

Death of Eric Garner at hands of New York police ruled a homicide

By Sandy English
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The chokehold administered by officers of the New York City Police Department (NYPD) to Eric Garner on Staten Island on July 17 was the cause of his death, according to the city's Medical Examiner. The killing was caught on video and has caused widespread outrage in New York City and nationally.

A spokeswoman told the media on Friday that the city's autopsy had determined that the 43-year-old father of six died from "the compression of his neck and prone positioning during physical restraint by police." The analysis found that although Garner was asthmatic and had heart disease, these were not the primary causes of his death.

The use of chokeholds was banned in 1994, but from 2009 to 2013 alone there were over 1,000 complaints to the Civilian Complaint Review Board over use of the technique by New York cops. Only a small fraction of these have been pursued by the NYPD.

Garner was harassed by police on the afternoon of July 17 in Tompkinsville, a historically African-American neighborhood of Staten Island, for allegedly selling untaxed cigarettes. He became agitated at what was apparently another episode in a series of hostile confrontations with the NYPD, and told the officer that, "it ends today." As seen on the video, police then wrestled Garner to the ground while Officer Daniel Pantaleo applied a chokehold. Garner can be heard telling the cops that he cannot breathe.

When an ambulance arrived minutes later, emergency medical technicians and paramedics made no effort to revive him.

Emergency personnel have been suspended without pay and Officer Pantaleo has been reassigned to desk duty and had his shield and gun removed. The finding by the Medical Examiner makes it possible, though by no means certain, that a grand jury could bring criminal

charges against Pantaleo and other officers involved in Garner's death. Richmond County's District Attorney says his office is investigating Garner's death, and federal authorities are looking into possible civil rights charges against the officers involved.

In response to the Medical Examiner's ruling, the president of the Patrolman's Benevolent Association, Patrick Lynch, told the media that Pantaleo was "distraught" over Garner's death. Garner's mother, Gwen Carr, commented, "He didn't listen to my son when he told him he couldn't breathe. My son said it 11 times. So how could he be truly apologetic?"

Despite the latest finding in connection with the chokehold death of Eric Garner, there is a real possibility that the cops who killed him could go scot-free. This was highlighted by the announcement last week that the police who killed 16-year-old Kimani Gray in March 2013 would not be facing charges. Gray was shot by two undercover cops in the East Flatbush section of Brooklyn. The police alleged that he was carrying a gun and refused to comply with an order to freeze. Witnesses have said that Gray didn't have anything in his hands and the autopsy shows that three of the seven shots that struck Gray entered from his back.

In the two weeks since Garner was killed, hardly a day has gone by in which violence by New York City's law enforcement agencies has not been caught on video or otherwise exposed.

First, the supervising officers at the scene of Garner's killing filed reports that falsified the incident, making no mention of the chokehold at all. Shortly afterwards, a video of a man in a subway station being choked by officers came to light. Then, another video was taken and posted on the Internet of an officer drawing his gun and stomping on a victim's head in

the Bedford-Stuyvesant neighborhood in Brooklyn, after he allegedly rolled a marijuana cigarette.

On Friday a third video, shot by Ramsey Orta, the young man who recorded Garner's death, was uploaded to YouTube. It shows other Staten Island NYPD officers beating a man with a nightstick for allegedly swearing at them. The incident apparently occurred before the death of Eric Garner.

Protests and vigils have followed the killing of Garner, a number of them led by the Reverend Al Sharpton, the leader of the National Action Network. While participants at these protests have expressed the popular outrage at the killing, the actions themselves are intended by their organizers to channel the anger that millions feel into actions that let off steam while avoiding the political issues, and the role of the Democratic Party in particular. The heavy police presence at Garner's funeral on July 23 in Brooklyn underscores the nervousness that the authorities feel that these issues may spark a more sustained political movement in the working class.

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