

Letter to US #2: It's Up to You



Dear NRA Members, 2nd Amendment lovers, Fraternal Order of Police members, legislators, judges, voters, prosecutors, federal agents, state agents, municipal agents, county sheriffs, veterans of foreign wars, and anyone else who gives even a scintilla of a—

Pardon me. Let me start over. This needs to be bigger than that. This needs to be more inclusive than that. This needs to look at US all as a unit, the idea being that we're all in this together. To that end—

Dear US:

I have a few things to say. First things first: This piece is not reporting. It is not an academic treatise. It is not a thoughtfully-crafted essay. It is—plain and simple—a rant. I intend to do the time-consuming work that needs to be done to create a well-researched and well-crafted essay, but I feel this cannot wait for all of that. I need to address it now. So feel free to focus on inconsequential details when tearing this apart, but I'm telling you up front I don't purport this to be anything but an angry rant by a crusty vet, written in haste in the middle of the night. I guess it's also something of a proposal or a call to action, because I do not believe we are doomed.

The impetus: Two “independent experts” (I'm skeptical of both their independence and their expertise) determined that Tim Loehmann—rookie cop with the twitchy trigger finger in

Cleveland—and Frank Garmback—veteran cop who has seen *Ronin* one too many times—were perfectly justified in screaming to a stop mere feet from a little boy, jumping out without hesitation, and opening fire to assassinate the child before they even had time to shout out a warning.

Their excuse? They couldn't know if the gun was real. They feared for their lives.

This is not meant to pillory Tim Loehmann or Frank Garmback; I'm sure there will be plenty of words thrown around the internet doing that dirty work. I would also bet that they were trained poorly and molded and raised in a toxic culture. I have no doubt they too are products of their systems, and they likely aren't "bad apples"—unless you want to label the entire department bad apples, which might actually be defensible, but it doesn't make them outliers.

I want to address the fact that this is a systemic problem, i.e., a broken system creates the problem. And I want to go larger; like, who's in charge here, anyway? Because someone made the system. The government made the system. Well, who made the government?

The death of Tamir Rice is my fault. And it's your fault. It's the fault of all of us in the US. You see, the people make the government. We allowed it to happen, and we continue to allow it to happen. We allowed the courts to eviscerate our Constitutional rights against unreasonable searches and seizures and our due process rights protecting our lives and property. A shooting is a seizure. And a police shooting is the State taking a life without affording the victim due process of law. Then, when our courts slowly eroded any protections we had against police power, we did nothing about it. We stood by and we failed to lobby our legislators to fix what the courts continue to get wrong. We're generally apathetic. If we're not apathetic when it comes to protecting our own rights as citizens, we're certainly not effective.

With so many people acting as stakeholders in this problem—with so many of us at fault—I could write specific questions for all of US to inquire as to what this interest group or that interest group will do to change it. But we have to start big. This can't wait. Too many young black men are dying; and with every prosecutor that fails to bring an indictment, with every jury that acquits, and with every judge bound to follow bad precedent, the police have more power and more leeway to pull the trigger whenever they fancy, without fear of consequence.

(As an aside, I don't know why any legitimately responsible police officer would be afraid to do their jobs due to the YouTube effect. We can have people saying they can't breathe, dying at the hands of police on the side of the street for selling loosies; we can have young boys, not even old enough to shave, getting blasted at the playground without warning; and we can have mentally ill person after mentally ill person call the police for help only to have the police shoot and kill him when they finally arrive—we can have all that and indictments still don't come down from the people claiming to be able to indict ham sandwiches. So I really can't understand when police claim they are scared to do their jobs because of what might happen to them if they have a violent encounter. Police have the most powerful unions and lobbyists in the country, they have the prosecutors in their corner, and the courts have given them free reign; police have nothing to fear if they are defecating on the law they're sworn to uphold, so they certainly have nothing to fear when they do their job responsibly.)

If you slept through high school civics, let me explain that no one can stop disaster on slippery slopes created by judges except legislators. Which means no one can stop disaster on slippery slopes except voters. Except we all know that's not true, because voters have about as much power to change our course as a sailboat in outer space. The only thing that talks

in this country is money, especially after *Citizens United*. And the only people that legislators will even give the time of day are wealthy lobbyists. But that too can change.

As voters we can stop anything we want to stop. We can fix anything we want to fix. We can change the entire course of the country in a single election day if we'd just set aside our apathy and cynicism for a single day. But in order for that to happen, we need a little imagination. We need to recognize that things are not OK. We need to have faith that things can improve, because without that faith nothing will.

We have a problem. We get the police we deserve, and the police we have shoot people with impunity.

So let's go there. Let me ask a serious question of US—all of us; i.e., those of us with the NRA stickers on our big trucks; the quiet and responsible families who fill their freezer with their hunted game; the loudmouth, abrasive, foolish, and willfully-ignorant open-carry demonstrators; the picketers, protestors, and pot-smokers; the hobbyists and lobbyists; both the city-dwellers and participants in the great white flight; those still stuck in urban centers and impoverished minorities in the rural south who must make herculean efforts to cast a ballot; the gun show organizers, sellers, and attendees; the veterans who like to go to the range to blow off some steam and remember the good ol' days; the veterans who never want to touch a gun again; the hippie liberals who want to gut the right to bear arms like a cleanly shot buck; and all the people who love to defend the modern courts' interpretation of the 2nd Amendment:

What are we going to do about it?

And not just, "What are we going to do about Tamir Rice?" But what are we going to do about Jason Harrison, James Boyd, John Crawford III, Antonio Zambrano-Montes, Walter Scott, and a multitude more whose names don't make the national headlines?

What are we going to do about police officers—of any race—having the power to shoot anyone they please with impunity, simply by reciting the magic words: “I feared for my life” and then hiding behind their union and their case law written by either elected or politically appointed judges?

What are we going to do about the *systemic* problem?

Does it not scare the ever-living hell out of you that a police officer can ambush you with gunfire, killing you dead, and then walk away with nary a scratch or a reprimand, simply because he saw what he believed to be a gun?

I need everyone to focus—particularly you Second Amendment people, because you can’t ignore this one. This one directly implicates your beloved practices, e.g., lawful behavior, open-carry.

I need all of US to stretch our imaginations.

These are all imperatives: White people, don’t get reflexively defensive because you get uncomfortable when people point out the very real and very damaging white privilege we enjoy. Those who cry “race baiting,” don’t get reflexively defensive because people point out our country’s sordid history of racism and apartheid. Police, conservatives, and closet racists, don’t get reflexively defensive when people say that black lives matter—because guess what; they do. They matter. Instead of getting defensive and becoming willfully-ignorant to the plight of others, I truly think we can make a difference to show that black lives matter, to show that we can’t tolerate this kind of policing.

White people, I want you to imagine this. (People of color don’t need to imagine it; it’s a real fear they live with every day.) White people, I want you to really try to bring that brain of yours to the next imaginative level. Imagine this plausible scenario of a young white child, roughly the same age as Tamir Rice when he was gunned down by agents of

his government. (Well, the scenario is plausible up until the end; spoiler alert: white kids don't have to fear getting shot up by the police in the neighborhood park.)

Now Visualize.

You buy your son a pellet gun for his 12th birthday. Not even into high school yet, but he's responsible, and he needs to learn how to use his weapon wisely and safely. You take him out to the woods and you two plunk away at squirrels, and it's great bonding time. One day your son asks if he can go out himself and look for some grouse or rabbits or something. You say sure, because you trust him. He's your son, and besides being a sweet kid, he's pretty mature for his age.

So he walks into the woods from the park in your town, and he goes and legally hunts some small game, and he learns the beauty of the woods. He communes with nature, just as you taught him. After an hour or two, he emerges from the tree line. He strolls across an open field, making a beeline back to your shared home, which is not far from the park and the woods.

He is carrying his weapon, which is real, unloaded, and perfectly legal. You see, in Cleveland, where you live, it is legal to open-carry weapons, even handguns.

(As a side note, that's even more proof that you Second Amendment people have real clout in our political machinery, clout which could be put to good use—good use like changing police use-of-force laws. Until the Second Amendment people wielded their clout, Cleveland *did* have an open-carry ban until 2010, but the Republican legislature—supported and lobbied by none other than the NRA—usurped the home rule authority of municipal governments and decreed that the open carrying of weapons in the middle of the city was a matter of statewide concern that warranted legislation to allow open carry in all cities. The state legislators effectively

prohibited municipalities from drafting and enforcing their own ordinances banning the open carrying of deadly weapons. So for, like, the past five years or something, everyone in Cleveland, indeed everyone in Ohio, has been operating under some of the most liberal open-carry laws in the country. Now before conservatives get confused, liberal in this context means permissive. In Ohio, not only is it legal to open carry long guns, it is legal to open carry handguns, and it has been legal for five years—more like nine, but of course there was litigation—which means Loehmann and Garback should have known that. And if they didn't know that, they should have. The Cleveland Chief of Police put out a memo to his entire division just last year to make sure his police knew that they could not detain individuals for open carrying, ensuring that it was crystal clear to his police officers that open carrying a weapon—even if it caused alarm to others—was legal activity that could not even support a charge of disorderly conduct.)

Your son though—he's daydreaming. He's thinking of how basketball season is just around the corner. He can actually smell the leaves changing color, and he gets this crazy feeling in his stomach when he thinks of the rut, which will be here in no time at all.

Your son, the kid you take hunting and fishing, the kid whose games you go to, the one whose diapers you changed, the one you want to inherit the world from you: well, he has his head so far in the clouds that he doesn't even see the cop car that peels around the corner at a rate of speed much higher than twenty-five miles per hour. Your boy is kicking rocks on the ground when he finally looks up. By now, the cop car is so close to him, he flinches because he doesn't know if this car will run him over or not. He sees his short life flash before his eyes.

But then he can breathe. He will live after all. He relaxes when the car stops in time. He exhales and is about to give a sheepish wave to the police officer stepping out of the car.

But then his head cocks to the side just a little bit. The breeze catches his dirty blond hair, and the golden strands flutter. Your son suddenly feels as if he has been punched, but he doesn't know why. He doesn't even feel the second punch, because he is dead. He has been shot three times by police before he even knew that they were there for him.

I know it's hard to imagine. It's hard for me to imagine as well. It's hard for me to imagine not because I lack empathy and not because I can't appreciate the pain of others, but because I don't believe that the parents of little white boys and girls have to worry about anything like that in any city in America. But parents of black children do have to worry about that.

Forget your politics for, like, a solid minute. If you could please, *please* put your twelve-year-old self into a park in Cleveland, and look at the world through the eyes of Tamir Rice or someone *just like him*.

A beautiful autumn day, rosy cheeks after a trek in the woods, the excitement of a good hunt, the casual carry of a perfectly legal item, and your son lies on the pavement of the park, his blood running out of his body. The police don't help him. Though a child who has been shot three times and is on the ground dead or dying poses no threat, they render no aid.

Your daughter—your oldest—she sees from the corner where she was talking to a friend. She tries running to help your son. Her blond ponytail whips back and forth as she runs to help her brother. But the police grab her. They won't let her near your son, though his blood soaks into the ground.

So doesn't that terrify you? I mean the courts have spoken, but *you, you* are reasonable, right? Do you think it is reasonable that police can just run around shooting law-abiding citizens and then simply hide behind the claim that they saw a gun while chanting the sacred police mantra, *I*

feared for my life?

If you don't think it's reasonable—and *I* most certainly do not think our current police use-of-force laws are anywhere near reasonable—then you must do something about it. No one can do it for US, we have to do it ourselves.

This isn't about Loehmann or Garmback. This is about an entire society, an entire society that places little value on life and even less value on black or brown life.

Focus one last time. Imagine the image of your son, head cocked, blond hair caught in the wind, embarrassed and sheepish look on his face. Imagine a split-second shift in his eyebrows. He now looks confused. Imagine his hair soaking up the blood that's pooling under his body.

Now imagine you are now yourself again, but with this new knowledge of the world that you hadn't imagined before. You can't forget this image—this image of your son dying, dead. Yet in your life that no one ever talks about in the news, you as a parent get to see expert after expert talk about the men who assassinated your son; you get to hear them prattle on about how justified those men were. You get to hear how absolutely reasonably those men were acting when they drove a two-thousand-pound car within feet of your young son before shooting him dead within two seconds. After all, they saw a gun. They feared for their lives.

Isn't it just maddening?

I think it is. And we're the only ones who can do anything about it.

I'm out.

-MJH

P.S. You'll be hearing more from me on this. I guarantee it.