Manhattan district attorney drops case against Dominique Strauss-Kahn

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A New York State Supreme Court judge dismissed the sexual assault case against Dominique Strauss-Kahn Tuesday at the request of prosecutors from the Manhattan district attorney's office.

Strauss-Kahn, former managing director of the International Monetary Fund (IMF) and leading figure in the French Socialist Party, was arrested May 14 after a complaint lodged with New York City police by a housekeeper at the exclusive Sofitel hotel. Strauss-Kahn was subsequently forced out of his position at the IMF and his expected campaign for the presidential nomination of the Socialist Party, one of the two main bourgeois parties in France.

District attorney Cyrus Vance Jr. and his office, basing themselves solely on a statement by the alleged victim, had Strauss-Kahn removed from an airplane, subjected to the degrading "perp walk," among other humiliations, indicted and incarcerated. They later argued against granting him bail and insisted on his detention under 24-hour-a-day house arrest, complete with armed guards and electronic monitoring.

The US media, led by the *New York Times*, seized on the case and worked assiduously to convict Strauss-Kahn in the public mind. The *Times*' Maureen Dowd wrote a particularly lurid and repulsive piece, "Powerful and Primitive," which took for granted the French politician's guilt.

The official American "left" followed suit. Katha Pollitt in the *Nation* magazine and Sherri Wolf at *Socialist Worker* exhibited not the slightest concern for democratic rights and, specifically, the presumption of innocence. Strauss-Kahn's guilt fit too neatly into their middle class agenda for them to let facts, or the lack of facts, stand in their way. Of course, no retractions or honest accounting of their positions should be expected from these unprincipled individuals.

The Strauss-Kahn case began to collapse in late June, when prosecutors were obliged to take note of the contradictions in the statements of the alleged victim, Nafissatou Diallo, a 32-year-old Guinean immigrant, and the numerous falsehoods she had told them. In an effort to salvage something of their court case and no doubt to save face, prosecutors dragged out the legal action for another seven weeks. Now the case has collapsed ignominiously. The 25-page brief submitted by the district attorney's office Monday is an extraordinary self-indictment.

Following the episode in mid-May District Attorney Vance issued various public statements in regard to the Strauss-Kahn case. On May 16, for example, his press release began, "According to the documents filed in court, on May 14, 2011, Strauss-Kahn shut the door of his hotel room, thereby preventing the victim, a member of the hotel's room attendant staff, from leaving."

Three days later, Vance declared, "The Grand Jury, an independent body comprised of impartial jurors, considered the evidence presented by prosecutors from my Office, and found it sufficient to file an indictment. Under American law, these are extremely serious charges, based on the Grand Jury's determination that the evidence supports the commission of non-consensual, forced sexual acts."

One now feels entitled to ask, what "documents" and what "evidence," apart from the uncorroborated claims of the alleged victim? Whether or not the case against Strauss-Kahn was politically motivated, or assumed that character once it got under way, the prosecutorial conduct in this case was outrageous. It helps brings to light how the American "justice system" operates on a daily basis, in flagrant violation of elementary democratic principles.

Wise after the fact, various voices are now suggesting rather timidly that Vance's office acted improperly. Writing in the *New Yorker*, lawyer and legal analyst Jeffrey Toobin notes, "It seems clear, in retrospect, that the prosecutors rushed to indict Strauss-Kahn when they should have taken more time to investigate the facts with greater care."

The *New York Times* writes Tuesday, "Some people have criticized Mr. Vance's office for moving quickly to indict Mr. Strauss-Kahn, rather than arranging a bail package that would have allowed prosecutors more time to investigate before deciding how to proceed.

"While that more deliberative course might have had the same ultimate result, it could have helped avoid the prosecution's early pronouncements in court that the case was strong and that Ms. Diallo was credible and gave an 'unwavering' account."

As Toobin now laments, it turns out that Ms. Diallo "lied with abandon—about facts of the Strauss-Kahn case, about her background, about her financial affairs, about pretty much everything."

In its August 22 brief, the Manhattan district attorney's office acknowledges that while "a hurried sexual encounter took place" May 14 at the Sofitel, there is no proof of force or lack of consent, apart from the complainant's testimony. "The case rises and falls on her testimony," it continues. Attempting to cover up for their own conduct, the brief's authors assert, "At the time of the indictment, all available evidence satisfied us that the complainant was reliable." How strenuously did prosecutors pursue the issue of her reliability?

As the brief points out, Diallo is hardly being held to a "heightened standard" of reliability. "Instead, we are confronted with a situation in which it has become increasingly clear that the complainant's credibility cannot withstand the most basic evaluation." It continues, devastatingly: "In virtually every substantive interview with prosecutors, despite entreaties to simply be truthful, she has not been truthful, on matters great and small, many pertaining to her

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background and some relating to the circumstances of the incident itself."

Diallo, for example, provided prosecutors three different accounts of her behavior following the alleged assault. In the initial version, she claimed she fled Strauss-Kahn's room and went to the far end of the hotel corridor, where she encountered her supervisor. On June 28, she admitted "for the first time that she had been untruthful about this key point with prosecutors and had lied about it in her testimony [under oath] before the grand jury." She now claimed that she had gone directly into another room to finish cleaning it. However, a check of electronic swipe records undermined this account, as she had stayed in the other room less than one minute.

On July 27, she claimed to the same prosecutors that she had not, in fact, made the June 28 statements, "and asserted that they must have been mistranslated by the interpreter or misunderstood by prosecutors. … Critically, her willingness to deny having made those statements to the very same prosecutors who had heard her make them on June 28 calls her credibility into question at the most fundamental level." The prosecutors complain that the "varying accounts also make it difficult to ascertain what actually occurred in the critical time frame … and we have no confidence that the complainant would tell the truth if she were called as a witness at trial."

The brief also describes as "fatal" the fact that Diallo lied about another alleged rape, at the hands of a group of soldiers, in her native country. "On both occasions [when Diallo described the alleged earlier incident to prosecutors], the complainant recounted the rape with great emotion and conviction." She later admitted lying about the incident because she had included it in her original application for political asylum in the US. "It is clear that, in a case where a complainant is accusing a defendant of a sexual assault, the fact that she has given a prior false account of a different sexual assault is highly relevant. … But most significant is her ability to recount that fiction as fact with complete conviction."

The brief goes on to list numerous false statements by Diallo, including some made under oath. It notes, among other matters, that "in response to routine questions from prosecutors regarding her sources of income, the complainant failed to disclose a stream of cash deposits—totaling nearly $60,000—that were made into her checking account by other individuals in four different states." Her fiancé was convicted in Arizona of conspiracy to possess marijuana for sale, after paying undercover police officers $36,500 for a large amount of the drug.

There is also the matter of her telephone conversation with this incarcerated fiancé, during which "the potential for financial recovery in relation to the May 14, 2011 incident was mentioned." The brief, in a footnote, points out that on August 8, "the complainant filed a civil suit against the defendant, seeking unspecified damages."

In regard to the physical evidence, as previously noted, the brief asserts that while a sexual encounter took place May 14, "It does not, however, prove or corroborate that their encounter was forcible or non-consensual, and fails to corroborate certain aspects of the complainant's account of the charged incident."

We provide these details to underline how flimsy the district attorney's case truly was. It strains credulity to believe that many of these facts could not have been quickly uncovered by the Manhattan district attorney's office. Vance and his associates were clearly pursuing a political agenda.

The conduct of Diallo and her associates is not the critical question. It simply became the occasion for a reactionary legal-political operation to be carried out. Far more important are issues bound up with the decayed state of American society and global geopolitical affairs.

The events of 9/11 provided the authorities in the US a pretext to dramatically accelerate the assault on democratic rights. The entire American political establishment, including its liberal and even "left" elements, has shifted far to the right. There is hardly a hint of a concern for democratic rights in the official political discourse. The Strauss-Kahn affair became another opportunity to trample on elementary constitutional norms, in the favored contemporary form of a sensationalized or manufactured sex scandal.

Moreover, while Strauss-Kahn is a conventional bourgeois French politician, fully committed to the defense of capitalism, his policies were not necessarily in harmony with those pursued by the Obama administration or Wall Street. His legal vindication comes more than a month after he was replaced as head of the IMF by another French politician, Christine Lagarde, more aligned with the policies of right-wing French President Sarkozy and hailed by Washington. One more time, manipulated outrage over alleged sexual misconduct has helped obscure a process through which significant changes may be made at a major institution, with a potential impact on great numbers of people.

The WSWS from the beginning registered its concern about the questions raised by the Strauss-Kahn incident. On May 19, we wrote: "The *World Socialist Web Site* insists on the presumption of innocence and other fundamental democratic rights. … Those on the political left who foolishly believe that Strauss-Kahn's fate is a matter of indifference—or should even be welcomed as just punishment for his personal wealth and political sins—understand nothing of the importance of democratic rights. It is worth pointing out, moreover, that socialist convictions are not based on small-minded vengefulness."

The author also recommends:

The serious questions raised by the Dominique Strauss-Kahn affair [19 May 2011]

The American "left" and the Strauss-Kahn affair [23 May 2011]

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