

# US will not prosecute New York police in Diallo killing

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Nearly two years after Amadou Diallo was shot to death in the lobby of his own apartment building in the Bronx, the US Attorney's Office informed his family it will bring no federal civil rights charges against the four New York City police officers who killed their son.

The announcement was made in New York by US Attorney for the Southern District of New York Mary Jo White. In Washington, Eric Holder—the acting US Attorney General, a holdover from the Clinton administration who is heading the department while the US Senate considers President Bush's choice for the post, John Ashcroft—reiterated the decision, while calling on renewed “trust” between police departments and the communities.

The dropping of the federal case in the police shooting of the unarmed West African immigrant is part of the broader decision by the Clinton Justice Department to stall multiple investigations into the systematic violation of civil rights carried out by the New York Police Department (NYPD) against the poor and minority population of the city.

The cynicism of the announcement's timing, after Clinton had left office and his wife Hillary, who mouthed phrases of sympathy for the Diallo family, secured her seat in the Senate, was not lost on the dead man's family.

“I have been betrayed by the criminal justice system, because I believe for me, as a mother, a child is a child, a soul is a soul,” said Katiatou Diallo after the meeting. “If someone has been executed like Amadou was, there should be accountability. If you do not reprimand an act like this, then I don't know what kind of message you are sending.”

White told the family that the Justice Department could not bring the case to trial because it would be

unable to prove that the four white cops intended to deprive Diallo of his constitutional rights by firing 41 bullets at him. The cops were members of a plainclothes Street Crime Unit that was notorious for unprovoked stop-and-frisks of young minority males throughout the city and had adopted the slogan “We own the night.” They claimed that they saw the young West African reach for his wallet and thought it was a gun, shooting out of fear for their own lives.

The four white officers were acquitted on criminal charges a year after the shooting. Their lawyers had managed to have their trial moved to Albany in order to prevent those who had suffered at the hands of the NYPD from serving on a jury that would decide the fate of four cops who killed a defenseless man.

While portrayed by New York's Republican Mayor Rudolph Giuliani and his Police Department as a tragic mistake, the Diallo killing was emblematic of an oppressive and brutal form of policing that the city has adopted in working class and poor neighborhoods.

Reports issued by the New York State Attorney General and the US Civil Rights Commission charged that the police engaged in “racial profiling,” targeting black and Hispanic workers and youth for street searches in disproportionate numbers and solely because of their race. According to one survey, the Street Crime Unit that killed Amadou Diallo accosted and searched 16 black “suspects” for every arrest it made.

As the gap has widened between the city's thin but concentrated layer of super-rich and the vast majority of workers and poor has grown ever wider, the Police Department has grown apace, putting more than 30 percent more cops on the street in the last decade. Their mission is to protect the wealth and property of the elite, and keep a tight lid on social discontent.

In the wake of the Diallo shooting, the Manhattan US Attorney's Office launched an investigation into the NYPD's stop-and-frisk policies pursuant to a federal lawsuit against the city for violating the civil rights of minority New Yorkers and riding roughshod over the US Constitution's protection against unreasonable search and seizure.

Two years later, the investigation has yet to be completed, and, with the Bush administration having taken office and Ashcroft apparently set to take the helm of the Justice Department, there is little possibility that any action will be taken.

A second investigation, begun nearly three and a half years ago into the Police Department's failure to discipline cops who carry out acts of brutality, likewise remains "pending." That probe was launched just one week after a Brooklyn cop, Justin Volpe, tortured Haitian immigrant Abner Louima in the bathroom of a precinct stationhouse in August 1997. Volpe and another cop were later convicted of the crime in a federal civil rights trial, while two other police officers were found guilty of lying to investigators.

Both probes were launched under a 1994 law passed after the videotaped beating of Rodney King by members of the Los Angeles Police Department. The statute allows the federal government to investigate whether a police department engages in "patterns and practices" that violate civil rights. The law calls for the Justice Department to seek a negotiated change in a department's policies before suing. While the Giuliani administration had gone through the motions of negotiating new procedures, these talks have now ground to a halt.

The NYPD has clearly shifted its attitude toward the US Attorneys in the wake of Bush's installation as president. Court papers filed earlier this week by the Manhattan US Attorney revealed that the Police Department has refused to provide investigators with further data on people stopped and frisked by cops. The city's law department has also ceased negotiations with the US Attorney's office on possible changes in the NYPD's stop-and-frisk tactics.

At a January 30 press conference, Giuliani defended the stonewalling of the Justice Department, declaring that the federal prosecutors "have to stop harassing the Police Department." Denying that the Police Department's street searches were the result of racial

profiling, he declared, "If most of the people identified as crime suspects were tall, most of those stopped by the police would be tall people."

With Ashcroft, an extreme right-wing politician who has made his reputation as a rabid opponent of democratic rights and civil liberties, set to become attorney general, Giuliani and the NYPD are confident that the investigations launched under the Clinton administration will die on the vine.

The failure of the Clinton Justice Department to pursue either investigation to completion has assured Bush and Ashcroft a seamless transition. Significantly, none of the Democrats' questioning in the Senate hearings on Ashcroft's nomination touched on the NYPD probes. And, since her election to the Senate, Hillary Clinton has made no mention of the Diallo case.



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