Family of Eric Garner demands criminal prosecution after New York City announces $5.9 million settlement

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Only days before the first anniversary of the killing of Eric Garner by a police chokehold in the borough of Staten Island, the New York City Comptroller announced a $5.9 million settlement with his family this past Monday.

The death of Garner at the hands of the police, the result of murderous brutality caught on videotape on July 17, 2014, triggered outrage that was only compounded when, months later, a Staten Island grand jury refused to indict the officer involved, Daniel Pantaleo.

At a press conference Tuesday, Garner's family called for the officers involved in his death to be prosecuted. Garner's daughter Erica said that the family will be satisfied "when we get indictments and when we get a fair trial."

Garner's mother, Gwen Carr, said the settlement was not a win for anyone. "This is not a victory. The victory will come when we get justice," she said. "Eleven times my son said he couldn't breathe. Eleven times. Where is the justice?"

Garner's widow, Esaw Garner, added "They treated my husband like an animal and I think they give animals more respect than humans."

The news conference was called at the headquarters of Al Sharpton's National Action Network, and Sharpton and the Garner family have announced a rally this Saturday afternoon at the office of the US Attorney in Brooklyn to press their demand for the bringing of federal civil rights charges in the case.

The police accused Garner, a 43-year-old father of six, of selling loose untaxed cigarettes. After he was wrestled to the ground and held in the chokehold, a procedure that had been banned years earlier by the New York Police Department, he called out, "I can't breathe" 11 times. These final words became the watchword in massive protests in New York and around the country.

The settlement involves no admission of liability on the part of the city. Esaw Garner and Gwen Carr had filed a notice of claim with the authorities, preparing to file suit for $75 million in damages. The settlement enables the administration of Mayor Bill de Blasio to avoid a trial that would likely have resulted in a far larger damages award, but only after a lengthy trial and possible appeals.

Even more crucial than the possible financial savings in the government's decision to settle was the importance of avoiding the political consequences of a trial in the Garner case. The videotape details and other testimony would have kept the events of last July 17 before the public, but the trial testimony would also have raised crucial issues about the working of the grand jury system.

Testimony would have illustrated the initial cover-up by police officials of the use of the chokehold, and also the manipulation of the grand jury that ended with the exoneration of Pantaleo. Recent reports have confirmed that witnesses before the grand jury were cautioned not to use the term chokehold, and that eyewitness accounts of the death of Garner at the hands of the police were ignored or dismissed in order to avoid bringing an indictment, even on lesser charges such as manslaughter.

The settlement announcement was accompanied by hypocritical platitudes from de Blasio as well as Comptroller Scott Stringer. Their words were almost identical to those that could have come from the

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mouths of their predecessors in cases of past police murders.

"Mr. Garner's death is a touchstone in our city's history and in the history of the entire nation," Stringer told the *New York Times*. "Financial compensation is certainly not everything and it can't bring Mr. Garner back. But it is our way of creating balance and giving the family a certain closure."

De Blasio spoke in similar terms, referring to hopes for "peace and finality" for Garner's family. He added, "I think we've come a long way, even in the last year, in terms of bringing police and community together."

De Blasio's way of accomplishing this goal has been to reaffirm his support for the policy of "broken windows" policing pioneered by current Police Commissioner William Bratton on his first tour of duty more than 20 years ago, and also proposing the hiring of an additional 1,300 cops, in preparation for social unrest in the face of poverty and police abuse.

As far as the corporate elite and the political establishment are concerned, the settlement in the Garner case is part of the cost of doing "police business" in a city that is polarized as never before between a fabulously decadent and wealthy elite on the one hand and millions of working class families struggling to get by on the other.

A look at other financial settlements in police murders in the last two decades demonstrates, despite the justice of the cases brought or threatened by the families of the victims, the cynicism of the authorities when they speak of "turning the page" and putting an end to these atrocities and tragedies.

Abner Louima, sodomized and brutally beaten in Brooklyn in 1997, was awarded $8.75 million in 2001. The family of Amadou Diallo, gunned down on his doorstep in the Bronx in 1999, was given $3 million. The family of Ramarley Graham, killed in his own apartment in 2012, received $3.9 million. The award following the death of Sean Bell in 2006 was $3.25 million. These are only a few of the most prominent cases.

The list goes on an on. There is no peace and there is no "finality" when it comes to the ongoing and escalating attacks on democratic rights and the police abuse of workers and youth, with special emphasis in working class neighborhoods and the poorest sections of the city.

There are still outstanding investigations into the death of Garner, including a probe by state health officials into grossly inadequate treatment as he lay dying. The NYPD had completed its own investigation, but will not release the results pending the announcement by the US Attorney for the Eastern District of New York on whether federal civil rights charges will be brought against Pantaleo in the Garner case.

The Justice Department is not expected to bring civil rights charges in the case. As various pundits and unnamed observers have indicated, such charges can only succeed if prosecutors can show willful violation of civil rights based on race, and such evidence would be hard to present in this incident. The whole process of a federal investigation is, in this and most other instances, more an attempt to quiet popular anger than it is about actually punishing guilty cops.

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