

Police Killings in America: Eric Garner's Mother Says We Must Push for Justice that Her Son Didn't Receive

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The mother of Eric Garner, who was brutally murdered by New York City police officers applying a chokehold as he pleaded "I can't breathe," testified this week before the [International Commission of Inquiry on Systemic Racist Police Violence Against People of African Descent in the United States](#).

"They killed him. It is no justice for him. But we must still stand for justice," Garner's mother, [Gwen Carr, said](#) during the commission's opening hearing on January 18, Martin Luther King Jr. Day. "We must get justice for those who come behind him."

Another mother to testify before the commission was Dominic Archibald, the mother of Nathaniel Pickett II, who was murdered by a San Bernardino County, California, deputy sheriff who saw him lawfully walking in a crosswalk. "In the final moments of the only life he had, my only child was stopped, beaten, and terrorized like a dog," [she testified](#). "My son had a civil right to social freedom and a human right to life."

Powerful testimony about the police killings of Garner, Pickett and [Freddie Gray](#) kicked off the first hearings of the Commission of Inquiry, which will consider nearly 50 cases of unjustified police homicides of Black individuals during 18 days of hearings that are being broadcast online.

This commission was convened by the National Conference of Black Lawyers (NCBL), International Association of Democratic Lawyers (IADL) and National Lawyers Guild (NLG) after the Trump administration [prevented](#) the UN Human Rights Council from establishing a UN commission to investigate systemic racism and police brutality in the U.S. The Council ordered the High Commissioner for Human Rights Michelle Bachelet to prepare a report about police violence against people of African descent, but not limited to the United States, by June 2021. Following the hearings, the NCBL-IADL-NLG Commission will write a report and submit it to the high commissioner to inform her task. The commission will publicize its report widely in the United States and globally for use in advocacy and litigation.

The cases of Garner, Pickett and Gray were presented to Commissioners Max Boqwana and Peter Herbert, two of the 12 eminent international lawyers serving on the Commission.

The Killing of Eric Garner

The killing of Eric Garner was the first case the commissioners heard. Garner died on July 17, 2014, after New York City Police Department officer Daniel Pantaleo put him in a prohibited chokehold while arresting him for selling single cigarettes from packs without tax stamps. A video of the killing showed Garner repeating the words “I can’t breathe” 11 times as he lay face down on the sidewalk. Garner remained on the ground for seven minutes after losing consciousness while officers waited for an ambulance to arrive. Garner was pronounced dead at the hospital one hour later.

After the video went viral, hundreds of demonstrations erupted throughout the country. One year later, Garner’s family agreed to a \$5.9 million settlement. But neither state nor federal prosecutors ever brought criminal charges against Pantaleo. It took five years for him to be fired from the police force, and all that time, he continued to receive a full paycheck.

Carr invoked other mothers who have lost sons to racist police violence. “There’s tens of thousands of us out here,” she said. “Some of us are high-profile, as they call it. But each case should be high profile. One case is as bad as the next. Some of the mothers, they can’t get out of bed.” In a stinging indictment of the system, Carr charged, “They kill us twice. First, the police, they murder in broad daylight, they murder us in the night when they don’t think anyone’s looking, then they murder us in the newspaper, they bring out any little thing that they think that can criminalize us.”

Attorney Jonathan Moore, who represented Garner’s estate, testified at the hearing. He noted that none of the other five officers who helped Pantaleo kill Garner were ever brought up on disciplinary charges. “The problem is that the police have become an instrument of state control of mostly people of color and poor people as well,” he said. Policing in the United States is a reflection of our “horrible history of racism ... beginning with slavery, and then with Jim Crow, and now with the rise of white supremacy,” Moore said. “It’s no coincidence that a number of those folks who assaulted the Capitol building on January 6 ... were former military and law enforcement,” and even some current law enforcement.

The Killing of Nathaniel Pickett II

On November 19, 2015, Nate Pickett crossed the street in a marked crosswalk and walked toward the motel where he was living. Officer Kyle Woods yelled at Pickett to stop. Pickett continued to walk and then ran away, as he was legally entitled to do. But after Pickett tripped on some steps, Woods tackled him, punched him, and shot him twice in the chest. Woods never called for medical care after shooting Pickett, who was pronounced dead at the scene.

After the killing, Woods changed his story several times in an attempt to manufacture reasonable suspicion or probable cause to justify his illegal stop of Pickett. But the ride-along in Woods’s patrol car, a defense expert, and a videotape all put the lie to the officer’s story. After a civil jury trial, Pickett’s family received \$15.5 million in compensatory damages but Woods was never charged with a crime. Archibald, Pickett’s mother, told the commissioners, “You could never pay me for my child. Whatever comes is just a down payment on justice.”

Archibald is a retired Army officer who served in Iraq, Afghanistan and Kuwait. “We have more stringent rules of engagement and human rights requirements against the known enemy than law enforcement has in the streets of America,” she said.

Dale Galipo, Archibald's attorney, testified that he and Archibald went together to the district attorney "with the [civil] trial transcripts and all the evidence after we won ... and he still would not press criminal charges." Archibald continues her struggle to achieve justice for her son.

The Killing of Freddie Gray

After eating breakfast at a nearby restaurant, Freddie Gray and two friends were walking down the street in Baltimore on April 12, 2015. They were doing nothing illegal. Two Baltimore city police officers on bike patrol, with no reasonable suspicion or probable cause, rapidly rode toward the three young Black men. They "ran literally for their lives," attorney William Murphy, who represented Gray's family, testified at the hearing. When it was clear that Gray could not outrun the officers, he "stopped and laid on the ground to avoid being assaulted." After they found a knife in Gray's pocket, which he was legally allowed to possess, the officers "hogtied him by cuffing his hands behind his back, shackling his feet together, bending his legs behind his back and fastening his shackled feet to his cuffed hands."

They placed Gray in a patrol van. Forty-five minutes later, after enduring a "rough ride," Gray arrived at the precinct "unconscious with an 85% severed spine." Following "an unwarranted delay," Murphy said, Gray was ambulated to the hospital, where he died two weeks later. Baltimore agreed to a \$6.4 million settlement with the Gray family. The officers were brought to trial for the killing but they waived a jury trial and the judge acquitted them. After the U.S. Department of Justice demanded that Baltimore submit to federal supervision, the city and the Justice Department reached a consent decree, which is a court-ordered agreement after a major Justice Department investigation designed to correct long-standing unconstitutional practices in police departments. Baltimore remains under supervision.

Massive protests were held around the country after Gray's death. Murphy told the commissioners, "There isn't an African American in America that either hasn't had a close friend or relative brutalized or themselves been brutalized [by the police]." He described the "two kinds of policing" — one for white people and one for Black people. "The police were originally employed to enforce slavery in America, and to catch escaped slaves," Murphy noted. After the Civil War, they were used "to prevent Black people from voting. They were employed to terrorize Black communities all over this country, to prevent them from being involved in political activity." Like Moore, Murphy drew a straight line from slavery to contemporary racist police violence.

The hearings will continue six days a week through February 6. The cases include the killings of George Floyd, Breonna Taylor, Michael Brown, Tamir Rice, Rayshard Brooks and many others. [Click here to see a full schedule of cases and register for the hearings](#). Videos and transcripts of the hearings can be accessed [here](#).

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