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# OPINION

## Tamir Rice Decision Fails at Justice

### Protecting the powerful at expense of powerless

BY MARC H. MORIAL

*"Anyone with decent vision can see from the parking-lot video of the shooting that the claim that Loehmann was able to repeatedly warn Tamir warrants incredulity. In less than two seconds, Garmback screeches to a halt in the cold mud, Loehmann pops out of the passenger door, and he fires the shot that eventually killed Tamir. He'd have had to be speaking like one of those speed readers dictating legal disclaimers on radio advertisements. However, despite that common-sense view of things, Fishman and Reddick reportedly encountered tension within the DOJ. You see, they had to write a memo requesting a grand jury to subpoena documents and testimony from witnesses, and that memo needed approval from a deputy assistant attorney general who works alongside Trump political appointees within the DOJ. And no one responded. ... Quite simply, the DOJ let the clock run out on accountability for two*



*cops involved in killing an unarmed black child." – Jamil Smith, Rolling Stone*

The decision not to charge the officers who shot and killed a Black child on sight encapsulates everything that is wrong with the Department of Justice under the current administration. Once again, it has protected the powerful at the expense of the powerless. Once again, it has failed to seek justice for a Black life.

Tamir Rice was a child playing with a toy. It would have taken Timothy Loehmann and Frank Garmback only a few seconds to ascertain that he posed no threat to anyone. But they didn't bother to spend even those few seconds because all they needed to see was the color of Tamir's skin to decide he was a threat.

They didn't even bother to stop their car completely. As Judge Ronald B. Adrine wrote in his ruling that probable cause existed to charge the officers, "This court is thunderstruck by how quickly this event turned deadly ... the Zone Car containing Patrol Officers Loehmann and Garmback is still in the process of stopping when Rice is shot."

The toy gun wasn't even in Tamir's hands when the officers shot him. The video "does not appear to show him making any furtive movement prior to or at the moment he is shot," Judge Adrine wrote. Tamir's arms "do not appear to be raised

or outstretched."

A grand jury declined to indict the officers in 2015, calling the killing a "perfect storm of human error, mistakes, and communications by all involved." However, because grand jury proceedings are shrouded in secrecy it's unknown what evidence the grand jurors heard or what recommendations the prosecutors made. After a judge granted grand jurors in the Breonna Taylor case permission to speak publicly, the public learned that prosecutors had not given them the opportunity to bring homicide charges against the officers. Kentucky Attorney General Daniel Cameron falsely claimed the grand jury "agreed" that the shooting was justified.

The city of Cleveland last year settled a wrongful death lawsuit filed by Tamir's family for \$6 million.

This brutal year of COVID-19 has seen armed protesters storm state capitols, threatening lawmakers and even menacing police, and not one was harmed. The armed protesters were white.

In Kenosha in August, police nonchalantly allowed accused killer Kyle Rittenhouse, armed with an AR-15 style rifle, to walk by them even as witnesses shouted that he had just shot someone. Rittenhouse is white.

The same week as the Kenosha killings,

police in Utah arrested an unarmed Richard Grant Lees after he fired shots at the officers with assault rifle. Lees is white.

Time and again, Black people are considered a threat just for existing, while violent white men are cosseted.

A Justice Department that does not consider Tamir's death a crime is a Justice Department that has decided that white officers must never be held accountable for taking Black lives, under any circumstances. Among those recently pardoned by President Trump were a white police officer who unlawfully ordered her police dog to attack people of color; a Border Patrol agent who brutalized a Latino man trying to cross the border; an immigration agent who illegally harassed Latino store owners, and a sheriff who defied a court order to stop racial profiling and who once said it was "an honor" to be compared to the Ku Klux Klan.

It may be too late for the incoming Biden Administration to re-examine this case. But we expect the new Attorney General to be committed to police accountability, and to pursue such cases with a sincere motivation to seek justice for the victims rather than to protect their killers.

*Marc H. Morial is president and chief executive officer of the National Urban League.*

### Letter to the Editor

## Supporting New NAACP Leaders

As past President of Portland NAACP Branch 1120, I extend my congratulations to new NAACP Board volunteers for their recent appointments.

The NAACP is known for its fearless leadership in advocating and building platforms that advance the civil and human rights of Black people. I am confident that during your administration, Portland Branch 1120 will continue this important legacy.

I believe fresh perspectives and valuable insight are crucial as we navigate turbulent waters in these most unprecedented times. My commitment to justice is what has guided my work, and I hope this will be the compass for the work you'll do in black and brown communities.

I am proud to leave you with an organization that is thriving. After over four decades of not having a home, The NAACP Branch 1120 now inhabits a new home in Lloyd Center Mall, located in Portland's historic Black community. In only three years, revenues for the organization have increased by 2,900%. Membership has flourished from under 300 to over 1,000.

As co-petitioner of the Portland Clean Energy Fund (an idea originated by our past NAACP President JoAnn Hardesty), the NAACP is now on the frontlines of climate change. This measure passed in November 2018 with 65% support from Portland voters, creating up to \$61 million in brand new annual funding for clean energy homes and jobs in Portland targeted for black and brown communities.

Early in 2019, Portland NAACP led a coalition opposing

a regressive unreinforced masonry ordinance designed to displace tenants, demolish buildings, and devalue property in favor of developers. This ordinance targeted facilities in historically Black neighborhoods, promoting further gentrification and continuing a long history of systemic and structural betrayals of our black community. In October 2019, the NAACP was proud to have led a coalition that played an essential role in supporting the Portland

City Council to overturn the toxic and unjust policy unanimously.

These are just a few examples chronicling the NAACP Branch 1120 accomplishments in only three short years. I encourage the incumbent leadership to be bold in its advocacy for black and brown people's rights. I also want to remind us all, civil rights

are human rights, and there is yet much work necessary to build a coalition that fights for justice concerning all people.

Once again, I applaud and congratulate the incumbent NAACP Board and extend my support whenever needed.

*E.D. Mondaine, former Portland NAACP president*



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