The Phyllis Schlafly Report

The Leftist War on Self-Defense

By John and Andy Schlafly

May 16, 2023

The prosecution of an unarmed former Marine for acting in self-defense to protect passengers on the New York City subway has sparked a nationwide uproar. This latest salvo in the Leftist war on self-defense has liberals demanding additional charges against the hero.

Daniel Penny, only 24 years old, is a white ex-Marine sergeant from Long Island who wrestled down and restrained a troubled black man, Jordan Neely. With no police officers in sight, Neely was menacing multiple passengers on the moving subway train until Penny restrained Neely while asking others to call the police.

The dramatic rescue by a quick-thinking civilian is reminiscent of other recent episodes in which an ordinary citizen stepped up to save others from harm. The bystander who averted a massacre at an Indiana shopping mall last year, 22-year-old Elisjsha Dicken, was hailed as a hero then, as Daniel Penny should be applauded now.

Other passengers on the subway also viewed Neely as dangerous, and helped restrain him. Penny deserves the praise he's receiving nationwide for acting in self-defense, and $2.5 million from 50,000 donors has already poured in to support his legal defense.

We don't know yet what legal or illegal drugs may have triggered frightening behavior by Neely, who has a long criminal record that included punching a 67-year-old woman in the face and breaking her nose less than two years ago. A toxicology report would ordinarily be necessary before declaring a cause of death, but the New York City medical examiner is a political appointee of its Democrat mayor.

The police who were called to the scene saw no reason to arrest Daniel Penny, and no charges were initially brought even after Neely was declared dead at a hospital. Self-defense and protecting others has never been a crime, and should not become one now.

But after days of street protests demanding that Penny be prosecuted for murder, the New York City medical examiner announced that Neely's death was a homicide caused by "compression of neck (chokehold)." District Attorney Alvin Bragg, famous for his political indictment of Trump over non-crimes, mollified the Leftist protesters by charging Daniel Penny with manslaughter.

The failure of both Bragg and the medical examiner to await the results of the toxicology report proves that politics, not medical science, is the driving force behind the manslaughter charge. It is reminiscent of the George Floyd case, with Penny being made a scapegoat just as the bystander officers in that case were.

The fake medical science in the first jury trial in the Floyd case included a prosecution witness who bizarrely invited jurors to grab their own necks, as though that would prove anything scientific about the cause of death in a criminal suspect who was intoxicated by an illegal drug. Imagine a similar stunt if Penny goes on trial in a hostile venue in New York City.

There are 100,000 unexpected deaths caused annually by illegal drugs in the United States, which is more than double the number of gun homicides. Inevitably, some drug-related deaths will occur while an erratic intoxicated person is being restrained.

When the Leftist mob calls Daniel Penny a vigilante instead of a Good Samaritan, it undermines the rule of law necessary to attain justice. If there is a rush to prejudge or find a scapegoat every time someone on drugs dies while being restrained, then self-defense will no longer be safely available to anyone.

There has been an outpouring of support for this hero, but the jury pool in New York City is not representative of the rest of our country. The District Attorney's office has far more resources than Penny can possibly raise, while protesters are still demanding that the charges against him be upgraded to include murder.

Despite the partisan divide over this case, one New York Democrat has publicly defended the subway hero. Former Governor David Paterson said on Sunday that Penny "did something because he saw danger for other people and tried to prevent it. He did not meet the threshold where you charge someone."

Paterson suggested that District Attorney Alvin Bragg, a fellow African-American, may have charged Penny merely because other minorities have died under similar circumstances in the past. During his single term as governor, Paterson often used his pardon power to correct injustices.

An Army sergeant convicted of killing an armed Black Lives Matter protester in Austin, despite asserting that it was in self-defense, just received a harsh sentence of 25 years in prison. Penny could be imprisoned for 15 years if convicted of manslaughter, but reasonable self-defense should not face such punishment.

Donald Trump observes that Penny ”was in great danger and the other people in the car were in great danger.” There should not be a prosecution of an unarmed Good Samaritan who acts quickly to defend others.

John and Andy Schlafly are sons of Phyllis Schlafly (1924-2016) and lead the continuing Phyllis Schlafly Eagles organizations with writing and policy work.