

COMMENTARY

The Diallo Affair and the 'New Violence' in America

*Injustice anywhere is a threat to
justice everywhere.*
—Dr. Martin Luther King, Jr.

*The fault, dear Brutus, lies not in
our stars, but in ourselves.*
—William Shakespeare,
Julius Caesar, Act I

Since Feb. 4, 1999, when West African immigrant Amadou Diallo, a 22-year-old devout Muslim with no criminal record, was gunned down without provocation by four policemen in the Bronx, New York City, the Schiller Institute has followed this case without comment. Now that an acquittal has been rendered, resulting in an explosive effect on at least part of the nation, it has become urgent, that direction be given to the populace, as to *how* to think about this tragic event, and the culture of death that spawned it.

Since 1975, when New York City was forced under the financial dictatorship of the Municipal Assistance Corporation (otherwise known as “Big MAC”), that austerity regime has introduced a “New Dark Age cultural paradigm-shift,” to erode the social resistance that would otherwise have naturally overthrown the Big MAC enterprise. New York led America’s way, in a Wall Street parody of 1920’s Weimar Germany, into the “post-industrial society” (for example, New York was home to the infamous Studio 54, which performed the multiple functions of whorehouse, drug-den, and after-hours “diplomats lounge,” and whose lawyer, and Babylonian ring-master, was the notorious East Side degenerate, Roy Marcus Cohn).

A faction of Wall Street and British financiers has decided, Hitler-style, that, among the 80 percent of the “have-nots” of this and other nations, there are hundreds of millions of lives deemed “not

worthy to be lived.” It is this mind-set, emanating from the top of the nation’s institutions, which must be examined in determining the cause of the Diallo killing.

Procedure Replaces Justice

The Diallo killing occurred, not because the officers intended, when leaving their car, to kill an unarmed, innocent man. It was the perversion of the very purpose of law enforcement in the City of New York, that caused Diallo to die. Law enforcement in New York is not carried out from the standpoint of the Constitution’s “General Welfare” clause, but rather, from the standpoint of maintaining post-industrial “law and order,” by video-game-trained, New Age “Nintendo cops.” The function of law enforcement, particularly for “special forces units” in Mayor Rudolph Giuliani’s New York, is to produce a quota of arrests, gun confiscations, and the like, that “prove” that the lackey Mayor is doing his level best to make sure that “the streets run on time” for the 20 percent of the population in the upper-income brackets.

African-Americans, Hispanics, and Asian-Americans are not the constituency to be placated. African immigrants are not only at the bottom of the list—*they’re not even on the list*. (The Street Crime Unit, a “Special Forces”/“Dirty Harry”/“cowboy” unit, whose slogan was “We Own the Night,” was the brainchild of Giuliani, Police Commissioner Howard Safir, and other errand-runners for Wall Street.) When confronted with the Diallo murder last year, Giuliani’s response was to announce, at a press conference on Feb. 13, that New York police would switch to hollow-point bullets (which do more damage to the intended victim, therefore requiring fewer rounds to be fired).

Whatever one’s conclusion about the fairness of the verdict, it is undeniable that the nation is plagued with an epidemic of violence—police violence, violence of armed and unarmed children, and death penalty executions which continue, even though ample evidence has been supplied that this barbaric practice regularly kills innocent people.

Diallo’s mother, interviewed by a reporter as she returned to her native Guinea, expressed neither horror, nor revulsion, at the Mayor’s action. She could not understand it; she could not fathom it. What had she, or her son, done to the Mayor, or to America, that they should be treated this way?

Perhaps there is no more pervasive, and perverted, crime in the Twentieth century, than the slaughter of innocent individuals in the name of the law. Southern lynchings, the Nazi obliteration of the Warsaw ghetto, the continuing sanctions against Iraq, are eloquent testimony to that. The question is: If the adherence to “correct legal and police procedure” leads to the killing of innocent people, as it so often does on death row as well as in the streets of America, then what causes that? Are officers being trained, with the help of video games, not to apprehend, but to kill? Does Mayor Giuliani’s idea of the price of effective law enforcement, require policemen to risk killing law-abiding citizens, in order to protect them from crime?

We are not in the business of sculpting a “reaction” to the verdict in the Diallo case, a verdict which appears to be *internally consistent with the charge made to the jury, as well as with the case put on by the prosecution.*



Rally at the Justice Department to protest injustice in the Amadou Diallo case. Diallo was gunned down while reaching for his wallet.

Juror Helen Harder, in an interview with the *New York Times*, stated: “Two or three days earlier, I would never have expected that verdict. *It surprised me.* We were charged by the judge and told that the prosecution has to prove its case or there is no case. Well, that made it different.”

Whatever one’s conclusion may be about the fairness of the verdict, it is undeniable that the nation is plagued with an epidemic of violence—police violence, violence of armed and unarmed children, and death penalty executions which continue, even though ample evidence has been supplied, in Illinois and elsewhere, that this barbaric practice regularly kills innocent people, and contributes to a climate of blood-lust in which the morality of a lynching lies just beneath the surface of the so-called “retributive justice” supposedly meted out by the state-sanctioned execution.

The Tragedy

On Feb. 4, 1999, Amadou Diallo, an immigrant worker from Guinea, was shot in the vestibule of his home by four members of the New York Street Crimes Unit, at about 12:40 a.m. Diallo was unarmed, and offered no resistance

to the officers. The plainclothes officers, who had been driving in their car, noticed Diallo as he was entering his home. They stated that they believed he was acting suspiciously. They backed up their car, and two of them got out. One officer pulled out his badge, and said, “We’d like to have a word with you.” Diallo continued to enter the vestibule of his building. At some point, he pulled out his wallet, apparently in an attempt to identify himself. According to one trial witness and the four policemen-defendants, the first officer yelled, “Gun!” Forty-one bullets were fired in five seconds, 19 of them hitting their target. Forty-four minutes after midnight, Amadou Diallo was dead.

Diallo had no criminal record. He was a devout Muslim who did not smoke or drink. He was employed as a street peddler. During February of last year, the government of Guinea characterized the case as “of national importance,” and organized a prayer service for him at the Faycal Mosque in Conakry, Guinea’s capital. Members of Parliament and other government officials met the coffin at the airport, and Diallo was given the equivalent of a state funeral. The case has subsequently

become quite well known throughout Africa.

Jurors indicated that they were shocked that the prosecution was not more aggressive, that they did not cross-examine witnesses, not even a criminologist who normally criticizes police methods in arresting suspects, but contended that, in this case, police had “followed the correct procedure.” As reported in the *New York Times*, “James J. Fyfe, a criminologist at Temple University in Philadelphia and a former New York City police officer who often testifies against police departments, this time testified in the four officers’ defense. He said that the defendants had broken no departmental guidelines and had been forced to make split-second decisions in what was a police officer’s nightmare.”

Juror Helen Harder stated, “All of a sudden, the case was over. We had no idea, and still don’t, why [the prosecution] didn’t question him.”

All the Wrong Assumptions

New York Post columnist Jack Newfield commented, with respect to the police officers, “All their assumptions and perceptions that night were wrong. They thought Diallo was a criminal, but he was not. They thought he had a gun, but he did not. They thought that he was reaching for a gun, but he was not. They thought he resembled the sketch of a rapist, but he did not. They thought he was an intruder on Wheeler Avenue, but he was not. . . . All four officers testified they saw a gun, which was only a wallet. . . . [Officer Sean] Carroll said he saw a ‘muzzle flash’ aimed at him. This was another hallucination. He fired 16 shots and reloaded.”

What accounts for these assumptions on the part of the police force? Is it simply racial profiling? Or are we dealing with a set of officers who responded in accordance with “Nintendo”-style “virtual training”? The Street Crimes Unit, a testosterone- and adrenalin-powered outfit, had a quota of shakedowns, illegal gun retrievals, and arrests. Despite the fact that crime had decreased in New York City over the 1990’s, arrests increased. For example,

in 1993, there were 126,681 felony arrests. In 1998, despite a significant drop in crime, there were 130,089. Also in 1998, prosecutors tossed out 18,000 arrests in the city, more than double the number rejected in 1994, *even before those arrests were reviewed by a judge.*

Columnist Nat Hentoff reports that Giuliani, in a conversation with Hentoff during Giuliani's days as a U.S. Attorney, and before becoming New York City Mayor, once contended that the U.S. Constitution's Fourth Amendment did not contain the phrase "probable cause"—("The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause . . ."). It is within the Giuliani-defined matrix of "police procedures required to make the streets run on time," that one must seek the true perpetrators of the Klan-like killing of an innocent man on the doorstep of his adopted home.

On the West Coast

The March 6 issue of *Time* magazine, which has a poignant picture of Diallo on the cover, wearing a t-shirt emblazoned with the letters "USA," includes a report on the now-unfolding scandal involving the Los Angeles Police Department's Community Resources Against Street Hoodlums (CRASH) unit. One member of the CRASH unit, Rafael Perez, arrested for attempting to steal six pounds of cocaine from the downtown headquarters of the LAPD, has begun turning in so many other police officers, that a new term, borrowed from Rap music, "gangsta cops," was coined to describe the LAPD. CRASH, like the New York City Street Crimes Unit, was again a "special unit," with its own rules, and instructions to break up the street gang apparatus located near the Rampart division police station in downtown Los Angeles.

As a result of Perez's confessions, 20 officers have been relieved of their duties, 40 criminal convictions have already been reversed, and prosecutors

have stated that as many as 4,000 cases could ultimately be affected. Perez admitted to shooting and paralyzing an unarmed 19-year-old (who was also hand-cuffed), and planting a gun on him, leading to his conviction and a sentence of 23 years. The victim, Javier Ovando, was in jail for two years and 11 months. Juan Saldana, also shot by officers, was not so lucky. After planting a gun on Saldana, the officers took time out to prepare their alibi before calling an ambulance. As a result, Saldana bled to death.

More fundamental than any of these incidents, however, is the degenerate street culture that increasingly permeates the Police Department. "One of the most brazen officers was Perez's friend David Mack," *Time* reports. "Mack is serving a 14-year prison sentence for robbing a bank of \$722,000. After the robbery, Perez says that he travelled to Las Vegas with Mack for a high-living gambling spree. Mack has reportedly renounced his police associations and claims to belong to the Piru Bloods, a Los Angeles street gang. The *Los Angeles Times* has reported that Mack is being investigated in connection with the murder of Christopher Wallace—the rapper Notorious B.I.G.—who was shot to death after leaving a party in 1997."

Both the New York City Street Crime Unit, which used the slogan "We Own the Night" like a gang chant, and the Los Angeles CRASH unit, often bear a closer resemblance to street gangs than law enforcement. That fact, however, is something to be laid at the doorstep of the entire popular cultural matrix, in the which these officers are completely inculcated—the "hip-hop" culture of the streets, the pornographic content of much of television, and the weird world of computer video games, not to mention various forms of substance abuse. At his sentencing in late February, Perez admonished, "Whoever chases monsters should see to it that in the process he does not become a monster himself." But what precisely is the cultural inoculation that you give to these officers, most of them in their

20's, when they are drawn from the same proto-fascist popular-cultural "pool" that produced the Columbine shooters?

Is It Just Racism?

Many of those who have protested the killing of Amadou Diallo and others, have contended that these are racial crimes. There is no doubt that racism is at work. The question is, how?

Last December, New York State Attorney General Elliot Spitzer produced a report on the New York City Police Department that criticized the Department for its policy of sweeping street searches, 70 percent of which did not originate with a call to the police, nor with any complaint made by a victim. In April of last year, one set of statistics showed that, of the 40,000 people whom the police had stopped and searched, largely on the premise of potential confiscation of illegal guns, only 9,500 were actually arrested. Forty percent of the forms filled out by police to explain the motivation for the stop-and-search actions, did not contain sufficient reasons for the detention indicated. African-Americans and Hispanics were stopped and searched six times, and four times, respectively, more often than whites.

The bogus explanation is offered that, because much more street-level crime is committed in the African-American and Hispanic communities than in other, largely better-off areas, the arrests make sense. That does not explain the arrest or detention of such people, however, as Brother Tyrone Davis, a Catholic religious who teaches at Rice High School in Harlem. According to reports, Davis, the head of the New York Archdiocese's Office of African-American Ministry, has been stopped by police and searched so many times, that he now always makes sure that he is wearing his clerical collar when he leaves the school. As reported in the *New York Times*, on July 16, 1998, Broadway actor Alton Fitzgerald White, who is suing the city for false arrest, was "made to kneel in the vestibule of his building with his hands cuffed behind his back. He was

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told by the police to ‘face the wall’ and keep his mouth shut. He was not allowed to ask any questions or to assert his innocence.

“‘If I had gotten irate I could have been killed,’ he said. . . . As he knelt on the cold tile floor, he said, he realized that in the eyes of the police he was not a good guy, a decent and honest man, a star in a hit show. None of that. He was a complete nobody, just another Black man with no rights and no claim to respectful treatment.” White was then arrested, hand-cuffed, and taken to the 33rd Precinct, where he was strip-searched.

All this would seem to corroborate the racism charge. Consider, however, the case of *Gidone* (Gary) Busch, an Orthodox Jew from Boro Park, killed on Aug. 30, 1999 by four policemen who fired 12 shots at him. Busch was well known in the neighborhood and, although somewhat eccentric, was not considered dangerous by those who knew him. The story told by police, that Busch had attempted to assault them with a hammer, has since been disputed by several witnesses. More ominously, although Police Commissioner Howard Safir claimed the day after the shooting that the police had several eyewitnesses who would corroborate the story of the police, those witnesses have yet to be produced.

Police who had gone to Busch’s apartment twice earlier that evening, were called back to the neighborhood some time between 6 and 7 p.m. When Busch appeared in the doorway with a hammer, he was allegedly pepper-

sprayed by Officer Daniel Gravitch. Busch then panicked, and ran, screaming, past the police onto the sidewalk. Six officers surrounded him. Several witnesses reported—contrary to the police contention that Busch was swinging the hammer in a threatening manner—that at no time did he in fact attempt to hit anyone. After Busch was warned to drop the hammer, one officer counted to three, fired one shot, and then four others fired 11 times, killing him. By the next morning, Busch had been transformed into a “dangerous psycho running through the neighborhood with a hammer,” who required maximum force to be restrained.

Although the Jewish community, after some initial protest, ceased its activity when the Mayor’s representatives assured them that there would be a fair investigation, now, after the acquittal of the four officers, *Gidone* Busch’s mother, Doris Busch Boskey, has announced that she will file a civil suit against the city. She has also been increasingly vocal about the miscarriage of justice, and has appeared at rallies and other functions, including the vigils for Amadou Diallo. Interviewed by reporter Rebecca Segall for the Feb. 29 issue of the *Village Voice*, she stated, “I feel betrayed by Mayor Giuliani and Police Commissioner Safir because they should have waited before incriminating my son on television the day after he was killed. I feel betrayed because they labeled him violently deranged before knowing anything about him. I feel betrayed because I never got a sympathy call from Giuliani and because

they had no intention of a fair investigation. I feel betrayed because there was an agenda not to indict the cops from day one.”

A Black-Jewish Combination

Clearly, the killing of Busch does not conform to the “anti-African-American Giuliani police department” profile that many have sought to curve-fit to the present situation. Further, the possibility of broader action in the Diallo case and the Busch case, by uniting the African-American and Jewish constituencies in the city, is precisely what the Mayor’s advisers are most concerned about. Such a combination could echo, if not resurrect, the same winning combination that worked so well in the days of the Civil Rights movement.

It should be recalled, that the Civil Rights struggle of the 1960’s, as well as earlier, was a collaboration between those participants in, and descendants of, the Yiddish Renaissance, and the African-Americans who carried forward the legacy of the revolutionary Reconstruction legislatures, and their descendants, such as Paul Laurence Dunbar, James Weldon Johnson, Paul Robeson, and others. The famous Harry Burleigh’s decades-long service as a singer at Manhattan’s most prestigious synagogue exemplifies this. Can this tradition be called upon, through the tragedy of these deaths, to rally those who would desire a popular movement, both in New York City and throughout the nation, to bring justice, and the spirit—rather than the letter—of the law, back to the streets of the United States?

If the answer were affirmative, then we could lay to rest the fear that the people of New York are not human enough to insist that they, and consequently law enforcement officers, prosecutors, and elected officials, all see each of us, no matter how poor, as being made in the image of God. Then Amadou Diallo’s mother, and, perhaps, Amadou Diallo himself, might smile and say, “This were something worth dying for.”

—Dennis Speed,
Northeast Coordinator,
Schiller Institute