

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

**JOINT RESOLUTION COMMEMORATING THE DEATH OF
TYRE NICHOLS**

WHEREAS, on January 7, 2023, police officers in Memphis, Tennessee used severe and unrestrained force against Tyre Nichols, who was stopped for alleged reckless driving, resulting in his death in the hospital 3 days after the encounter; and

WHEREAS, Tyre Nichols was a man who was a respected member of his community, a caring man with a generous heart and a loving son and father; and

WHEREAS, the use of excessive force during an arrest or investigatory stop constitutes an unreasonable seizure under the 4th Amendment to the United States Constitution, which guarantees the right of every person in the United States to be free from unreasonable searches and seizures at the hands of law enforcement officers; and

WHEREAS, the use of excessive force during a period of pretrial detention constitutes the deprivation of due process under the 5th and 14th Amendments to the United States Constitution, which guarantee the right of every person in the United States to be free from arbitrary interference with the liberty of that person at the hands of law enforcement officers; and

WHEREAS, the use of excessive force during a term of imprisonment constitutes the use of cruel and unusual punishment under the 8th Amendment to the United States Constitution, which guarantees the right of every person in the United States to be free from cruel and unusual punishment at the hands of law enforcement officers; and

WHEREAS, Section 1979 of the Revised Statutes of the United States, which is also codified as 42 United States Code, Section 1983 and which is derived from the first section of the Act of April 20, 1871, commonly known as and referred to in this preamble as "the Civil Rights Act of 1871," makes liable "every person," including a police officer, corrections officer or other law enforcement officer, who, under color of law, deprives another person of civil rights; and

WHEREAS, the intent of the United States Congress in enacting the Civil Rights Act of 1871 was to hold state and local law enforcement officers accountable for intimidating, harming and murdering African American people in the United States after the Civil War; and

WHEREAS, the United States Government has established itself as a government of laws but will cease to be so if it does not furnish a viable remedy for all civil rights violations; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in our deliberations to express the Legislature's strong disapproval of state-sanctioned violence; and be it further

RESOLVED: That we mourn and commemorate the death of Tyre Nichols and extend to all his family and friends our deepest condolences.