

Trial (United States): George Floyd's killer found guilty

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Former police officer Derek Chauvin was found guilty by a jury on all charges on April 20.

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"I called the police on the police," one eyewitness told the jury.

The prosecution opened the trial of George Floyd's killer Derek Chauvin with a 9 minute and 29 second ("929") video showing the police officer's knee on Floyd's neck on May 25, 2020, during his arrest in Minneapolis, Minnesota.

A medical examiner and other medical doctors testified that Floyd stopped moving minutes later.



George Floyd mural in Minneapolis. Photo: Lorie Schaul/Flickr CC by SA 2.0

Evidence by eyewitnesses and testimony by police officers, including the Chief of Police, declared Chauvin was not following police procedure and should be convicted. The Blue Wall of silence cracked.

Top police officials argued Chauvin is an "exception" to good policing. African Americans and many others see Chauvin as the norm of modern policing, especially as it applies to Black and Brown people.

\$27 million civil settlement

A few days before the trial began, the Minneapolis City Council agreed to a historic civil settlement, paying the Floyd family US\$27 million — the largest pre-trial settlement ever.

Closing arguments at the trial were held on April 19.

The prosecution summarised its argument for Chauvin to be found guilty.

The defense repeated its false claim that Floyd died from a heart condition and drug use. A former medical examiner from Maryland said it could have been carbon monoxide from car fumes that killed Floyd, even though Floyd's blood oxygen level was normal.

Chauvin was charged with second-degree unintentional murder, third-degree murder and second-degree manslaughter.

Chauvin declined to testify citing his Fifth Amendment right to avoid self-incrimination.

The aim of the defense was to get a single juror to believe Chauvin followed police procedures. It did not have to prove Chauvin's innocence. The defense sought a hung jury, and no conviction.

The Minnesota attorney general would then have had to decide to drop the case or hold a retrial.

Not safe to be a Black man

The trial took place in the context of numerous cop shootings of unarmed Black men around the country.

As the trial was wrapping up, a cop killing occurred in the inner city suburb Brooklyn Center, just 10 minutes from the courthouse.

The fatal police shooting of Daunte Wright, a 20-year-old Black man, during a traffic stop, brought hundreds of demonstrators onto the streets over several nights.

Officer Kimberly Potter, a 26-year veteran, shot and killed Wright after a minor traffic violation. Her police chief claimed it was an "accident" — she intended to pull a high-powered Taser on Wright, but grabbed her gun, instead, and fired the fatal shot. Tasers are yellow, and standard police guns are Black. A Taser is holstered on the opposite side of a cop's shooting hand.

The next day, Potter resigned with a full police pension. She was charged with second-degree manslaughter, arrested, booked and released on \$100,000 bail.

The police chief also resigned.

Adam Toledo, a 13-year-old Latino youth, was shot in the chest and killed by a cop, on March 29, in Chicago. He was running away and was told to stop and turn around and raise his hands. Toledo did so and was shot anyway. The cop was put on administrative desk duty with full pay.

Floyd was murdered by police. The courthouse was surrounded by barbed wire and police. Protesters outside continued to demand Chauvin's conviction throughout the trial.

Floyd's family said there is no justice, because George cannot be brought back to life. Accountability is the goal. A murder conviction sends a strong message to the police and those who back criminal actions by cops.

A bigger victory of much greater significance would be an end to modern policing and its abolishment and replacement.

Abolish qualified immunity

A starting point would be to end qualified immunity for police.

Policing has never been fair or equal to Black and Brown people. It is why young Blacks are given “the talk” by their parents on how to act around police.

Fear of cops is learnt as early as seven years of age. As the shooting of Toledo shows, complying with cop orders does not mean you are safe.

The law is set up to make it easy for police to murder African Americans. The United States Supreme Court first introduced the qualified immunity doctrine in *Pierson v Ray* (1967), a case litigated during the height of the civil rights movement.

It gives cops immunity from civil Suits unless the victim or the family shows that the cop violated what are clearly established statutory or constitutional rights of which a reasonable person would have known.

Who defines reasonable? The police and the government do.

It means a killer cop in most cases is never charged. Even when a Derek Chauvin was charged, it was not for first degree murder.

But even when a civil lawsuit is won, as occurred in the Floyd case, the cop pays nothing out of his pocket. It is the city’s taxpayers who pay.

Worse still, police budgets continue to grow. More military armaments, tear gas and weapons of war are purchased. Police then deploy this force upon peaceful Black Lives Matter protesters.

The police system as it is must be abolished and replaced. If there are “good cops”, they can be re-registered and rehired in the new police safety force.

Another needed change is that cops must live in the communities they police. The community must have an independent board to hire and fire police.

The police “union” (a cartel) must also be dismantled, so criminal cops can’t be protected. The “unions” don’t just bargain for wages and conditions, they “bargain” for cities to hand over almost all oversight of police to the police.

These changes go beyond reimagining police or reforms. They represent the end of policing as it has been practiced since the time of slavery and the Jim Crow segregation era.

Chauvin’s defense ‘copaganda’

The trial made clear that Chauvin and the other cops involved are criminally liable for Floyd’s murder.

Yet, the police narrative — called “copaganda” by some — is that police make split second decisions, so all their actions are justified.

Black and Brown people are seen as less than human and criminalised for existing. It’s why Floyd, Wright and Toledo were killed. Most white men confronted by police for crimes, some with guns and

some following mass murders, are arrested, not shot.

“There is no political or social cause in this courtroom,” Chauvin’s defense lawyer told the jury.

It is true that the jurors’ assigned task was neither to vindicate nor denigrate the BLM movement. Fortunately, the jury included whites, Blacks and biracial members.

Professor of Law at Harvard University Jeannie Suk Gersen wrote in The New Yorker on April 10: “‘You can believe your eyes,’ the prosecution told the jury. ‘It’s murder’.

“That appeal to jurors’ common sense comes up against the defense’s suggestion that ‘common sense tells you that there are always two sides to a story’. But this is a case in which the political momentousness far exceeds its legal or factual difficulty.”

The BLM movement that sparked the mass protests in 2020 in the US and around the world is ready to act whenever a Black man or woman is gunned down by cops for simply waking, driving or breathing.

The whole world is watching. Until Black lives matter, no lives matter.

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P.S.

• Green Left Weekly. Issue 1305. April 21, 2021:
<https://www.greenleft.org.au/content/united-states-george-floyds-killer-found-guilty>

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