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## The Lynching of Eric Garner

It was one of the most difficult scenes in Spike Lee’s classic movie “Do the Right Thing,” the brutal strangulation of peace-loving Radio Raheem by New York City police in a Brooklyn pizza shop. That scene touched a raw nerve as it recalled the 1983 death of 25-year-old graffiti artist Michael Stewart, another chokehold victim of the New York City Police Department. Now, we find ourselves enraged over the police killing of Eric Garner in Staten Island, which was captured on cell phone video as a police officer puts him in a choke hold, with the man pleading that he can’t breathe. Garner was taken away unconscious and later pronounced dead. Another day in America.

Let me be clear – Eric Garner was lynched. He was brutally assaulted and choked to death by a police officer who, supposedly trained, abused his authority with deadly precision. It is not enough to state that the officer used deadly force because when it comes to Black males and police, there is a violent regularity that has persisted for decades. The manner in which Black men and boys are set upon by law enforcement is consistent with their marginalization in society and the degree to which they are a criminalized class. There is no benefit of the doubt, no reasonableness, no dialogue – just force and upon the slightest protest on our part, violence and probable injury or death.

We need to be clear and unam-



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biguous about Eric Garner’s death in the larger context of the suppression of Black males. What is experienced by Black males on a daily basis is seldom the experience of White males, and cannot be fathomed by Whites in general. White mothers do not have to

Station” because I know how difficult it will be to see the reenactment of the killing of Oscar Grant. It cuts too close to home because I remember the killing of 15-year-old Phillip Pannell by a White Teaneck N.J. police office in 1990. The boy was shot in the back with his arms raised in surrender mode. The White police officer, Gary Spath, was acquitted by an all-White Bergen County jury. The acquittal came amidst a massive police march through the community in support of the officer. That’s the other piece of this ongoing horror show; the closing of the ranks of the blue fraternity and the perpetual denial on the

ernment announced the monitoring of the Newark, N.J. police force, which for years residents lodged complaints against. Now, it has come to light that officers in New Jersey’s largest city are even suspected of stealing personal property from residents they detain. In Chicago, the former city police commander, Jon Burge, presided over a department that regularly brutalized citizens and he himself was alleged to have engaged in violence. He was convicted in 2010 for lying about the torture of police suspects.

NYPD Chief Bill Bratton’s order that all officers undergo training on the proper techniques to apprehend suspects is too little in light of the brutality of Garner’s death. For starters, every officer on the scene should be dismissed. If officers sworn to uphold the law can witness a citizen being choked to death and not intervene, they are not capable of fulfilling their legal duty to protect and serve. The video clip clearly shows a man who was not confrontational, who was attempting to defuse the situation and was trying to communicate with the officers. He is taken down by the officers and then thrown to the ground as an officer puts him in a deadly choke hold. Garner can be heard on the video pleading “I can’t breathe,” but his physical condition was of little concern to the officers who were intent on demonstrating that they were the dominant force.

Eric Garner was lynched.

We need to be clear and unambiguous about Eric Garner’s death in the larger context of the suppression of Black males

counsel their sons on their behavior should they encounter police or worry when their sons step out their door whether they will be a victim of police violence. Even in the most extreme situations when White males are the perpetrators of violent crime, police are in apprehend mode and not in pursuit with deadly intent.

Eric Garner was lynched. He is the most recent case in a gigabyte file of such cases. I have yet to see the movie “Fruitvale

part of law enforcement that these episodes are not the end result of racist intent.

Eric Garner was a victim of racism.

The New York City Police Department is not alone in perpetuating crimes against Black males or operating in a way to violate the civil liberties of Black people. The NYPD just happens to be the largest police force in the country and has perfected the art of police abuse. Last week, the federal gov-

## Calculating the High Price of Injustice

By **Julianne Malveaux**  
NNPA Columnist

What if we didn’t incarcerate people who commit non-violent crimes? Or, if we sentenced them, what if their sentences were reasonable, instead of intolerable? What if a man who steals a \$159 jacket while high gets drug treatment and a sentence of, say, two years, instead of a sentence of life imprisonment without parole? How much would we save if legally mandated minimum sentences were modified and nonviolent drug offenses were more reasonably imposed?

Marc Mauer of The Sentencing Project says that eliminating more than 79,000 bed years, or the amount of time a prisoner uses a bed in prison, could save at least \$2.4 billion. That’s enough to send nearly a million students to college if the \$25,000 covers the cost of attendance (which it does for most state schools and Historically Black Colleges and Universities). It could put nearly half a million teachers in underserved K-12 schools. It could restore availability to libraries and parks. Instead, we spend it incarcerating people, particularly those who are locked up for relatively minor crimes.

The \$2.4 billion that the Sentencing Project has calculated may be a low estimate. According to the Justice Department more than \$80 billion is spent on incarceration annually. How much of this spending is unnecessary and could be easily converted to drug treat-



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ment and recovery? Why do we find it so easy to incarcerate people but so difficult to rehabilitate them, knowing that the recidivism rates are high?

the Smarter Sentencing Act, which has yet to be scheduled for a vote in Congress and the Senate, despite bipartisan support for this legislation. Advocates of the bill, including the ACLU, the Sentencing Project, the NAACP and many others support the legislation and have encouraged people to reach out to their Congressional representatives to push for a vote on this legislation.

The Smarter Sentencing Act, when approved, will make modifications in sentencing

cans are far more likely to be incarcerated. The difference – the money that provides access to great legal services; maybe the attraction of a plea bargain, guilty or not, because of the prospect of an unfair sentence; maybe bias on the part of arresting officers. Whatever the cause, it seems unfathomable that African Americans and Whites commit the same crimes, but African Americans are arrested six times as frequently as Whites.

If you read a November 2013 report *A Living Death: Life without Parole for Nonviolent Offenses* from the ACLU, you won’t know whether to scream or cry.

More than 3,200 people have life sentences without parole for such minor offences such as shoplifting, trying to cash a stolen check, and threatening a police officer while handcuffed. Some are sentenced because of sentencing guidelines, which mean judges have no choice in their sentencing. What makes sense about giving a shoplifter more time than a murderer?

As many as 65 percent of those who have been sentenced to life without parole are African American. According to the ACLU, “many were struggling with mental illness, drug dependency, or financial desperation.” Only in an injustice system can this be considered “just.”

There has been some progress in making sentencing fairer. Yet much more must be done until we can claim the “justice” that our Constitution promises.

The United States represents just 5 percent of the world population, but incarcerates more than a quarter of the world’s incarcerated

Within five years of incarceration, more than three-quarters are rearrested. Most were arrested for property crimes, not for drug offenses, or violent offenses. Much of the property crime could be alleviated if it was easier for ex-offenders to find employment, but after incarceration, many find the doors of employment slammed in their faces. Incarceration combined with education and societal embrace might reduce recidivism and the level of property crime.

President Obama and Attorney General Eric Holder are moving in the right direction. First, the president moved to reform drug sentencing laws, reducing the discrepancy between crack and powdered cocaine. This resulted in

requirements. Now, the US Sentencing Commission has ruled that those with drug sentences and be applied retroactively. This will affect as many as 46,000 prisoners. It’s not enough, but it’s a reasonable first step. If release were combined with education and access to employment, recidivism rates would certainly decrease.

The United States represents just 5 percent of the world population, but incarcerates more than a quarter of the world’s incarcerated. Nearly half of those incarcerated in federal prisons are African American. Is there a bias here? African Americans are as likely as Whites to commit nonviolent drug related crimes, but African Ameri-