US Justice Department will not bring charges in 2014 police murder of Eric Garner

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Almost exactly five years after the police killing of Eric Garner in New York, the US Justice Department announced that it would not bring federal charges against Officer Daniel Pantaleo, who put Garner in the chokehold that led to his death. The federal government dragged out its investigation of the homicide until just before the expiration of the statute of limitations for filing the most serious charges.

Attorney General William P. Barr's decision is a green light for continued brutalization of the working class, up to and including police killings.

In an incident that bystanders captured on video, Pantaleo and other cops confronted the unarmed Garner on a street in the New York City borough of Staten Island on July 17, 2014. They claimed he was selling loose, untaxed cigarettes. When Garner objected, Pantaleo placed him in a chokehold from behind and dragged him to the ground. The chokehold, defined as "pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air," had been officially banned by the Police Department about 20 years earlier, but continued to be routinely employed.

Adding to the cruelty and danger, other police officers ganged up on Garner and put their weight on his chest. He repeatedly gasped, "I can't breathe," but the brutality continued, and he died shortly afterwards.

The case of Eric Garner, like those of Michael Brown in Ferguson, Missouri, and Freddie Gray in Baltimore, fueled popular outrage and led to mass demonstrations in New York City and elsewhere. The cry, "I Can't Breathe!" was on the lips and in the minds of millions. At the same time, the long cover-up began, the usual story of justice delayed and then denied to the victims and their families in these killings.

First, a Staten Island grand jury obediently followed the lead given to them by the local District Attorney and refused to indict Pantaleo in December 2014. This was followed by the interminable process of a federal review of possible civil rights charges, a method that has been used on a few rare occasions to charge police—most recently in New York in the case of Francis Livoti, who used a chokehold to kill Anthony Baez on a Bronx street in the 1990s.

It took nearly five years for Garner's mother, Gwen Carr, other family members and supporters to be given the final bitter verdict of Trump's Justice Department, but delay was the watchword in both the Obama and Trump administrations. Obama's Attorney General, Eric Holder, supposedly favored prosecution of Pantaleo, but Loretta Lynch, the US Attorney who had jurisdiction over the case, disagreed.

The dispute meant nothing was done, and Lynch's reluctance did not prevent Obama from appointing her as Holder's successor in the Justice Department when the latter resigned in 2015. When Lynch moved to Washington, the prosecutors and FBI agents assigned to the case were replaced, adding yet another delay.

The case came under the jurisdiction of the incoming Trump administration in January 2017. Arch-right-wing Senator Jeff Sessions was appointed Attorney General and Rod Rosenstein as his deputy. Rosenstein refused to act on the case, which then was handed off to Barr after Trump dumped Sessions last year.

Barr's decision to drop the case was announced on Tuesday morning by US Attorney Richard Donoghue. Donoghue recited the usual platitudes about the death being a tragedy but added that "the evidence does not support charging Police Officer Pantaleo with a federal civil rights violation." The official's tortuous explanation hinged on such matters as whether Pantaleo had "willfully" used "excessive force" when he killed Garner. Donoghue claimed that it would be difficult to

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convict the cop on federal civil rights charges.

The next step will be a decision by New York Police Commissioner James O'Neill on whether to fire Pantaleo or to discipline him in some other fashion. A departmental trial concluded last month and a decision, which will only be advisory, is expected by mid-September. The worst that Pantaleo is facing is the loss of his job. For the past five years he has been on modified duty, earning about $100,000 annually and accruing pension benefits.

The killing of Eric Garner was a particularly glaring example of police terror, but it was also only one among thousands, with police in the US responsible for more than 1,000 such deaths every single year. A quarter of the victims, like Garner, are African-American, but an even greater number are white.

Groups such as Black Lives Matter (BLM) portray police brutality as a racial issue, seeking to capitalize on the popular anger in order to argue that more black police officers and police commissioners, or the requirement that officers wear body cameras, will put a halt to such atrocities. Above all, they aim to direct workers and youth back into the treacherous embrace of the Democratic Party.

This is the task as well of figures like Al Sharpton, who has inserted himself into the Garner case. The purpose is to block the development of a united movement of the entire working class against police violence and inequality.

In fact, the adoption of such techniques as body cameras has done nothing to stop the epidemic of police killings, which continue in cities run by black mayors and police commissioners as much as elsewhere. Racist cops are undoubtedly one factor in the disproportionate number of African-American victims, but the fundamental source of police abuse is class, not race. The large number of African-American victims is first and foremost a reflection of the composition of the poorest sections of the working class, the product of decades of poverty, fueled in recent decades by rampant deindustrialization and the destruction of tens of millions of full-time jobs.

The refusal of the authorities to bring charges in the vast majority of police killings stems above all from the role of the police as the enforcers of the capitalist status quo. The ruling class and its political establishment sometimes pay hypocritical lip service to the victims, calling their deaths tragic and pledging to do better. The Democrats excel at these lies, while at the same time signaling to the police that they are expected to ruthlessly uphold law and order amid ever-growing levels of social inequality, and that they will pay no penalty as they carry out this function.

This is part of the state's broader turn toward the authoritarian and police-state measures that are required to defend the wealth and privileges of the ruling elite. Amazon workers, teachers, retail workers and others are striking against low wages, attacks on healthcare and intolerable working conditions, and the same forces that victimized Eric Garner and other workers are being readied for use against the entire working class. The case of Eric Garner underscores the need for the fight to unite black, white, Hispanic and immigrant workers in a common struggle against the capitalist system.

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