

Daniel Penny found not guilty in NYC subway murder of Jordan Neely

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On Monday, a New York jury acquitted Daniel Penny, the man who choked the homeless and mentally ill Jordan Neely to death on an NYC subway on May 1, finding him innocent of criminally negligent homicide. Last week, the judge dismissed the more serious charge of manslaughter after the jury became deadlocked. A civil suit against Penny brought by Neely's father, Andre Zachary, is still pending.

The incident took place on May 1 after Neely boarded the F train as it was traveling through Manhattan and began yelling about his hunger. According to witnesses, he said he didn't care about returning to jail and was willing to die.

Penny wrestled Neely to the ground and put him in a chokehold for several minutes. After he released him, Neely was immobile. Emergency medical technicians who arrived on the scene detected a faint pulse, but Neely was pronounced dead when he arrived at the hospital.

Although the police did not charge Penny with a crime, Manhattan District Attorney Alvin Bragg impaneled a grand jury, largely due to the public outcry over the killing. The grand jury indicted Penny for manslaughter on May 11. The trial began on October 21.

The verdict brought protests from dozens of groups outside of the courthouse and others who swarmed the subway station where Neely had been killed. David Giffen, the director of the Coalition for the Homeless, said in a statement:

Jordan deserved a life of dignity and respect — and deserved the help that he sought but could not get. Instead, he became the victim of... Daniel Penny's outrageous and unacceptable vigilantism and of our City's and State's failure to provide quality voluntary mental health care and access to permanent supportive housing to people trying to survive on our streets.

The New York Civil Liberties Union in a post on X said,

"This case will forever be a symbol of New York's failure to adequately care for people with mental health needs and those experiencing homelessness."

Neely's father, Andre Zachary, said at a rally outside of the courthouse:

What are we going to do, people? What's gonna happen to us now? The system is rigged. Come on people, let's do something about this.

The far-right is jubilant at the verdict. On Monday, Vice President-elect JD Vance posted on X: "But thank God justice was done in this case. It was a scandal Penny was ever prosecuted in the first place."

Numerous calls have been made demanding the resignation of Alvin Bragg for bringing the charges against Penny. The reactionary Moms for Liberty member of the Community Education Council in District 2 of the New York City school system, Maud Maron, now running for district attorney, told the media:

DA Bragg has pursued a reckless ideological agenda since his first day in office. Manhattan deserves a district attorney who will defend all New Yorkers, apply the law fairly and make Daniel Penny's heroism unnecessary by cleaning up the subways and streets of New York City.

New York Republican Congressman Mike Lawler said in a statement:

Alvin Bragg has failed in his responsibilities to enforce the law and keep New Yorkers safe. Sadly,

he has engaged in political prosecutions on numerous cases, including President Trump, Daniel Penny... He should be removed from office immediately.

The hailing of Penny as a hero is part of a right-wing campaign directed against the homeless and the mentally ill, hundreds of whom have no place to live other than New York's massive subway system. From the moment of the killing, the incident has been charged with right-wing vigilantism and worship of militarism. The media routinely refer to Penny as a former Marine and have often gone to lengths to explain that he was likely to have been trained in applying chokeholds.

As though that is a measure of a person's ability to protect the health and safety of the public! The politicians and media make no mention of the destructive and criminal role of the American military in world politics. The verdict was reached almost 20 years after the Marine Corps played the leading role in the destruction of the Iraqi city of Fallujah.

The support for Penny is not limited to fascists. Eric Adams, the city's right-wing Democratic mayor and former police captain, told an interviewer shortly after Neely's death: "We cannot tell passengers what they should or should not do." Following the verdict, he said that Penny had done "what we should have done as a city."

Adams has been instrumental in working with the administration of fellow Democrat New York Governor Kathy Hochul in eroding the rights of the mentally ill by allowing police officers, as opposed to medical personnel, to make decisions about involuntary hospitalization.

Pseudo-left groups have presented the killing of Neely as an incentive to reform capitalism. The New York City mayoral candidate of the Democratic Socialists of America (DSA), Zohran Mamdani, issued a statement calling Neely's death a "tragedy," blaming the incident on "decades of policy failure" in New York, and saying the verdict was "not justice." He did not use the word "murder" or link both the killing and the acquittal to the fascistic policies of the incoming Trump administration, the bipartisan law-and-order propaganda, and the role of the Biden administration and successive Democratic mayors and governors in presiding over a disastrous growth of homelessness and poverty.

Other elements of the pseudo-left have taken a strictly racist approach to the acquittal of Penny. Former New York DSA congressman Jamal Bowman issued a lengthy rant on X that blamed Neely's killing on white people. He wrote: "[H]ow many times have you seen a white man killed in cold blood on camera on your newsfeed? How many times have you even heard about this?"

Bowman made this absurd claim despite the fact that white and Hispanic workers account for the largest number of police killings in the United States, although African Americans account for the highest in relation to their proportion of the population. Bowman added, "I marvel at the beauty and greatness of my people in spite of white supremacy. It's extraordinary. That is what I will continue to lean on."

Neely was emblematic of the growing homelessness and mental health crisis in New York City. He was on the "top 50 list" maintained by the city of homeless people that it considers urgently in need of medical treatment.

The verdict takes place under conditions where the administrations of Governor Hochul and Mayor Adams have declared war on so-called "fare-beaters," those who cannot afford the \$2.90 fare and seek to ride the subway or bus system without paying.

On September 15, officers of the New York Police Department (NYPD) shot and severely wounded Derrell Mickles for alleged fare evasion. The cops also shot three bystanders, injuring one critically. The clampdown on fare evaders includes spot checks of bus riders and beefed up private security, along with NYPD and National Guard presence on the subways.

The Metropolitan Transportation Authority, the state agency that runs NYC's public transit system, is tens of billions of dollars in debt. The ruling class' solution to the near-bankruptcy of the Authority is to terrorize those too poor to pay their fares and to "clean up" the system, that is, to remove the homeless and mentally ill who are victims of the broader crisis of housing and social services in the city. Penny's strangling of Neely has fueled calls not only for law-and-order, but for illegal and violent attacks on the working class and poor people.



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