

[Transcript] Honestly with Bari Weiss / What Jordan Neely's Death Tells Us About Mental Illness and Vigilantism

Hi guys, it's Barry with a really exciting announcement for you. As listeners of the show will know, one of the reasons that this exists in the first place is to embody and promote honest, frank conversations and good faith debates, both of which feel increasingly rare in our polarized country. That is why I'm so excited to announce that the free press, along with FIRE, the nation's leading defender of free speech rights, are hosting a live debate on a very sexy and contentious subject on Wednesday, September 13th at 7 p.m. at the Historic Ace Theatre in downtown Los Angeles. The proposition? The sexual revolution has failed. Arguing for the proposition is co-host of the podcast Redscare, Anacachian, and author of the case against the sexual revolution, Louise Perry. They're going to be facing off against musician and producer Grimes and writer and co-host of the podcast A Special Place in Hell, Sarah Hader. I'm going to be the moderator and I couldn't be more excited. This is going to be an amazing night. It's a chance to meet other people in the real world who also like thinking for themselves and who listen to this show. You can get your tickets now by going to thefp.com backslash debates. Again, that's thefp.com slash debates. I can't wait to meet some of you guys in person. And now, here's the show. Hi, I'm Eli Lake, host of the Re-Education podcast, and I'm filling in for Barry Weiss today on Honestly. Today, we delve into the recent killing of a homeless man in New York City's subway. Homicide by Chocold. That's now the official cause of death for a mentally ill subway rider who was harassing passengers and then was restrained by a marine. His name was Jordan Neely. The announcement coming tonight for the medical examiner who says Jordan Neely's neck was compressed during the encounter. I witnesses say Neely was acting erratically to others, but not directly threatening the marine. Now, however, much debate about the role of bystanders getting involved in potentially dangerous situations. His death has stoked our culture wars and our debate about crime in the big cities. Was Jordan Neely a casualty of white supremacy? He was asking for food and water. He was hungry and houseless and experiencing a mental health crisis. Black disabled people have been telling you for years now that blaming violent behavior on mental illness only excuses white people while criminalizing black people, and it leads us to getting killed. It leads black, disabled and mentally ill people to getting killed. Was he another example of a criminal justice system

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that has stopped enforcing petty crime?
We don't know if there were drugs in Neely's system.
We don't know anything like that.
New York authorities know, but they won't put it out.
We know enough that there were people on a subway car
where this guy Neely was ranting raven,
and we know that Neely had 40 arrests, some of them violent.
He attacked senior citizens, hurting them grievously.
Nothing happened to him because that's New York City.
You can punch people in the face, old people,
and walk away and they're not going to bother you.
Or was Jordan Neely a victim of a mental health system in our country
that has failed both its patients and society?
Jordan was not annoying someone on the train.
Jordan was screaming for help.
We keep criminalizing people with mental illness.
People keep criminalizing people that need help.
They don't need abuse, they need help.
Hi, honestly, listeners.
I'm here to tell you about an alternative investing platform
called Masterworks.
I know investing in finance can be overwhelming,
especially given our economic climate.
But there's one thing that will never go in the red,
and that is a painting from Picasso's Blue Period.
Masterworks is an exclusive community that invests in blue chip art.
They buy a piece of art, and then they file that work with the SEC.
It's almost like filing for an IPO.
You buy a share representing an investment in the art.
Then Masterworks holds the piece for three to 10 years,
and then when they sell it,
you get a prorated portion of the profit's minus fees.
Masterworks has sold \$45 million worth of art to date,
from artists like Andy Warhol, Banksy, and Monet.
Over 700,000 investors are using Masterworks to get in on the art market.
So go to masterworks.com slash honestly for priority access.
That's masterworks.com slash honestly.
You can also find important regulation A disclosures
at masterworks.com slash CD.
To dive into these questions, we have three terrific guests.
Rafael Mangual is a legal policy expert at the Manhattan Institute.
Kat Rosenfeld is a novelist and a columnist for Unheard,
and Jonathan Rosen is the author of an absolutely riveting new memoir,

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The Best Minds, which examines his childhood and adolescent friendship with Michael Water, a brilliant graduate of Yale Law School who suffered a schizophrenic break and murdered his pregnant fiancée. Kat, Rafael, Jonathan, thanks so much for coming on this show today.

Thank you.

Thank you.

Now, I want to just start and go around the room, and we'll start with Kat.

I want to just ask, what brings you into this conversation about Jordan Neely, and why is this something that you care about?

Well, I mean, to begin with, I think that what happened is such a tragedy that it's difficult to look away from, especially if you're somebody who is interested in the way that people respond to something like this, which was sort of my entry point into it.

I noticed, I had less to say about the death itself, which I do just think was incredibly tragic and preventable, and more to say about the discourse that surrounded the death, which I thought was very revealing of a lot of the kind of points of tension that exist in the culture more broadly.

Rafael, I mean, look, I'm someone who has spent a lot of time thinking about public safety and public order, particularly within the context of well-functioning urban environments. And this case is, in a lot of ways, illustrative of some of the real downside risk when you don't get that formula right.

I mean, in a lot of ways, New York City is just a miracle. We have eight and a half million people on top of each other coexisting peacefully, despite being from radically different backgrounds, and having radically different dispositions, and 95% of the time, it goes unexpectedly well.

I mean, just from a historical perspective, but it really is important to have safeguards in place to make that system function. And having something like this go wrong on the biggest public transit system in the world, I think is an important catalyst for a really important conversation that I really look forward to having here.

Jonathan, what brings you to this conversation?

I think the thing that makes it so hard to talk about is the thing that makes it important to talk about.

I mean, there are so many ways people have argued about it. It's a horrific tragedy in every way.

It's possible to identify with both parties in a way.

I mean, when you see someone who could have and should have been helped, who wasn't, who was killed, who should not have been, you automatically feel that there have been many failures.

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But I think that there's a vacuum that everybody's living in,
and it's not just the absence of mental health services.
It's the absence of a feeling of safety or police services.
And so it's possible.
I've been on the subway with my daughter,
and it's always when it was with my little daughters,
where you think if this person comes any closer,
I don't even know what I'll do to protect her.
And I'm not an ex-Marine, and I'm in no way a person who thinks violence is a solution.
So I think it's important, but really hard to talk about,
because it's very easy to be misunderstood.
Yeah. All right.
Well, let's start with some level setting here.
On May 1, a 30-year-old homeless man named Jordan Neely,
who appeared to be in the midst of some kind of psychosis,
was acting aggressively on the train.
He was screaming that he was hungry.
He was screaming that he was thirsty,
and he didn't care if he went to jail.
He was saying this loudly, threatening a lot of people.
And then kind of after a little bit of this,
24-year-old man named Daniel Penny, he was a former Marine.
He jumped forward and put Neely in a chokehold.
Then anywhere from five to 15 minutes later, Neely was dead.
Those were the basic facts.
But as soon as the story kind of went out and became viral,
we went into our kind of culture war split screen.
We had tweets from people like Ayanna Presley,
who said black men deserve to grow old,
not to be lynched on a subway,
because they were having a mental health crisis.
Jordan deserved better.
Alexandria Ocasio-Cortez said Jordan Neely was killed by public policy.
He was killed by the demonizing of the poor by many of our leaders.
Meanwhile, Elon Musk liked a tweet that called Neely a worthless individual.
And Vivek Ramswamy, the GOP candidate running for president,
he donated \$10,000 to Mr. Penny's Legal Defense Fund, or his legal fees.
Matt Gaetz, the Florida Republican congressman,
who once offered Kyle Rittenhouse an internship.
He called Penny Subway Superman.
In other words, the left says Penny is a bloodthirsty racist,
and the right says he's a hero protecting innocent commuters.
I just want to maybe stop there for a minute,

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and let's talk to the panel.

I mean, obviously we're missing something here.

Maybe let's start with you, Raphael.

What are we missing in the kind of original responses to this story?

I think the main thing that's being missed

is that it doesn't have to be a sort of pro-Penny or anti-Neely conversation.

It is possible, for example, that Daniel Penny's actions were defensible,

both from a legal and moral perspective,

and for it to be possible,

that Jordan Neely shouldn't have been in the position that he was in.

And those more nuanced conversations are hard to have

when these events get racialized or these events get politicized,

and I think that's unfortunate.

When I first became aware of the Neely story,

the first thing that came to my mind was actually a story for,

I think it was last year,

where a guy got onto a New York City subway,

was clearly having some kind of mental break.

You know, sort of the same thing that people describe Jordan Neely as doing.

He was kind of walking up and down the car, being really aggressive,

and then he grabs a woman by the hair,

and he stands her up,

and he walks her down to one end of the subway car,

and she's terrified.

She is, you know, white as a ghost,

and is holding back tears,

and he makes her sit next to him,

and he's yelling at her.

And you're watching this with this incredible amount of suspense,

like, is he going to kill her?

Is he going to start choking, or is he going to beat her?

And I remember the headlines in the Twitter commentary

after that video went viral,

and it was all about condemning the other men on that train

for not getting up in this woman's defense and doing something.

And I remembered a video from Los Angeles a couple years ago,

where the same thing, you know,

there was a guy being very threatening on a subway train,

and a big burly dude got up from behind him, choked him unconscious,

and was on the morning news the next morning being celebrated as a hero.

And one of the things that I wish people would grapple with more

is that, you know, we're really sending mixed messages here.

Do we want people to intervene for the safety of others

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when someone threatens that safety?

I think that's one question.

And that's separate from the question of whether the system is operating well when people like Jordan Neely find themselves unsupervised roaming the subway, when they're clearly not in a position to take care of themselves. And I wish that those were two conversations we could have at the same time in a way that wasn't as fraught as they've become.

We use this word break to refer to people who are suffering from severe mental illness.

Jonathan, in your new memoir, you spent a lot of time talking about this idea of a break for mental health reasons, a break with reality caused by your friend's schizophrenia.

Maybe just describe what that means.

Well, everybody's illness manifests itself differently.

100%. Yes.

So being detached from reality is the essence of the thing.

So maybe it isn't a break, maybe it's an evolution almost.

Well, I think what's interesting about this story is what's interesting about every one of these stories, just reading all the details about this story can give you all the information you need about how many cracks there were, let's say, in the system.

He was using, as we know, drugs.

And even marijuana for people who have a predisposition to schizophrenia or who have it can be a cause of violence. Like going back a little bit to the original question you asked is that when people say we failed him, what do they wish had been done?

And the reason why I think that really matters is because he was in lots of programs, but if they continue to presume his ability to ascend to the program, then he was in them not in a way that would have addressed the nature of his being detached from reality, whatever that cause of it was.

I mean, Jordan Neely was someone who shouldn't have been killed.

My friend, someone who should not have killed someone.

What they had in common was that there was not a system in place that understood that their illness had robbed them of their ability to make a choice and other people had to intervene.

That's the hardest thing.

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And for me, it kind of sleeps at the center of the thing.
He'd been sent to Bellevue a year before
and released after five days.
Kat, I want to ask you, I mean,
what are we missing in the debate in general?
And then what does it mean that we have this problem
where there are people who are among us,
whether it's on a subway or whether it's part of the homeless,
that are, you know, you could argue ticking time bombs
that are danger to the rest of us.
And yet, they're also human beings.
And they, I mean, what kind of equality
do these are under the law, if at all?
That's such a difficult thing because, of course,
it's impossible in the moment to tell the ticking time bomb
from the guy who's just being a nuisance.
And I think that this is the crux of a lot of the conflict
in this conversation, that it is so hard to know on the subway
where there is always a certain amount
of antisocial behavior going on.
There are always people acting in transgressive ways.
Some of them are funny.
Some of them are gross.
You know, some of them are scary,
but it's part of the fabric of life in New York
to encounter this stuff.
Right.
And for the most part, you really just ignore it.
There's a sort of a tacit agreement that you don't react.
You don't make eye contact.
A friend of mine recently moved to the city
and I joked with her that, you know,
she wouldn't really be able to call herself a New Yorker
until she left a subway train
and found that somebody had ejaculated on her coat.
And I was kidding, but not really.
It's just, it's one of these things that you experience
as a person who lives in the city.
And so to know when a situation that is scary
is something more than ordinary scary
or something more than ordinary antisocial behavior
when it's actually a prelude to violence
is absolutely impossible.

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And you can see this in several of the stories
that Raphael mentioned of people stepping into intervene or not.
It's very difficult to know not only how the person
is going to react to attempted intervention,
but also what's going to happen to the bystander
who attempts to step in.

You know, sometimes the aggressor or the transgressor,
someone like Jordan Neely ends up dead
and sometimes the bystander does.

The other thing, the other part of this equation,
what we miss when we talk about this,
there's all this discussion of the system failing Neely.

And I even used this language myself
in the piece that I wrote about it.

And I think I actually regret having phrased it
in quite that way

because I don't know for certain
that failure is exactly what happened here.

As Jonathan was pointing out,
we have a system in place
with which Jordan Neely was very well acquainted.
He had dozens and dozens of interactions with this system.

And when you have somebody
who is sort of trying to hurl themselves
over the edge of a cliff
and they're trying to do this 20 times,
and the first 19 times somebody catches them
and hauls them back from the precipice,
and then the 20th time there's nobody there
and they tumble and they die,
you know, is that a failure?

It's a tragedy for certain.

But I think that when we talk about this as a failure,
we fail to account for the sense of inevitability
that in many ways surrounds something like this.

One of the things that you saw over and over
in the conversation from people who knew Neely
or had encountered him prior to this
was that if it wasn't this moment when he lost his life,
it was going to be another one.

Something like this was going to happen
and it was a question of when, not if.

I mean, even people who enjoyed his presence on the subway,

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you know, came out on places like Reddit saying,
I used to see this guy.
He used to be a Michael Jackson impersonator.
He used to be a lot of fun to watch.
He's clearly been spiraling and out of control
within the past few years,
which of course the city also knew.
He was on this list of the 50 people
in the entirety of Manhattan, most in need of help.
Right, let's just review some of Jordan Neely's background.
So he was just 14 years old
when his mother was murdered by her boyfriend
and that caused Neely a myriad of mental health issues
as one could imagine,
including depression, schizophrenia, and PTSD.
And shortly after the incident,
he was placed in foster care,
probably not good at all for his mental health.
He would become homeless and work on the streets
as a Michael Jackson impersonator for tips,
as we mentioned,
and his mental illness slowly declined
at the time of his death.
I mean, he was on this, as you mentioned,
this top 50 list maintained by New York City
that listed a roster of homeless individuals,
most in need of assistance and treatment.
He was in and out of treatment
and contacted numerous times.
He was also no stranger to the police.
According to the NYPD,
he was arrested a total of 42 times.
A lot of times they were petty crimes,
but three of the 42 were unprovoked assaults.
He pleaded guilty to endangering the welfare of a child
after dragging her down a street.
That I guess it's an alleged attempted kidnapping,
where he was sentenced to four months in jail
and to the assault of a man on a New York City subway platform
in February of this year.
He pleaded guilty to a felony assault
of a 67-year-old woman
whom he punched after she exited a train.

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He was meant to serve a 15-month live-in alternative to incarceration in the Bronx, but he abandoned that facility 13 days after the start of the program. His last interaction with law enforcement was on April 9, 2023, when outreach workers called the police after witnessing Neely urinating inside a subway car. He was thrown out of the subway but not arrested, despite there being a warrant out for his arrest. Five days after the situation, he was spotted by an outreach worker once again in Coney Island they noted. And he could be a harm to others or to himself if left untreated. This was weeks before he was killed. So I guess there's a reasonable argument, goes something like this, the real crime maybe is not how he died, but how a person in this level of distress is left to die on the subway when he was on a list of these top 50 New Yorkers who were so concerning to law enforcement. And I wonder if any of you guys have an answer to that question. I realize that I'm not meaning to play a language game here. Obviously he was killed by Mr. Penny, but what I'm getting at is this larger point. There were all these warning signs and the system failed almost at every single step, even literally two weeks before the incident. So is that a fair way to look at it? Yeah, I mean that litany of events that you just set out is what illustrates the nature of the failure and why I think failure is the appropriate word. Because in some cases it may in fact be very difficult to sort of tell where somebody is on the spectrum of treatability within a sort of less secure environment and someone who needs to be taken off the street and put into treatment against his or her will. But I don't think that that was the case with Neely. I mean you have this incredibly well documented history of severe mental illness, of interactions with the mental health system,

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with the Department of Social Services.
He has all of these indicators of risk.
He's homeless.
He's a drug user.
He also has this very lengthy criminal history
that illustrates a pattern of escalating
into more and more violent behavior.
It is not as if there do not exist mechanisms
by which someone like Neely can be forcefully taken off the street
and put into treatment and kept there.
What I think we have struggled with over the decades as a city
is to sort of settle the argument
of what compassion looks like.
Some people who just don't believe in that kind of response
I think see it as compassionate to try at every step
and almost no matter what to give somebody the opportunity
to live as freely as possible.
But when you're dealing with someone like Jordan Neely
who is clearly and obviously I would argue
incapable of taking care of himself and has been for so long,
it is in my view the complete opposite of compassion
to allow him to deteriorate in a public space.
Not just because of what that might mean
for the safety of the people that he comes into contact with
including the victims that he harmed when he was alive
but also for his own safety.
I mean this is something I've made in the context
of broader criminal justice debates
but sometimes the critique about the system
continuing to let people back out into the street
is not just about the danger that they might create
when they get released
but also about the danger to themselves
because they often become targets if they're not already.
And so I do think that there was a sort of inevitability
that was visible here
but it was visible most acutely to the people
who were in a position to say no more.
You've got to be protected.
So Jonathan I want to turn to you now
because you spent a lot of time on this in your book.
Talk to us what is the history over the long arc
maybe going back 50, 60, 70 years

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of how our country changed its approach
to institutionalizing people with severe mental illness
and what were some of the factors that led
to this major change in public policy
which has really manifested itself in some ways
in the last 50 years as a problem of homelessness
and street crime
but we can trace that back to very specific decisions
and choices on the public policy realm.
Yeah so in a way to give a very short
and truncated version of the thing
what I would say is that in 1963
when John F. Kennedy announced
that the focus was no longer going to be
on the isolation of the cold custodial care
offered by asylums
and was going to be replaced
by like the warm embrace of the community
it was an announcement of a major shift
and it wasn't just a shift
and an approach to caring for the most severely ill people
because the people who organized
and were the engineers of that plan
really wanted to tear down the state system altogether.
The state system had been built in the 19th century
when there were people living on the street
and treated like they had demonic possession
and so it was an act of enormous kindness and humanity
there were no cures
but the idea was the state's going to care
for these people somehow
but they had fallen on terrible times
but the idea was to really not reform
the state system
but knock it down
to treat those hospitals like the best deal
and to start with year zero
and the community mental health centers were year zero
and what was extraordinary about that
is that meant even the name alone
they were health centers
they were not centers for people who were severely ill
and so their definition of mental illness

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changed in the course of the creation
of these community mental health centers
psychoanalysis had left its mark on psychiatry
psychoanalysts believed everybody was made sick
for the same reason
you just had it in a different degree
so you were neurotic
if you had only repressed small measures of childhood
sexual angst
but if you had a lot
you'd become psychotic
even though they didn't deal with those people
if everybody is made sick for the same reason
then treating everybody is a worthwhile goal
and you can even use the language of a pandemic
it was a mental health crisis
and everybody has to be helped
so there were catchment areas
that's what community mental health centers were
as if they were going to be vaccinating people
and if every and if someone who's well
is just a potential sick person
then helping the well
which psychoanalysts have been doing for a long time
is a perfectly legitimate thing to do
and so instead of caring
for the most intractably ill
community mental health centers
were allowed to apply their own definition of
the definition of mental illness we all live with
so broad it's sometimes called health
and as a result
the one group of people
not merely neglected
but actively avoided
were the ones who required the most help
and so if you wanted an example
of why tearing something down
instead of reforming it
is a terrible idea
this is it
because the state hospitals were already reforming
they had satellite programs

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that really were community mental health centers
and since it was the same system
if you became ill again
there was a hospital for you perhaps to return to
they didn't need to be vast anymore
it was all made possible by medication
somehow because the people who were organizing it
were actually psychoanalysts essentially in training
it didn't occur to them to wonder
about who was going to make people take their medication
or the idea that half of all the people
intractably sick enough to be sent to state hospitals
didn't see themselves as sick
as a symptom of their illness
and so the neglect has been there forever
and so we're now trying to rebuild
a community mental health system
and that's a good thing to do
it's just everything that you mentioned
that was seemingly going to intervene
was not designed to intervene
I was stunned when I realized that the 50 most wanted
are not like the FBI's most wanted list
people who must be sent
either medicated or sent to a hospital
it's people who because they're resistant
should be offered
moved to the front of the line
may be sent to a homeless shelter
that has fewer requirements
since they may be wary of going to the big
armory style places
and so even the quote you read
where they saw the outreach team
and he was treated by one of those street outreach teams
because he was on this special list
said he looked like someone who could become a danger
to himself or others
so if you're acting like someone
who might be a danger to yourself or others
the law actually is broad enough
to see that as being a danger to yourself or others
but the only thing I'd end by saying

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is exactly what Raphael was saying
about how we define compassion
the treatment advocacy center
which was really very much connected
to the creation of outpatient treatment
and interventions like that
has a list of what they call
a thousand preventable tragedies
whereas the law professors of my friend
who wound up killing his fiancée
they spoke of it as an inevitable tragedy
and it's only an inevitable tragedy
if the means of intervention
are unsuited to the occasion
and they are not the ordinary interventions
they're not even the ordinary interventions
for people with severe illness
they're for that small sub fraction of people
who either are resistant to medication
will not take it
and are too sick to care for themselves
and so I'm not sure it needs to be so tragic
it's just that we are still operating
inside of almost a cultural mindset
as well as a legal and political one
I want to now like sort of shift the conversation
back to public safety
and I want to go to you Kat in this because
in January 2022 a woman named Michelle Go
was pushed in front of a subway tram
and she was killed
roughly 27 people have been killed in New York subways
since March 2020
and meanwhile one of the most prominent
progressive responses to Neely's death
was that he wasn't a threat
Elizabeth Spears, New York Times bedwriter
tweeted that she has been
quote safely riding the subway for 23 years
and has never felt menaced by a homeless person
she said these imaginary monsters
in your head are addressable with therapy
so my question Kat to you is

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is there a safety issue on subways
and is there a safety issue in subways in part
because we have a broken mental health system
yes
but let me let me continue
now in a city of
eight million people
with lots of different kinds of violence
happening all over the place every day
in the scheme of things 27 is not very much
at the same time
there's something about violence on the subway
that really sparks incredible fear
amongst people who live in New York
there's just this perception that it's a place
where you're vulnerable
that platform and that you know empty space
beyond it is right there
the third rail is right there
these strangers that surround you are right there
and if any one of them
decides to push you in front of the train
that's it for you
and I think that even the sense that that could happen
which becomes very heightened
once you have just a few high-profile incidents
of an attack on the subway
or a death on the subway
people really just lose their sense of trust
in the people around them
and that inculcates an enormous amount of fear
so whether the problem is really the violence on the subway
or the perception of the violence on the subway
and what that does to the way we look at the person next to us
on the platform
and the way we mistrust them
I think is an open question
but the interesting thing about the response that you highlighted
which was representative of a sort of a particular way
of reacting to this on the left
in some ways
seeing that really induces just incredible whiplash
like it does feel like gaslighting

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and the most bizarre thing about it is that
most of the people making that argument
are the same people who can be found publicly
not that far back
arguing that tweets or ideas
or New York Times op-eds
make them materially unsafe
but you know the man screaming on a subway car
five inches from your face
who's much bigger than you
and who seems like he might be about to do something violent
why would you be threatened by that?
Why on earth would you find that menacing?
You're crazy
go get therapy
so that element of it is obviously very frustrating to witness
and I think it sows a lot of division
and the conversation around this
what I think is happening there
and I don't think it's helpful
is that people are applying a very academic understanding
of power to real life situations
where you have somebody who is institutionally
disprivileged
institutionally marginalized
but nevertheless capable of instilling absolute terror
into the heart of anybody
who's you know within a six foot radius of them
and people who are making this type of comment
they choose to focus on that idea of power as privilege
and I think it really misses
the fact that there are different kinds of power
and that especially in a situation like that
this privilege based conception of power
is very much like a game of rock, paper, scissors
where you have to have a consensus
on the part of everyone involved
that you know paper covers rock
and if you don't all agree that paper covers rock
then you have one person with a piece of paper
and another person with a rock
and what are they going to do with the rock
like you know who are you afraid of in that context

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I think that there is this tendency to always bring that conversation back to this very progressive way of understanding kind of interpersonal interactions way of understanding how power coalesces that is really easy to implement from behind a screen when you're talking about this at a distance that completely misses the true stakes of an incident like this in the moment in real life when there seems to be a potential threat just inches from your person

Jonathan I want to ask you to kind of pick up on something that Kat was saying which is this progressive elite idea that power exists based on what kind of categories you are going into a situation and what I want to ask about that is is history repeating itself now as farce didn't we have all those conversations 50 years ago and now we are having them again as if we had learned nothing from the implications of those conversations and the policies that came out of them 50 years ago or is it something a little bit new this time

I think it was farce 50 years ago

I think it's repeating itself as tragedy

I mean I think what Kat says is exactly right but I think it could be applied to any number of situations you know you sit in a classroom and someone tells you that the gap between the signifier and the signified means that language can never accurately describe an object but you know if you told the teacher his pants were on fire he'd immediately look down and then you'd go oh the gap isn't all that big and everybody would think you were an idiot but most people understand that and the greatest trick of all was to say as they as very fashionable intellectuals did in the 60s that not only did mental illness not exist severe mental illness but if it did exist it was a mark of sanity produced by a crazy world and if you live inside a system where people try to apply that

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and you are pretending that something irrational is rational
then your feelings will be deemed irrational
someone has to be irrational
it doesn't work it's not a system that can survive otherwise
and what you call gaslighting is simply a way of telling people
that their normal responses are in fact irrational ones
and a piece of it is in fact there are yes 20 something killings
but think about all that has to go surrounds those killings
and the nature of what they mean and the effect that they have
and in a way I remember I lived in Manhattan for first grade
and my first grade teacher years later was killed
she was buying tickets at Lincoln Center
and the person who killed her left the knife and her bag
and my mother who always believed in the safety of crowds
and Manhattan kept saying I don't understand
but it was the height of the institutionalization
it was the very irrational nature of the act
that was so unsettling
and it's just important if you can't acknowledge that
that doesn't matter how many services or programs you're going to have
so I wanted to bring in now a political element to this
which is that Eric Adams won the primary
by basically trying to buck this trend of
decarceration defunding the police
kind of coming out of these like very liberal ideas
so my first question is has he been effective at this point
I mean maybe just talk a little bit about you know
his political hurdle because it does seem that
the voters in New York sent a very clear message
that they would like to see the law enforced
but on the other hand it seems that there's a lot of kind of
I don't know institutional impediments to it
you know this is something that I've been talking about for quite a while
and I think while Mayor Adams has a lot of good ideas
and while I think those good ideas explain
his emergence as a political figure in the election
he really is up against three very powerful institutions
in terms of his ability to actually act on the program
that he was elected for articulating
and that is local DAs, the city council, and Albany
you know there have been structural policy changes
that have been implemented over the last several years
in New York State at the state level

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there's very little that Mayor Adams can do to mitigate the impact of those changes without action from Albany and Albany has proven itself not just you know incapable but unwilling to undo some of those changes or rethink them and in fact has used you know whatever political capital exists to kind of further that program

I mean just today a deal was announced on clean slate which basically will seal the criminal records of people who go a certain amount of time without re-offending now wherever you stand on that legislation you know I don't think that anyone would sort of quibble with the characteristic that the Clean Slate Act further lowers the transaction cost of committing a crime and the question becomes it's like you know at a time in which crime is so elevated why is this where the resources are being expended you know you can say the same thing about the city council and yes Mayor Adams was elected but so was Alvin Bragg in that same in that same cycle and when prosecutors are not going to follow through on the actions of the one institution that the mayor has some sway over and that's the NYPD again you know whatever impact the mayor is going to be able to have is minimal and that matters for the city's perception of citizens because you know yeah okay you know 27 people have been killed on the subway since 2020 but I think people are implicitly aware of the fact that that's a 15 year total's worth of homicides in just three in less than three years you know it took a long time to get to 27 subway homicides prior to 2020 the other thing is is that those homicides are occurring against a backdrop of increasing assaults increasing sexual assaults increasing robberies increasing instances of public urination and public masturbation and public defecation all happening on the subways by the way at a time in which ridership is going down and is still what you know 70% of pre-pandemic levels so you've got significantly lower ridership significantly more crime and disorder that's not a good mix when the city's citizens begin to feel like their sort of political response is not having an effect

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recently Mayor Adams responded to Neely's death by saying the circumstances surrounding his death are still being investigated and while we have no control over that process one thing we can control is how our city responds to this tragedy one thing we can say for sure Jordan Neely did not deserve to die and all of us must work together to do more for our brothers and sisters struggling with serious mental illness I want to state up front that there were many people who tried to help Jordan get the support he needed but the tragic reality of severe mental illness is that some who suffer from it are at times unaware of their own need for care there's an immediate need to address those who are clearly in need of treatment we already have the authority to do so and we must use it under New York state law our mobile crisis clinicians can bring people having a mental health crisis to a hospital for medical evaluation and the physicians at that hospital find that the person has a mental illness and is dangerous to themselves or others they have the authority to admit that person and retain them for treatment even if the person does not agree to it my question is maybe I can now go back to Jonathan just for a little bit is Mayor Adams being punglose here is he just kind of like whistling past the graveyard is this like all a bunch of BS that we have the authorities already and we're going to do this new policy and really start doing this and if so why did it take so long for a mayor to recognize that such authorities exist and that we should take care of dangerous people like this well I think that he should be given credit even for saying what he has now said which got enormous amount of heat and one criticism that I think is cynical but understandable is that people then brought to the hospital as he's now mandating can be done don't get kept so they enter the revolving door and that's true they shouldn't have to do that but as Rafael was saying some of this is a state matter we lost a thousand beds for psychiatric patients to covid because someone decided it was like elective knee surgery to require hospitalization for severe illness but more than that only the state can get those beds back and I don't think we've gotten them all back and so already and I guess the argument would be you have to start somewhere and so and another problem Rafael mentioned all the levels that he's up against one of the largest reasons for deinstitutionalization is the fact that if you're in a state long-term care psychiatric facility you don't get Medicaid reimbursement so that's why states just began to release everybody and that's a bureaucratic error that has been in existence and everybody understands that it's a disastrous engine for preventing people from getting the care they need so he has at least said we have the authority now I think he has a fantastic advisor Brian Stetten who used to be a policy in charge of like I think policy at the treatment advocacy center

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who's a deeply humane person and who understands that the kind of compassion that will be enduring and valuable is the kind that recognizes the nature of these illnesses but I would love to know if the program that Jordan Neely was in that when instead of going to prison he went into a treatment program that required him to stay on his medication avoid drugs and be clean for 15 months to which he agreed you know Andy Newman who does I think very good reporting for the Times about all of these things printed the exchange with the judge you have a wonderful opportunity here but then my question would be how is he simply allowed to leave and that may actually be something that can be fixed intensive case manager who has the authority to make sure you're taking the medication to which you pledged in order to stay in the program and it seems to me even assisted outpatient treatment is actually a form of commitment and even though many people say it's toothless because it kind of is because they can't forcibly medicate you or commit you even if you but they can facilitate the process but all of these tools will only be good if they're used so I would love someone to report on how you could just leave but I do think that what the mayor is doing that's different is basically saying that being severely ill is really a reason for going to the hospital and you know we we turned violence into the only symptom that qualifies you for hospital care which is an extraordinary thing because it doesn't need to be an isn't an actual symptom of mental illness most of the time so talk about stigma everyone now only thinks in terms of violence as a justification but then the question is also if you medicate someone and maybe that's what happened when he went to Bellevue for five days you seem better and that's truly an Orwellian situation what are the protocols for making sure that someone will comply can you require someone to be an assisted outpatient treatment before they're released if they're there and you know these are very specific nitty gritty things and I actually do I promise you that Brian Stetten knows about them and I'm sure the mayor does too how much they can be implemented I don't know and I would just add because of what I was saying before like treating the whole thing like a pandemic the budget was so huge for mental illness you know Thrive New York was like a quarter of a billion dollars a year and it was for to improve its mandate was to improve the mental health of all New Yorkers and I think a contribution people can make is to make a distinction it's a wonderful goal but mental health is not the same and these are programs that will require yet more money for a fewer smaller group of people who may not even

yeah can I can I just say I mean the resources are there the Department of Social Services budget for fiscal year 2022 was 13.7 billion dollars right we went from spending 1.5 billion dollars with a B on homeless services in 2014 to 3.5 in 2021 it's about how we're allocating those resources and I think Jonathan's exactly right to say that there is obviously and clearly a subpopulation of people who are suffering from really serious mental illness who need more of those resources allocated to them. We're still in the aftermath of the George Floyd summer where protest and riots in American cities turned into policy demands especially in big cities in 2020 former governor Andrew Cuomo he told the protesters at one point you won you accomplished

your goal and we've seen you know a little bit of a walk back from you know the height of the defund the police but it still is a little bit of like a miasma over our big cities particularly our big blue cities and so I guess this is a question for you cat you know because you talk a little bit about the idea in your recent unheard piece that you know if you demand vigilance then

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you get vigilantes are we still in that George Floyd moment and do we have to maybe address you know that we over corrected in 2020 and that part of the problem here is just getting back to a more realistic view of how to do policing in general. Right so I mean one of the things about this obviously is that when you defund the police literally this is the kind of scenario that results if people think that they cannot count upon law enforcement to be present and to be proactive in moments like this it makes them that much more likely to take matters into their own hands that is if they are the kind of person who's inclined to take matters into their own hands which is maybe something that is kind of worth just landing on briefly in this conversation that what happened to Jordan Neely wasn't just because of Jordan Neely's history and Jordan Neely's history within the system and the system's history of you know failing or failing to serve or whatever Jordan Neely none of this would have happened if he hadn't also happened to be on a train with somebody who had the skill and the inclination to try to I mean either de-escalate the situation or escalate it depending on you know your perspective on things I guess but you know Daniel Penny stepped in where you know on another subway car maybe nobody would have so I think that that's an important thing to mention as we're discussing this you know it is true that when you make people feel as though it's kind of up to them to be the police because the police no longer exist in their previous capacity you do end up with something like this but when I said that in my piece what I was really talking about was what happens when you inculcate this lack of trust within a society one of the kind of tenets on the progressive left and this was very prevalent during the Me Too movement but not exclusively during that was this notion that if you are uncomfortable that represents something significant it represents something threatening it means a violation is in progress and it means that something intolerable is happening you know we had in the context of say you know an awkward guy in your workplace or somebody doing a microaggression to you in a classroom you can't tolerate that because you know it's just a precursor to all kinds of more and terrible things and so that's a threat that must be neutralized and what is basically being described there the kind of animating principle behind that is this notion that the person next to you is an unknowable threat that they have the capacity to do you harm that they probably want to do you harm and that you need to be constantly vigilant you need to be on guard to ensure that harm doesn't befall you and when you get that mindset going on a kind of a societal level you do end up with situations like this you know sometimes it takes the form of of somebody saying well I don't trust a gay person to you know to teach my kindergartner and sometimes it's people saying I can't share an office with somebody who voted for Donald Trump and then it's sometimes you know I can't share a subway car with somebody who's acting in a way that seems erratic this seems like it might be dangerous um you know something needs to be done it's that something must be done mindset that you know can lead to tragedy well I want to wrap up our conversation today with just looking kind of at this broader question outside of just new york and that is we know as of january of at least of 2022 that over a half a million people in this country were homeless california has an enormous homeless population 170 000 people new york is now in second place with roughly 75 000 add to this the mental health crisis that we've been discussing in this episode plus the prevalence of very potent drugs thinking particularly of new kinds of methamphetamines and fentanyl that exacerbate

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these problems and then of course legalized marijuana is another one if you have any kind of schizophrenia it's a mess and when we look at it as sort of a national problem what are the steps that we should be demanding that our political leaders start taking maybe to address this crisis and i want to start uh with you rafael i mean it's a it's a big question i i i think that the the sort of first thing that needs to happen is that policymakers need to secure public spaces whatever the problems are whatever the debates are about how we should approach those problems cities can't and won't function well if public spaces are surrendered to disorder even if you don't believe that the people creating that disorder are at fault you just can't have people living on the subway you just can't have you know people urinating in public you just can't have people shooting up you know in parks and playgrounds um that has to be stamped out you know but but i

think with respect to the you know the crisis involving the street homeless who are severely mentally ill and often exacerbating that illness with you know drug consumption we need to come to terms with the fact that there are some people who cannot take care of themselves and it is therefore

not at all compassionate to put them in a situation in which we're essentially forcing them to fail on that front and that means accepting that it is proper for society to use the course of force of government when appropriate to compel people into treatment centers that are secure that they can't just walk out of that they can't you know choose not to comply with their medical medication protocols in and so you know that that's really i think where the rubber's going to meet the road jonathan um you've you've obviously done a lot of thinking on this your book deals with a lot of these questions what would you like to see our political leaders national local state how what would you like to see them begin to do in trying to address this this this problem well i am overwhelmed by its proportions and uh all the policy difficulties but

i think that what rafael was saying about maybe trying to disaggregate the people who are homeless because they are severely ill rather than suggesting that their behavior is the product of their being homeless would be important for them and important for everybody else and and it need not mean people often again in that manichean way say well we're just you're just going to build asylums and lock them away the original dream of community mental health care is real uh supported

housing is very important housing that can that is affordable that includes services but it is there only a value if you recognize the needs of the people who are in them and the needs of some of those people may be uh to have medication mandated and and those things are really important especially because what cat was saying about how you don't trust anybody also if we divide everyone into groups and it's understood however sympathetic or antagonistic you may be that jordan

nearly was a severely ill person in a world in which there are group identities he should not be seen as the emblematic figure because there are so many things that can be done but if they're not done you won't fool anybody by saying we must destigmatize first a way to destigmatize is to take steps that we really that are very modest and that are understood and i think that's really important and i also think what rafael's says is very important about reclaiming public spaces because otherwise there's no way of understanding who is violating a social norm and who is ill in a threatening way and then you can't even like you know when jane jacob says we all need eyes

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on the street eyes on the street are of no value if you can't even evaluate what street life is supposed to be anymore and i don't think that's a dread imposition of some old-fashioned standard i think it's i think it's a pretty basic one it doesn't solve the problem but it is at least a small beginning to me my mind cat i want to give you the last word on this looking forward what do we want to hear from our political leaders at this point on dealing with this bigger problem not just the mental health crisis but all of it having kind of the stew with the homeless problem as well as you know the availability of these drugs and and the public spaces problem

that rafael was talking about so i i'm very focused on what i don't want to hear and what i don't think politicians in particular should be engaged in um which is joining in this mad rush immediately after an incident like this to either dfi or demonize the parties involved dependent entirely on where they slot into this kind of identitarian narrative you know which is driven by that same power slash privilege framework that we were talking about earlier people like alexandra ocasio-cortez and aiyana presley when they go into the public square essentially and tell millions of people that this was a lynching or that you know this happened because you know there was a white supremacist on the train who hates black people and hates the homeless and just you know was out for blood that day they are not just utterly failing in their capacity as public servants they are scaring the hell out of people and they need to stop um we need uh from the people

who are in a position to actually influence policy to influence the way that these issues are addressed systemically we need so much better and so much more than that rafael cat jonathan thank you so much this has been honestly and i'm ilay lake you