

# Grand jury witnesses told not to mention police “chokehold” in Eric Garner case

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July 17 will mark exactly one year since a police chokehold in the New York City borough of Staten Island led to the death of Eric Garner, a 43-year-old father of six. The killing of Garner was caught on video and fueled national and international outrage over police violence and brutality. Following the Garner case, the murders of Michael Brown, Tamir Rice, Walter Scott and Freddie Gray, among hundreds of others, have powerfully illustrated the explosive social tensions in US cities, and the war being conducted with special ferocity against the poorest sections of the working class.

Last Sunday the *New York Times* returned to the death of Eric Garner. A lengthy front-page article, continuing over two full pages inside the newspaper, confirms the essential elements that were already known about this police killing, while adding some important details on the immediate background as well as the aftermath, culminating in the grand jury exoneration of Daniel Pantaleo, the officer whose chokehold led to Garner’s death.

The chokehold, and not Garner’s obesity, asthma, diabetes and hypertension (as was originally suggested by the police), was the cause of his death. The original internal police report omitted mention of the chokehold, which had been banned by the New York Police Department (NYPD) more than 20 years earlier, but continued to be routinely used by the police. If not for the video evidence on the arrest and death of Garner, the truth would not have been known.

Especially important, the latest details show how the grand jury process ending in the decision not to indict Pantaleo was crudely manipulated by the office of the District Attorney for Richmond County (Staten Island).

District Attorney Daniel Donovan has refused to release the testimony before the grand jury. Grand

juries almost always follow the lead of the DA’s office, which organizes and shepherds the case towards indictment or, as in this case, a decision not to indict.

Several witnesses talked to the *Times*, and their stories thoroughly vindicate the conclusion drawn by the WSWWS last December, that the grand jury had been used to cover up this police murder.

A beauty store manager, Rodney Lee, was one of the witnesses who said they had heard a police sergeant tell the plainclothes officers, including Pantaleo, to let up as they held Garner on the ground with his neck in a chokehold. A sergeant said, “Let up, you got him already,” but one of the cops apparently ignored this. Another witness, Garner’s friend Ramsey Orta, whose 16-minute video showed that Garner had been the victim of a homicide, also testified that a sergeant said, “Let him go, let him go, he’s done.”

Lee said that he left the grand jury feeling there was no interest in his testimony. “They didn’t ask me nothing,” he told the *Times*. Orta’s account was also apparently dismissed. In fact, several weeks after the killing of Garner and the circulation of Orta’s video exposing the role of the police, Orta himself was under arrest on dubious gun charges, which he declared were police payback and the result of a set-up.

Most significant is the account of Taisha Allen, another eyewitness. She video-recorded the appearance of emergency medical technicians on the scene and the long delay in providing any assistance to Garner. Allen said that the authorities interfered with her testimony before the grand jury.

The prosecutors urged her to “watch her words,” according to the *Times* account. “When she said Mr. Garner did not appear to have a pulse, a prosecutor stepped in. ‘Don’t say it like that,’ she recalled the prosecutor saying. ‘You’re only assuming he didn’t

have a pulse.”

“A prosecutor also interjected when she told jurors how Mr. Garner was taken to the ground. ‘I said they put him in a chokehold,’ Ms. Allen recalled saying. ‘Well you can’t say they put him in a chokehold,’ she said a prosecutor responded.”

The latest report also reviews the fact that the five-page internal police report issued in the hours after Garner’s death made no mention of any contact with his neck, and that the video evidence changed the situation. An autopsy was done the next day and the city’s medical examiner cited the video as one element in the determination that the death was caused by the chokehold. The *Times* refers to “telltale signs of choking: strap muscle hemorrhages in his neck and petechial hemorrhages in his eyes,” with no sign of drugs or alcohol present.

The attack that killed Eric Garner cannot be separated from the social conditions in Staten Island and other working class neighborhoods and communities. The largely African-American neighborhood of Tompkinsville is plagued by unemployment, poverty, inadequate services and all of the social ills that flow from these products of the economic crisis and worsening conditions facing the working class since the financial collapse of nearly 7 years ago.

Garner was one of a number of men who attempted to support themselves and their families by selling loose cigarettes on the street near Tompkinsville Park, a short distance from the Ferry Terminal, with the gleaming skyscrapers of lower Manhattan in the distance.

For the NYPD, however, the sale of untaxed cigarettes falls under the category of “broken windows” policing. This doctrine—heavy-handed crackdowns on minor “quality of life” crimes, which allegedly translates into lower crime rates overall—was first enunciated 20 years ago by William Bratton, who was then police commissioner under mayor Rudolph Giuliani.

Bratton left and later held the top police job in Los Angeles, but he returned after Bill de Blasio won the mayoral election in November 2013. De Blasio made opposition to the “stop and frisk” policy that was subjecting hundreds of thousands of youth and workers to harassment and humiliation, especially in minority neighborhoods, a central plank of his campaign. Both de Blasio and Bratton made clear, however, that

“broken windows” policing would continue. Tactics have been slightly modified, but the basic approach remains the same.

The spot where Eric Garner was killed had already seen at least 98 arrests that year, along with 100 criminal summonses, according to the *Times*. A few miles away the billionaire criminals of Wall Street have no worries, but the impoverished sellers of loose cigarettes fall into a different category. Eric Garner had already been arrested twice earlier this year on charges of selling untaxed cigarettes. While it appears that he was not selling on July 17, he was nevertheless in the crosshairs of the local cops.

Earlier that month, after he had stood his ground and told the police to back off, he had not been arrested. This time, perhaps concerned that the earlier incident would give Garner and others the wrong idea, the police meant business. A lieutenant from the 120th Precinct had earlier passed a group on Bay Street. Pantaleo and another officer, both in plainclothes, were sent to the scene. Within a few minutes, Garner was dead.

Eleven months later, it is clear that nothing has changed in relation to police violence. DA Donovan has been rewarded for his work on the Garner case by election to the US Congress representing Staten Island. The NYPD has ended its investigation into Garner’s death but delayed release of the results pending the conclusion of a civil rights inquiry by the federal Justice Department. As in other cases, this inquiry, already dragging on many months, is not expected to find grounds for federal charges against the officers involved.

De Blasio ran for office on the slogan of “a tale of two cities” and promised to deal with the obscene levels of inequality in New York. But the new mayor is a servant of Wall Street just as much as his predecessors, and nothing fundamental has changed. By some measures, including homelessness, relentless gentrification and the continuing disappearance of good-paying jobs, matters have gotten worse.



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