers and young blacks to a minimum.
16. The conditions for a riot were not met. Social polarization was not as great as it seemed to be, and counterrioters worked to reduce social polarization. There was a smattering of vandalism, of near-riots, but no full scale riots occurred.

Conclusions

Racial violence, including riots by African Americans, does occur in this country, even in small cities. Riots require a trigger, and the police shooting of a black man is a common trigger. There was a potential for a riot in Athens-Clarke County after Edward Wright was shot.

Not all police shootings result in a riot, however. Riots need certain conditions which were not present in Athens-Clarke County at the time of the Wright shooting.

Senechal de la Roche tells us that when an offensive behavior occurs infrequently, organization of a response will be low. Where there is a high degree of social polarization, liability will be placed on a collective rather than an individual. These conditions, which lead to riot, seemed to have been met, but they were not.

There was, instead, a concerted effort, especially on the part of community leaders – both black and white – to prevent violence. Social polarization had been reduced since the 1970s. An African American, Donerell Green, was in a position of authority in the administration – a position from which he could call on pastors, including Pastor Killian, to act as peacemakers. White leaders knew members of the African American community. White and black leaders took the time, and the risk, to go to the scene without escorts and talk to the angry crowds.

Cross-cutting ties of numerous black and white leaders acted to keep violence to a minimum. Since the 1970s, black leaders had developed strong cross-cutting ties in the community. By the mid 1990s, they participated in the leadership of the community as a whole. They were concerned both that property in the community not be damaged, and that angry young blacks not be injured while venting their frustration.

The mayor and members of the council were in the African American community where the shooting occurred on the day of the shooting, exercising their own cross-cutting ties with the black community. They continued to attend meetings during the week, emphasizing their connections to the black community and reducing social polarization between themselves and African Americans. Finally, some white police officers, including at least one senior police sergeant, had previously reduced the social distance between themselves and African Americans. They were able to influence the

behavior of the young African Americans directly, outside of the presence of black leaders.

Riots had occurred in Athens-Clarke County in 1961, and in 1971 the National Guard had responded to riots. Without the peacemaking of those with cross-cutting ties, another full-scale riot could have taken place in 1995. We do not know which of the peacemaking efforts were most important in preventing a riot. We do know that in combination they worked.

One question of interest raised by this study concerns the true nature of the relationships among blacks and whites in the South. In Chapter 1, I noted that Williams (1998) had studied community policing and citizen perspectives of the police in the neighborhood in which Wright was killed just before the shooting occurred. He found that police were perceived as not respecting citizens. Citizens experienced negative interactions with police and inequitable delivery of police services. They lacked knowledge about officers. They did not participate in addressing crime problems because of their fear of retaliation. They had expressed a sense of social distance – of polarization from the police.

Clearly something more was taking place. Black leaders, especially ministers, know white leaders and exert influence over them. Some white leaders, including white police officers, are known and respected by African Americans. It seems likely that Williams' study is valid. Like this study, it needs to be expanded to explain how African American citizens who feel alienated from the white power structure can be influenced to follow its rules by both black and white leaders.

One way to do this might be to respond quickly to areas where controversy seems likely to result in riot. The Kerner Commission identified rioters, counterrioters, and non-

rioters. This chapter has focused on peacemakers, including counterrioters, and how they acted to reduce violence. Expanding this beginning is important, but so is learning more about rioters and non-rioters. Do people riot only when there are no counterrioters? Why do people absent themselves from riots? How were peacemakers able to be so effective in a community in which social polarization was documented? This area of study should be fruitful for future research.

CHAPTER 4: THE CRIMINAL CASE

The primary purpose of this chapter is to identify the factors, which shaped the outcome of the potential criminal investigation against the officers in the shooting of Edward Wright. Specifically, what series of interactions among the African American community, political leaders, and legal officials, including the police, resulted in the officers not being charged criminally at the state or federal level? How did the relationships among blacks, the police and the district attorney affect the outcome of the potential criminal case against the officers? The second research question, then, is:

Research Question 2:

In spite of all the criticism directed at the officers, they were not charged with any criminal offense at the state or federal level. The case was not even referred to the grand jury. Why not?

In past decades, police officers could legally shoot at fleeing felony suspects in most jurisdictions. Senior police officers and citizens can recite stories of police officers firing at will on suspects, and cover-ups of police misdeeds were not uncommon. During the protests of the 1960s, increased political power of minorities and media attention began to address this problem. As mentioned in Chapter 1, it was the 1985 Supreme Court ruling in *Tennessee v. Garner*, which restricted use of deadly force in arresting suspects who were *fleeing* from officers. The court stated, “such force may not be used unless necessary to prevent the escape *and* the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others”

(US Supreme court, *Tennessee v. Garner*, 1985, emphasis added). This is generally interpreted to mean that the suspect has a weapon and will continue an assault on one or more persons if he is not stopped. If officers use deadly force with a suspect who is not fleeing but is *resisting* arrest, it must be because the officers fear imminent death or serious injury to themselves or others.

In a modern police department, when officers are involved in a shooting, their own agency prepares a report. In Georgia, the Georgia Bureau of Investigation (GBI) also investigates all major crimes, including police shootings. In the Wright case, the district attorney could have filed charges against the officers, or he could have referred the case to the grand jury. Charges that might have applied include murder under Georgia statute and violation of Wright's civil rights under federal statute.

For instance, in the Code of Georgia (2009), Title 16 addresses criminal conduct. Title 17 addresses criminal procedure – such things as search warrants and arrests. According to Section 16-5 of the Georgia Code, there are three possible charges which may be filed in the case homicide – of one person killing another. They include:

16-5-1. Murder; felony murder

(a) A person commits the offense of murder when he unlawfully and with malice aforethought, either express or implied, causes the death of another human being...

16-5-2. Voluntary manslaughter

(a) ... when he causes the death of another human being under circumstances which would otherwise be murder and if he acts solely as the result of a sudden, violent, and irresistible passion resulting from serious provocation sufficient to excite such passion in a reasonable person...

16-5-3. Involuntary manslaughter

(a) ... in the commission of an unlawful act when he causes the death of another human being without any intention to do so by the commission of an unlawful act other than a felony ... [or] (b)... in the commission of a lawful act in an unlawful manner.

Murder is a felony punishable by death or by life in prison. Voluntary manslaughter is punishable by one to twenty years in prison, and involuntary manslaughter by one to ten years if the initial act is unlawful, or as a misdemeanor if the initial act is lawful.

The Georgia Code does permit the use of deadly force to prevent some crimes.

According to section 16-3-21:

[A person] is justified in using force which is intended or likely to cause death or great bodily harm only if he or she reasonably believes that such force is necessary to prevent death or great bodily injury to himself or herself or a third person or to prevent the commission of a forcible felony.

The Georgia Code further specifies in section 16-3-20 that deadly force may be used when reasonable to carry out official duties:

The defense of justification can be claimed... (2) When the person's conduct is in reasonable fulfillment of his duties as a government officer or employee... (4) When the person's conduct is reasonable and is performed in the course of making a lawful arrest.

Section 17-4-20 specifies that peace officers may use deadly force to effect an arrest under certain circumstances:

[An officer] may use deadly force to apprehend a suspected felon ...only when the officer reasonably believes ... that the suspect poses an immediate threat of physical violence to the officer or others.

On at least two occasions, the Justice Department was contacted about the Wright shooting, and they could also have pursued the case. According to the federal civil rights law, officers acting under color of law are subject to a similar range of penalties if their actions result in death:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under

this title or imprisoned not more than one year, or both... and if death results from the acts committed in violation of this section or if such acts include ... an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. (Civil Rights Act of 1964, 18 USC 242, emphasis added)

Supporters of the officers point out that Edward Wright severely beat Officer Calvin Baxter and then pursued Baxter yelling, “Kill me! Kill me!” Even after Wright was fatally wounded, he continued to be a threat when he grabbed for Baxter’s gun, causing him to lose control of it and drop it to the ground. The officers’ supporters argue Baxter was not violating Wright’s civil rights. On the contrary, because of the viciousness of Wright’s attack, Baxter had reason to fear for his life and was justified under state law to use deadly force. Supporters of Wright and his family point out that Wright had no history of violence. He was a young man who became troubled and needed the help of public officials who, when called, were so frightened or so disdainful of him because he was African American that they shot him down instead of trying to handcuff him and provide him with medical attention. The legality of their actions was questionable, and the case should have been reviewed by a grand jury at the very least.

In the Wright shooting, none of the investigations or routes to criminal proceedings was followed to criminal prosecution of the officers. The purpose of this chapter is to use Black’s theory of law to explore the reasons, regardless of where the truth about the shooting lies, that the officers were not called to task under criminal statutes. How did the position of the actors in social space result in this outcome? I will summarize the applicable theory, and apply it to the events of the criminal case.

The Theory Revisited

In this section, I will first return to Black's early writings on the theory of law. Then Cooney's exploration of the impact of the organizational dimension on the outcome of a killing will be reviewed. Finally, the manner in which a district attorney functions as a specific settlement agent, as a judge, will be described.

The Sociology of Law

Black (1976) wrote that the written law alone does not fully explain the outcomes of legal cases. Instead, the social characteristics of the parties to a legal case determine the social structure of the case, and together with the law, they determine its outcome. The social structure is composed of five dimensions of social space: the vertical, the horizontal (social integration), the organizational, the cultural, and the normative. Where there is greater differentiation along the vertical dimension (stratification), there is more law, and it is more available for the upper classes to apply downward toward the lower classes. Those who are well integrated into society have better access to law and are more likely to use it against the socially isolated and those on periphery than to feel its sting. Complex organizations and their members have an advantage over simple organizations and individuals, and use more law against them than is directed toward greater organization. Conventuality is measured by participation in society's dominant culture. "Law is greater in a direction toward less conventuality than toward more conventuality" (Black, 1976, p. 69). Finally, the normative dimension of social space, social control, defines deviance and respectability. The respectable have access to more law to use against the deviant. Black's theory on the sociology of law is summarized in Table 1.

Table 1. The Behavior of Law: A Summary.

Dimensions of Social Status	Law is typically directed:
vertical	downward.
horizontal	from the core to the periphery.
corporate	from members of organizations to individuals.
symbolic	from the conventional to the unconventional.
normative	from the respectable to the deviant.

In this case, Edward Wright would have ranked below the officers along all five of these dimensions. He did not have as much wealth, was not as well integrated into the greater society, and he was connected to few, if any, organizations. Wright was not as conventional as the officers. Wright's status as a young black man would have meant he was subject to more surveillance and social control than were the officers, and hence would have made him less respectable. The most dramatic of these differences, however, is that of access to organizations.

The Organizational Dimension

There were literally no organizations other than black churches and a weak local NAACP supporting Wright. The police officers were part of the police department, the municipal government, and an employee union, which are organizationally connected to the Georgia Bureau of Investigation (GBI) and the Justice Department. The GBI, in particular, assists smaller departments in a number of ways, investigating traffic fatalities and providing technical assistance or taking over homicides. Together, these organizations are some of the most powerful in the state.

In his book *Is Killing Wrong?* Cooney (2009) discusses the effect of organizations on the outcome of killings of police officers and killings by police officers. When an

officer is killed, other officers go to extraordinary lengths to find and apprehend the killed. The prosecutor commonly pursues the criminal case aggressively. In court, there is little chance of acquittal and a high probability of a severe sentence.

When an officer shoots a citizen, the case is managed quite differently. The growing power of minorities and the changes in law have impacted police policy and practice, but officers still have the upper hand. Cooney writes, “The key to the lenient treatment of police-citizen killings is their organizational geometry” (2009, p. 68). He argues that so few police officers are prosecuted in the killing of citizens because the rules are so different for police officers due to their position in the organizational dimension of social space.

For example, on April 23, 1997, John Hirko Jr. died in Bethlehem, Pennsylvania when police fired at him while executing a no-knock search warrant (Holguin, 2003). Police threw a flash-bang grenade in a front window, then fired from the front and back of the house, with one officer using a fully automatic rifle. Hirko was struck twice in the front and nine times in the back. Police alleged Hirko had shot at them and one round was missing from Hirko’s weapon. Hirko’s supporters said none were missing and it was wrapped in a cloth in the manner and place where he kept it. In 2009, in Homer, Louisiana (Robertson, 2010), a 73 year old black man who could not speak because of cancer surgeries was shot by police. Two men chased his son through his house and then used a stun gun on the son. Police shot Bernard Monroe seven times, saying he had picked up a gun from the porch where he kept it, although numerous witnesses denied the officer’s statement, saying he was holding a video game controller. The grand jury returned a “no true bill.” Ian Tomlinson died during demonstrations at the G20 Summit in London, in 2010, after being

brought to the ground by police (Hughes, 2010). Tomlinson, who was homeless, was heading back to a shelter when his path was blocked by demonstrations. Crown Prosecution Service reported that contradictory autopsies delayed their investigation until after a time limit for filing charges against the officer. No officers were prosecuted in these questionable deaths.

Cooney points out that police are rarely prosecuted for several reasons. Police shootings and other deaths in police custody are investigated by fellow officers, sometimes other officers in the same agency, and they want to be able to show that a shooting was justified and that the officers acted in a professional manner. Officers may be able to delay giving a statement to investigators until after they have formulated a reasonable justification for the shooting. Most departments require officers to give statements, but these compelled statements may not legally be used in prosecuting an officer. This restricts the prosecutor's use of such statements in any criminal case against the officer. Finally, even if the case goes to trial, it is often difficult to get a conviction because juries are sympathetic with officers.

Settlement Roles

Few criminal cases of any kind are actually tried in court. We are accustomed to the idea of "plea bargaining," but some cases are settled before they even get to that stage. Third parties become involved early in the legal aftermath of police shootings. In writing about third parties to a conflict, Black and Baumgartner (1983) point out that third party intervention may be supportive of one side, or it may involve settling a dispute without taking sides. Third party **settlement roles** include friendly peacemakers, mediators, arbitrators, judges, and repressive peacemakers.

The relational distance among the parties and the settlement agent takes the form of an isosceles triangle. According to Black, as third party settlement agents are more highly elevated above the parties in a conflict, they are more relationally, culturally, and organizationally distant from them. As a result of the social distance, the settlement agents become more authoritative. The five settlement roles can be demonstrated with five isosceles triangles (Black, 1998, p. 16) in which the settlement agent is at the top, the adversaries are at the bottom, and the length of the legs of the triangle indicates the social distance of the type of settlement agents from the adversaries. The social distance is least for friendly peacemakers and most for repressive peacemakers. The greater the social distance, the more authoritative the decision made by the settlement agent. Mediators help adversaries reach a settlement, while arbitrators pronounce a resolution but cannot enforce it. Judges, however, include any settlement agents who make a decision which they can enforce in a dispute. Legal officials in the U.S. may find themselves performing any one of the settlement roles. Even police officers function as judges when they make a decision not to arrest a suspect on a scene, and “prosecutors act as judges when they dismiss cases” (p. 121).

The social field in which settlement occurs, the *triangular hierarchy*, is summarized in Table 3.

Table 3. Qualities of groups which facilitate settlement.

Form of Conflict Management	Settlement
Qualities of the Social Setting	inequality
	relational distance
	isosceles triangulation
	cultural heterogeneity
	organizational asymmetry
Type of Group	triangular hierarchy

There is an important organizational tie between the police and the prosecutor. They have a symbiotic relationship without which neither can function. Police officers produce defendants for the prosecutor to take to court, and the prosecutor functions as a mechanism to dispose of suspects the police arrest. This affects the shape of the relationship among the public, the police, and the prosecutor. It changes it from an isosceles triangle to a scalene triangle in which the distances from the judge (prosecutor) to the parties of the conflict are unequal, with the judge being closer to the police than to the public. When the social distance is unequal, partisanship will result.

In this chapter, I will show that the position of the parties in social space, especially their position along the organizational dimension, impacted the pursuit, or lack of pursuit, of the potential criminal case against the officers. Those for whom the organizational dimension was important were Wright, the officers, and the district attorney.

Influences on the Criminal Investigation into the Officers' Actions

In the Wright shooting, no criminal proceedings against the officers occurred. Part of the reason criminal charges were never filed and indictments were never returned

at either the state or the federal level is that the legal case was weak. As I will show below, the police department insisted that Officers Baxter and Redding were not even trying to arrest Wright. Baxter simply got out of his car and Wright began what became a deadly assault and justified the response of deadly force. The district attorney based his decision, in part, on law which allows deadly force to be used when arresting a suspect who is resisting arrest using deadly force – by threatening the life of the officer or another. Whether or not Baxter was trying to arrest Wright, the controversy over a potential criminal case arose because Wright was naked, unarmed, and black. As shown in Chapter 3, peacemakers worked hard to prevent a riot. The purpose of this chapter is to explore the reasons the potential criminal case was not even referred to the grand jury.

In order to explore this issue, I will use pure sociology to identify the social geometry of this case. I will show that the status of those involved and their relationship with one another impacted the investigations into the shooting and the actions of the district attorney. In order to do this, I must ask, first, what were the positions of the actors in social space? What were the relationships among Officers Baxter and Redding and the agencies which investigated their shooting? What kind of impact might the relationships have had on the outcome of the investigation? Was there an isosceles triangle linking the prosecutor, the police, and the public? How did their positions result in releasing the officers of criminal responsibility in the shooting?

The Impact of Wright's Status on the Criminal Case

As noted in Chapter 3, Wright's importance as a friend and neighbor and a reminder of police abuses of black men mobilized local African Americans and some

whites, resulting in demonstrations and marches and near-riots. Those factors had little influence on the decision makers in the potential criminal case against the officers.

In comparison to Officers Baxter and Redding, Wright's vertical status was low. He had a job at a local plant, but it did not come with the salary or the status of police work. His family attended church, but there was no mention of other organizations he might have joined. He had attended one of two local high schools, where he was still remembered. He had no police record. These factors marked him as just an average young black man.

The officers had better jobs with a powerful organization and legal representation through a police employee organization. They participated in church and in community service. They were enforcers of law in their daily lives rather than its targets. In fact, they were agents of the state, that largest and most powerful of organizations. The most important difference between them and Wright in the outcome of the criminal case was their organizational position. How the officers' organizational status helped them will be discussed below.

Administrative and Criminal Reviews of the Shooting

Administrative and criminal reviews of the shooting of Edward Wright occurred at the city, county, state, and federal levels. The City of Athens-Clarke County and its mayor, Gwen O'Looney, were superior to the police, which are a department of the executive branch she headed. As a middle class liberal, the mayor was culturally distant from the police, but she had worked in the housing projects, including Nellie B, just over the bypass from the scene of the shooting, and had many ties to the African American

community. The mayor made no secret of her personal attitude about the shooting. The morning of the shooting, several city officials conducted a “walking tour of the neighborhood” (Thompson, 1995a, p. 1A). A black man told Mayor Gwen O’Looney, “ ‘Y’all need to get rid of that killer cop’ [and she answered] ‘We’re working on it’ ” (p. A1). However, both administrative and criminal reviews were conducted by the agencies discussed below – criminal justice agencies organizationally close to the officers – and the outcome was not what she anticipated that day.

The Police Department’s Administrative Review

As this research will show, Cooney is right. Police officers have an advantage because police shootings are investigated by fellow officers, however, organizationally, the police department will act to defend itself. In some cases, that means defending its officers, but in others it may mean taking disciplinary action against them, including termination. For instance, Officer Scott Tschirhart had a troubled history with the Houston Police Department. He was supposed to be permanently assigned to desk duty, but during a manpower shortage in 1989, he was returned to radio patrol. While on patrol, he pulled over Byron Gillum for not wearing his seat belt (Curtis, 1990; personal knowledge). Tschirhart alleged that Gillum, an off-duty security guard, reached for a gun which was sitting on the front seat of the car. Tschirhart fired eight times, striking Gillum six times as he fled out the passenger window of his vehicle. Tschirhart said Gillum was reaching for his gun, and he fired in self-defense. The Harris County District Attorney accepted that statement and no criminal charges were filed. The police department noted that Tschirhart continued firing after Gillum began fleeing, and Gillum

was not in possession of the weapon as he exited his car. They fired Tschirhart for use of excessive force.

In the Wright case, the police department's review of the shooting was conducted by 5 officers, including an assistant chief, a major, a sergeant, two officers, and the county attorney. Their mission, as stated in their final report (Wallace, et. al., 1996) was to review departmental policy, the training that Officers Baxter and Redding had received, and their level of compliance with the training. They were to make recommendations regarding the officers' conduct and department policy.

As with other reports on the incident, they began by stating that the event was a tragedy. The committee investigated the facts of the case very carefully, even taking the time to reenact the shooting. They found no violation of policy or procedure in the shooting. They concluded that the officers were not trying to make an arrest. Wright attacked Baxter as soon as he got out of his patrol car and Baxter used his pepper spray as he had been trained to do. The committee noted that according to dispatch records, the time that elapsed from Baxter's arrival until the officers called for an ambulance for him was a mere 48 seconds.

The committee recommended more training in self-defense and firearms for all officers. They also found that Baxter had a weapon in the trunk of his patrol car which he was not authorized to carry. His purpose for carrying the weapon was to find time to go by the pistol range to qualify (demonstrate his proficiency) with it, but he had not done so. He was therefore in violation of department policy by carrying the weapon, even in the trunk. The committee recommended that Baxter be given a reprimand for the violation of department policy, and that department policy on qualification with firearms

be clarified. In summary, although Baxter was given a reprimand for carrying a weapon in his trunk with which he had not qualified, the committee defended the actions of Officers Baxter and Redding in connection with the shooting.

The Investigation of the Georgia Bureau of Investigation

There are both pushes and pulls between the GBI and local agencies. Although the public worries about police agencies investigating police misconduct, some distance develops between investigators and administrators and the rank and file. Within the police department and the GBI, investigators and administrators charged with reviewing the shooting are generally senior and sometimes superior to the officers involved in a shooting. They work in the same culture with the officers, but are generally better educated and more attuned to the demands of the public. Because of their seniority and the prestige associated with their positions, administrators and state investigators are not as personally isolated from the public as patrol officers. Many officers in the GBI start their law enforcement careers with local departments, however, and upwardly mobile officers in cities like Athens-Clarke County plan to move on to the GBI as soon as they gain experience. The GBI takes major cases off the hands of the smaller or less experienced departments, and they provide technical assistance for many levels of cases. This adds to closeness between the agencies.

In fact, my observation of officers in the Internal Affairs Division (IAD) of the Houston Police Department revealed that its investigators are aware of going through stages much like those rookie police officers face. They first want to defend officers against all the unfair complaints they believe are made, much as rookies want to protect the public. As officers mature, they begin to believe everyone on the street is a villain,

while investigators in IAD realize that some complaints are valid and they want to go after “bad cops.” Finally, they both reach a stasis in which they handle cases as they get them, trying to figure out what might have actually happened in a citizen on citizen or police on citizen encounter and what policies and laws apply.

There is, of course, more distance between police agencies and African Americans as a group, and between them and Edward Wright as an individual. The police department and the GBI are vertically superior and culturally distant from African Americans as a group. As organizations, they are good Weberian bureaucracies, while African Americans in Athens-Clarke County have church memberships and a weak NAACP. Finally, although they may take disciplinary action against their own, even up to recommending the filing of criminal charges, police organizations have the power to withstand tremendous opposition from the public when they choose to do so.

Investigating Wright's Behavior

Local papers reported that autopsy results showed Wright had no intoxicants in his system at the time of the shooting (Stroer, 1995c). The GBI did a thorough job of interviewing witnesses at the scene and coworkers at Wright's place of employment. Wright had held the same job for over a year. His coworkers very clearly distinguished between his behavior for most of that time and the way he changed in the days before the shooting (GBI statements of D. Daniel, E. Brown, D. Armstrong, G. Twilley, and J. Burton). Two witnesses of the shooting were reported to have told the GBI that Wright had beaten Baxter badly (GBI statements of Elizabeth McKeever and Darrell Allen). Unfortunately their statements were not taped. When deposed in preparation for a civil

suit several years later, McKeever denied saying that Wright had beaten Baxter or that Redding had to pull Wright off of Baxter.

In summary, the GBI documented Wright's increasing disorientation and his aggression on the scene. Because the interviews were not taped, witnesses easily changed their statements when they gave depositions.

Investigating the Officers' Actions

As stated above, Cooney (2009) tells us that it is the organizational geometry which is key to the outcome of police-citizen killings. Police investigations of shootings have become more rigorous, but officers are still investigated by their fellows. They are given time to write a statement which clearly articulates a justification for the shooting. When statements are compelled, they cannot be used in criminal proceedings against officers.

I was working as a police officer when some of these procedures came into effect in Houston, Texas. Prior to the creation of an Internal Affairs Division in Houston and the *Tennessee v. Garner* decision, officers involved in a shooting made reports and statements as directed by homicide investigators and supervisors, who rarely questioned the legitimacy of a shooting. With the creation of an Internal Affairs Division, the social distance between investigators and officers increased, and their relationship became adversarial. Officers were concerned that they might be charged criminally in a shooting. While they were required to Mirandize suspects they put in jail, no one took the step to Mirandize them. They felt they were being required to forfeit their civil rights by being forced to make statements that could be used against them.

The solution for officers was to seek advice from an attorney employed by a police employment organization – a union. In Houston, the first response of investigators and their supervisors to this action was quite hostile. They were accustomed to officers doing what they were told – they had as much authority over officers as the officers did over civilians. Eventually the distinction Cooney refers to was developed. Administrative letters written to the chief could be compelled, but could not be used in a criminal case against the officers. Witness statements were given voluntarily. Most shootings were taken on the surface to be justifiable, and administrative letters were not compelled. Instead the officers were asked to give witness statements, and they were given a chance to contact their attorney before giving the statement.⁵

After the Wright shooting, Officers Baxter and Redding were cared for by other officers. Some say Redding showed few signs of the struggle (Gordon, 1996), but citizens and police alike acknowledge that Baxter's face was badly beaten (personal communication; GBI statements of McKeever and Allen; Gordon, 1996). Wright had Baxter down on the ground and pummeled his face with his fists (Gordon, 1996). When Baxter rolled to his stomach, Wright continued his attack, badly injuring Baxter's face. Oconee county deputies told me that both officers lived in their county, and that they both

⁵ In 1991, I was involved in a shooting while working for the Houston Police department. When I critically wounded a suspect in a daytime home invasion, the dispatcher automatically contacted my attorney, who actually came to the scene. With the permission of the homicide investigators, I went to the attorney's office and held an ice pack on my injured elbow while dictating my statement to my attorney. No administrative correspondence was ordered. Many young officers in the Houston are frightened of homicide and internal affairs investigators, but I had watched the development of policy and procedure in shooting investigations and I was comfortable with it. In addition, I had known every police investigator on the scene for at least ten years. I was somewhat traumatized by the shooting, as is normal, and it seemed as if the best officers in the department had come to take care of me.

had injuries from the struggle. The deputies guarded their homes for days to make sure that no one tried to retaliate against them.

Officer Redding made his first statement to GBI Special Agent B. W. Williams at the scene of the shooting the morning it occurred. He was also required to submit a written offense report about the shooting that morning. Officer Baxter made his statement to the GBI the day after the shooting while in his attorney's office with his attorney present. While one GBI administrator suggested to me that the officers did make mistakes on the scene, they did not press for criminal charges. This point will be examined further in the next section.

In summary, although some social distance develops between investigators and police officers, there is less social distance among them than between police officers and members of the public. The most important tie between investigators and police is their organizational connection. Cooney would argue investigators are predisposed to justifying the shooting, and they did so. Officer Baxter was able to delay making a statement until the day after the shooting, and he made the statement in his attorney's office. The Athens-Clarke Police Department and the Georgia Bureau of investigation found no fault in the shooting. In fact, the Georgia Bureau of Investigation showed that Wright's behavior had deteriorated in the weeks prior to his death, and that he was able to defeat the officers in a physical conflict prior to the shooting, thereby placing them in fear of their lives.

The GBI did not recommend that charges be filed against Officers Baxter and Redding. The police department did forward a report to the Justice Department, and local African Americans called the Justice Department to request an investigation (field notes),

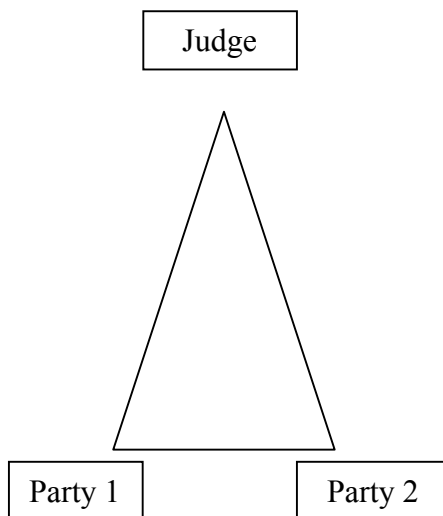
but they also took no action against the officers. Wright's attack on the officers was fierce. As stated above, the criminal case against the officers was weak, however, the case could have been referred to the grand jury. In the next section, I will explore the reasons it was not by examining the position of the district attorney.

The Decision Maker

In Athens-Clarke County, Georgia, the district attorney is elected to represent the people in criminal proceedings. Harry Gordon was first appointed to be district attorney in Athens in 1972, and continued winning elections to the post until 2000 (Gordon & Brown, LLP). In the Wright case, he acted as a judge when he made the decision not to refer the criminal case against the officers to the grand jury. According to Black, his relationship with the police and African Americans might have taken the form of an isosceles triangle, represented in Figure 3.

In this section I will use Blackian theory to explore how Gordon's relationship with African Americans and the police in Athens-Clarke County impacted his decision not to refer the shooting of Edward Wright to the grand jury. The decision was made because the relationship among Gordon, the police, and blacks did not form an isosceles triangle.

Figure 3. Isosceles triangle showing relationships among a judge and two parties in conflict.



The District Attorney and African Americans

The DA is superior along the dimensions of social space to most African Americans. District attorneys generally have more wealth than most of their constituents, including blacks. They have to be integrated into the community well enough to be elected. Organizationally, the district attorney's office is a bureaucracy designed to conduct criminal prosecutions, but it is also able defend itself against criticism. District attorneys' high political office and education also make them culturally superior to most of their constituents.

African Americans, who are disproportionately targeted by the criminal justice system, seem to be at a disadvantage in dealing with such a powerful individual. In this case, however, there was evidence of the exercise of power and social closeness by African American leaders.

DA Harry Gordon was under pressure to refer the shooting to the grand jury as a form of citizen review. A number of local African Americans acted as advocates. For instance, Thomas Oglesby, a vice president in the NAACP, was one of many who went to Gordon's office and asked him to refer the case to the grand jury (Interview of Thomas Oglesby). Local African Americans invited no less a figure than Jesse Jackson to Athens, and he spoke to a crowd of hundreds at Hill Chapel Baptist Church (Thompson, 1996b.) He suggested that "massive demonstrations may be needed to force District Attorney Harry Gordon to decide whether to prosecute" (P. A1) the officers. The local attorneys who first represented the Wright family in their civil case were led by Kenneth Dious, who said that Gordon assured them the case would be referred to the grand jury (Interview of Kenneth Dious). Dious said that when Atlanta attorneys took over the case, there was no one to encourage pursuit of the criminal case, and he heard no more about it.

Thus, the level of integration of African Americans leaders in the community gave them access to Gordon, and they even brought in a national figure to argue their case, but supporters of the officers also had good access to him. Advocates on both sides tried to influence Gordon's decision to refer the case to the grand jury.

The District Attorney and the Police

The actions of the district attorney in this case are perhaps both the most important and the most interesting legally. The DA is vertically superior to the officers, although he is not in their chain of command because he is in the judicial branch of the government rather than the executive. The DA is also culturally superior to police officers as he is better educated in their field of endeavor – in the law. The district attorney is better integrated into the community – and must be in order to be elected by

the populace. Most importantly, the DA's office and the police department and its officers have a symbiotic relationship. The DA cannot function if officers do not conduct investigations and make arrests of those the DA will prosecute. At the same time, police officers have nothing to do with defendants if they cannot be prosecuted in court.

There is some level of reciprocity in social control. The district attorney controls police behavior by accepting some cases for prosecution and rejecting others. In turn, members of the district attorney's office can be prosecuted for everyday misconduct, such as DUI, and for more serious misconduct, such as malfeasance of office. Here again, though, the DA has the upper hand. Officers know that the district attorney can prosecute them if they engage in criminal behavior.

In the Wright case, black leaders knew that supporters of the officers were putting pressure on Gordon not to prosecute Officers Baxter and Redding. Pastor Archibald Killian, who had been a police officer in his younger years, was one of the African American leaders who met with Gordon. Gordon told Killian that he was also receiving pressure from police officers and whites who had asked, "You're not going to hang our boys out to dry, are you?" (Interview of Archibald Killian)

The District Attorney makes a Unilateral Decision

In the Wright shooting, District Attorney Harry Gordon, made a unilateral decision not to file criminal charges against the officers and not to refer the case to the grand jury. As Black and Baumgartner (1983) point out, Gordon's ability and willingness to make this decision placed him in the role of judge. Once he made the decision, the officers would not be prosecuted locally.

This is quite different from the system in Houston, Texas, where I worked. As Ownby (2008) observes, Houston is large enough that an entire unit of the District Attorney's Office, the Police Integrity Division, is charged with reviewing police officers' use of force. Their policy is that when a citizen is killed or injured in a police shooting, the case is referred to the grand jury "regardless of whether investigators think criminal liability is involved. Consistently submitting serious accusations of police misconduct to the grand jury produces transparency in the judicial process and increases community confidence in the outcome" (Ownby, 2008).⁶

One of the issues Harry Gordon was facing as he made his decision was the difference between the criminal case before him and the sociological case. For a strong criminal case, Gordon would have needed proof of the elements of murder – that Baxter killed Wright unlawfully and with malice. A strong sociological case would be one in which Baxter was on a level with Wright and the witnesses, if not below them. In a strong sociological case, the trial judge would have ties to Gordon, but not to the defense attorney, who would be of lower status than Gordon (Black, 1989). What Gordon actually faced was a criminal case that was weak. Baxter had lost a physical fight with Wright, who was continuing to attack. The legal question was not *if* force were appropriate, but how much and what type of force the officers should have used. The sociological case, however, was even weaker. Baxter's status was higher than Wright's and the witnesses'. The defense attorney would be as competent as Gordon. A jury would be likely to side with an officer in such a trial.

⁶ The shooting in which I was involved was referred to the grand jury. Assistant DA Ed Porter did not call me to testify, but he did Mirandize me prior to presenting the investigation to the grand jury in case I was called to testify.

What DA Gordon did was make a unilateral decision while taking public opinion into account. He did not refer the case to the grand jury, but he took the time to explain himself. On January 29 (Gordon, 1996), before the administrative committee of the police department reported their findings, Gordon wrote a fourteen page letter detailing his findings. The letter was published in the local newspaper the next day. This was not the first time he had taken such a step.

In the case of Eric Irby, killed by positional asphyxiation on July 19, 1997, Gordon (1997) wrote a shorter letter stating “this death is not attributable to police conduct” (p. 4). In that letter, Gordon stated his office would not prosecute the officers involved. He summarized the case and wrote sections on the “Conclusions of Law” and “The Autopsy Report.” Gordon insisted that the death of Irby was accidental, and therefore not a homicide – not a death of one person caused by another. He pointed out that Irby had been treated for “respiratory arrest” on May 1, 1997, two months before his death, but that he tested positive for marijuana and amphetamines at the time. Irby tested positive for methamphetamine again at the time of his death.

Gordon contacted the medical examiners in Atlanta, and “learned that Eric Irby did not exhibit common signs of positional asphyxia such as petechial hemorrhaging [rupture of blood vessels in the eyes]” (p. 4). He contacted medical examiners in San Francisco and North Carolina, both of whom suggested that “agitated delirium” was a more likely cause of death. Agitated delirium is a term used to describe people who are very agitated while under the influence of narcotics, have a high body temperature causing their organs to fail, and die suddenly. Agitated delirium “is not recognized by professional medical associations” (Sullivan, 2007). In finding this alternative cause of death which had

nothing to do with the behavior of officers on the scene, Gordon protected the officers from any possible prosecution. If Irby's death was accidental, caused by his own addictions, then the officers could not be prosecuted for homicide. Gordon found a way to deny the officers had anything to do with Irby's death.

In the Wright case, like the police department's committee, Gordon first defined the shooting as a tragedy in his letter. He reviewed the statements of the officers and the forensics and observed that they coincided. He opined that the use of deadly force by Baxter was authorized because, at the time Baxter fired, Wright "posed an immediate threat of further violence to Officer Baxter" (p. 8). He noted the very short time lapse – 50 seconds – between Baxter getting out of his car and the shooting. He also noted the severity of the injuries Baxter received when Wright had him down on the ground beating him in the face. Aside from these statements supportive of Baxter and his use of deadly force, Gordon had several criticisms of both Officers Baxter and Redding.

Fyfe (1986) addresses the type of criticism which Gordon offered. Fyfe argues that many police shootings occur under one of two circumstances – when police are abusive and use extralegal violence, or when well-meaning officers do not use proper techniques to manage a scene without deadly force. Police officers frequently act as human service workers in their attempts to maintain public order. They have to act with urgency, handling people who do not want to interact with them, and the interactions are public. Fyfe suggests that slowing the pace of encounters and creating some degree of privacy can reduce the build-up of a scene to the point where deadly force is required. This can reduce the "split-second syndrome" by which officers insist that shootings always occur under severe time constraints and should not be second guessed.

Gordon was very critical of the officers' actions in three ways which fit Fyfe's observations. First, Gordon criticized the officers for attempting to arrest Wright "until the circumstances of his conduct could be determined or unless his department made it necessary" (p. 13) – this in spite of the fact that public male nudity is one of our society's greatest taboos. In the police department's published review (Wallace, 1996), the department insisted that Baxter was not trying to arrest Wright. It makes little difference in terms of the outcome of the shooting whether Baxter was attempting to arrest Wright or not. All agree that when Baxter got out of his car, Wright approached him aggressively, would not stop, and was hit with pepper spray. The greater question is whether or not Baxter should have gotten out of his car. Ken Dious and Ernie de Pascale, counsel for opposing sides, both suggested Baxter could have stayed in his car until backup arrived.

Second, Gordon was critical of Baxter's use of pepper spray, saying that it may have "precipitated Edward Wright's violent attack on Baxter" (p. 12). While that is true, it was what Baxter had been trained and equipped to do. Use of pepper spray is taught in the Northeast Georgia Police Academy and thought to be very effective (Interview of Bobby Tribble). Pepper spray is issued to officers in Athens-Clarke County.

Third, Gordon criticized Redding for not being of more support to Baxter and thereby allowing the scene to escalate. According to Gordon, Redding's use of a baton to strike Wright was ineffective. Both Dious and de Pascale mentioned that it might have been more effective for Redding to tackle Wright than to strike him with a baton. When he got Baxter free from Wright, Redding did not move to handcuff Wright, but observed without intervening as Wright pursued Baxter. It must be remembered that the time

during which all of this occurred was 50 seconds or less, but again Fyfe suggests that taking appropriate action early prevents the need for deadly force later.

Gordon's criticisms of the officers concerned their actions prior to the shooting, which Fyfe tells us have an impact on whether or not the situation becomes life threatening. Gordon's legal evaluation of the shooting itself was much more supportive of Officer Baxter, who had been so seriously injured. He wrote that a police officer:

may use deadly force to apprehend a suspected felon, "when the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others" [Georgia Code 17-4-20 on criminal procedure] ... As to whether or not Edward Wright was a suspected felon at the time he was shot, any person who "knowingly and willfully resists, obstructs, or opposes any law enforcement officer... in the lawful discharge of official duties by offering or doing violence to the person of such officer" is guilty of a felony [Georgia Code 16-10-24 on obstructing and hindering an officer]. (Gordon, 1996)

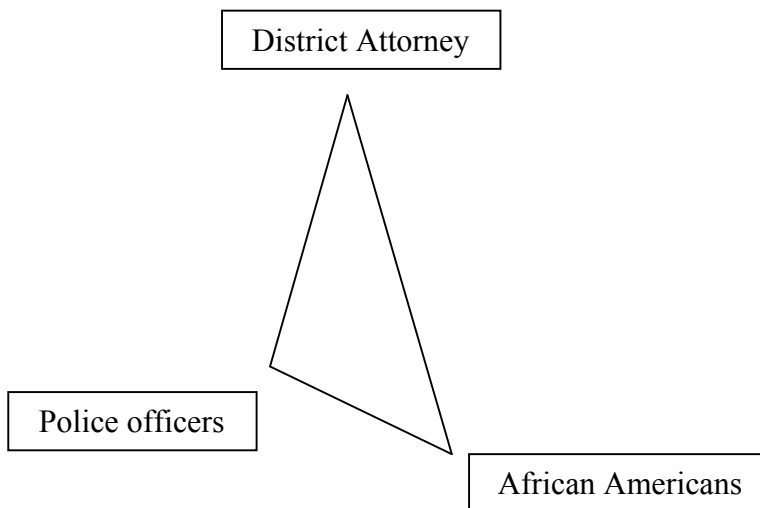
Another issue that Gordon faced was a law in Georgia which allows "state officials (including police officers) to be present with legal counsel during grand jury proceedings... [the] defendant officer may make a statement to the jurors after the state presents its case" (Human Rights Watch, 1998, p. 87). This means that Baxter could have remained in the grand jury throughout the presentation of a potentially lengthy case, with his attorney Hue Henry present. Gordon could have chosen to present merely the written reports of police officers, GBI agents, and the ME, or he could have called in any number of witnesses. After Gordon presented his case, Baxter would have had an opportunity to rebut the case. Gordon needed to find a way to avoid all this – to resolve a legal case which he thought was not only weak, but inappropriate to pursue.

Harry Gordon was accustomed to making big decisions. He had held office for thirty years. He made the decision not to refer the shooting of Edward Wright to the grand jury even after pressure from African Americans. Times had changed, however,

and there were consequences for his actions. At the next election, two years later, he lost in the Democratic primary. Some said there were whites who wanted a change, but blacks were still furious about his decision in the Wright case, and they mobilized against him (Field Notes). They started a voter registration drive, using the slogan “Do the Wright thing.” On the day of the primary, they ran car pools to the poles. African Americans flexed their political muscles, and Harry Gordon lost his office.

Thus, two events reflect the fact that Harry Gordon was closer to the police than to African Americans. First, he did not refer the case against the officers to the grand jury. Second, African Americans campaigned to help defeat Gordon at the next election. Gordon’s relationship with the police and with blacks should not be represented by an isosceles triangle, but by a scalene triangle, as shown in Figure 4.

Figure 4. Scalene triangle showing relationships among the district attorney, police officers, and African Americans.



In summary, District Attorney Gordon tried to present himself as impartial. He stated that Wright's death was a tragedy. He was very critical of the officers' actions leading up to the shooting, insisting that the outcome would have been different if they had approached and managed Wright differently. Despite all the heavy criticism, Gordon did not refer the case to the grand jury. Gordon even wrote that Baxter's use of deadly force was legally justified, supporting the officers.

Gordon could have referred the case to a grand jury and hoped that they would not indict the officers. As the one presenting the case to them, he would have had primary control of their understanding of the shooting. The worst outcome for him would have been if they had indicted the officers in spite of his expert advice that the shooting was legally justified – a runaway indictment. He would then have had to either prosecute the officers or dismiss the indictment, an act which would have presented a great deal of political risk. Black's theory suggests that the reason Gordon did not refer the case to the grand jury was because of his very close ties to the police department, especially the organizational ties. There was also a political risk in not referring the case, however, and his tenure as district attorney ended with the next county wide elections when the local NAACP rallied against him.

An Analysis

The Application of Black's Theory of Conflict Management: The Criminal Case

Outcome 2: Police were criticized, but no criminal charges were filed against the officers who shot Wright.

The Theory Revisited

Table 1. The Behavior of Law: A Summary.

Dimensions of Social Status	Law is typically directed:
Vertical	downward.
Horizontal	from the core to the periphery.
Corporate	from members of organizations to individuals.
Symbolic	from the conventional to the unconventional.
Normative	from the respectable to the deviant.

Table 2. Qualities of groups which facilitate negotiation.

Form of Conflict Management	Negotiation
Qualities of the Social Setting	equality
	cross linkages
	accessibility
	homogeneity
	organization
Type of Group	tangled network

Summary of Events

1. Wright's status as a symbol of African American men killed and abused by white men, especially police, drew supporters to the streets in a near-riot. In the potential criminal case against the officers who shot him, Calvin Baxter and Dave Redding, it was his status relative to theirs which was salient, and he was lower in all the dimensions of social space.

2. It was the organizational status of Baxter and Redding in their own department, with the Georgia Bureau of Investigation (GBI), and with the District Attorney which had the greatest impact on the outcome of the criminal investigation into the officers' actions.
3. A committee from the police department and including the county attorney reviewed the shooting. They found that Baxter acted within the law and within department policy except for one minor infraction. He had not qualified with a weapon he was carrying in the trunk of his patrol car. The committee members either knew Baxter personally or knew of him. They were closer to him than to Wright along all the dimensions of social space, but most importantly they were from the *same* organization, giving him a significant advantage over Wright.
4. The Georgia Bureau of Investigation and others who investigate police behavior do develop some distance from rank and file police officers, but they are in the same occupation. They were closer to the officers than to Wright in social space. Many GBI members start their careers as local police officers. Their organization interacts with local police departments in support roles regularly, reducing the adversarial nature of their investigations into police conduct.
5. The GBI showed that Wright's behavior had deteriorated in the weeks prior to the shooting, and that Wright had severely beaten Baxter just before the shooting.
6. Although Officer Redding was interviewed by the GBI on the scene and was required to submit a brief offense report regarding the shooting the morning it occurred, Officer Baxter was given time to contact his attorney before submitting a statement to the GBI.

7. District Attorney Harry Gordon functioned as a judge in this case – a third party settlement agent with the power to enforce his decision. In order to avoid partisanship, the relationship among Gordon, Wright and African Americans, and the officers and the police department must take the form of an isosceles triangle, with Gordon at the top.
8. Gordon demonstrated distance from the officers by writing a letter critical of their actions after they arrived at the scene but prior to the moment of the shooting. African American leaders and police department employees were among those who pressured Gordon to refer the case to the grand jury.
9. Organizationally, the district attorney's office and the police are in a symbiotic relationship. Neither can carry out their function without the participation of the other.
10. The case was both legally and sociologically weak. If the case had either legal or sociological strength, Gordon might have yielded to pressure to refer it to the grand jury.
11. Gordon criticized Officers Baxter and Redding, and African Americans were close enough to apply pressure on him to refer the case to the grand jury. Nevertheless, the triangle representing the relationship between DA Gordon, the officers, and the African American community was not an isosceles triangle. The leg connecting Gordon to the officers was shorter than the one connecting him to African Americans. The relationship among them is best represented with a scalene triangle, and resulted in partisanship. Gordon did not refer the shooting case to the grand jury.

12. The anger of African Americans over this incident resulted in increasing social distance between them and Gordon. At the next election, he paid a price for his decision when he was voted out of office.

Conclusions

Black proposes in his theory of law that those with an advantage in the dimensions of social space – including the vertical, organizational, horizontal (integration), cultural, and normative – are able to use law rather than having law used against them. In a conflict with police officers, the officers' organizational advantage is significant. Police officers have organizational ties to their own police department and the political entity in which it functions, outside investigative agencies, and employee organizations. This provides them with powerful organizational supporters who usually side with them even in controversial shootings. In contrast, the social position of African Americans has risen dramatically since the Civil Rights Movement, but local leaders were not members of powerful organizations. The pressure they put on the district attorney was not enough to cause him to refer the case to the grand jury.

District Attorney Harry Gordon acted as a settlement agent in this case. He was in a position to make a unilateral decision about the case, acting as a judge. Police shootings are rare in a small city, and Gordon made unilateral decisions about controversial cases both before and after the Edward Wright shooting. The decision he made in the Wright case, and the letters he wrote in both the Wright case and the positional asphyxiation death of Eric Irby demonstrate that the relationship among Gordon, the officers involved in the cases, and the men who died at their hands should

not be represented by an isosceles triangle but a scalene triangle. Black's theory suggests that if he is closer to one side, he will make partisan decisions. In the Irby case, he found a non-scientific cause of death so that he could argue it was not even a homicide, but an accident. In the Wright case, he refused to submit the case for citizen review.

District Attorney Gordon did write a letter in which he was extremely critical of the officers involved in the shooting of Edward Wright. His criticisms follow the lines of research by Fyfe (1986). Fyfe points out that if police officers improve their performance in managing scenes by slowing the pace of encounters and moving them out of the public view, they should have to make fewer last-second, split-second decisions. As stated previously, it is not my goal to evaluate the legitimacy of the shooting. It is important, however, to consider the difference between an error and a violation of the law. This is not a consideration which can be addressed in this study, but it might be addressed in future research.

It is also important to note the difference between the strength of the legal case and the strength of the sociological case (Black, 1989). This was a case that appeared legally weak. It would therefore have required a strong sociological component to elicit a prosecution, but it had a weak sociological dimension. Thus, the lack of prosecution resulted from a combination of legal and sociological weakness in the case against the officer.

Another important observation in this study is that of the increasing political power of African Americans. Even though they were not able to sway Gordon's decision and get him to refer the Wright case to the grand jury, black leaders were able to make the effort. They did not hesitate to show up at his office and lobby for their cause. They

called in a national leader to help argue their case. When Gordon did not acquiesce, they mobilized African Americans voters and helped vote him out of office, demonstrating much higher levels of political (organizational) strength than in the past.

CHAPTER 5: THE CIVIL CASE

When O. J. Simpson was found not guilty of murdering his wife Nicole Brown and her friend Ronald Goldman in criminal court, there was an uproar. Whites and feminists declared the system had failed. For feminists, another man had gotten away with abusing and killing his wife. Many blacks celebrated. Some felt Simpson was not guilty and finally an innocent black man had avoided criminal conviction. It seemed to many whites that other blacks did not care if Simpson was guilty or not; they just reveled in the fact that he had come away with a not guilty verdict. The civil trial was another matter. Simpson was found liable for the assaults on Brown and Goldman in the civil case and ordered to pay \$33.5 million in damages.

The civil case in the Wright shooting was very different from the potential criminal case as well. Although the potential homicide case against the officers had not even been referred to the grand jury, Athens-Clarke County settled the civil case with a large sum paid for the benefit of Wright's children. Therefore my final research question is:

Research Question 3:

Why did Athens-Clarke County settle the civil case by paying the family rather than going to trial if the officers had done nothing criminally wrong?

We sometimes think it would be logical that if no criminal wrong has been proven, then no civil wrong can be shown, but this is inaccurate. The first factor contributing to the success of civil cases after the failure of criminal cases is the

difference in the level of proof required. In criminal cases, prosecutors must prove their cases beyond a “reasonable doubt.” They must provide evidence that would convince a “reasonable person” that there is no “reasonable doubt” that a given defendant committed a given crime. In civil cases, the level of proof required is lower. In civil cases, the plaintiff’s attorney only has to provide enough evidence to outweigh the evidence provided by the defendant’s attorney. Whichever provides the “preponderance of evidence” has successfully “proven” their case.

Another argument raised in civil cases is that it is cheaper to settle out of court than to go to trial. Black argues, however, that decisions to pay damages are based on more than just economics, and that the social status of those involved in a case has a significant influence. Of special importance are the level of equality between parties to a conflict and the ways in which they interact, including the organizations to which they belong.

There is case law, however, which makes it financially risky for defendants to go to trial in some cases. Based on *Monell v Department of Social Services of the City of New York* (US Supreme Court, 1978), municipalities may be sued under the Civil Rights Act of 1871. The local government may not be found liable simply because it has employed an officer involved in a suit. The plaintiff must show that “its officers implemented a *policy, ordinance, or some other official action* that violated an individual’s constitutional rights” (emphasis added, Garrison, 1995, p. 22; also see Kappeler, 1993).

As a result of *Monell*, the liability for a defendant or the insurance company may increase over the insurance limits if the case goes to trial. Theodore Freeman, plaintiff's attorney in the Wright case explained:

If I can prove that the city, Athens-Clarke County, had a policy or practice or custom that was the moving force behind the unconstitutional actions taken by the police officers, then I can hold the city liable. If there is a judgment in excess of the policy limits, that judgment is going to be paid by the city, and it will be funded by however the city chooses to fund it. It can come out of whatever money it has. In an extreme situation, they raise the property tax, and the tax payers pay for that.

[The defendant can demand the insurance company] settle the case within policy limits, and that if they don't then they're going to consider it to be an act of bad faith. You know, it's all the saber rattling at that point in time. If the insurance company refuses to do that, and if the jury later determines that the insurance company acted in bad faith in failing to settle the case, then *it* is liable for the excess judgment.

This resulted in two conflicts unfolding in this case. The first took the form of the civil suit filed by Edward Wright's mother, Janice Murray, on behalf of his children against the Unified Government of Athens-Clarke County. The second took the form of a conflict between Athens-Clarke County, as represented by the county attorney Ernie de Pascale, and Athens-Clarke County's insurer, the Georgia Interlocal Risk Management Association (GIRMA), as represented by Lloyd's of London, over whether the insurance company would pay its policy limits.

In this chapter, I will review the theory of pure sociology, and then discuss the development of the civil case. I will analyze the outcome of the civil case in light of Donald Black's theory regarding negation and organizations. This case is of theoretical importance. There was a complex interconnected web of relationships among attorneys and their clients, as well as the municipal government and the insurance company. I will

be able to show how the positions of individuals in social space, and the collaborations of individuals in social space impacted the outcome of the civil case.

The Theory Revisited

In Chapter 2 it was noted that the law, by itself, does not determine the outcome of a case. The social structure has a primary impact on who wins a case. The five dimensions of social space which Black says influence the behavior of law are the vertical, horizontal (social integration), corporate, cultural, and normative. Relational distance along the dimensions results in the application of more law (Black, 1976; Cooney, 2009). Within each dimension, an actor with a higher status is more likely to be able to apply the law to an actor of lower status, and is more likely to prevail in the contest between them. When Black begins writing about social conflict, he argues that the position of actors in social space impacts the form of conflict management in which they engage. The forms of conflict management include avoidance, toleration, use of third parties, especially settlement agents, negotiation, and self-help. Again, for each of these forms of conflict management, the higher status actor is more likely to prevail.

This chapter, and this work, are more than just an application of Black's theory to known facts. A multitude of players influenced the outcome of the conflicts examined, and this research explores the subtleties of the actual social positions of the players. In this chapter, I tell the story of the civil suit as it evolved, drawing out the nuances of social status and relationships and their impact on a very complex case.

As noted in the introduction to this chapter, there were two conflicts to be worked out in the civil case. The first was the suit filed by Janice Murray, the mother of Edward Wright, on behalf of his children. The second was the conflict between the Unified

Government of Athens-Clarke County and its insurer, the Georgia Interlocal Risk Management Association, who did not want to pay the maximum amount of insurance coverage. Both conflicts were resolved using negotiation.

Regarding the Civil Case

According to Black (1998, p. 83), negotiation is “the handling of a grievance by joint decisions.” Negotiation occurs where there is equality between adversaries. The level of inequality between Wright’s mother, Pamela Murray, and the Unified Government of Athens-Clarke County was high, but after filing the civil case, Murray and Athens-Clarke County were both represented by lawyers. Black points out the importance of lawyers in bringing a degree of equality to a relationship which can serve as a basis for negotiation:

The structural transformation of cases in highly stratified societies such as the United States may be one of [lawyers’] most significant functions. As familial and other primordial alliances decline, lawyers become the great equalizers of modern life. They offer equality as a commodity, for sale in the marketplace. (Black, 1998, p. 84).

Negotiation occurs where there are cross linkages among adversaries. Lawyers provide cross-linkages because of their personal knowledge of one another. Where that is lacking, “the shared professional affiliation and mutual accessibility of opposing lawyers provides a social bridge between their clients” (Black, 1998, p. 84). Negotiation is also more common among organizations. The conflict does not have to occur between organizations, but if organizations such as governments and insurance companies become involved, negotiation is more likely. Negotiation is more common where there are shared social and legal practices, and where adversaries and/or their representatives have access

to one another. Disputants need not avoid one another or take vengeance on one another because the *tangled network* in which they function permits them to communicate well enough that they can take action between those extremes. Table 2, also displayed in Chapter 2, summarizes the theory regarding negotiation.

Table 2. Qualities of groups which facilitate negotiation.

Form of Conflict Management	Negotiation
Qualities of the Social Setting	Equality
	cross linkages
	Accessibility
	Homogeneity
	Organization
Type of Group	tangled network

A common outcome of negotiation is compensation. Black theorizes that it is the mere presence of groups and organizations in a society which “nourish[es] the compensatory style... *Compensation is a direct function of groups*” (Black, 1987, p. 570, emphasis in original). Organizations have additional influences on compensation. Cases against organizations are generally upward, from individuals to organizations, and are more compensatory in nature than cases against individuals. In such cases, absolute liability is common, intent does not matter, and the importance of responsibility itself decreases. One example of such absolute liability is holding a manufacturer liable for a defective product which caused the purchaser injury without a need to show what it was in the manufacturing process that caused the defect. Another is the unified government of Athens-Clarke County being held liable for the shooting death of Edward Wright.

Modern politicians lament the decline of the family. Black (1987) agrees that the family, and the clan, are less important in everyday life than they once were. As a result

of industrialization, “Economic, political, and religious roles, wealth, and other elements of social standing came increasingly to reside in individuals rather than in families or clans” (p. 578). Liability for behavior also shifted from families and clans to individuals. People began to have to fend for themselves individually. More recently, families have been replaced by another societal group – organizations – and liability has shifted to organizations. We work and play within organizations, and we expect them to compensate us for our misfortunes in much the same way members of non-industrialized societies expect to be compensated by the family or clan of one who has injured them.

Cooney (2009) examines the effect of the organizations on the criminal and civil prosecution of problematic police shootings. Very few officers are ever prosecuted criminally for shooting someone in the line of duty, and a tiny fraction are found guilty of a crime. Cooney observes that it is the organizational geometry which causes this. Those responsible for prosecuting an officer criminally include a variety of people who are otherwise colleagues, from the medical examiner through the investigators to the district attorney.

In contrast, civil cases are generally brought by a victim’s family. “Instead of being opposed by his friends and colleagues, the officer is opposed by a group of close-knit strangers prepared to mount a more aggressive case against him. Lacking the protection of unequal partisanship, the officer is more likely to lose” (Cooney, p. 171). In addition, the support an officer receives is a bit “cooler,” coming from administrators and legal staff rather than investigators and other line officers. Still, both Cooney and Black note that, of civil cases brought by individuals against any organizations, including those

brought by individuals against officers and their employers, only a small portion are successful.

In cases brought by the victim's family against officers and their departments, relational distance between the plaintiff and the defendant are important. Cooney notes, "As relational distance increases, so too does the amount of law" (2009, p. 157). Here it is not the colleagues of officers who are questioning their conduct, but those who believe they have been wronged by the officers. Most such citizen have been accused of violating the law and are far removed relationally from the officers and departments who are enforcers of the law. In a simple conflict between the plaintiff and the defendant officers and their department, this allows for the filing and occasional winning of a civil suit in spite of the organizational advantage of the defendants. It will be show that, in this case, the greater relational distance between the plaintiff and the defendant's insurer provided a significant advantage for the plaintiff in the final resolution of the suit.

The value of the life lost affects the outcome of civil cases as well. Black (1987) notes that men's lives are worth more than women's, that freemen's lives are worth more than slaves', and that the lives of high ranking people are worth more than those of lower rank. As noted in Chapter 3, Edward Wright was a young man whose life was not more important or more valuable than any other young man. His death took on increased importance because he was seen as an innocent black man gunned down by white police in the American South and his death came to symbolize the lynchings of black men. This mobilized Wright's close-knit family members, as Cooney would observe, but it also mobilized the African American community as a whole, and it raised the probability of a successful civil suit against Athens-Clarke County. Wright had also been a good citizen.

He was an employed church goer and a family man with a good reputation in the community. In a later section, a comparison of the Wright case with the civil suit filed by the family of Eric Irby, a white man who died of positional asphyxiation while in custody of Athens-Clarke County police officers, will help make this clear. Irby was not such a good citizen.

There is scant literature on civil suits against police officers. The literature which exists generally summarizes the law and addresses the spectrum of suits filed against officers and jurisdictions. Regarding the law, under the Civil Rights Act of 1871, Congress provided a way for citizens to seek redress for violations of their constitutional rights under Section 1983 (Kappeler, 1997). The defendant must be a person under the law, and the plaintiff must match the legislation's definition of a protected person, which includes almost anyone within the United States. Plaintiffs must show that "(1) the officer was acting under the color of state law, (2) that the alleged violation was of a constitutional or federally protected right, and (3) the alleged violation reached a constitutional level" (Kappeler, 1997, p. 37). In 1976, with the passage of the Attorney's Fees Act, plaintiff's counsel could "collect their fees from judgments against defendants found liable for constitutional rights violations." (p. 36) rather than being deducted from the settlement (Kaune and Tischler, 1989). In 1978, in the *Monell* case, the Supreme Court ruled that government entities are persons under Section 1983 and may be sued for police misconduct if a policy, ordinance, regulation, decision, custom, or practice results in the misconduct (Kappeler, 1993).

Later cases cleared up questions left by *Monell*. Kappeler (1993), reports that in 1989, in the case of *City of Canton, Ohio v. Harris*, the Supreme Court ruled that when it

can be shown that a “failure to train” is the result of deliberate indifference, a municipality may be held liable. Again in 1989, in the case of *Graham v. Connor*, the Supreme Court ruled that a police officer’s actions should be judged using the objective reasonableness standard of “the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight” (in Kappeler, 1993, p. 329). Finally Kappeler (1997) writes that in the case of *Graham v. Conner*, the Supreme Court clarified additional issues:

1. all claims of police excessive force are to be analyzed under the Fourth Amendment;
2. the proper legal standard to use in applying the Fourth Amendment is the “objective reasonableness” standard; and,
3. four specific factors or circumstances in the act of force are to be considered when determining liability [including]...
 1. whether the suspect poses an *immediate* threat to the officer or others;
 2. the *severity* of the crime;
 3. whether the suspect is *actively resisting* arrest; and,
 4. whether the suspect is *attempting to escape* custody.
 (Kappeler, 1997, pp. 70-72)

Regarding suits filed against officers, Kappeler (1993) reported that most suits filed between 1978 and 1990 involved false arrest/imprisonment, excessive force, unlawful search and seizure, and assault/battery. After appeals, plaintiffs lost all but 8% of the cases. In 26% of the cases, the police won on procedural issues, such as the plaintiff not filing suit with the statutory time limit. They found only 1359 cases suitable for study. Of those, only 369, or 27%, involved excessive force. Another 226, or 16%, involved unlawful search and seizure, but those numbers overlap, with some cases being placed in both categories in their research. Shootings were not examined as a distinct category in the research.

In a quantitative analysis of 369 wrongful death lawsuits against police from 1995 to 2005, Fishel, Gabbidon, and Hummer (2007) reported that more of the cases were the result of deaths after police pursuits (45%), rather than shootings (28.2%, 104 cases). In their analysis, Fishel et al. examine independent variables such as demographics of the deceased, region of the country, type of officer's actions, and role of the deceased. Only "number of officers at the scene" was statistically significant in predicting verdicts (their dependent variable), with more than one officer present resulting in cases favoring the plaintiff. Nearly 50% of cases were initially resolved in favor of police. Others were reversed and remanded in favor of police on appeal. The "police prevailed in nearly 63% of the verdicts" (Fishel, Gabbidon, and Hummer, p. 461) overall, a number much smaller than that reported by Kappeler.

The Human Rights Watch (1988) argues that even when plaintiffs receive a payment in a civil suit, whether through a settlement or an adjudicated award, issues such as poor management and policies and patterns of abuse are not addressed, and individual officers are not held financially responsible. Attorneys often instruct plaintiffs not to make a complaint to the police department, preventing departments from using complaints as a way to identify problems early. Settlements are paid from general city funds, or insurance, rather than being taken from the police department's funds. The Human Rights Watch writes that civil suits should be a way to improve accountability of police departments, but that outcome is rarely achieved.

In summary, Black's theory of negotiation tells us that negotiation occurs where adversaries have some degree of equality and homogeneity. Negotiation occurs where there are cross linkages that allow adversaries access to one another. Negotiation occurs

where there are organizations, and as the presence of organizations increases, the likelihood of compensation increases. Cooney notes that the structure of civil cases places officers at more of a disadvantage than does the structure of criminal cases in that their adversary is more organized while their organizational support is weaker. The relational distance between the plaintiff and officers is also greater, resulting in more law. Police officers and their employers are sued under the Civil Rights Act of 1871, Section 1983. Quantitative analyses addressing civil suits specifically addressing police shootings are lacking. The police are able to prevail in the vast majority of cases, and departments do not make significant changes as a result of the suits.

Regarding the Insurance Company

During the litigation of the Wright case, a second conflict arose between Athens-Clarke County and their insurance company. In that case, county attorney Ernie de Pascale was charged with protecting the county by insisting that their insurance company not shirk the responsibility to pay any award which was supposed to be covered by the insurance (Interview of Ernie de Pascale).

According to Ted Freeman, Athens-Clarke County was insured by what was at the time a new group – GIRMA – the Georgia Interlocal Risk Management Association. GIRMA was formed by legislative action to allow municipalities to come together to pool their money in a fund used to pay for suits such as the one filed by Wright’s family. Freeman and his partner in the defense, Greg Stokes, thought they could make claims that would “trigger coverage” under both a one million dollar law enforcement policy and a one million dollar general liability policy.

Freeman made a Monell claim. Therefore, if the plaintiff demanded the maximum insurance payment but the case went to trial, Athens-Clarke County might have won and not have had to pay anything. Another possibility is that they would have lost, and the jury's award would have been less than the maximum covered by insurance. The third possibility is that they would have lost, and the jury's award might have been far more than the insurance coverage. If Athens-Clarke County had previously requested that GIRMA pay the full insurance coverage and they refused, GIRMA would have been liable for the excess. If they had not requested GIRMA pay the insurance coverage, Athens-Clarke County would have been liable for the excess.

If the county could not be sure of a win in the suit brought by Wright's family, they were best served by settling the case out of court, but the insurance company did not want to pay the full amount. Although the county attorney, Ernie de Pascale, thought they could win in trial, the stakes were too high for him to gamble. He felt he had to insist that the insurance company pay the maximum for which the county was insured. The insurance company was in turn represented by Lloyd's of London. This conflict therefore pitted Athens-Clarke County and their attorney against their own insurer, GIRMA, and that company's insurer, Lloyd's of London.

Lloyd's of London is an impressive name, but the primary conflict was with the insurance company which was their client, and both are businesses. Research shows that state and local governments have an advantage over all sizes of businesses in legal matters based on their status as governmental organizations. For instance, Songer and Sheehan (1992) examined 4,281 appellant cases from three federal circuits in 1986. They classified appellants and respondents as individuals, businesses, state and local

governments, the U.S. government, and others. They found that state and local governments were successful in 57.9% of appeals against businesses. They calculated the “net advantage” for each type of litigant “by first taking their success rate when they appear as the appellant and from that figure subtracting their opponents’ success rate in those cases in which the litigant of interest participates as a respondent” (p. 240). The net advantage enjoyed by state and local governments over businesses was 23.5%. They then controlled for the issue under litigation, the political party of the judges, and region, but found that “the nature of the litigants is still strongly associated with the probability of appellant success” (p. 240).-

In a later study (Songer, Sheehan, and Hair, 1999), their work was replicated using an appeals court database which covered the years 1925 to 1988. They divided the data into five periods to examine how the political and legal history of each period might affect the outcome of cases. They examined five classes of appellants and respondents: individuals, businesses, state and local governments, the federal government, and others. They found that the success rate and the net advantage increase as one moves from individuals to the federal government. The net advantage of state and local governments holds when opposing individuals and businesses, but not when opposing the federal government. The results were consistent over each of the five time periods.

Songer and his coauthors argue that their results appear to reflect the status of more advantaged appellants as “repeat players.” As repeat players, Songer theorizes, they have greater resources in terms of wealth and experience in conducting appeals (cf. Gallanter, 1974). From the standpoint of pure sociology, the degree of organization increases as one moves through their hierarchy from individuals to the federal

government. It is the higher degree of organization which results in more cases won and more willingness to go to court again.

In summary, in both the civil case filed against Athens-Clarke County and in the conflict between Athens and their insurer, GIRMA, the level of organization is important. The power of police and city organizations inhibits the criminal prosecution of police officers and the successful pursuit of civil cases against them. Civil cases are more likely to be successful than criminal cases, however, because officers face “close-knit strangers” and their support comes from further away in their own organization. They are also more likely to be successful because of the relational distance between plaintiffs and defendants. Other aspects of the tangled networks in which negotiation occurs are in evidence in this study. Attorneys provide some degree of equality, give parties to the conflicts better access to one another, and make common social and legal practices salient. Additional factors which impact civil cases are the law and the status of the victim.

In the next section, I will discuss the evolution of the civil case filed by Wright’s family against Athens-Clarke County using Black’s theory of pure sociology. I will begin by contrasting the status of Eric Irby and the civil suit filed in his behalf with the status of Edward Wright and the civil suit filed by his mother. I will show the evolution of the Wright case from the perspectives of attorneys involved, including plaintiff’s attorneys, the defense attorney, and the county attorney. Then I will discuss the second conflict which arose, that between Athens-Clarke County and their insurer, GIRMA, and how a shift in partisanship by Athens-Clarke County put them in league with the plaintiff against GIRMA.

The Evolution of the Civil Case

Black's theory is that, once attorneys become involved in a case, they help to level the playing field. An attorney or a group of attorneys representing, in this case, a lower class plaintiff, raises a plaintiff's status along the dimensions of social space so that it is more on a par with the defendant's, in this case Athens-Clarke County. It becomes evident, however, that the social status of Edward Wright as an individual was important. Other plaintiffs apparently could not have reached the status he had, and certainly some would have had higher status. This finding supplements Black's theory in this area.

When the shooting of Edward Wright occurred, a number of local attorneys became involved. Janet Mathis, one of the local attorneys, said that someone from the family called the attorneys (personal communication), and they came together to examine the case and provide legal support to the family. This group was headed by Ken Dious. Later other attorneys, Greg Stokes and Ted Freeman, came to represent the family and filed the civil suit against Athens-Clarke County, which was defended by Athens Andrew Marshall. When a secondary conflict arose with the insurance company, the county attorney, Ernie de Pascale became involved. Here I will first show the impact of Wright's status on the civil case, and then describe the evolution of the civil case in more detail using the perspective of Black's theory.

The Impact of Wright's Status on the Criminal Case

Black's theory is that the attorneys representing a case help make the playing field more level. Supposedly Wright's mother, Janice Murray, with the support of Greg Stokes and Ted Freeman, would have been able to face off eye-to-eye with Athens-Clarke County and Drew Marshall. Freeman and County Attorney de Pascale agreed that

Wright was a sympathetic figure, and that would have made a difference with a jury beyond what Black's theory predicts. Here I compare the civil case filed by Janice Murray with that filed by another mom – that of Eric Irby.

Irby: The Comparison

Of the few deaths which have occurred at the hands of Athens-Clarke County police, the death of Eric William Irby in 1997, reviewed in Chapter 3, provides us with the best comparison to the Wright case. In that case, Irby, a working class white man with a criminal record, was drinking and using methamphetamine when he burglarized a residential pool house in Stephens County. When police tried to stop him for a traffic violation, he led them on a 30 mile chase through three counties. The chase ended in Athens-Clarke County, where officers captured him. He engaged in a fierce struggle even after being handcuffed, and officers hog-tied him to bring him under control. His being hog-tied led to his death by positional asphyxiation. His mother filed a civil suit on behalf of his daughter two years after the event.

Several years after the Irby suit was filed, eight of the ten motions by Athens-Clarke County and the officers for dismissal of portions of the suit were granted by Judge Duross Fitzpatrick (Reid, 2003). They included motions concerning the reasonableness of the search and seizure and motions to dismiss Chief Jack Lumpkin from the case because he had issued a verbal order not to hog-tie suspects (US District Court, 2003). The US District Court for the Middle District of Georgia denied only two motions by the defendants: that they not be held responsible individually for excessive force, and that the Unified Government of Athens-Clarke County not be held liable for inadequate

training of its officers. On July 30, 2004, The United States Court of Appeals for the Eleventh District reversed the Middle District Court's denials, thereby ending the civil case brought by Irby's mother.

In their decision, the appeals court wrote that "officers were acting within the scope of their discretionary authority." They analyzed whether the officers used excessive force, or if their "actions were 'objectively reasonable' in light of the fact and circumstances... from the perspective of a reasonable officer on the scene." They said that hog tying, which they referred to as "fettering," had not been shown to cause a high potential of death, although the plaintiff had shown it could cause death. The plaintiff had asserted that Irby became compliant after being sprayed, but the court argued that he might have stopped being compliant given his efforts before being sprayed. They concluded that, "defendants' acts were not so far beyond the hazy border between excessive and acceptable force that every objectively reasonable officer, facing the circumstances, would have known that the acts violated the pre-existing federal law" (US Court of Appeals for the Eleventh Circuit, 2004).

In summary, on the night of his death, Eric Irby was engaged in drug and alcohol abuse, burglary, evading arrest, and resisting arrest. While his mother, like Wright's, filed a civil suit against Athens-Clarke County, Irby failed to attract the local support that Wright had. One reason was surely that he was from out of town. His status as a working class man with a criminal history who had engaged in a crime spree the night of his death was likewise significant. The local federal court dismissed most of the claims against the officers and the unified government, and the appeals court dismissed the rest.

In the next sections, I will examine the civil case filed by Wright's family against Athens-Clarke County.

Wright: The Sympathetic Plaintiff

Irby had a criminal record. He had violated the law, fled from police, and resisted arrest. In contrast, Edward Wright was a nice guy. Ernie de Pascale was county attorney when the Irby case occurred. De Pascale observed that it was different from the Wright case, and that a jury trial is:

a human event, and a strategist has to take into account if the person is likeable. Irby wasn't likeable. He had tattoos all over his body on the autopsy pictures. He was a racist. If we've made a mistake and they get damages, that's ok. We're the people's government and we can make mistakes and that's the people's control over the government. What you have to worry about is a runaway verdict because of the feelings of the jurors. Irby was not a sympathetic character, and we wouldn't have had to worry about that.

As Freeman pointed out, Wright was young man who attended church, lived with his parents, and had a regular job. He had two children in whose lives he was active. Edward Wright did not set out to violate the law, flee from police, and resist arrest, although he did some of those things. He had been increasingly mentally disturbed.

Freeman said Wright had read about Job saying:

We came into this world with nothing on and we were going to leave with nothing on. He was headed in the direction of where his girlfriend lived, and he professed that he was going to tell her that he had found Jesus, which was what some of these people around the incident said he had said to David Baxter. "Come with me to find Jesus," or something to that effect.

Wright set off on his run because, modern science would say, he was having a psychotic break. His mother insisted he was having a religious experience. While Baxter said he thought Wright wanted to kill him, he also recognized Wright's mental instability.

In summary, although Black suggests that attorneys level the playing field, the attorneys themselves argue that the status of the plaintiff also has an impact on the outcome of a civil case. The plaintiff's status can determine whether or not that side of a conflict is high enough in social space to result in a win against the defendant in a civil rights case.

The Attorneys

The Local Attorneys for the Plaintiff

Attorney Kenneth Dious grew up in Athens (Interview of Ken Dious). His participation in marches and demonstrations began in Athens-Clarke County at the age of 14, and he had experienced riots over the years of the Civil Rights Movement. After finishing law school, he worked for the National Association for the Advancement of Colored People in New York. He was experienced in civil rights litigation well before the Edward Wright case.

Dious stated that when he and the other attorneys became involved with the case, they expected to handle it in the courts, not with demonstrations. They were attorneys, socially similar to city officials and the attorneys representing them:

At that point in time, I didn't feel it was necessary that a whole lot of marching and stuff take place. We had all the attorneys in Athens-Clarke County. All the African American attorneys had agreed that we would work together. It wasn't about the money. We all worked together on this particular case.

Dious said they took this case to make it clear to officials that they as local attorneys were a force to be reckoned with. He was working with Janet Mathis (currently with The Rainbow-Push Coalition), Sherry McKlocklin, Barbara Geter, and Eric Wyatt from Dious's office. They were attorneys, well educated men and women whose status

was higher than that of most other people in town. They hoped to use the case to strengthen their position as attorneys, and to raise the status of African Americans in Athens-Clarke so that whites and police would be less likely to target them. They wanted to send a message:

Henceforth, if you racially deal with an African American unfairly, we're going to do something about it. Not somebody from Atlanta. Not somebody from Podunk. But *we're* going to do something about it. So you're on notice that if you let this happen, every time it's going to be dealt with.

To that end, the attorneys began an investigation into the shooting. Dious said that they interviewed eye witnesses, which were actually rare. Only two people had watched the whole progression of events. The attorneys videotaped the scene and made their own diagrams. Dious felt that Wright could have been handled much more effectively by the officers:

[Baxter] could have handled it in a better way. He could almost have just walked away. How much race played a factor in that – Baxter had had some problems in the past in the way he had dealt with African Americans, and in his record. But according to police procedures, he was way off as to what he should have done. Probably could have talked to him and handled it. Why he chose the confrontational way I don't know. It wasn't like Wright was out there shooting at someone or had someone's life in danger. He could have walked along with him for the next three blocks and may have diffused the situation by talking to him, or waited till the other officers got there. And then even after they got him down and knocked him out they could have put the cuffs on him. And that would have been that. And then Edward Wright got up and he shot him. That's pretty much what happened.

The African American attorneys had a problem with their efforts in the case, however. Specifically, Edward Wright's grandfather, Willie Murray, created two types of conflicts with the attorneys. First, he continued to push Dious to spearhead marches and demonstrations against the shooting. Second, he wanted to be in charge of any funds awarded in a civil suit.

On the subject of marches, Dious said (above) that he did not believe they were necessary. He thought it was important to use the law. Beyond that, Dious was limited in what he could do because pressing a civil suit was a full time job. He said, "I can't do both. I always had the problem to tell people, "I can't litigate your case, be your fund raiser, and be your marcher. Can't do all three." Dious believed that someone else was pressuring Wright's grandfather to insist that Dious lead demonstrations, but he was never certain who it was.

The issue of the money was more important to Dious. Wright had two young children by different mothers. Dious kept insisting to Mr. Murray that if they won a financial award, a trust fund would be set up in behalf of Wright's two children.

I told him I still couldn't write that check, except to set up a trust for the kids. And that kind of upset the grandfather, that *did* upset the grandfather, and then this other law firm was lurking in the background, who he had already done some legal work with in the past.

The grandfather had mentioned another law firm which had represented him, and Dious received notice they would be representing the family in the civil case. He said Wright's girlfriends had made only one or two of the meetings in his office. They, like Wright, were young. He and the other attorneys went to their homes to try to talk to the young women.

And all of us got together and went to see the parents. One parent, mother, said it was up to the grandfather. We talked to the other mother. She wouldn't let us in. She just stuck the card out [the door] of the other firm. I said, "Well, this is it. I'm just going to let it go." It was almost like they had some fear of the grandfather, you know.

At that point, Dious and the other African American attorneys in Athens were no longer involved in the case. The civil suit was filed by Attorneys Greg Stokes and Theodore Freeman.

Ken Dious was clearly aware of the position of local African American attorneys in social space. They had education and wealth, and they knew and were well known by whites, especially white attorneys. Dious believed that if they raised their positions in social space by winning a civil suit against Athens-Clarke County, police officers and whites generally would think about the legal consequences of mistreating African Americans and engage in such behavior less frequently. Atlanta attorneys Greg Stokes and Ted Freeman took over the case, however, and the black attorneys were not able to make their point.

Plaintiff's Attorneys for the Civil Case

Nationally, at least 90% of civil cases are resolved without going to trial (Lacey, 1977; Barkai, Kent, and Martin, 2006). It would be up to the plaintiff's attorneys to see that the case was resolved in the plaintiff's favor, trial or no trial. Greg Stokes was the attorney Wright's grandfather maneuvered into position to handle the civil case. The attorney representing Athens-Clarke County in the civil case, Andrew Marshall, said that Stokes had apparently:

reached out to Ted Freeman... Ted Freeman, currently, and back then, and before then, was primarily someone who represented defendants in civil rights cases. Represented law enforcement. And had some experience and expertise in handling the kind of cases, civil rights cases, that this Edward Wright case became.

According to Marshall, Freeman normally did defense work in civil rights cases, and he was good at his job.

Well, what Ted was able to bring to the table was a knowledge of how to pursue some of these theories of governmental liability. That's not something that many people know how to do, and so when you've got the government as a defendant in a case, as opposed to just individual officers, the dynamic is somewhat different because nobody is going to be particularly sympathetic toward the government.

Thus, Stokes and Freeman, both white, and both from Atlanta, became the attorneys for the plaintiff in the civil case. While Stokes was an unknown quantity, Freeman had extensive experience defending civil rights cases and was able to apply his knowledge to pursuit of a civil case against a defendant. His status along the dimensions of social space was quite high.

Ted Freeman's vertical status was demonstrated metaphorically at his office, which is housed on Galleria Parkway near the Cobb Galleria Center – on the sixteenth floor of a seventeen story building, with remodeling going on to move him up to the seventeenth floor. Freeman returned Drew Marshall's compliment, acknowledging Marshall's ability in defending civil rights cases. Both men appear to be at the top of their game.

Freeman expressed having trouble with some of the cases he defends. On the rare occasions when he takes a plaintiff's case, it is because he feels someone was wronged, and the injuries were serious. Freeman said Wright's family was one of three plaintiffs he has represented in a long career of representing cities and counties as defendants in civil rights cases. In each of the three cases, he represented the plaintiff because he felt so strongly about what had occurred. That was also true of the Edward Wright case. Freeman said, "Honestly, what happened was just wrong. It was just wrong." Freeman was not concerned about Wright's race. He was struck by his innocence. He said, "Edward Wright was a nice young man, he was always a good kid, lived at home with his mom. He'd fathered two really cute kids that he cared about and wanted to take care of."

Freeman also has chosen the three plaintiffs' cases because the injuries were significant. He explained that the first time he represented a plaintiff in a civil rights

case, a man was arrested under questionable circumstances. Officers did not realize they broke his neck during the arrest. They transported him to Grady Hospital in their patrol car instead of by ambulance. At Grady, he was ignored for over 24 hours.

In these cases about which Freeman feels so strongly that someone has been wronged, he also takes the cases because he knows he is good at his job and believes he can be helpful to the plaintiff:

[The Edward Wright] case, in some respects it's one of the cases I'm most proud of. I think one of the things that we do as defendants sometimes is that we don't get a sense of self satisfaction, in that we've really done something good for somebody. I felt like we did something good in that case.

And I, without tooting my own horn, I do feel like in part it was because I got involved in the case. Because I think Drew Marshall is an excellent lawyer, and he knows this stuff. And I feel like I know this stuff. And I think that in order to win these cases you better find somebody that understands this law and can bring that to the table. I may not be the best trial lawyer in the world, but I can tell you that I understand the law and most of these cases are either won or lost on the law. I told somebody this last week. Many times we're defending cases with horrible facts and horrible injuries, and yet we win 'em, but we don't win 'em in front of juries. If they're going to get to the jury and they've got horrible facts, then we're going to try and settle the case. Where we win them is filing motions and arguing what the law is, and [arguing] this [action by the defendant] isn't a constitutional violation.

The law which Freeman and Marshall know so well is the Civil Rights Act of 1871 and its manner of application, specifically 42 U.S.C. 1983, referred to as "1983." In the case of *Monell v. Department of Social Services*, 436 U.S. 658 (1978) the court wrote in part:

1. [H]istory confirms that local governments were intended to be included among the "persons" to which § 1983 applies.
2. Local governing bodies (and local officials sued in their official capacities) can, therefore, be sued directly under § 1983 for monetary, declaratory, and injunctive relief in those situations where, as here, the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted or promulgated by those whose edicts or acts may fairly be said to represent official policy. In addition, local governments, like every other § 1983 "person," may be sued for constitutional deprivations visited

pursuant to governmental "custom" even though such custom has not received formal approval through the government's official decision making channels.
Monell v. Department of Social Services

Freeman explained that by giving cities the legal status of persons, the Supreme court allowed plaintiffs to sue them. In order to get a judgment in the plaintiff's favor, their counsel has to "prove that the city, Athens-Clarke County, had a policy or practice or custom that was the moving force behind the unconstitutional actions taken by the police officers." Freeman intended to make that claim based in large part on the fact that Athens-Clarke County had hired Baxter after he had been fired from the University of Georgia Police Department, where a training officer said that he was a danger to himself and others on the street. This matched what the Supreme Court had ruled in the *Monell* case that, as Freeman said:

Where there is knowledge on the part of the local government that if they hire this guy, he probably is going to commit a constitutional violation, and he in fact commits one of the same type that they would have known about, then you can tie the governmental entity into that one.

Freeman said they had been in mediation twice before the case was settled. The first time was after Marshall had made an appeal to the 11th Circuit Court of Appeals for a summary judgment on behalf of the defendants. It was a mandatory mediation which occurs whenever an appeal is filed. They had a telephone mediation which "went nowhere." There was also a mediation just as the case was set to go to trial. Freeman's memory was that he and Stokes were asking for three million at these mediations, but Marshall and de Pascale remembered it being ten million. They all agreed that they were not close to a resolution.

Freeman and Stokes had gone to great lengths preparing for the civil trial. They had identified expert witnesses to testify about use of force and the economic loss of Edward Wright's life in terms of lost wages and in terms of lost enjoyment of his life, including the company of his children. They had prepared a lengthy questionnaire for potential jury members. They got a call "out of the blue" the Friday before the case was to go to trial saying Athens-Clarke County would settle the case.

In summary, Ted Freeman knows the civil rights law. This is demonstrated in both his explanation of the law and his reputation as being an excellent defense attorney in civil rights cases. In the Wright case, he chose to represent the plaintiff, Wright's mother acting on behalf of Wright's children, because he felt the officers' actions were unjust and he was in a unique position, because of his knowledge and experience, to be able to right the wrong Edward Wright had suffered.

The Defense Attorney

Attorney Andrew Marshall is a native of Georgia and a product of the University of Georgia School of Law. In Athens-Clarke County, Drew Marshall had been representing the city since before consolidation with the county (Interview of Andrew Marshall). The morning of the shooting, he got a call alerting him to the fact that it had occurred. Marshall said the problem with the case was obvious:

Here's a naked man without any weapon who ends up being shot and killed. So that creates some immediate problems in defending the conduct of the police because in court you have to be able to provide an explanation for how this situation came to be. There was a wealth of information that had to be processed over time, but the core legal question, it boiled down to the reasonableness of the police conduct out there.

There were several issues of importance to the case, according to Marshall. First was the “adequacy of police training to deal with the mentally ill.” Second, there was a question about whether Athens-Clarke County should have hired Officer Baxter because of a bad report at an earlier police job. Other concerns included, “denial of medical care... the extent of the liability of the second officer... the training in pepper spray and how pepper spray affects people and whether it’s a good idea... the question of drugs, [and] looking at the question of mental health history [of Wright].” Wright’s social status and race made no difference in the way Marshall was going to defend the case, although perhaps “if it had been the head of IBM” who had been shot that morning, his status might have made a difference.

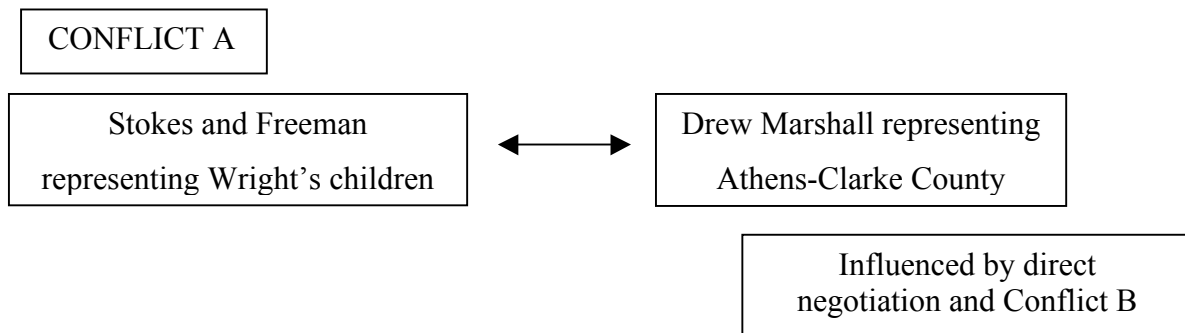
The “insurance” which covered Athens-Clarke County was not actually insurance in the traditional sense. Marshall explained that Athens-Clarke County had been a member of a risk management agency, which meant that municipalities which were members had agreed to cover claims for one another. There was the equivalent of a deductible, a “self-insured retention,” of \$30,000 (Martin, 1999). Costs above that level would be covered by other municipalities in the risk management agency.

Marshall was not involved in the negotiations to settle the case out of court. He said that decisions to settle a case are made because of the certainty of the settlement. Both the plaintiff and defense must consider that the behavior of a jury is difficult to predict, but when an agreement is reached prior to a trial, it does not change. A settlement also ends the case. There will not be more money spent on appeals. Police, government, and attorneys can go back to the other tasks which normally occupy their time.

Andrew Marshall is a local fellow who has done well for himself, but he is more, too. He spoke highly of Freeman, but in doing so, and in providing his own history with Athens-Clarke County, he identified himself as a force to be reckoned with. He has wealth, connections, and status which put him in a position to go toe-to-toe with the big city attorney of whom he spoke so highly.

This first conflict between the plaintiff and Athens-Clarke County is represented below in Figure 5.

Figure 5. Conflict A. Wright's family against Athens-Clarke County.



In the next section, I will describe the next level of conflict which arose – that between Athens-Clarke County and their insurer.

The County Attorney

County Attorney Ernie de Pascale sat behind the scenes as far as the public press was considered, but he was probably the most influential player in determining the settlement in the civil case. According to de Pascale, the county attorney makes the legal decisions for the county. County attorneys can make the decisions without input from the County Commission, the mayor, or other politicians, although there may be consequences

later if they make a decision the others do not like. This gave de Pascale a lot of leeway in his dealings with the other parties involved.

At the time of the Wright shooting in 1995, Athens-Clarke County was moving, perhaps a bit late, from a big town of the Old South to a city of the modern age. Mayor Gwen O’Looney and Attorney de Pascale were trying to speed the city’s progress. To that end, de Pascale had been working closely with the police department’s administration to address the problem of officers who did not meet the standards they wanted to set. De Pascale also headed the internal committee, made mostly of police officers, which examined the shooting of Wright for violations of policy and procedures. Although he was trying to make improvements in the police department, in part by running off officers whose performance was below acceptable standards, de Pascale was close to the department as a whole. He knew the high ranking officers well, and he knew many others personally and by reputation. He therefore had close individual ties and close organizational ties to the police department.

De Pascale was concerned about the case. As stated in Chapter 3, his immediate concern was about violence because of racial tension, but his legal concern stemmed from the fact that Edward Wright was naked when he was shot. He did not have a weapon and that fact was obvious to the officers. That made defense of their actions problematic.

How could it be self-defense if he was naked and you couldn’t see a weapon and you knew he didn’t have a weapon. That was really the nature of the concern. He was naked. If he hadn’t been naked, well, you might be scared enough that it might be self-defense. My god, he was naked! He couldn’t have had a weapon. How can you shoot him? And of course, once you get into it, you know different.

In defense of the officers

In spite of his concerns, de Pascale believed Athens-Clarke County could and should defend the officers. One of the reasons was because the dispatch tapes were so emotionally powerful. Mayor O’Looney had been incensed by the shooting, and one of the things de Pascale had done was call her in and play the dispatch tapes for her (Interview of Gwen O’Looney). O’Looney said that the moment when she heard the tapes was the first time she began to see the humanity of the officers. Their voices clearly reflected the intensity of the moment, and de Pascale told her, “Gwen, this is one of the few guys on our force that has been doing all this stuff to use non-violence response.” He believed the tapes would have had the same effect on a jury, reducing the social distance between jurors and the officers.

De Pascale realized that apparently the wrong kind of force was used against Wright. While Dious suggested that less force would have been appropriated, de Pascale began to think that more force early in the confrontation would have reduced the need to escalate to deadly force. Baxter had used pepper spray, and Redding hit Wright with a baton. De Pascale questioned the use of pepper spray. He said he had learned, “One group of people it works on pretty well is police officers.” In training, officers are required to experience the effects of pepper spray. It usually makes them very ill. They expect it will act on suspects in the same way, and they are dismayed when it does not and the suspect continues or elevates an attack on them. He observed, “What was wrong on the Wright case, was that to control their error the officers had to move up the scale of violence” past the use of the baton to the use of deadly force.

One of the officers on the internal review committee, asked, “Why the hell didn’t Redding run full speed and tackle him? That’s what I would have done!” This comment led Pascale to think that, although the officers were well trained, they “needed to be tougher, maybe they needed to be willing to use a little physical force. Something we were trying to get them NOT to do, may have been the only thing that would have prevented [the shooting]. If they were tougher in handling him.”

Another reason de Pascale believed they could defend the case was because of his knowledge of Baxter stemming from a previous incident he had reviewed as county attorney. In that incident, Baxter had responded to a 911 call. Although there was no basis to the call, the man of the house, a black man named Sylvester, was known to Baxter, and Baxter refused to leave the house until he knew the man’s wife and child were safe. Sylvester threw Baxter into a kitchen counter breaking his shoulder. Baxter had called for help, and as the other officers arrived in single file, Sylvester injured several of them before they could contain and arrest him. De Pascale asked Baxter why he had not even pulled his gun in that incident, but had shot Wright. Baxter replied, “Sylvester was only trying to get me out of his apartment. This guy was trying to kill me.” This event supported the assertion by other officers on the internal review committee, including the African American officers, that Baxter may not have been tough enough, but he was not a trigger happy racist.

The same was true of Redding. He had spent a significant portion of his police career working with children in social service projects (field notes). At the time of the shooting, he had already been hired by the local YMCA to fill a position that was going

to open. He was continuing to work for the police department until the position was open. He did, in fact, work for the YMCA for over ten years.

Thus, some police officers were critical of the officers for not using enough force to subdue Wright before he overcame them. Baxter had a history of taking physical punishment rather than resorting to deadly force. Redding had a history of doing social service work within the police department and was moving into social service work full time when the shooting occurred. Their voices on the tape of the event reflected the distress they were experiencing at the time of the shooting. De Pascale believed it would have been a relatively easy task to use the tape to reduce the psychological distance between a jury and the officers – to make them more sympathetic.

In defense of the case

There were other reasons for de Pascale to think they could defend the case, reasons in fact for him to want to go to trial. He would like to have seen the facts of the case come out so the public would understand the officers had not just gunned down a man for no reason. Beyond that, he said, “I really didn’t think we owed them \$2 million. I thought we should pay whatever his life was worth, about half of that cause he had a role in this, too. And I thought a reasonable jury would see this.” He also expected Stokes and Freeman to do an excellent job of representing the plaintiffs, better, perhaps, than Ken Dious and the other local attorneys could have done. “If they’d been handling the case, I would have been more anxious to go to trial. I wanted to go to trial.”

De Pascale said that Stokes and Freeman had probably filed the case in federal court because they wanted to “throw in the civil rights claim,” but “it didn’t matter whether he was black or white. If the cops shot him and they didn’t have a good reason

to, they were going to get a big claim either place whether you called it civil rights or not. It just didn't make a difference." Kaune and Tischler (1989) point out, in fact, that cases are filed in federal court in part because "attorney's fees may be, and often are, included in the judgment itself and are not deducted from the settlement as is the case in state actions" Kaune and Tischler, 1989, p. 91).

Other issues about federal court were more important. First, de Pascale said the local federal judges are "right wing," but as their cases had been reviewed in appellate courts over the years, they had been reversed many times. As a consequence, they moved left to avoid being reversed. While their decisions may not have reflected their personal feelings about law or race, they began more consistently to favor racial minorities and liberal interpretations of the law. In the Wright case, de Pascale said, Drew Marshall, as a matter of course, filed a motion for summary judgment on behalf of Athens-Clarke County. If the judge had ruled in their favor, the case would have gone back to superior (state) court, but "The judge leaned way over on the plaintiff's side in the decisions. He viewed it as a civil rights violation. In that sense, they [Stokes and Freeman] made a good choice" in filing the case in federal court. De Pascale therefore believed that the judges were more likely to be supportive of the plaintiff.

The jury pool in federal court was also important. In *state* superior court in Athens-Clarke County, about half of jury pools and juries are African American, and this would have been an advantage for the plaintiffs. Ted Freeman also pointed out that in a college town, professors and students are expected to be liberal and support plaintiffs in such cases. The middle *federal* district has been drawn so that, unlike the state courts in Athens-Clarke County, the jury pool is predominantly white, rural, and Republican. In a

federal jury of twelve people, one or two might be black. The jurors would be likely to be of a similar culture and social class as the officers, and as conservatives they would likely support law enforcement. This would present a distinct advantage to the white male police officers. In fact, however, Freeman said that if the case had been filed in state court, it is likely that Marshall would have moved it to federal court because in federal court appeals could be made during the course of the case directly to the circuit court.

In summary, de Pascale was almost certain that they would have been able to hold down the damages if they went to trial. He himself had worked closely with the police department on other issues. He was close to police officers on both organizational and lateral dimensions. Although the defense faced the obvious problem of explaining why the officers shot a naked man, the dispatch tapes would have made their humanity in the situation abundantly clear. Baxter was a sympathetic figure, and his battle with Sylvester, a powerful black man who broke his shoulder, showed that he was not “trigger happy.” It was, in fact, likely that they would not have had to shoot Wright if they had used more force at the beginning of the confrontation. Wright had also played a significant role in the outcome of events the morning of October 12, and his culpability reduced that of the officers. Finally, although federal judges had handed down liberal decisions favoring minorities in federal court, the juries were predominantly white and conservative, people who support police officers as they carry out their duties.

De Pascale thought they had a good chance of reducing the damages – of paying less than they were insured for in the case – but he had to consider the possibility they

might lose. He believed that in order to look out for the best interest of Athens-Clarke County, he had to enter into negotiations with their insurance company.

The Other Conflict

Athens-Clarke County and the Insurance Company

The preceding discussion regards the civil case filed on behalf of Wright's children against Athens-Clarke County. A second conflict, between Athens-Clarke County and their insurer, GIRMA, developed quickly, and its outcome had as much or more impact on the outcome of the civil case as did the facts of the case. As stated above, following the Supreme Court decision in *Monell*, if the plaintiff makes a demand for the maximum amount covered by the defendant's insurance, when the case goes to trial the judgment can be for any amount – from nothing to sums well beyond the insurance coverage. Therefore, if there is doubt that a case can be argued successfully, it may be in the financial best interest of the defendant and the insurance company to pay the demand for the maximum insurance coverage.

In the Edward Wright case, a conflict arose between the named defendant, Athens-Clarke County, and the Georgia Interlocal Risk Management Agency (GIRMA). De Pascale said he wanted to go to trial, but he was distracted by this secondary legal problem. The first issue with the insurance company concerned the amount of insurance. De Pascale said his memory was that policies which covered the Wright case should have totaled \$2 million. In fact, de Pascale said, it was the plaintiffs' attorneys who came to him and said, "Y'all don't have as much insurance as you think you do." GIRMA alleged Athens had half that in insurance coverage.

GIRMA was, in turn, insured by Lloyd's of London. De Pascale said that as the deadline set by Stokes and Freeman for a resolution in the case approached, a big Chicago law firm came in, not to handle the case, but to handle the insurance. In one call, a woman from the law firm introduced de Pascale to other attorneys in the room on speaker phone. "There's about 10 or 12 of them sitting there, and they're saying, "We represent Lloyd's of London, da, da, da." They wanted to cap the financial liability at one million dollars.

It's very complicated, cause our insurance company wasn't really calling the shots. Lloyd's of London was calling the shots because they insured the insurance company, and they were represented by a whole floor full of lawyers in Chicago who were giant pains in my ass. In fact I really behaved very arbitrarily. I was very ugly. If you could ever get hold of those lawyers, they'll tell you I'm the biggest jerk they ever met. But it was because they were forcing me into doing something I didn't want to do.

Finally, just before the plaintiffs' deadline of 5:00 p.m. Friday, April 9, 1999, the female attorney called de Pascale and began with:

"Well, we want to go on the record that you're wrong." I said, "Just a minute, if you're getting ready to concede, just concede. You're on the record. You've sent me letter after letter. I have five letters from you yesterday sent by fax, all of them taking this position. You sure don't have to say it again. We've got minutes to go. They're [the other attorneys] charging hundreds of dollars per person to your client to sit there all day. It's a quarter of five. Are you going to do it or not."

Goddamn I couldn't believe this. That they would posture all the time. It's like they just sat around posturing. Charging at least \$300 a piece an hour. For what? So they could say, "We want to go on the record, we differ with you on the law." No shit, sweat pea. We know that. This is a matter of who's going to run risks.

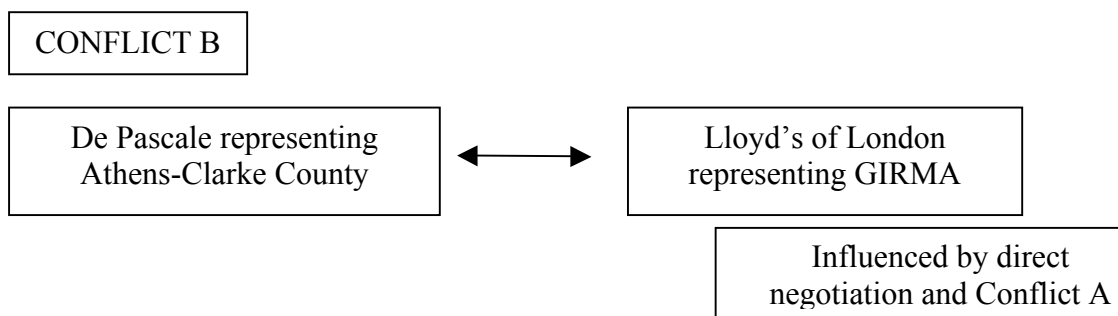
GIRMA agreed to the full amount of the insurance, and the settlement with the plaintiff was made.

The conflict between de Pascale and GIRMA, and their insurer Lloyd's of London, reveals a social structure which allowed for negotiation. Athens-Clarke County

and de Pascale did not have to take either business to court because once again, they were functioning in a tangled network where there was equality and cross linkages among the parties involved. All parties had access to one another. They shared language, as well as social and legal processes. Finally, de Pascale and the other lawyers represented organizations.

The big businesses might seem to have an advantage in a comparison of the organizations. De Pascale was a county attorney in a small city in Georgia. His conflict was with a law firm from a big city, Chicago, representing a powerful business, Lloyd's of London. De Pascale had an advantage, however, in that he represented a government. The research of Songer and his coauthors tells us that local governments win cases and they win appeals in contests with businesses. De Pascale was able to prevail, and GIRMA agreed to pay the settlement demanded. This second conflict is represented by Figure 6.

Figure 6. Conflict B: Athens-Clarke County against their insurer, Georgia Interlocal Risk Management Association, represented by Lloyds of London.



In summary, the presence of attorneys raised the social status of the plaintiffs, the mother and two children of the shooting victim, Edward Wright. The local African American attorneys wanted to handle the case, in part, to force whites and police officers to recognize that they, as black attorneys, would help resist maltreatment of local blacks. When the attorneys from Atlanta stepped in, attorneys from Athens-Clarke County assumed they would be more formidable attorneys and might win a large settlement if the case went to trial. Because of the Supreme Court ruling in *Monell*, the county attorney thought they should pay the demand of the plaintiffs in order to avoid a potentially greater award that they would have to pay out of pocket. The county attorney was able to prevail over the insurance company and their insurer, and the settlement was paid.

The Overall Conflict

This chapter began with an explanation that there were two conflicts in the civil case. The first was between the plaintiff, Edward Wright's mother Janice Murray, on behalf of his children, and the defendant, Athens-Clarke County, which was named in the civil suit. The second conflict was between Athens-Clarke County and their insurer, the Georgia Interlocal Risk Management Association (GIRMA), who was represented by attorneys from Lloyd's of London. It follows logically that the plaintiff was actually locked in conflict with Lloyd's of London. How could a poor African American woman in the poorest small city in the country defeat Lloyd's of London?

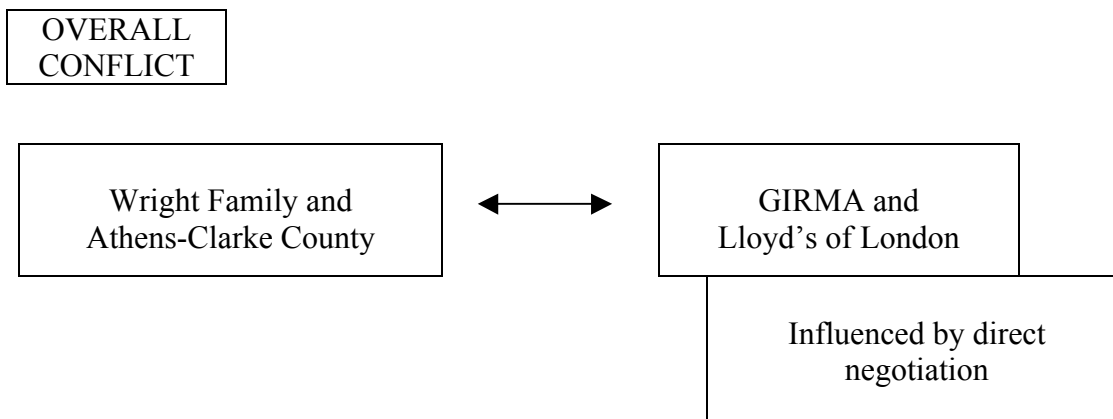
In order to answer that, we must step back and look at the bigger picture. Two factors had a major influence on the outcome. First, the law was a factor – specifically the fact that if they lost a jury trial, the Supreme Court decision in *Monell* would mean

Athens-Clarke County or their insurer, GIRMA and Lloyd's of London, would have to pay whatever award a jury or judge imposed. That legal point was important.

Second, the social geometry of the case was extraordinarily important, and especially the shift in the social geometry just described above. What happened when Ernie de Pascale talked GIRMA and Lloyd's of London into paying the settlement in order to avoid a trial was that he threw the weight of the county behind Janice Murray. de Pascale joined forces with Janice Murray. The county became a partisan of the plaintiff. She was no longer just an individual adversary represented by extremely good attorneys. She was tied to Athens-Clarke County in their efforts to avoid a potentially crippling award after a trial. They were on her side in the dispute with GIRMA and Lloyd's of London, and this increased her social status to that of the county, which had an organizational advantage over the businesses.

Edward Wright made a sympathetic victim. Athens-Clarke County was a government with a higher organizational status than a business. Murray and Athens-Clarke County were relationally close to one another, both being in a small Georgia city rather than at GIRMA's headquarters in Atlanta, across the continent in Chicago, or across the Atlantic Ocean. Together, they were relationally and organizationally situated so that they were powerful enough to defeat GIRMA and Lloyd's of London. This overarching conflict is represented in Figure 7:

Figure 7: Overall conflict between plaintiff and the defendant’s insurance company.



An Analysis

The Application of Black’s Theory of Conflict Management to Wright’s Shooting

Outcome 3: The civil suit was settled out of court with a payment to Wright’s mother on behalf of his children.

The Theory Revisited

Table 2. Qualities of groups which facilitate negotiation.

Form of Conflict Management	Negotiation
Qualities of the Social Setting	equality
	cross linkages
	accessibility
	homogeneity
	organization
Type of Group	tangled network

Events Illustrating the Theory

Conflict A⁷

1. The civil case occurred in a setting conducive to negotiation, *i.e.*, in a “tangled network,” with attorneys equalizing the relationship and creating cross linkages between the adversaries.
2. Black notes that the family has been replaced by the organization as the entity held liable in a conflict. Plaintiffs claimed Athens-Clarke County was liable in the death of Edward Wright.
3. As Cooney observes, in a civil case police officers are not supported directly by their fellows, and their opposition comes from “a group of close-knit strangers” in the form of the family of a shooting victim. Immediately after the shooting, the family of Edward Wright contacted African American attorneys from Athens-Clarke County.
4. The Atlanta attorneys brought in by the plaintiffs to handle the case included Greg Stokes and Ted Freeman. Andrew Marshall said Freeman has a reputation as a good attorney who is knowledgeable about civil rights cases against police departments. His participation in the case raised the plaintiffs’ position in social space, and it raised the probability the plaintiff could prevail in the civil suit.
5. Black writes about the importance of lawyers in bringing a degree of equality to a civil suit. The results of this study show attorneys recognize that the position of the plaintiff/victim in social space is also very important.

⁷ See Figure 8, page 197.

Specifically, the higher the position of the plaintiff/victim in social space, the more likely the plaintiff will prevail in the suit.

6. Freeman said he took the case with Greg Stokes because he felt he had the knowledge and legal skills to help the plaintiff prevail. He acknowledged that he could raise the plaintiffs' position in social space.
7. Andrew Marshall is a local attorney in Athens-Clarke County, but he has done a good job of defending Athens-Clarke County in a multitude of cases, and he was competent to face Ted Freeman on behalf of Athens-Clarke County.
8. The attorneys for both the plaintiff and the defense were extremely capable and knowledgeable about the law. The attorneys for the plaintiff raised the status of the plaintiff so that the contest between plaintiff and defendant was on level ground. The status of Wright as a sympathetic figure gave the plaintiff's attorneys more of an edge than they might otherwise have had.

Conflict B

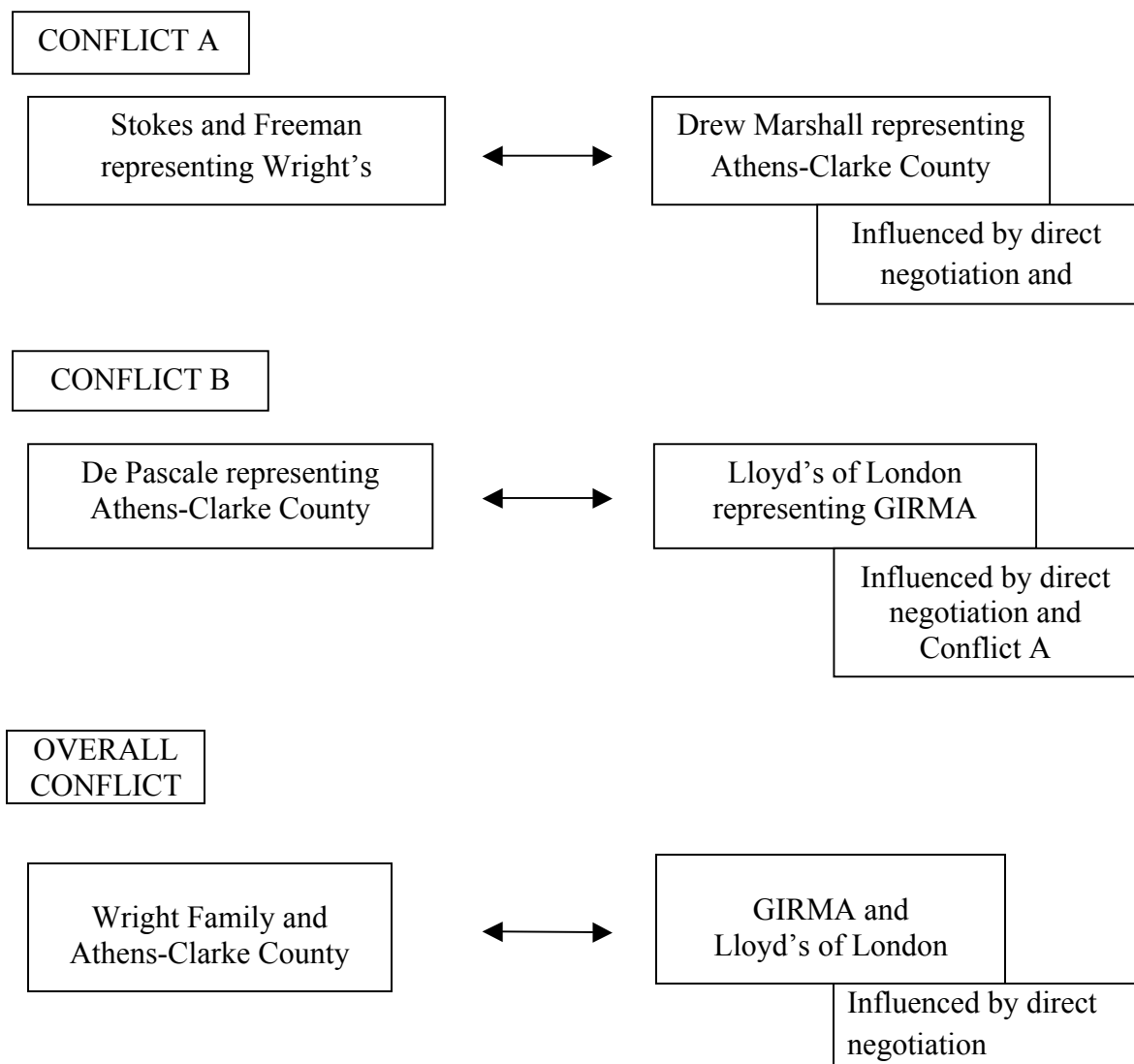
1. De Pascale pointed out that while the judges in federal court might have sided with the plaintiffs, a federal jury was more likely to be white, rural, and conservative. Such people would be more likely to be socially distant from the plaintiffs, and socially close to the officers, leading them to make a decision which favored the officers.
2. Stokes and Freeman were powerful adversaries, with knowledge and skill assumed to be beyond those of the local African American attorneys who had been representing the plaintiffs. De Pascale's eagerness to go to trial was reduced by their participation in the case.

3. Because the Georgia Interlocal Risk Management Association, which was supposed to cover Athens-Clarke County in cases such as this one, resisted paying the full amount demanded by the plaintiffs, a conflict with them arose.
4. GIRMA, in turn, was represented by Lloyd's of London. In a conflict between the county attorney from a small city and these large businesses, the businesses would seem to have the advantage. Research has shown, however, that the level of organization of local and state governments makes them more powerful adversaries than businesses. In this case, the county attorney was able to convince the companies that the plaintiffs' demand be paid.

Overall Conflict

1. Because of the *Monell* decision, County Attorney de Pascale knew that if Athens-Clarke County lost a civil trial, they might have to pay an award high enough to cripple the small city.
2. de Pascale asked GIRMA and Lloyd's of London to pay the full amount of insurance to avoid a trial.
3. In negotiating with GIRMA and Lloyd's of London, de Pascale actually placed Athens-Clarke County in league with the plaintiff, Janice Murray on behalf of Wright's children. The county became a partisan with the plaintiff in the suit against them.
4. Together, the plaintiff, Murray, and Athens-Clarke County represented a sympathetic victim in Edward Wright.
5. Together, Murray and Athens-Clarke County had a high organizational status – higher than GIRMA and Lloyd's of London.
6. The county and the plaintiff were from the same small city. They had relational closeness with one another, but not with GIRMA or Lloyd's of London, whose homes were in distant and foreign cities.
7. Murray and Athens-Clarke County won the conflict with GIRMA and Lloyd's of London.

Figure 8. The conflicts in the civil case by Wright's family against Athens-Clarke County.



Conclusions

This case was legally complex. The civil case was filed as a violation of the Civil Rights Act of 1871. Case law on that statute is that governments *can* be held liable where the plaintiff can show that a “policy, practice, or custom” contributed to the violation of a citizen’s civil rights, and the violation was committed by an employee who the employer should have known was capable of such a violation. Based on the Supreme Court decision in *Monell v Department of Social Services of the City of New York*, the government, in this case Athens-Clarke County, or the insurer, the Georgia Interlocal Risk Management Association, could have been liable for a sum greater than the insurance if the plaintiff made a demand for the insured amount and the demand was not met.

The law, then, is a backdrop for the negotiations which occurred at two levels, that between the plaintiff and the defendant, and that between the defendant and their insurer. On the first level, the defendant and the plaintiff were both represented by outstanding attorneys. Marshall and Freeman knew one another, and they respected one another’s skills. Freeman’s presence on the side of the plaintiff did raise the social status of the plaintiff, Wright’s mother on behalf of Wright’s children. On the second level, de Pascale felt that in order to protect Athens-Clarke County, he had to push the Georgia Interlocal Risk Management Association to settle the case out of court or risk a potentially crippling award. He represented a county government, a higher level of organization than GIRMA or their representative, Lloyd’s of London, and he was able to prevail.

The overall conflict in this case was, logically, between the plaintiff, Janice Murray on behalf of Wright's children, and GIRMA and Lloyd's of London. The county took the plaintiff's side, arguing that settling for the amount of insurance was preferable to risking a larger jury award. The county became the partisan of the plaintiff. The higher level of organization which the county brought to the plaintiff's case, and the relational distance between them and the businesses resulted in the businesses agreeing to pay the settlement.

This research illustrates Black's theory that the plaintiff's status is important. Unlike the comparison figure, Eric Irby, Wright was not a criminal engaging in violent resistance of police acting in their official capacity. Wright was a nice guy who became unstable. After he was shot, Wright's family called in support in the form of local attorneys and then pursued their case against Athens-Clarke County with better known attorneys. Those lawyers, Freeman and Stokes, believed that because Wright was a sympathetic figure they could make their case that Wright's civil rights had been violated. Ernie de Pascale was afraid they were right – that they could make their case.

An understanding of the complexities of civil rights law, then, helps us to understand the common wisdom that it is cheaper to settle a civil case than pay attorneys to try it. That will not be the case where the plaintiff's case is weak, but where it is strong and the judgment may exceed the insurance limits, it may be to the defendant's advantage to settle the case. The difference between a strong case and a weak case is affected by the facts of the case, the nature of the plaintiff and defendant, the position of the attorneys in social space, and the alliances that are formed. Some attorneys are more equal than others, as are some plaintiffs. A plaintiff's attorney with a higher status based

on greater skill with the law, and with a sympathetic plaintiff, can cause a defendant to cede a case.

CHAPTER 6: SUMMARY AND CONCLUSIONS

Edward Wright, Calvin Baxter, and David Redding were three young men whose meeting ended Wright's life and changed the lives of Baxter, Redding, and many others. It has not been my intention to evaluate the legality of the shooting of Wright by Baxter. The purpose of this research has been to examine the aftermath of the shooting using Black's theory of sociology. In doing so, I have focused on structural relationships which impacted the potential repercussions in three areas. First, although tempers among local African Americans flared after the shooting and there might have been a full scale riot, there was none. Second, although the officers might have been processed as defendants in the criminal justice system, no charges were filed and the case was not even referred to the grand jury. Third, repercussions *were* felt when Wright's mother filed a civil suit on behalf of his two children which Athens-Clarke County settled with the payment of a large sum.

In this chapter, I will first summarize the theory and my findings around each research question. I will discuss the limitations of this research and additional research which might be conducted in this area. Finally, I will suggest conclusions which may be drawn from the study and applications of the findings to the real world.

Factual and Moral Ambiguity

Some actions which took place on the morning of October 12, 1995, may be considered facts. Edward Wright left his family's home with no clothes on and ran through the streets of Athens, Georgia. Among those who called police were his family members who were asking police officers to help manage Wright's behavior. Officers Calvin Baxter and Dave Redding responded to the calls. After a physical confrontation, Officer Baxter fired his duty weapon at Wright, fatally wounding him.

If nothing else, the event was a tragedy. Edward Wright, at 20, appeared to be a success. While we hear daily that many young black men are absent fathers and have problems with drugs and the law, or with even completing high school, Wright was a high school graduate with no arrest record and no drug history. He held a regular job and he was active in the lives of his two children.

Although he had some trouble when working briefly for the University of Georgia Police Department, Calvin Baxter was well respected in the Athens Police Department. His work ethic was good, and on at least one occasion, he had refrained from using as much force as he might have on the scene of a 911 call. Dave Redding had a good work ethic, too. He had spent time in the police department in programs which allowed him to lead sporting activities with disadvantaged children. At the time of the shooting, he had already been hired by a local social service agency to lead sporting activities full time. Neither man showed any signs of wanting to abuse the authority vested in them as police officers.

The meeting of Wright, Baxter, and Redding was the meeting of three good men who found themselves in conflict with one another. Unfortunately, that conflict

developed into what Baxter saw as a deadly threat, and he resorted to deadly force. The extent to which that response was necessary, appropriate, or legal was the subject of comment and debate by the media, by police and citizens, both black and white, by investigators in the Athens Police Department, the Georgia Bureau of Investigation and the Justice Department, and by the district attorney, the county attorney, and attorneys representing both sides in the civil case. The fact is that the shooting was morally ambiguous. There is no clear answer to the questions of necessity, appropriateness, or even legality.

The shooting of Edward Wright does provide us with an excellent case with which to examine the impact of social variables on the outcome of the shooting. The theory of Donald Black tells us that the positions in social space of those directly and indirectly involved in the case should determine the outcome of conflicts which arose over the shooting. This research establishes the positions of the actors in social space with the intent of showing how they influenced three outcomes of the shooting: 1) Why was there no riot following the shooting? 2) Why did the review of the criminal case stop with the district attorney? 3) Since the officers were not filed on criminally, why was the civil case settled with a payment to the family of Edward Wright? In the next section, I will summarize Black's theory, the apparent social status of the actors in the case, and the research methods used to tease out answers to these questions.

The Theory

Donald Black first developed his theory when examining the behavior of law. He observed that law was applied differently in various circumstances because of the status of actors along five dimensions of social space: the vertical (wealth), horizontal

(integration), corporate (organizational), symbolic (cultural), and normative (social control), presented again in Table 1.

Table 1. The Behavior of Law: A Summary.

Dimensions of Social Status	Law is typically directed:
vertical	downward.
horizontal	from the core to the periphery.
corporate	from members of organizations to individuals.
symbolic	from the conventional to the unconventional.
normative	from the respectable to the deviant.

Black then began to address conflict management, or the social control we exercise over one another. He identified five forms of conflict management, including avoidance, toleration, soliciting support from third parties (settlement agents), negotiation, and self-help (unilateral aggression by one of the aggrieved parties). The forms of conflict management important to this study are self-help, third party settlement agents, and negotiation.

Black tells us that negotiation occurs in *tangled networks*—those settings in which people have enough access to one another to come to a joint decision about how to resolve a conflict. Adversaries need to be approximately equal and share a culture. They must have access to one another, especially in the form of cross-linkages among themselves and their supporters. Being corporations, or at least having access to corporations facilitates negotiation. The participation of groups, especially corporations, also results in compensation.

On other occasions, in *triangular hierarchies*, there is an individual or entity in place which has the authority to serve as a settlement agent. Such settings are

characterized by inequality and relational distance between the settlement agent(s) and each party to the conflict. In order for the third party settlement agent to be impartial, the distance between the settlement agent and each party to the conflict must be equal. The third party is more authoritative when the settlement agent is culturally distant from each member of the conflict, and when he is better connected to a stronger organizations, such as a government. The resulting social structure takes the form of an isosceles triangle.

The third form of conflict management important to this research is that of self-help – unilateral aggression taken by one party against another. Senechal de la Roche points out that riots occur where collective liability is placed on a group because there is social polarization between two groups. Social polarization occurs when distance along the vertical, horizontal, corporate, and symbolic axes is great, and knowledge of or access to a specific offender is limited. Riots occur when organization is low, which is, in turn, the result of a lack of continuity of the offending behavior.

Black and Senechal de la Roche point out the importance of partisanship in attracting supporters to the sides of a conflict. According to Senechal de la Roche, an adversary with a high social rank and good connections to others will attract more partisans than one without those benefits. Black writes that when third parties are close to both adversaries, they engage in warm partisanship. Cooney observes that those with cross-cutting ties to both adversaries are more likely to work to resolve a dispute peacefully. He calls these people peacemakers. A term specific to those working to prevent or end a riot is *counterrioters*. This research also identified *peace facilitators*, those who do not have the cross cutting ties necessary to calm adversaries, but who recognize peacemakers/counterrioters and call them in.

The People

It remains, then, to identify the social status of participants to the conflicts and their relationships in order to predict and understand what transpired after the shooting of Edward Wright. These participants include Wright and the police officers who shot him, Wright's family, members of the public, police investigators, city officials, and attorneys in a variety of roles.

Police officers, for instance, are powerful agents of the state connected to powerful organizations. They are also members of the working class who are relatively isolated from the public, and sometimes even from their own administrators. They may also find themselves, as in this case, having to justify their actions to their superiors, the public, and the press.

It is generally acknowledged that African Americans in our country are subordinate to whites as a group on most status indicators. They do not have as much money as whites, or as many organizational or personal ties. Blacks are dominated by whites in most areas of culture and are disproportionately targets of social control by authority figures, including the police. Their status has improved tremendously since the days of mass lynchings, however, and they are sometimes able to wield economic and political power as evidenced by this research.

Black's theory guided this examination of the social geometry of the aftermath of the Wright shooting. Based on the theory, I sought information about the status of adversaries and their supporters for each of the conflicts. The following section reviews the research methods used in this study.

Research Methods

Qualitative research methods were used to explore the research questions posed in this study. First, this research constitutes a case study. Perhaps one of the most important observations supporting case studies is Becker's (1992) comment that "causal arrows do not represent the complex interdependencies of stories" (p. 215). Three complex stories are recounted in detail in this research, along with information which ties them to other research and to theory. A statistical analysis of many such cases would have real value, and it would be generalizable, which a case study is not. However a case study would not reveal the multifaceted statuses and relationships which resulted in each of the outcomes examined.

This report of the shooting of Edward Wright was produced using the process of ethnography – participant observation, in-depth interviewing, and archival research. I was a participant observer on many levels, but two were particularly important. As a police officer, I had been involved in a shooting which could have become controversial. My own mixed ethnicity has helped develop my awareness of racial issues. These factors made me sensitive to the issues on both sides of the debate over the shooting. I conducted in-depth interviews of many police officers and members of the African American community, focusing on those who had a direct impact on the outcomes of the potential riot and the legal cases. Finally, I read all the public press I could find on the shooting, as well as the GBI report and many depositions taken in the civil case.

Answering the Research Questions

Three research questions were addressed in this study. Each led me to examine one facet of the aftermath of the shooting of Wright, *i.e.*, one form of conflict management pursued by Wright's supporters.

Question 1: There was no full scale riot in Athens-Clarke County, Georgia. Why not?

In answering the first question, I discussed the issue of self-help in the form of collective violence under specific conditions. The first condition for rioting is that of weak organization due to infrequency of a specific type of offense – the shooting of black men by white police officers. This results in collective liability placed on whites, especially white officers and white leaders. The second condition – high levels of social polarization between African Americans and whites – leads to a specific form of self-help, *i.e.*, self-help in the form of rioting.

My review of the position of African Americans in the U.S. painted a gloomy picture of a people with little wealth, political power, or community influence. In 1961, and more clearly in 1970, in Athens-Clarke County where the shooting of Edward Wright occurred, the conditions for a riot were clearly met. In 1970, public officials felt a need to send in the National Guard when fires were set by protestors and disturbances erupted and moved into downtown Athens. The city denied parade permits and broke up groups of blacks with tear gas; over 260 protestors were arrested by the National Guard.

In contrast, after the shooting of Wright, public officials themselves moved into the community which was most distressed by the shooting, and *peace facilitators* called in other community leaders – *peacemakers* in the form of *counterrioters* – to help them.

Wright's status as a 20 year old guy was not very high, but his status as a successful young African American man who was shot by white police under questionable circumstances drew hundreds of angry supporters. Politicians, pastors, and police officers had to work hard – not to suppress the black community, but to establish and reinforce connections with African Americans. Williams's (1998) research pointed out the distances between police and the community Wright lived in, but those distances were not so great as to prevent the cross-cutting ties of both blacks and whites to make them effective peacemakers of a specific type – *counterrioters*.

Answering the first research question proved to be significant for several reasons. First, I discovered the presence of *peace facilitators* who understood that some people (peacemakers) had contacts on both sides of the conflict which allowed them to move in and calm angry crowds. Second, the existence and importance of high status peacemakers in the form of *counterrioters* was demonstrated. Their actions within the community devastated by the loss of one of their own was critical to the prevention of collective violence.

The most significant finding regarding the potential for collective violence was that the conditions for collective violence were not met. Specifically, peace facilitators and peacemakers/counterrioters established a tangled network. The social setting therefore met the criteria for negotiation rather than collective violence, as illustrated in Table 2.

Table 2. Qualities of groups which facilitate negotiation.

Form of Conflict Management	Negotiation
Qualities of the Social Setting	equality
	cross linkages
	accessibility
	homogeneity
	organization
Type of Group	tangled network

Equality was demonstrated by the role of African Americans in leadership positions, including on the county commission. It was demonstrated by pastors who interacted with public officials, and with public officials who went into the African American community and interacted with blacks on the street rather than fearing them. Their cross linkages allowed for accessibility of African Americans to leaders, including white leaders.

This is not a Pollyanna view of events. I do not allege that all parties were equal or that African Americans, as a group, felt equality. It is true, however, that the conditions for collective violence were not met, and the conditions for negotiation were met. The result was negotiation rather than collective violence. This supports Black's theory, but it also expands our understanding of communities. African Americans, and other partially disenfranchised groups, can achieve access to tools to express their grievances without resorting to violence. Community leaders can open themselves up to listening to *all* of the constituents rather than trying to shut them down with force.

Question 2: In spite of all the criticism directed at the officers, they were not charged with any criminal offense at the state or federal level. The case was not even referred to the grand jury. Why not?

A homicide is the killing of one person by another. Officer Baxter clearly committed a homicide. The legality of the homicide is determined, as a first step, by examining the circumstances to determine if they meet the conditions for justification under the Georgia Criminal Code. An examination of the shooting by different sides of the conflict led to different conclusions. Officials considered the shooting justified, but many others disagreed with them. Black tells us, however, that the law is more than the written code. Its application – its behavior – is a function of the social statuses of the parties to a conflict.

In cases of police shootings of citizens under questionable circumstances, police officers have several advantages. Here, Wright's status as just a normal guy did not attract supporters powerful enough to get the case referred to the grand jury. Police officers have powerful supporters, especially in the form of organizations, including their own department and their city administration. They are closely tied to the more powerful organization which conducted the criminal investigation – the Georgia Bureau of Investigation. Their most significant ally turned out to be the settlement agent in the case – District Attorney Harry Gordon.

African American community leaders had the power to do more than organize and lead marches. They had a high enough status to march into the office of the district attorney. They lobbied him personally. They understood the criminal justice system well enough to lobby for a grand jury referral as a form of civilian review. They had promised their constituents in speeches the week of the shooting that they would not allow the city to sweep the shooting under the rug. If the grand jury refused to indict, they could tell

their constituents they had met their goals in at least getting the case referred for civilian review. They did not, however, have enough power – a high enough status – to prevail.

Gordon wrote a lengthy letter, much of which was critical of Officers Baxter and Redding. By writing the letter and having it published, he did give something to African American leaders. He agreed with them that the officers made errors. By not referring the case to the grand jury, he demonstrated the power of his position and his support for the officers. It seems unlikely that a grand jury would have indicted the officers, and even less likely that they would have been found guilty of a criminal violation in court. By not referring the case, however, he blocked the possibility of a local criminal proceeding against the officers and he demonstrated his greater closeness with the officers than with the African American community.

African American leaders showed their displeasure. At the next election, two years later, they rallied their constituents. They held voting drives in the community, and pointed out that it was Gordon who had not charged the officers or referred the case to the grand jury. He lost the election after holding office for over 30 years. Thus, while they were not high enough in social status to convince Gordon to refer the case, they were high enough in social status in the African American community to rally voters and help remove him from office.

Question 3: Why did Athens-Clarke County settle the civil case by paying the family rather than going to trial if the officers had done nothing criminally wrong?

The ambiguity of the case was a factor again in the civil suit. Former county attorney de Pascale made this point when he said the tapes of the radio transmissions

from the scene showed the officers' distress. Listening to the tapes convinced the mayor, and they could have convinced a jury that the officers were not just bloodthirsty killers. De Pascale also suggested that, mentally ill or not, Wright's behavior influenced what happened. He was also culpable in the outcome at the scene.

It was also here, in the pursuit of the civil case, where the mistakes of the officers which did not reach the level of criminal behavior could be exploited in court. Fyfe (1986) writes that it is in the moments before a shooting where officers' actions lead to the need to make a split-second decision to use deadly force. In the civil suit, Baxter's and Redding's non-criminal behavior might have come into question. The most valid criticisms of the officers seemed to be either that Baxter should not have approached Wright at all until he had backup, or that Baxter and Redding should have used *more* physical force to prevent Wright from becoming a deadly threat to Baxter.

The resolution of the civil case was favorable to Wright's family and supporters, however, because it was different from the criminal case in a number of ways. First, the attorneys on both sides of the suit were extraordinarily capable in the field of civil cases against municipalities. The status of Ted Freeman, one of the best attorneys in the state in the field of civil rights law, served to raise the social status of the plaintiffs, Wright's family, in social space. It was not just the attorney's status which added weight to the plaintiff's case, however. Wright's status as a sympathetic young man in need of psychiatric help rather than as a drug crazed ex-con would have allowed his family's attorneys to present a strong case to a jury.

Third, as Cooney points out, some of the powerful organizations which support an officer in a criminal investigation – the police departments – were not involved in the

civil case. Instead the victim's close knit family filed the suit against the officers and their employer, Athens-Clarke County. In fact, although only a couple of people witnessed the entire chain of events leading to the shooting of Wright, numerous witnesses and friends of Wright gave depositions.

Fourth, because the case was filed against the employer, the organization, it was directed upward in social space and was more likely to result in compensation according to Black's theory. This research has expanded our understanding of the importance of filing a civil rights claim against a municipality, however. The case law established in *Monell v Department of Social Services of the City of New York* makes such a suit possible because it eliminates the ability of a municipality to claim sovereign immunity from such suits. Beyond that, the *Monell* case makes it necessary for a city facing a difficult or unwinnable case to settle the civil suit at the limits of their insurance or face the possibility of a much larger settlement. These factors increased the willingness of County Attorney de Pascale to pay a settlement in the case.

The fifth difference between the criminal case and the civil case was that Athens-Clarke County in effect joined forces with Wright's mother, Janice Murray in her efforts to win a settlement. de Pascale felt a great deal of urgency in his efforts to get the Georgia Interlocal Risk Management Agency and Lloyd's of London to pay the plaintiff's Monell claim. He was afraid if they did not pay, the plaintiff could win an award much larger than the settlement GIRMA could offer. He therefore threw the influence of the government behind the plaintiff, and together they were able to prevail against the businesses.

The most important consideration regarding this research into the civil case is the fact that a quantitative analysis would not reveal the intricacies of the case. As illustrated by the limited research into civil cases against the police, existing quantitative studies examine broad categories of possible police malfeasance, with police shootings falling under the category of “excessive force” when they are examined at all. One reason for this, and a reason for the importance of case studies, is that police shootings which result in civil suits are so extremely rare. Another is that useable data are very difficult to pull from public records. Based on this research, a good data set would have to include measures of the status of the attorneys, the plaintiffs, and the police officers involved, in addition to the variables used by Fishel et al. (2007), such as demographics, type of officers’ actions, and the role of the deceased. Such a data set would be difficult to compile, but it is this research which points the way in future quantitative analyses.

For Future Research

Research should always improve as sociologists and sociology progress. In order for that to happen, we have to examine what has been accomplished, how we might improve it, and what the next steps should be. In this section, I will discuss how to improve this research and what the next steps might include.

This was a case study. It is rich in detail, but lacking in generalizability. A statistical analysis of multiple police shootings should reveal interesting detail of another kind. What are the races and criminal backgrounds of those shot by police? What are races of the officers? When is there public criticism of a shooting? What portion of cases result in collective violence? Criminal prosecution of officers? Civil suits, especially successful suits? Some of these data are difficult to find, and part of the reason

is that police shootings are so rare. Even more uncommon are those cases that result in any kind of legal action against police officers.

We need to examine how various jurisdictions handle potential criminal cases against officers. Which jurisdictions have individuals making the decision on whether or not to prosecute officers? Under what conditions are shootings referred to the grand jury?

The rarity of cases like the Wright shooting leads us back to a discussion of further ethnographic study of police shootings. What more can we learn about peace facilitators and counterrioters? And about potential rioters and rioters themselves? Who gets involved in a decision to file charges against officers or to refer a case to the grand jury? A common explanation for the ease with which plaintiffs receive settlements in civil suits is that it is cheaper for a jurisdiction to pay a settlement than to go to trial. Is that the case? If so, to what extent is it influenced by case law under Monell? To what extent is it due to the social geometry of a case? Clearly our work is not complete in this area of research and theory development.

Conclusions

Though there are myriad possibilities for future research, this study did confirm and illustrate Black's theory in important ways. Information gained by conducting this research has expanded our understanding of what leads to and what might quell riots. In addition, our understanding of the criminal and civil consequences of controversial police shootings has been improved. This research supports and expands Black's theory, but it need not have done so. Black's theory can be falsified.

This research supports observations by Senechal de la Roche that riots happen when continuity of deviant behavior is weak and social polarization is high. The shooting was what Lieberman and Silverman (1965) referred to as a “precipitating incident” – the spark necessary to ignite a riot. Because Wright was a respected member of the community, a solidary group formed to oppose his shooting, and a riot seemed about to break out. After the shooting, however, there was what Black calls warm partisanship, with third parties equally close to both Wright and African Americans on one hand, and the officers and officials on the other hand. Cooney characterizes the relationship of these warm partisans to both adversaries who work to resolve a dispute peacefully as cross-cutting ties and calls them peacemakers. In the Kerner report, such peacemakers were called *counterrioters*. I have also identified *peace facilitators* – those who do not have the cross-cutting ties themselves but will call in counterrioters who do.

In the 1970s, police officials in Athens, Georgia, and in many other cities around the country fought violence with violence. Riot police and the National Guard were called in to handle riots. This research shows that the position of African Americans in social space has risen significantly since those days. In spite of the continued social gulf between police officers and African Americans, neighborhood and community oriented policing are more than popular buzz words used by police administrators. In the twenty first century, police and political officials must maintain working relationships with all members of their communities, including poor people and racial minorities. This research not only highlights the importance of those relationships, it indicates which relationships must be cultivated. Specifically, officials need to cultivate relationships with a variety of community representatives. Leaders who hold middle class attitudes

toward the law but have not distanced themselves from a marginalized group may be the best counterrioters. Police officers and community leaders also need to be trained as peace facilitators who understand the social dynamics which lead to rioting and how to influence them.

This research also highlighted issues regarding the social control of police officers. It seems unlikely that a criminal case against Baxter and Redding could have been prosecuted successfully. District attorneys can certainly shape presentations to dissuade indictments. Presenting the case to the grand jury would not have meant that the district attorney wanted an indictment. While it may be reasonable to believe that the DA should not have sought an indictment, it is reasonable to expect that he might have sought citizen review of the case, especially in light of the fact that the African American community was calling for citizen review.

Police officers are part of the criminal justice system which would prosecute them if they engage in illegal behavior, including excessive force and civil rights violations. This case highlights the closeness of officers to prosecutors along the dimensions of social space. This may serve to protect police officers from witch hunters looking for officials to blame for social ills, but there is a very real possibility that it could protect police officers from appropriate sanctions as well.

It is important to examine the events around the civil case for a number of reasons. First, as Fyfe points out, it is the actions officers make in the moments *before* that split-second decision which can have the greatest impact on the degeneration of a scene to the point that a split-second shoot/don't-shoot decision must be made. It seems likely that Officers Baxter and Redding did not want to shoot Edward Wright. Athens-

Clarke County officers now receive extensive training in handling people with apparent psychological issues, training that might have allowed Baxter and Redding to handle Wright differently.

Second, Black makes the point that lawyers help to level the playing field between adversaries. Black's theory says that a case directed upward against an organization is likely to result in compensation. This research supports Black's theory by highlighting the influence of the plaintiff's status in a civil case. It is not just the attorneys who stand before the judge and jury in a civil case, but also the victims or their reputations. Edward Wright was a sympathetic figure, unlike the comparison plaintiff, Eric Irby. While Irby was an ex-con high on drugs who committed multiple felonies the night he fled from police, Wright was a successful young man well liked in the community. Wright's status increased the likelihood his family would win their civil suit.

Third, this research reveals the importance of the case law created in *Monell v Department of Social Services of the City of New York* in shaping a civil rights case against a city or county. In the Wright case, the fear of losing the civil suit combined with the impact this law might have on establishing the amount of a payment to the plaintiff resulted in a conflict between Athens-Clarke County and their insurer, the Georgia Interlocal Risk Management Association (GIRMA). The economic effect of this case law has a real impact on the willingness of a jurisdiction to settle a case with a payment to the plaintiff. The result of a payment occurred in this case because Athens-Clarke County threw their weight behind the plaintiff and acted in opposition to GIRMA and Lloyd's of London.

Black's theory of collective violence makes specific predictions. In this study I might have discovered events inconsistent with his theory. First, the theory predicts riots will occur under specific circumstances, where social polarization is high and a particular conflict is rare, leading to weak organization. The theory also predicts that third parties with cross-cutting ties will work for peace – that they will act as counterrioters. After the Wright shooting, a riot seemed likely to occur. Counterrioters moved into place, helping to reduce social polarization and providing leadership in support of other forms of protest. A riot was averted. The occurrence of a riot would have been inconsistent with Black's theory.

Likewise, Black's theory predicts that a high status individual and a member of an organization will prevail in a conflict with a lower status individual, especially one not connected to an organization. A settlement agent, in this case a judge, who is distant from the parties in conflict will act in an authoritative manner. If the judge is equidistant from both parties, the judge's decisions will be impartial. The closer the judge is to one party, the more likely the decision will favor that party. Findings that the officers had been indicted, tried, or especially if they had been convicted would have been inconsistent with Black's theory.

Finally, Black's theory predicts that negotiation will occur where adversaries are equal, are similar, and have access to one another, where third parties provide cross linkages, and where organizations are involved. Compensation is often the result of negotiation, especially when the conflict occurs upward toward an organization. While suits against police officers and police departments do not occur frequently, they are more likely than criminal cases, and plaintiffs are more likely to defeat an officer in a

civil court than in criminal court. Again, the results of this study are consistent with Black's theory. Findings that the civil suit had not been filed, that the civil suit had been dismissed, or that there had been no settlement with a payment to the plaintiff would have been inconsistent with Black's theory.

In summary, by using Black's theory I have been able to use the social geometry of the aftermath of the shooting of Edward Wright to answer three research questions. First, as Senechal de la Roche writes, riots are likely to occur when social distance between adversaries is great and offenses by one adversary are infrequent. Black and Cooney point out the importance of warm partisans – of peacemakers. This research shows that the near-riots which occurred after the shooting of Wright did not become riots because peace facilitators called in specific peacemakers – counterrioters – to reduce the social distance between adversaries. Second, the closeness of the district attorney to police officers led him to make a unilateral decision to prevent citizen review of the officers' actions in connection with the shooting. Third, a combination of case law, the unity of Wright's family, and his relatively high status as a contributing member of society allowed his family to prevail and receive a settlement in a civil case against a distant organization.

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APPENDICES

APPENDIX A

TIME LINE

October 8, 1995

Pastor Jerry Hutchins said Wright was at Timothy Road Baptist Church and found Jesus.

October 12 The day of the shooting:

7:00 a.m. first call (“Police Incident report on Wright” p. 13A, ABH, Redding)

7:03 Redding dispatched

7:17 Baxter arrived

7:18 Redding arrived. Baxter was backing up and spraying Wright, who tackled him.

7:38 Officers at the scene of the shooting asked the dispatcher to notify Athens Regional Hospital, where Wright had been taken, that a group of about 35 people would be en route to the hospital (Athens-Clarke Police Record of Call #952850071).

7:53 Wright was pronounced dead at the hospital

8:08 Unit 2254 asked for unit 2228 to assist them at the hospital “asap” because of the disturbance Wright’s friends were creating there (Athens-Clarke Police Record of Call #952850076).

The morning of the shooting, peacemakers such as Pastor Archibald Killian were called to the scene to calm the crowd which had gathered.

By afternoon, city officials, including Mayor Gwen O’Looney, were in the neighborhood also trying to calm residents.

October 13

Meeting Friday at St. Mark’s AME Church arranged by Donarell Green, interim director of Athens-Clarke County Human and Economic Development Department, and Pastor Archibald Killian.

Attending: Chief of Police Ray Chandler, Mayor Gwen O’Looney, Council members Harry Sims, Alvin Sheats, Tom Chasteen, Doc Eldridge, City Manager Al Crace. Businessman Grover Smith, Spring Valley Association member Julia Atkins, and Evelyn Neely spoke for calm.

Pastor Hutchins spoke asking for whites to participate in meetings.

October 14

Article by *Athens Banner Herald* reporter Joan Stroer: “GBI: Baxter justified in use of lethal force”

March downtown. Janice Gresham of East Athens was one who spoke for peace.

October 16

Million Man March in Washington, D.C.

Funeral of Edward Wright

Article by *Athens Banner Herald* reporter Joan Stroer “A_C Police Grapple with Aftermath” – “more tense showdowns that police care to count, including a near-riot early Saturday at Krystal” (p. A1)

Sgt. Mike Sales: “I don’t think the responsible tax-payers of the community were out there.”

Laura Guest: Officers believe such events “will continue to be a problem in the future.”

October 19

Article by *Athens Banner Herald* reporter Jim Thompson “O’Looney: Story on Wright Wrong.”

October 22

Article by *Athens Banner Herald* reporter Jim Thompson, “Athens calls on its faith” “Last Wednesday (October 18) “Metro Athens Ministerial Association and the Black Ministerial Association – groups of black and white ministers – met quietly with local government officials”

“Ministers and government officials alike credit EW’s family, and Wright’s godmother, Angela Browner, with playing the major role in keeping a like on tensions in the community.”

October 24

Attorneys Ken Dious, Janice Mathis, and Sherry McLocklin mounting an independent investigation.

J. T. Jones filed a complaint with city.

Hue Henry, attorney for Officers Baxter and Redding wrote an editorial: “Attorney criticizes comments after shooting.”

October 27

Article by *Athens Banner Herald* reporter Jim Thompson reported four investigations: GBI, law firms, NAACP, citizen’s committee.

October 29 Service of healing and reconciliation for Athens residents was held.

Announced in the *Athens Banner Herald* “Local Calendar”

November 2

Article by *Athens Banner Herald* reporter Jim Thompson “Wright March, Rally set Saturday.”

November 3

“Forum: ‘Unarmed suspects’ frequently kill, wound officers.” by Officer Beverly Russell, Athens-Clarke County PD published in the *Athens Banner Herald*.

November 7

“Letters: A police officer’s perspective on shooting.” by T. F. Hunt

November 9

Article by *Athens Banner Herald* reporter Jim Thompson “O’Looney to Unveil Safety Committee” in response to Wright shooting

November 14

Article by *Athens Banner Herald* reporter Joan Stroer “Wright tests find no drugs: GBI results on man shot, killed by police come up negative.”

November 15

Article by *Athens Banner Herald* reporter Jim Thompson “Rally set December. 9 to commemorate Wright’s death.” Hosea Williams was set to speak at a “pep rally” the Thursday prior to the march.

“Letters: We need leaders who are honest...” Letter in the *Athens Banner Herald* by Wright’s godmother, Angela Browner, who was angry because Baxter was working a desk for pay. She had told Wright’s mother for Mayor O’Looney that “Baxter would not be doing any police work unless and until he was cleared of all wrongdoing in the GBI investigation.”

November 29

Article by *Athens Banner Herald* reporter Joan Stroer “Justice now reviewing Wright Death: Both GBI, lawyers for family of man slain by police submit info on shooting.”

Letter to the editor by Harry N. Gordon, District Attorney, Western Judicial Circuit.
“Letters: D.A. Comments on the Wright shooting case.”

December 2

Editorial by the *Athens Banner Herald* “Keep an open mind.” Chandler had requested the GBI report on the shooting be forwarded to the Justice Department.

December 9

Article by *Athens Banner Herald* reporter Jim Thompson “Civil rights activist Hosea Williams to speak at courthouse rally today.”

December 10

Article by *Athens Banner Herald* reporter Jim Thompson “Wright rally postponed by cold weather; rescheduled for December 16.”

December 13 and 14

Articles by *Athens Banner Herald* reporter Joan Stroer regarding a member of the KKK being given the death penalty after conviction in the slaying of a Klan member who did not carry out the murder of an African American as ordered.

December 15

Article by *Athens Banner Herald* reporter Jim Thompson “Williams in Saturday March.” Hosea Williams and local physician and activist Bradford Brown will speak.

December 17

Article by *Athens Banner Herald* reporter Jim Thompson “Marching for action: Civil-rights leader tells crowd to demand justice in Wright case.” The third march was attended by a “couple dozen marchers.”

December 21

Letter in the *Athens Banner Herald* by Wright’s mother, Janice Murray “Letters: Shooting victim’s mother wants information.” “First they said my child was on drugs. I knew all along that he was not on drugs, but I had to read the rumors daily. Now there are rumors that he was mentally ill. That, too, is untrue.”

December 22

Article in the *Athens Banner Herald* by Major David Holland, Athens-Clarke Police Department “Forum: Ranking officer speaks out on the Wright Incident.”

December 27 to December 30

The *Athens Banner Herald* reported on the controversial shooting of a black man by Atlanta police.

Jan 2, 1996

Article in the *Athens Banner Herald* by Joan Stroer p. 1A “Déjà vu? Redding and second naked person.” Redding was dispatched to a called about a naked person. He waited to approach the person after backup arrived and handled the person without incident.

Article in the *Athens Banner Herald* by Jim Thompson “Wright Family to hit A-C with \$10 Million Suit” A notice of intent to file a law suit (*ante litem* notice) was filed by Attorney Ken Dious on behalf of 2 year old son and 1 year old daughter of Wright.

Jan 4, 1996

Article in the *Athens Banner Herald* by Jim Thompson “Family: Wright didn’t go for officer’s gun.” Rev. Willie Murray, Wright’s grandfather, said the family had not previously heard Wright went for Baxter’s gun. Ken Dious’s press release said, “All indications are that Edward Wright was undergoing a religious experience in the morning that he was shot

May 14, 1996

“Police Chief Out” Police Chief Ray Chandler resigns.

October 23, 1996

The civil suit was filed in court.

August 27, 1997

Article in the *Athens Banner Herald* by Robert Harper “In-custody death’s differences prevented outcry, leader says.” Pastor Killian said the Irby case had not stirred the same kind of passion as the Wright case because it was so different. “In the Wright case, we knew that the officers had killed a naked, unarmed man whereas in the Irby case, he fought with the officers, was restrained and was put in a position where he couldn’t catch his breath.”

April 9, 1999

Article in the *Athens Banner Herald* by reporter Greg Martin “Wright deal still sealed.” The settlement was reached Friday, April 9, before case was scheduled to go to trial Monday, April 12.

APPENDIX B: IRB MATERIAL

INTERVIEW SCHEDULE FOR OFFICERS INVOLVED

1. Can you tell me what happened when you were involved in a shooting?
2. What were you thinking about during the shooting?
3. What were your thoughts in the first few days after the shooting?
4. What do you think about it now?
5. What were your feelings right after the shooting? Were you mad? Scared? Pleased?
6. What are your feelings about the shooting now?
7. Do you dream about the shooting?
8. What did the department do officially that helped you get over the shooting?
9. Did your coworkers play a role in helping you to deal with the shooting? The department psychologist? Peer counselors? Your family? Your friends?
10. What, if anything, did you find to be helpful?
11. How were you changed by the experience of being involved in a shooting?
12. What training had you been given in firearms?
13. What training had you been given in stress and emotional responses to shootings?
14. How did the training affect your response to the shooting?
15. What was the public response to the shooting? How did the department handle the investigation? The DA? The grand jury? Did you have an attorney?
16. What did other officers say about the shooting?
17. Have your feelings about police work changed since the shooting?

18. What do you do now when another officer is involved in a shooting?
19. Do you feel like you became a part of an exclusive club as a result of being involved in a shooting?
20. Why are you willing to talk to me about the shooting

INTERVIEW SCHEDULE FOR OTHERS

1. How did you learn about the shooting of Edward Wright?
2. What did you first think about the shooting?
3. What were your first feelings about the shooting? Did it give you pain? Make you angry?
4. Who did you talk to about the shooting? What did they say?
5. How were you affected by the experience?
6. How well did the department handle the investigation? The DA? The media?
7. Who said things about the shooting that you agreed with?
8. Who said things you disagreed with?
9. What was your opinion of police officers generally before the shooting? Was it changed by the shooting? How?
10. What do you think about the shooting now?
11. What have you done to change other people's opinion of the shooting?
12. What could officials do to improve their relationship with the public?
13. What would you like to tell other people about Edward Wright? the shooting? the police? Athens-Clarke County?
14. How would you finish the sentence: This shooting was just like all the other _____? Did it make you think of other police abuses? of police shootings of blacks? of lynchings?

CONSENT FORM FOR INVOLVED OFFICERS

I agree to participate in the research titled “The Social Construction of Police Shootings: A Case Study,” which is being conducted by Bonnie Semora, Sociology Department, University of Georgia, phone 706-542-2421 under the direction of Dr. Mark Cooney, 706-542-3209. I understand that this participation is entirely voluntary. I can withdraw my consent at any time before public release without penalty. I can have the records of my interview returned to me or destroyed any time before they become public. The following points have been explained to me.

1. The purpose of this research is to help people understand how police officers and the public respond when a police officer shoots someone. The benefit for me is that I can help people understand the community response to police shootings. The interview will also give me an opportunity to express my feelings about the shooting of Edward Wright in 1995.
2. The procedures are as follows: I will be asked to talk about the shooting of Edward Wright and the response to it by the police department, officials, and other people who live in Athens. The interview will not last more than two hours. The interview will take place at my convenience and in a setting where I am comfortable. I will be asked general questions covering what I think about the shooting and how I formed my opinions. I may be asked to clarify parts of my answers.
3. I may experience discomfort or stress during the interview. I may become anxious, angry, or sad. I may cry, or laugh when I do not want. If this happens, I can ask to take a break and have the interview later. I can say I do not want to answer the question that is upsetting to me, or that I do not want to answer any more questions.
4. Both criminal and civil aspects of this case have been reviewed extensively. Bonnie Semora’s research interest concerns events which occurred after the shooting, and most of the questions will be about those later events. Because there is no statute of limitations on murder, however, there is a possibility of a criminal indictment on this case should new evidence be uncovered. Although this possibility is remote, I understand that anything I say in this interview may influence future decisions about the case.
5. The results of this participation will be public. Bonnie Semora will write about her research in sociology journals and in publications read by the public. My communication with Bonnie Semora is not privileged; in the event of future litigation, she can be required to produce all information in response to subpoena. If I ask Bonnie Semora to keep part of the information I give confidential, that part of the interview will not be released in any form connected to my name without my prior consent, unless it is required by law. If I allow this interview to be taped, a cassette tape recorder will be placed in plain view. Tapes may be kept indefinitely. If I allow the interview to be taped, the tape will be maintained in a locked location which only Bonnie Semora can access.
6. Bonnie Semora will answer any further questions about the research now or during the course of the study. She can be reached by phone at 706-542-2421.

Signature of Investigator—Date

Signature of Participant—Date

PLEASE SIGN BOTH COPIES OF THIS FORM.

KEEP ONE AND RETURN THE OTHER TO THE INVESTIGATOR.

Research at The University of Georgia which involves human participants is overseen by the Institutional Review board. Questions or problems regarding your rights as a participant should be addressed to Ms. Julia Alexander, Institutional Review Board; Office of V. P. for Research; The University of Georgia; 606A Boyd Graduate Studies Research Center, Athens, Georgia 30602-7411; telephone (706) 542-6514.

CONSENT FORM

I agree to take part in a research study titled "The Social Construction of Police Shootings: A Case Study," which is being conducted by Bonnie Semora, Sociology Department, University of Georgia, phone 706-542-2421, under the direction of Dr. Mark Cooney, Sociology Department, University of Georgia, phone 706-542-3209. My participation is voluntary; I can refuse to participate or I can stop taking part at any time without giving any reason, and without penalty or loss of benefits to which I am otherwise entitled. I can ask to have information related to me returned to me, removed from the research records, or destroyed. The following points have been explained to me.

1. The purpose of this research is to develop an understanding of the response of officers and the public when a police officer shoots someone.
2. The procedures are as follows: I will be asked to talk about the shooting of Edward Wright and the response to it by the police department, officials, and other people who live in Athens. The interview will not last more than two hours. The interview will take place when I want and in a setting where I am comfortable. I will be asked general questions covering what I think about the shooting and how I formed my opinions. I may be asked to clarify parts of my answers.
3. The benefits for me is that I can help people understand the community response to police shootings. The interview will also give me an opportunity to express my feelings about the shooting of Edward Wright in 1995.
4. The discomforts or stresses that may be faced during this research are: It is common to become angry, sad, or anxious in discussing a shooting. On rare occasions, I may cry or laugh when I do not want. If this happens, I can ask to take a break and have the interview later. I can say I do not want to answer the question that is upsetting to me, or that I do not want to answer any more questions. If Bonnie Semora believes that I am becoming overly distressed, she may end the interview on my behalf. She may also refer me to local counselors who will charge me on a sliding scale depending on my income.
5. No risks are foreseen other than those mentioned in #4 above.
6. The results of this participation will be public. Bonnie Semora will write about her research in sociology journals and in publications read by the public. If I ask Bonnie Semora to keep any part or all of the information I give confidential, that part of the interview, or the entire interview will not be released in any form connected to my name without my prior consent, unless it is required by law. Bonnie Semora will write about her research in sociology journals and in publications read by the public. Because of the public nature of the shooting of Edward Wright, readers may be able to tell that I have made certain comments. My communication with Bonnie Semora is not privileged; in the event of future litigation, she can be required to produce all information in response to subpoena. If I allow this interview to be taped, a cassette tape recorder will be placed in plain view. If I allow the interview to be taped, the tape will be marked with a code, not

my name, and maintained in a locked location which only Bonnie Semora and her adviser, Dr. Mark Cooney, can access. Tapes may be kept indefinitely. The list of names that goes with the codes will be destroyed after 5 years.

7. The researcher, Bonnie Semora, will answer any further questions about the research now or during the course of the study. She can be reached by telephone at 706-542-2421.

I understand the procedures described above. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been given a copy of this form.

Name of Researcher Telephone: 706-542-2421 Email: semora@uga.edu	Signature	Date
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Name of Participant	Signature	Date
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PLEASE SIGN BOTH COPIES OF THIS FORM. KEEP ONE AND RETURN THE OTHER TO THE INVESTIGATOR.

Additional questions or problems regarding your rights as a research participant should be addressed to The Chairperson, Institutional Review Board, University of Georgia, 612 Boyd Graduate Studies Research Center, Athens, Georgia 30602-7411; Telephone (706) 542-3199; E-Mail Address IRB@uga.edu.

APPENDIX C: RIOTS IN SMALL CITIES

- 1908 Springfield, IL Sangamon County, IL 1910 pop: 91,024 (US Census)
 Joe James, a black man was accused of stabbing a white man as he fled from his home in a night time burglary. In an unrelated incident, George Richardson, also black, was accused of rape. Whites rioted, targeting successful African American and Jewish businesses. Blacks resisted, killing four whites. Two blacks were lynched. James was later convicted of murder and hung. Richardson was cleared and released. (Senechal de la Roche, 1990)
- 1919 Phillips County, AR 1920 pop: 44,530 (US Census)
 Blacks were meeting at a church with the son of an attorney. They wanted the attorney to represent them in resisting a system of peonage managed by white farmers. Whites fired on them, and blacks returned fire. In the ensuing confrontations, five whites were killed. Estimates of black deaths ranged from 25 to 250. Approximately 1000 blacks were arrested. Most were released after being vouched for by white planters when they agreed to the planters' work terms. Twelve blacks were sentenced to hang, and 67 to long prison terms, but all of the convictions were reversed on appeal. (Cortner, 1988)
- 1921 Tulsa, OK 1920 pop: 109,023 (US Census)
 Blacks tried to protect a man accused of assaulting a white elevator operator from a white lynch mob. Whites rioted, killing 300 blacks. (Ruble, AP, ABC News)
- 1932 Tallapoosa County, AL 1930 pop: 31,188 (US Census)
 With 55,000 homes of area share croppers idle because of migration to cities, plantation owners were trying to keep tenants on the land by taking all their property if they tried to leave. Four county officers tried to "attach" 2 mules belonging to Cliff Jeans, an alleged leader in the Share Croppers Union, which may have been communist inspired. Approximately 100 blacks tried to defend Jeans's property. Four officers were injured, and 3 blacks killed. Later, while being moved from one jail to another, two of the blacks involved were lynched at Woodstock, AL after officers let a crowd have them. (Alabama Journal, 12-20-32; Montgomery Advertiser 12-20-32; Birmingham Reporter 12-24-32; Afro-American of Baltimore, Md. 12-24-32: NAACP files: E184.6.N380pt.5,r.19)

- 1992 Numerous riots around the country after the Rodney King verdict. Gilje (1996) estimated there were 30 riots around the country.
- 1994 Lexington, KY 1990 pop: 225,366 (US Census)
Five officers went to an apartment to arrest an 18 year old black man on an assault warrant. A sergeant's gun accidentally discharged and hit the suspect in the back of the head, killing him. The family said the suspect was surrendering and did not believe the shooting was accidental. Blacks in groups of 50 to 150 threw rocks and bottles at officers, marched downtown, overturned TV station vehicles, assaulted whites and police officers, and set trash fires. (Beckel, *The Courier-Journal*, 1994)
- 1996 St. Petersburg, FL 1994 pop: approximately 240,000
<http://www.city-data.com/city/St.-Petersburg-Florida.html>
Officers stopped a speeder who would not roll down his window. One officer broke a car window while another went to the front of the car. The car lurched forward, and the officer in front of it fired, killing the driver. The officer was suspended for placing himself in danger. Riots occurred at the time of the incident. Three weeks later, when the grand jury failed to indict the officer, there were more riots and two officers were wounded. (Williams, *Atlanta Journal Constitution*, 1996)
- 1999 Whiteclay, NE pop: 22 (Bauer, AP, 1999)
Oglala Sioux and members of the American Indian Movement lead several demonstrations to Whiteclay. They were angry because the stores in Whiteclay made \$3 million, mostly in beer sales, the year before. The first demonstration ended in violence with the looting and burning of a grocery store. Nine marchers were arrested at the second demonstration (O'Hanlon, AP, 1999), which involved 150 marchers and others who went to Whiteclay in vehicles. Eighty people joined the third march, which was uneventful (Bauer, *Midwest News*, 1999).
- annual demonstrations Pulaski, TN 1990 pop: 7,895 (US Census)
The Ku Klux Klan uses this small city as a platform to grab media attention because the first Klan started there in 1865. There were no riots, and only two arrests, in the 10 years before Newton and White (1997) documented their efforts to manage the demonstrations in the *Police Chief*. This annual event is important because of the clear possibility of violence in a small town.

Riots in Athens, Georgia

In addition to these riots in other small cities, Athens itself has experienced riots:

- 1961 Athens, GA January 11 Integration of UGA
After a basketball game between Georgia Tech and UGA, students objecting to admission of Hamilton Holmes and Charlayne Hunter gathered in front of Center Myers with a sign saying "N... go Home." A mob of about 1,000 people gathered, some throwing bricks and bottles through a window into Hunter's dormitory room

and setting off firecrackers. Dean William Tate took student ID cards from some students, and Athens police officers fired tear gas into the crowd. (Thurmond, 1978)

1964 Athens

Students protested segregation at the Varsity with the encouragement of a Catholic priest. The Klan started trouble with them. "Georgia Odyssey" in the New Georgia Guide.

1970 Athens GA April 16 Integration of the High School

Although African Americans had been allowed to attend white schools in Athens since 1963 as a result of a "freedom of choice" plan, it was not until 1970 that local officials began to fully merge the segregated system. Blacks and whites negotiated changes in the new high school's name, mascot, student paper, and school colors (Thurmond, 1978). Blacks at Burney-Harris were upset that their identity, their teachers and their administrators would have a second-class status in the new school (Thurmond, 1978; Interview with Larry Fort). During their first period class on April 16, a group of about 150 students from Burney-Harris, the black high school, left for Athens High, the predominantly white school. At the same time, black students at Athens High were expressing concerns about racial tension to their administrators. The black students from both schools, along with some white supporters from Athens High, met in a school parking lot. Athens officers tried talk to the students, but the students rushed the building. The assistant principal and a few white students were attacked, along with black Athens High students who were trying to stop the crowd. It took police less than thirty minutes to restore order, although absenteeism and racial turmoil continued for the next week (Thurmond, 1978). Fort (interview) reports that the riot spread into the town, and the national guard was called in.