

GEORGE FLOYD DEATH

What Derek Chauvin's trial means for America

BY HOLLY BAILEY

The Washington Post
MINNEAPOLIS — On Monday, a white former police officer will go on trial for the death of a Black man in a case that many view as a barometer of racial change in the United States as much as it is about Derek Chauvin's guilt or innocence.

Chauvin is charged with murder for his actions on Memorial Day when, during an investigation, he held his knee on George Floyd's neck for more than nine minutes while the Black man was handcuffed, face down on a street, begging for breath and calling for his dead mother until he went limp.

The incident, which was filmed and viewed by millions around the world, sparked a summer of nationwide protests and forced a national reckoning on issues of race, policing and social justice.

Chauvin, a 19-year veteran of the Minneapolis Police Department before he was fired in May, is charged with second- and third-degree murder and second-degree manslaughter in Floyd's death.

While potential jurors being interviewed for the case were told by Chauvin's defense attorney that it was "not about race" or "broader social issues," few observers believe race won't shape the trial, the most high-profile police brutality case since the 1991 beating of Rodney King by four white Los Angeles police officers.

Many Black Americans will be watching to see what justice means after seeing so many cases in which police officers have largely been acquitted or gone uncharged in the killing of Black men and women such as Eric Garner, Breonna Taylor and Daniel Prude.

"In terms of public consciousness, this is all about race," said Paul Butler, a former federal prosecutor who teaches



Jim Mone/AP file

A group of protesters march in the snow around the Hennepin County Government Center in Minneapolis on March 15, in the second week of jury selection for the trial for former Minneapolis police officer Derek Chauvin. Chauvin is charged with murder in the death of George Floyd during an arrest in May.

criminal law and race relations at Georgetown University Law Center. "The irony is that race may not come up in the actual courtroom during the trial. That's a strategic decision that each side will have to make."

But even if race is not a subject that is raised by the prosecution or defense, experts believe it will almost certainly shape how the jury perceives testimony and evidence in the case and ultimately the deliberations and verdict — in part because of the surprising diversity of the jury itself.

Diverse jury

Of the 12 jurors and three alternates seated in the case, there is one Black woman, two multiracial women, three white men, three Black men and six white women. Four jurors are in their 20s, three are in their 30s, three are in their 40s, four are in their 50s and one is in their 60s.

Hennepin County, where Minneapolis is located, is 74%

white, according to Census Bureau data.

"This jury is much more diverse compared to what we usually see," said Mary Moriarty, former chief public defender in Hennepin County.

Over the past year, Hennepin County juries, which have been dominated by white residents, were even more so because of the disproportionate impact of the coronavirus on communities of color, Moriarty said. More people of color were excused from jury duty during the pandemic because of economic or employment hardships or responsibilities at home.

But Moriarty said the ongoing coronavirus pandemic may also have contributed to the makeup of the Chauvin jury in other ways, pointing to the large number of young people on the jury, including people of color. The pool also was widened to more than 300 people — about six times the number usually summoned for a mur-

der trial, and older jurors were given the opportunity to opt out because of concerns about the pandemic.

Many experts also credited the diversity of the jury to Hennepin County District Court Judge Peter Cahill, who is overseeing the case, and his application of a more modern standard of what juror impartiality means in a community where virtually everyone has watched the video of Floyd's death, knows something about the case and has grappled with questions about race because of it.

In past cases, defense attorneys frequently have removed jurors for acknowledging racial injustice or even having their own lived experiences being Black in the United States, claiming it compromised jurors' impartiality, said Sonali Chakravarti, a Wesleyan University professor who studies the role of race in jury selection.

"In this case, people were al-

lowed to have more complex views about race," Chakravarti said. "Cahill saw that you could have an understanding of historical injustice in this country but also respect the formats of the trial and protection of the defendant."

Police long accused of racism

The debate over race and how it might figure in Chauvin's trial has been playing out among those concerned that the diversity of the jury doesn't mean people understand the lived experience of Black Minneapolis residents who are policed by a department long accused of racism and excessive force against minorities.

Two of the Black men picked for the jury said they were immigrants who live in the suburbs and had never interacted with Minneapolis Police. Both said they thought police officers made communities safer and oppose efforts to defund the police. Still, one of the men — identified in court as Juror No. 27 — said he had been affected by the video of Floyd's death, telling his wife, "It could have been me."

Some in the Black community have accused the prosecution and defense of looking for a certain kind of Black person to sit on the jury and not people who are "empathetic to what George Floyd experienced at the hands of Derek Chauvin and the other officers who killed him," said Nekima Levy Armstrong, a civil rights attorney and longtime Minneapolis activist who leads the Racial Justice Network.

Activists have called out the elimination of another Black man who said he experienced racism frequently. The man recalled how Minneapolis Police often drove by scenes of shootings in his South Minneapolis neighborhood with their windows down, playing the song "Another One Bites the Dust."

But he strongly insisted that he could be impartial in the case and wanted to serve to better understand what justice means for people who are Black.

"As a Black man, you see a lot of Black people get killed and no one's held accountable for it, and you wonder why or what was the decisions," the man told Chauvin's attorney, Eric Nelson. "So, with this, maybe I'll be in the room to know why."

Nelson used a defense strike to eliminate the man from the jury, claiming he had "bias" toward the Minneapolis Police.

Even if race is not explicitly mentioned at trial, jurors tend to view witnesses and evidence based on their own experiences and beliefs about how the world works. In December, the court mailed jurors a 16-page questionnaire soliciting their extensive views, including on issues such as racial inequality, the policing of Black people and movements such as Black Lives Matter, which led to hours of meticulous questioning during jury selection.

Chauvin, 45, faces up to 40 years in prison on the murder charges, but could serve as few as 10 based on state guidelines and the judge's discretion.

Prosecutors are expected to use their opening statement to tell the story of what happened to Floyd, 46, on May 25, 2020, as he was confronted by police while sitting in a parked car at the corner of 38th Street and Chicago Avenue in Minneapolis. Chauvin was among four officers who responded to a convenience store clerk's 911 call about a counterfeit \$20 bill that a customer had allegedly passed. The other three officers who responded to the scene — Alexander Kueng, Thomas Lane and Tou Thao — are charged with aiding and abetting and are scheduled to be tried separately in August. They also were fired.

OBITUARY

Michael E Phillips

March 11, 1947 - February 12, 2021

Michael Earl Phillips passed away at the age of 73 on February 12, 2021.

Mike Phillips was born to Robert E. Phillips and Betty Jean Hibbs, on March 11, 1947, in the old hospital on 2nd Street in Prineville, Oregon. Mike was the middle child of two brothers. His older brother Fred and younger brother Rob were his most cherished heroes, his best friends, and supporters (They all loved to ride motorcycles and horses together).

Mike enjoyed going for Sunday car rides into the country with his family. His mom and dad would help the boys in the hay fields in the evenings and weekends and the boys would hunt together whenever possible. He also had found memories growing up in Prineville, Oregon and spending many days with Delbert Beal riding and showing his animals at different events that eventually led to his work with cattle.

"My mom and dad taught me the value of family and hard work and the importance of kindness to others who are less fortunate," Mike wrote in a journal. Family was very important to Mike and he rarely missed meeting up with family for reunions, to celebrate special celebrations, or to offer his support when loved ones needed it the most.

After graduating from Crook County High School in 1965 in Prineville, Oregon. He attended Central Oregon Community College and took business courses in addition to being cast in the musical Camelot. He thought that was a real "hoot" as he admittedly couldn't carry a musical note in a bucket if he had to.

Mike spent three years in the Army from 1966 - 1969 with his first tour in Germany and last eleven months in Vietnam in addition to a short time in Panama. Mike married his high school sweetheart Esther Ann Williams. Mike knew the Williams family most of his life. However, he didn't start dating Esther until the summer of his junior year in high school. Their first date was at the Prineville Dam watching fireworks on the Fourth of July. Mike will admit that the wedding proposal didn't go as planned, but she said "yes", and the rest is history. Mike and Esther moved to Seattle, WA and were married for 41 years when his loving wife passed away in 2011 after battling breast cancer for two years. Mike's love for Esther was eminent as shown by him bringing fresh flowers weekly and visiting her resting place for years. Mike was also preceded in death by his father, Robert Phillips, and his mother, Betty Jean Phillips.

He leaves his legacy to his two daughters and their spouses: Alicia and Mandy Phillips, Andrea and Carlos Ruiz. Mike aka "Poppa" is also survived by his four grandchildren: Keira and Dru Phillips, Catalina and Evelyn Ruiz. He loved them all fiercely and taught them the importance of hard work and play. Mike also once wrote that he wants to be remembered as he remembers his dad - a faithful husband, a great friend and dad. He always gave more than he took, and he never expected more from you than you were willing to give.

A private graveside service will be held Saturday March 27th in Seattle due to COVID restrictions.



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