

Federal prosecutors reportedly recommend charges in notorious chokehold death

US Justice Department officials may refuse to take action in 2014 murder of Eric Garner

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Nearly four years after the murder of Eric Garner, the 43-year-old unarmed African-American man from the New York City borough of Staten Island, it remains unlikely that the cop responsible for his death will face trial.

Last week it was reported that federal prosecutors had recommended federal civil rights charges against officer Daniel Pantaleo. Pantaleo was among five cops who approached Garner on the afternoon of July 17, 2014, prepared to act on the suspicion he was selling untaxed cigarettes to passersby. The father of six was attacked by the police as they prepared to arrest him for this petty violation of the law.

Although the prosecutors have finally gotten around to recommending charges, a report in the *New York Times* indicates that top officials of the Justice Department, including Deputy Attorney General Rod Rosenstein and Attorney General Jeff Sessions, are reluctant to proceed with charges.

Garner's last words were, "I can't breathe," which he repeated eleven times while lying face down on the sidewalk. This was captured on a cellphone video that was viewed millions of times and galvanized mass protests across the US.

Pantaleo was accused of using an illegal "chokehold," a technique that cut off Garner's ability to breathe. The cop denied this, claiming he had tried a so-called "seatbelt maneuver," hooking an arm underneath one of Garner's arms while wrapping the other around his torso. The video disproves Pantaleo's version of events. The New York City Medical Examiner's office found Garner's death to be a

homicide resulting from "compression of neck (chokehold), compression of chest and prone positioning during physical restraint by police." New York City agreed to pay the Garner family a settlement of \$5.9 million, in a settlement of charges announced in July, 2015.

No charges have ever been brought against Pantaleo, however, who remains on desk duty almost four years after the incident. In December 2014, a Staten Island grand jury, following the same pattern as in similar cases elsewhere, refused to indict Pantaleo. Federal prosecutors in the nearest district, in Brooklyn, did not bring civil rights charges of the sort that were used during the civil rights movement in cases where local grand juries refused to bring charges or juries failed to convict.

Pantaleo, who joined the NYPD in 2006, had already been the subject of two civil rights lawsuits, in which plaintiffs accused him of false arrest and abuse, before the application of the chokehold to Eric Garner. Records obtained last year shows seven disciplinary complaints and 14 individual allegations lodged against Pantaleo.

Jonathan C. Moore, the lawyer for Garner's family, said last week, "It's long overdue for some professional action against these officers who killed Eric Garner. We don't have any real confidence in the DOJ (Department of Justice), that they'll follow the recommendation of their line attorneys. We think they should, but we're not hopeful."

Garner's mother, Gwen Carr, expressed her own anguish over the death of her son, and the

unconscionable delay in a resolution of the case. “They’re playing political games with the murder of my son,” said Carr, as reported in the *NY Daily News*. “It’s been nearly four years and there still is no justice—it’s unacceptable.”

The Garner case was among the first to attract national attention to the ongoing and increasing police violence against innocent and in most cases unarmed workers and youth. Only a month after Garner’s death came the killing of Michael Brown in Ferguson, Missouri. Since then the number of police killings, disproportionately but by no means exclusively or even in their majority involving African-American victims, have continued to mount, now taking place at the rate of 1,200 every year.

In the vast majority of these cases, no charges are ever brought. In some high-profile killings such as that of Eric Garner, legal proceedings are dragged out over a period of years before being dropped. In only a few instances are police officers charged with murder or manslaughter, and in the great majority of those the cops are acquitted.

Under the Trump administration the Justice Department has moved to dispense with the pretense usually adopted by the Democrats, of pursuing the issue of police abuse. Attorney General Sessions has dropped the investigation of entire police departments, as in Baltimore, supposedly to advance “community policing” and other reforms.

The case of Eric Garner was allowed to be dragged out throughout the Obama administration, however, including under the Justice Department supervision of both Eric Holder and Loretta Lynch. Under Democrats and Republicans alike the the provision of surplus military equipment to local agencies has been used to militarize local police departments, even as crime rates continue to fall. These policies reflect immense and ever-increasing polarization and inequality, and the preparation for repression against emerging working class struggles.



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