

## Portland's Killer Cops

# The War at Home, Oregon Sector

BY KRISTIAN WILLIAMS

The place: Portland, Oregon; the date, March 28, 2004: a white cop killed an unarmed black man at a traffic stop. In the time since the incident, details have trickled through the news in a steady, depressing drizzle. The victim's name, and the officer's. The victim's criminal record, previous complaints against the cop. Eyewitness accounts. A coroner's report. But the accumulation of detail doesn't always add clarity. Witnesses disagree, stories differ. It is not clear now, and may never be made clear, whether officer Jason Sery pulled James Jahar Perez over, or whether he just followed him into the parking lot of the Lucky Day Laundromat. We do not know whether he ordered him out of the vehicle, or told him to stay put. We do not know whether Perez attempted to comply, or whether he resisted arrest. But perhaps we know enough: On March 28, 2004, Portland police officer Jason Sery shot James Jahar Perez three times in the chest, killing him where he sat; and there was no weapon in Perez's car.

For most of a month the city held its breath. The police chief begged the public for patience, the mayor pled for calm. Black preachers held prayerful rallies and sermonized on the legacy of Martin Luther King. All the while, there was one idea on everybody's mind, though the newspapers worked their way around the subject and the media studiously avoided mention of the word — riot.

In George Park, a few yards from the site of the shooting, I asked a group of teenage boys what would happen if Sery wasn't prosecuted. They debated the possibilities:

"There about to be a riot, bro. There about to be a riot." "I don't think it'd be as big as a riot. . . . Yesterday I seen the little rally on the news [and it] seemed pretty peaceful. But I think, you know, probably, man, it could get out of hand, though. But they don't want that, they really don't." The boys, all black, were sitting on a jungle gym when I ap-

proached, some of them smoking cigarettes, hanging out in the park in the middle of the day--a schoolday. They were, on the whole, courteous, intelligent, and articulate. And they had virtually no faith in the legal system. When I asked if they expected Sery to be convicted, they were almost disdainful of the question. One of them told me: "He gonna get around it and get back on the job. Probably gonna take a while, but he gonna get back on the job. Nothin' gonna happen to him."

The sidewalk in front of the Lucky Day is full, near to overflowing. It is crowded with flowers, stuffed animals, candles and balloons, sympathy cards and hand-painted signs. Newspaper clip-

Sery's bad reputation in a way they were not willing to believe in Perez's autopsy report. There is only one fact that matters: White cops killed an unarmed black person--again!

The shooting of James Jahar Perez came less than a year after a remarkably similar case. On May 5, 2003, Portland Police officer Scott McCollister shot and killed Kendra James, a 21-year-old black woman, as she attempted to leave a traffic stop. James was not armed. Anger over the James shooting burned hotter after it was discovered that the cops involved met for dinner before speaking with investigators. Police administrators struggled to make excuses, both for the shooting and for the botched investiga-

## *When a Portland cop shot an epileptic wrongly placed in a mental ward, the chief of police awarded him a medal for valor.*

pings are taped to the windows, and photos of Perez, smiling and holding his son. Messages written with marker on poster board say things like: "J-Rock, you will always be loved and missed" and "Injustice for one is injustice for all." The memorial continues to grow, shifting as the candles burn out and the flowers wither. Then fresh bouquets are added and other candles are lit. The coroner's report cites very high levels of cocaine in Perez's system, plus bags of "apparent drug material" found in his mouth and in his pockets. This is almost universally disbelieved in the black community.

At the same time, many people told me of Officer Sery's bad reputation, though they were generally unclear on the specifics. The Oregonian and other local media have since found some evidence that throw the drug tests into question and confirm Sery's reputation as a hot head--but that is hardly the point. Much of the evidence was not publicly available at the time of my interviews, but people were willing to believe in

tion. Thousands of people--Portlanders of all races--marched in protest.

The Kendra James shooting and the resulting demonstrations helped cement a bond between prominent members of the black community and their Latino counterparts. They drew comparisons between the James incident and an earlier outrage--the April 2001 shooting of Jose Santos Victor Mejia Poot.

Jose Mejia, a Latino man, was boarding a public bus when he suffered an epileptic seizure and became unresponsive. The driver flagged down a passing squad car, and the cops removed Mejia from the bus, then beat him in front of witnesses. He was arrested, erroneously placed in a mental ward, and two days later escaped from his room and refused to return. When the police arrived, Mejia confronted them with an aluminum rod he had removed from a door. Officer Jeffrey Bell shot and killed Jose Mejia in the hospital corridor. Police Chief Mark Kroeker awarded Bell a medal,

## ***During the period January 2001 to April 2004, the Portland police shot 23 people and killed nine--11 of them were people of color in a city that is 77.9 percent white.***

prompting calls for the chief's resignation.

All this history caught up to Chief Kroeker in August of 2003. Within the span of a few days, three separate developments dissolved whatever remained of the chief's credibility. First, consultants with the Police Assessment Resource Center blasted the bureau for its handling of shooting incidents, citing the failure of detectives to do things as basic as interviewing witnesses. Then, five of the nine members of the civilian review board resigned after their director refused to examine the Mejia case. And finally, Kroeker took this ill-chosen opportunity to announce the discipline for Scott McCollister, the cop who killed Kendra James. McCollister, Kroeker decided, would not be disciplined for the shooting itself, but he would be suspended for showing poor judgment in his handling of the incident. This decision satisfied no one. The police union wanted McCollister exonerated, and the public at large wanted him fired. The chief was left without support and the mayor demanded his resignation. He was replaced by Derrick Foxworth, a soft-spoken black man, a long-time Portland resident, and a veteran of the police bureau.

Public attitudes about Foxworth are distinctly ambivalent. Some view him as a good man trying to fix a bad system; others think he's "a puppet [used] to oppress his own people." Either way, Foxworth hasn't inspired the personal hatred that Kroeker did, but his leadership has done little to improve community relations overall. Martin Gonzalez, president of the Latino Network, sees no progress: "Nothing has changed, except that it has gotten worse. In the past year the Portland Police killed five people of color."

Even as a set, three deaths in three years would probably not explain the intensity of the anger. But during the period January 2001 to April 2004, the Portland police shot 23 people and killed nine. Eleven of those the police shot were people of color--this, in a city that the 2000 census registers as 77.9%

white. The fact that both Kendra James and James Perez were killed during traffic stops may also be significant. According to the police bureau's own data (released in May 2001), black drivers are 2.6 times more likely to be pulled over than are white drivers. These numbers resonate with Perez's own record. Since 1994, he received 19 citations. In eight of these cases (42%) the only charges were driving without a license or with no insurance--violations that would not be evident prior to the stop. The cumulative effect of such discriminatory treatment is not to be underestimated.

On April 4, just a week after the killing, more than one thousand people attended a rally sponsored by the Coalition of Black Men. Speaker after speaker urged a commitment to nonviolence, and several gently chided a group of teenagers who carried signs reading, "Fuck the Police." State Senator Avel Gordly called for better police training, and also asked that the public give "full support to Police Chief Derrick Foxworth."

Everyone spoke of the need for change, but few offered anything for people to do besides registering to vote. From podiums and pulpits, the message has been one of caution, forbearance, and restraint. The clergy in particular have steadfastly warned against "hate" and "retaliation." After talking to people in the Saint Johns neighborhood, the speeches of the civil rights leaders seemed strangely abstract and even a little out of touch.

I asked Caine Lowery, a member of the NAACP chapter at Portland State University, what he thought about the pleas for calm. He told me: "I don't think it's necessary to chill people out. I think there needs to be a fiery response from the community to the police department, because every single day people are being harassed. . . and nobody seems to get fired up enough. That's why the police continue to do what they do. And when they get a strong response from the community, that's going to stop everything that goes on, I believe, hopefully."

On April 22, the grand jury an-

nounced its decision not to indict officer Jason Sery. On the whole, the public's response was anticlimactic. The two days following the announcement saw two demonstrations, each drawing about 250 people. The first, organized by the Albina Ministerial Alliance, featured repeated calls for peace and a sorrowful rendition of "We Shall Overcome." The second, led by the avowedly revolutionary organization Arissa, marched to the mayor's front step and advocated community self-defense.

Chief Foxworth has not announced whether Sery will lose his job, or whether he will be exonerated altogether, or whether (like McCollister) he will be suspended for a few months and then return to duty. Whatever discipline the chief sets will likely be challenged by the police union, even to the point of arbitration. CP

*Kristian Williams is a member of Rose City Copwatch and the author of Our Enemies in Blue: Police and Power in America (forthcoming, Soft Skull.)*

### **SUBSCRIPTION INFO**

#### **Enter/Renew Subscription here:**

One year \$40 Two yrs \$70  
(\$35 email only / \$45 email/print)  
One year institution/supporters \$100  
One year student/low income, \$30  
T-shirts, \$17

Please send back issue(s)  
\_\_\_\_\_ (\$5/issue)

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Payment must accompany order, or dial 1-800-840-3683 and renew by credit card. Add \$12.50 for Canadian and \$17.50 for foreign subscriptions. If you want Counter-Punch emailed to you please supply your email address. Make checks payable to: **CounterPunch Business Office**  
PO Box 228, Petrolia, CA 95558

*(Iraq continued from page 3)*

to call on a general from Saddam Hussein's Republican Guard, contemptuously disbanded by Bremer in May last year, to take responsibility for security in Falluja? Why was that the only way to bring the three-week siege to an end? A CNN/USA Today poll in March showed that 56 per cent of Iraqis wanted an immediate withdrawal of coalition forces; and that was before the uprisings. The photographs of Iraqi prisoners being ill-treated by American guards in Abu Ghraib caused shock but not surprise inside the country, since stories have been circulating for months in Baghdad about systematic torture in the prisons.

Iraq is essentially controlled by the US military. The State Department was sidelined before the war. The uniformed military and the civilian CPA report separately to the Pentagon. The US army devises and carries out its policies regardless of Bremer. In a panicky reaction to the guerrilla attacks, the CPA recently announced it was closing the biggest highways around Baghdad to civilian traffic. The tone of its statement was threatening. 'If civilians drive on the closed section of the highways they may be engaged with deadly force,' the CPA warned. In other words, they would be shot. Within a few hours the US army announced that it knew nothing of the CPA's decision and had no intention of enforcing it. Bremer was forced to drop the idea.

This is something more than the traditional split between civilians and the military. Bremer, who has shown relentlessly poor judgment over the last year, keeps decision-making within a small closed circle. Senior members of the CPA say they know

nothing beyond what they read in the newspapers. But important decisions, such as disbanding the Iraqi army, are taken in Washington by officials in the Pentagon such as Paul Wolfowitz. The prime aim of the White House is for news from Iraq to look good in the run-up to the presidential election. The unbridled greed of firms bidding for CPA contracts and the privatizing fervor of the neo-cons has led to damaging failures. For instance, the contract to set up a television station supporting the US was given to a company popular with the Pentagon, but with no experience of television. As a result

***The US has very few friends in Iraq, but even those they have sense that this is the ebb-tide of the occupation.***

Iraqis mostly get their news from al-Jazeera and the al-Arabiya satellite stations, both deeply hostile to the US occupation.

It was the US marines who besieged Falluja, turning the city into a nationalist symbol, but it was Bremer who initiated the confrontation with Muktada al-Sadr, failing to realise how disillusioned the 15 or 16 million Iraqi Shias, a majority of the population, are with the occupation. They think the US wants to deny them power by postponing elections and using the Kurds to retain effective control of the country.

The Army of the Mehdi, Sadr's militia, are not very appealing. I ran into a group of

them when I was trying to get to Najaf, where Sadr had taken refuge. They were guarding a checkpoint just outside the town of Kufa. I was wearing a red and white keffiyeh and sitting inconspicuously in the back of the car because foreigners had been shot and killed in the area. The Mehdi Army did not like me wearing a keffiyeh. There were a lot of things about me they did not like. They were intensely suspicious of my satellite phone, mobile and camera. At first they tried to push me into another car and then they decided to take ours. Three gunmen crammed in. We followed another car also filled with gunmen to the green-domed Imam Ali mosque in the centre of Kufa, which they had made their headquarters.

Once we had parked outside the mosque the gunmen relaxed a little. One of them offered me a cigarette and I took it, though I had given up smoking. Most of them came from the slums of Sadr City in Baghdad. They spoke about defending Iraq from America and Israel and about the theft of Iraqi oil. Their slogans were nationalist rather than religious. Finally my mobile and my passport reappeared, though not my satellite phone, which I saw a black-clad gunman covertly pocket. It did not seem a good moment to demand it back.

The April uprisings may have been the turning point for the US in Iraq. It has relied on armed strength and has largely spurned local allies, but its military power is no longer translating into political influence. It did not dare storm Falluja and Najaf, though they were held by fewer than 2000 lightly armed gunmen. The US has very few friends in Iraq, but even those they have sense that this is the ebb-tide of the occupation. CP

**CounterPunch**  
**PO Box 228**  
**Petrolia, CA 95558**

**The Rites of Spring:**  
**Glamorous New CounterPunch**  
**T-Shirts Call 1-800-840-3683**