

# Jordan Neely's murder on the New York City subway and the terminal crisis of capitalism

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Ten days after the chokehold strangulation of Jordan Neely on a New York City subway train, Daniel Penny was finally charged with second-degree manslaughter in the homicide. Neely, a 30-year-old homeless man with a history of mental illness, was killed by the 24-year-old Penny, a former US Marine, who held Neely in a chokehold for at least four minutes, an action that was witnessed by scores of passengers and captured on video. Penny was arraigned in Manhattan Criminal Court Friday morning. He did not enter a plea, and was released after posting \$100,000 bail.

This murder, just as graphically as the police killings of Eric Garner in 2014 and George Floyd in 2020, has provided a glimpse of the bitter reality of life in America. It reveals the risks that many millions of the most oppressed and vulnerable sections of the working class face on a daily basis. The death of Jordan Neely is a direct consequence of the historically unprecedented levels of social inequality and polarization in the glittering US capital of finance, the media and culture. Similar conditions exist in most urban centers, even if not quite as glaring. The glittering surface can no longer hide the reality underneath.

Penny, who was not even identified until his name was leaked to the media three days after the murder, is being represented by Steven Raiser and Thomas Kenniff. Kenniff ran unsuccessfully as the Republican candidate for Manhattan District Attorney against Democrat Alvin Bragg, whose office is prosecuting this case. Penny's lawyers issued a statement after Penny's arrest, stating "their confidence that once all the facts and circumstances surrounding this tragic incident are brought to bear, Mr. Penny will be fully absolved of any wrongdoing."

Whatever Penny's political views, it is noteworthy that he is being defended by right-wing demagogues like Fox News host Laura Ingraham. A crowdfunding platform has raised more than \$400,000 in right-wing circles for his defense.

Neely's family, including his father, Andre Zachery, and aunt, Carolyn Neely, had been pressing for an arrest since the day of the murder. Dante Mills, a lawyer for the family, told a press conference on May 12 that the prosecutor's

office had telephoned to offer condolences earlier this week. "We said thank you for the condolences, but we want an arrest."

On Wednesday, nine days after Neely's death, Democratic Mayor Eric Adams was finally forced to go beyond statements about the need for investigation. Earlier, the family, addressing Adams, had said that his silence meant, "You seem to think others are more important than him." Adams, speaking at City Hall, said, "Jordan Neely's life mattered. He was suffering from severe mental illness, but that was not the cause of his death. His death was a tragedy that never should have happened."

Much has been made of the role of mental illness in Neely's behavior the day he was murdered. Formerly a Michael Jackson impersonator, he had struggled for many years; he had been arrested more than 40 times, including for violent behavior, and had been committed for psychiatric evaluation or treatment, both voluntarily and involuntarily, on numerous occasions. On the afternoon that found him in the same subway car as Penny, Neely screamed in psychological pain, complaining about hunger and thirst, and saying, "I don't mind going to jail and getting life in prison."

Of course, none of this remotely excuses Penny's action. Witnesses have reported that Neely, though clearly unsettling the passengers, did not directly threaten anyone. Penny was not simply restraining a troubled man. He used the chokehold technique that he had been taught in the Marines, maintaining it for at least four minutes, even as bystanders warned him to release Neely. "If you suffocate him, that's it," said one man. "You don't want to catch a murder charge."

Various capitalist political hacks, most prominently Adams and Democratic New York governor Kathy Hochul, have suddenly discovered the need for increased mental health treatment. Hochul called the murder "a wake-up call." She has been governor for the last two years and was lieutenant governor for the six years prior to that, however, and is thus fully responsible for the various budget-cutting

programs and the overall economic disaster for the working class that is intimately bound up with the epidemic of homelessness as well as mental illness in New York City.

These elected officials are well aware that mental illness, whatever its genetic or biological components, is triggered or worsened amongst the more vulnerable. Appalling social conditions are a major factor. Neely was 14 years old when his mother was killed by her boyfriend, her body stuffed into a suitcase.

Mayor Adams and other law-and-order advocates exaggerate the crime danger, even as statistics demonstrate that the city remains one of the country's safest, and that crime in the subways has in fact fallen this year. They nevertheless play on a generalized concern over the social crisis—the decline in living standards, the decay of the infrastructure and the gutting of social programs.

They stoke fear to divert attention from the underlying causes of social issues like mental illness and homelessness, just as the notorious Republican mayor (and more recently Trump coup lawyer) Rudy Giuliani did in the 1990s. The actions of Daniel Penny, in line with this demagoguery, appear to indicate he regarded Jordan Neely as less than human.

The overwhelmingly working-class passengers on the New York transit system are well aware of the fact that there have been more public episodes of mental illness, including in the confined spaces of the buses and subways, especially since the COVID-19 pandemic.

In the absence of a leadership which fights to unite the working class in solidarity and common struggle, however, workers can become somewhat desensitized. Some become susceptible to individualism, and even approve the action of vigilantes. In the subway car as Neely was killed, at least two other passengers reportedly assisted Penny as he applied the chokehold. Many others looked on, and did not intervene.

The fundamental responsibility for Penny's actions lies with the ruling elite of New York City, and with American capitalism as a whole. The homeless and the mentally ill have not increased in numbers as if by magic. They are produced by the terminal crisis of capitalism. Wall Street, the giant hedge funds, the billionaires and their political representatives stand condemned by this murder. It is their system that regularly and increasingly produces tragedies such as the needless death of Jordan Neely.

The Democrats have no answer to the social crisis. They are split between so-called "moderates" like Adams and "progressives," including Democratic Socialists of America (DSA) members like Congresswoman Alexandria Ocasio-Cortez. The divisions are purely tactical and rhetorical, however, with Ocasio-Cortez, public advocate Jumaane Williams and others simply using "left" rhetoric to obscure

their own responsibility.

Some Democrats, including City Council president Adrienne Adams, as well as various pseudo-left politicians, have hastened to depict the murder of Neely, who was black, by Penny, who is white, primarily in racial terms. This conveniently ignores the role of Adams, who is African-American, and of at least some, if not most, of the passengers on May 1. The focus on race obscures the most fundamental class issues—above all the responsibility of the profit system.

In fact, not to be outdone on the racial politics front, Adams used the same speech on May 9 to suddenly announce that Neely, whose humanity he had not recognized for over a week, was "black like me." The mayor went on to claim that "too many black and brown families bear the brunt of a system long overdue for reform." Here, just as he did when he ran for mayor in 2021, Adams, the shameless demagogue, turns to the issue of race when his real role begins to be exposed.

The reforms that are needed—not only fully-funded mental health treatment for all who need it, but also jobs, education, health care, transportation and other vital public and social services—can only be won in independent struggle against the capitalist system. It will take a revolutionary political struggle to fight for socialism, establishing the conditions that make it possible to eliminate the causes of social tensions, and many of the causes of mental illness. The Socialist Equality Party is building the leadership for these struggles, which are posed by the pandemic, the danger of war and increasing inequality.



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