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# Opinion

## Letter to the Editor: About the South Park Blocks

Mike Lindberg,  
Former Portland City  
Commissioner

Stephen Kafoury,  
Former Oregon State  
Legislator

The Skanner carried an article from American Forests, the country’s oldest conservation organization, naming Portland as being the second worst city in the country for tree inequality.

Neighborhoods where communities of color live have significantly fewer trees than white neighborhoods. The benefits of a large tree canopy include cooler temperatures and cleaner air.

At the same time that this study is coming to Portlanders by means of The Skanner, our City Parks Bureau is bringing to the city council a plan for redoing the South Park Blocks in the center of downtown. This plan calls for spending \$46 million for what they call activating the park, which includes a new bike path for downtown cyclists. This is happening when



“...it is clear that Portland’s East-side is parks deficient

it is clear that Portland’s East-side is parks deficient.

Portlanders from all neighborhoods enjoy the wonderful canopy of old elms when they go to the Art Museum , Historical Society or the Oregon Symphony. The splendid environment of the South Park Blocks provides a place for strolling, enjoying the

Rose Garden and sitting on a bench to visit with a friend. The trees and greenery help mitigate the impact of climate change. This refuge is endangered with a master plan which significantly reduces the number of trees. We don’t need a place with more bikes, electric bikes and scooters flying by.

## The Qualified Immunity of Whiteness

The systemic racism in the American criminal justice system is obvious to all who care to see it. And one of its worst abuses is the policy of qualified immunity. It is not enforcement that is meant to be protected by qualified immunity; it is whiteness.

While there are tendrils of qualified immunity stretching back to the days just after the Civil War, this policy cemented a wall of protection around police forces across the county by the U.S. Supreme Court during the civil rights era.

In 1956, segregated bus terminals were held to be unconstitutional. And in1961, 15 Black and white priests, organized by the Rev. Robert L. Pierson, were arrested by local police when they entered a “whites only” section of a bus terminal in Jackson, Miss. A local judge sentenced each of the priests to the maximum four months in jail, plus a \$200 fine. The charges later were dismissed on appeal. The priests then sued police Capt. J.L. Ray and two other officers under Section 1983 of the Ku Klux Klan Act for violating their constitutional rights through unlawful arrest. The suit against the police officers made its way to the U.S. Supreme Court and was decided in 1967 in the case known as Pierson v. Ray.



Oscar H. Blayton

Guest Columnist

Chief Justice Earl Warren stunned civil rights advocates when he wrote the opinion of the Supreme Court ruling against the priests and handing down a decision that held that while police do not have absolute and unqualified immunity, they should not be

““Good faith” has become the “get-out-of-jail-free card” for so many vicious police officers

held liable when acting in good faith.

Although Chief Justice Warren had come to be viewed as a champion of civil rights for all Americans, his opinion in Pierson v. Ray poisoned the well of law enforcement for people of color from that day through the present.

In this case, the racist police officers had argued that they only arrested the priests to prevent violence, while the

priests argued that the officers’ intent was solely to enforce segregation in violation of the priests’ constitutional rights.

Given the history of fire hoses, dogs and batons being used to abuse African Americans of their civil rights, it is incredible that the high court could have found any credence in the version of facts presented by the racist police officers, but it did.

“Good faith” has become the “get-out-of-jail-free card” for so many vicious police officers who solemnly claim that they feared for their safety, or thought it was the best course of action to take at the time – as they stand over the body of a slain person of color.

The lack of justice in the policy of qualified immunity is glaringly obvious when a police officer of color is called to account for injuring or killing a white person.

Prior to the conviction of Minneapolis police officer Derek Chauvin for the horrendous murder of George Floyd in broad daylight and caught on cell phone video, the only Minnesota police officer to be found guilty of an on-duty killing was Mohamed Noor. Noor, who is Black, fatally shot Justine Damond, a 40-year-old white woman who had called 911 to report a possible assault of a woman in an alley behind her house.

Noor testified at trial that when he and his partner arrived at the scene, he heard a loud bang against their squad car and his partner yelled, “Oh, Jesus!” Noor then testified that he then saw a blonde woman in a pink T-shirt raise her right arm outside the squad car’s open window and he then made a split-second decision to use his gun to protect his partner’s life.

No qualified immunity here. The prosecutor made a point of the victim’s blondness when arguing his case to the jury, and Mohamed Noor was sentenced to 121/2 years in prison.

In 2017, Marksville, La., Deputy Marshal Derrick Stafford was convicted in the death of a 6-year-old white boy. The boy, who was a passenger in his father’s car, was fatally shot after the father, Christopher Few, led officers on a two-mile chase.

Stafford said he shot at the car because he feared Few was going to back up and hit Deputy Norris Greenhouse Jr. with his vehicle. Stafford said Greenhouse had stumbled and fallen to the ground as he tried to back away from Few’s car.

No immunity here. Stafford was sentenced to 40 years in prison.

Read the rest of this commentary at  
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