Eric garner vs. victims and the criminal process

Abstract

Media organizations play a huge and crucial role in the ways in ways certain events are represented to the society. However, this also gives these outlets the opportunity to use their own racial, class and gender biases to represent information to fit their agendas. They have the power to portray the victims and the victimizer in ways that may not be accurate but will most likely be widely received due to their large platforms. For the purpose of this essay, I will use 3 different media articles to demonstrate the ways that these biases played in a role in the representation of Eric Garner's unfortunate death, that came at the hands of New York City police officer Daniel Pantaleo.

In order to comprehend the connection between the politics of media representation, and the process of labeling a victim and a victimizer, one must first examine the works of Stuart Hall and study the typologies of victimization. As a sociologist, Hall argued that what we're told in media is actually just formulated interpretations rather than legitimate facts of what actually happened. Hall also studied at the University of Birmingham and Open University and has influential work on the racial prejudices in media representation and how these particular images are produced and circulated (Allspach, 2018). In this case, the way in which Garner is represented to the public could potentially play a role in modifying policing tactics that are administrated by the New York police department in the future.

The process of labeling a victim and a victimizer is rooted in the definition of a victim. According to the Corrections and Conditional Release Act (CCRA), " in respect of an offence, means an individual who has suffered physical or

emotional harm, property damage or economic loss, as a result of the commission of an offence" (CCRA, s. 2, 2015). Despite this narrow legal definition and due to unequal power relations, victims are not always accurately identified. This is exemplified in the Eric Garner case as the three media sources I have researched all display a use of prejudice, leading vocabulary to depict Eric Garner and Daniel Pantaleo in different lights – sometimes as a victim and other times as a victimizer.

The first newspaper article, written Sonia Moghe and Ralph Ellis from CNN, focuses on Daniel Pantaleo, the victimizer, and the impact the case has had on his life rather than the victim, Eric Garner, and what happened to him. The second newspaper article, written by Al Baker, J. David GoodmanandBenjamin Muellerfor the New York Times, repeatedly demonstrated a use of victim provocation where the victim is portrayed as the initial victimizer. Lastly, the third article that was reported by Josh Voorhees for Slate, was a refreshing counter-representation that portrays Eric Garner as the victim and points to Pantaleo as the role of the victimizer.

The Facts of the Case

On July 17 th , 2014, a 43-year-old black man named Eric Garner was allegedly selling illegal cigarettes outside of a storefront in Staten Island, New York. When an unmarked police car recognized him, due to previous arrests, the two officers made their way to Mr. Garner. The officers would later be identified as Daniel Pantaleo and Justin Damico. As Mr. Garner began to resist arrest, the officers grew more aggressive. Eventually, Pantaleo, a white officer, wrapped his arms around Mr. Garner's neck in order to restrain

him and cuff him but in the process, due to his health issues, restricted his breathing. The entire encounter was recorded and shared onto social media. This infamous chokehold would be ruled as the cause of Mr. Garner's death.

Racial Bias

Before we discuss the ways in which Eric Garner and Daniel Pantaleo's race played a role in the ways in which they represented in the media, we must first understand the meaning of race. According to Britannica, race is " the idea that the human species is divided into distinct groups on the basis of inherited physical and behavioral differences" (2017). To rephrase, race is more or a less a social construct that is used to justify the hierarchies that have been solidified into our societies since as early as memory serves. Though more recently, the use of media has been able to either shed a light on this injustice or help foster these labels. In this case, Eric's race was used as a tool to label him as a victimizer while Pantaleo's race helped him avoid being held responsible for his horrendous actions.

For example, the New York Times mentioned that the victim, Eric Garner " had been arrested twice already that year near the same spot, in March and May, charged both times with circumventing state tax law" (Al Baker, J. David Goodman, and Benjamin Mueller, 2015). By making it necessary to mention Mr. Garner's criminal history, he is made to appear as a criminal and a victimizer. Through this, the media organization is reproducing common stereotypes of black men that we as a society have come to accept. Unfortunately, after learning about Eric's criminal past, readers are perhaps less likely to feel sympathetic towards Mr. Garner and therefore the media

representation is successful in diverting attention from the wrongful actions of the actual victimizer.

This is reiterated once again when the article described that, while he was being arrested, the victim " shouted at them to back off, according to two witnesses. He flailed his arms. He refused to be detained or frisked" (Baker et al, 2015). Due to use of language such as " shouted", " flailed", and " refused", the victim is made to appear extremely dangerous and aggressive, which once again plays on the stereotype that black men are all " thugs". However, as mentioned in the Slate article, " Garner was unarmed and does not strike any of the officers as they take him to the ground". This counter-representation helps to fight against that stereotype. Additionally, by declining to be arrested, the article displays Mr. Garner as victimizer that isn't following the police officer's instruction, when in reality, he was simply exercising his right to question what probably cause, other than his previous arrest and his race, the officers had to arrest him.

The media's aim is to ensure we become compliant to their views that they demonstrate in their institutions, and through this, they can enforce policy changes which are neither neutral or objective and are grounded in bias. However, in this case, they emphasize Eric Garner's criminal history in order to manipulate readers into believing black people are a threat – which then justifies Daniel Pantaleo's excessive use of force and ensures that no policy changes will be taken into action to prevent this nightmare from happening again.

Class Bias

Britannic defines class as a " group of people within a society who possess the same socioeconomic status." (2018). Therefore, class bias is discrimination merely based on a person's social class. In order to discuss class bias, we must determine what class Eric Garner and Daniel Pantaleo belong to.

Being part of law enforcement, the unequal power relations between the Pantaleo and Mr. Garner plays a role in the ways in which they are represented in the media. Within the first few paragraphs of the article, CNN wrote that Garner died " after police attempted to arrest the 43-year-old father of six for allegedly selling cigarettes illegally in Staten Island" (Sonia Moghe and Ralph Ellis, 2018). Right away, the reader assumes that the victim is part of a lower class and, despite the use of the adverb " allegedly", is therefore involved in some form of illegal conduct. By outlining this at the beginning of the article, the media source has already created a negative image of the victim for the reader to consider while reading the rest of the article. The wording used in this article insinuates that it was his illegal activity that victimized him when in actuality he was killed was due to misconduct by the police officers – his class made him a victim. At the same time, the article sheds a sympathetic light on the true victimizer by mentioning that the NYPD stated they " share the family's frustration" (Moghe & Ellis, 2018). By including this statement, the victimizer is represented as a victim that is sharing the consequences with another victim. However, the " frustration" that the NYPD has faced is some bad publicity whereas the consequence for the lower-class family of six was

losing their sole provider to the hands of the institution that's claiming to be the victim.

In this article, the victimizer is represented as the victim since they are illustrated to have been so affected by this tragedy yet have failed to take any responsibility or accountability for Eric Garner's death. This is shown in the same article where it states that " the NYPD said it will go ahead with disciplinary proceedings against Pantaleo as early as September 1" (Moghe & Ellis, 2018). The use of the adjective " early" may mislead readers into believing the victimizer is taking initiative and is eager to take responsibility for their actions when in reality Mr. Garner's homicide took place over 4 years ago – so action is long overdue. This article demonstrates the ways in which the justice system is grounded in institutional biases that protect the upper-class/law enforcement.

Contrastingly, this imbalance is rightfully highlighted in the Slate article where it adds how the " default setting for our criminal justice system—both explicitly and implicitly—is to believe that an on-duty officer who takes another citizen's life was justified in doing so." (Voorhees, 2014). In this instance, we see how institutions and legal definitions can fail to label and recognize a victim. If the state thinks that there was a crime, then they will step in and use the victim as a part of the investigation process (Allspach, 2018). This becomes an issue because, if they don't believe there was a crime – then they don't believe there was a victim.

Additionally, a New York Times articles stated that " The spot where officers approached Mr. Garner on July 17 had already that year been the site of at

least 98 arrests, 100 criminal court summonses, 646 calls to 911 and nine complaints to 311." By describing the scene as a crime-infested environment (using statistics that may or may not be accurate) the victimizer represented as justified when using excessive force onto the victim due to the fact that he is portrayed as just another poor black man in a crime-ridden neighborhood. Through the use of these statistics, the NYPD can enforce changes in the under-policing or over-policing in these neighborhoods in the future.

Gender Bias

Gender bias refers to the ways in which someone's gender can have either a positive or negative effect on the way they are treated. Within our society, there are dominant ideologies attached to being male and being female. For instance, men are frequently denoted as tough, dominant and unemotional while women are conventionally recognized to be more delicate, sensitive and weak.

In Slate's article, it outlines how Eric Garner, " can be heard on the recording uttering what would turn out to be his final words: " I can't breathe." (Voorhees, 2014). As Mr. Garner is represented as more vulnerable and defenseless, we see a counter-representation of these ideologies which justly may entice more hatred and anger towards the victim while gaining sympathy for the victim.

At times, all of the prejudices that Mr. Garner faces may intersect to make him more prone to victimization. For example, the New York Time wrote that " he was a " condition," a nettlesome sign of disorder well known in the

120th Precinct" (Baker et al, 2015). The victimizer is portrayed as a hero that is ridding the city of poor black men that infect the city with crime, even though he was actually the victim of police brutality. By labeling him a " condition" this can be perceived as a form of dehumanizing. From what we learn from Frantz Fanon, this dehumanization can further be used " to excuse violence, segregation, exclusion, [and] impoverishment" (Fanon, 1963).

Similarly, Eric Garner'svictim potential," a combination of biology, socialization, and chance", (Hans Von Hentig, 1974) added to his victimization as he was not treated with the same respect and protocol that people of other races, genders or classes would have received. For example, the New York Times mentions that" Ms. Allen [a witness] said in an interview that when medical workers arrived, they casually asked Mr. Garner to wake up, appearing to believe he was " faking it,". If Mr. Garner were an upper-class white woman, he would have received treatment immediately, however, due to the victimizers' own prejudices against lower-class black man, he was not taken seriously.

Taking all of this into consideration, I found it interesting that just three articles could give such different representations of the same event. It is evident that the media organization plays a huge role in labeling and representing victims and victimizers in whichever way they deem necessary, which only further restated the importance of fact-checking what we read. Personally, I view Mr. Garner as a victim with minor guilt (Mendelson, 1900-1998) as, if the facts being presented to us are accurate, he was indeed in commission on a crime. Even though officer Pantaleo used a take-down

maneuver that has been banned in the New York City police department and ended up killing an unarmed man, a jury indicted him of all criminal charges. This caused outrage among those who consider themselves a part of the ' I Can't Breathe' and ' Black Lives Matter' movements and left them, and myself, posing one question – how many more unarmed black men have to die before policy changes are made to our justice system?

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