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Amadou Diallo 1975 - 1999

Amadou Diallo and Rudy Giuliani

by Jonathan Wallace. Email address: [jw "at symbol" bway.net](mailto:jw@symbol.bway.net)

A man stands on the steps of his apartment building in the night, casting fearful glances at a car full of men who emerge and pursue him into the alcove of his building with guns. He tries to get in and cannot; he reaches for his wallet, possibly to surrender it to them, and they fire forty-one shots at him.

If you are not from New York City, you have probably always heard it is dangerous to live here and I say, yes, that is still true. In New York, you can legally be slain on your own front steps, by the cops. You will not know they are cops; they will be wearing plain clothes, driving an unmarked car, and they may not identify themselves. But when you react as you probably would to a group of armed men chasing you, they will have the right to shoot you, without consequences.

The Amadou Diallo case is about race, dirty politics, and Rudy Giuliani's police state.

Race

As a white man living in Brooklyn Heights, despite the apparent new legality of police execution of unarmed, law abiding citizens, I seriously doubt that what happened to Amadou Diallo could happen to me. I am tempted to try the experiment: I will stand on my front steps, darting my head suspiciously whenever a police car passes by and withdrawing into my doorway, and I doubt anyone will stop. Because I am a white man in a middle class neighborhood and do not fit the deeply racist profile that Amadou Diallo did. Every cop will assume, correctly, that I belong there, while the cops who shot Diallo testified that it never occurred to them that he might be a resident of his own building.

A proof of this proposition is that the police in New York City do not shoot people like me by accident, while they make headlines once or twice a year for the highly questionable shooting of a young black male (though at least once it was an elderly black woman, Eleanor Bumpurs.) In most of these cases, the circumstances are somewhat foggy: the cops are in uniform, the victim has a criminal record or is fighting them. And a lot of people who imagine themselves good citizens have a complacent reaction: "He had it coming. Even if he didn't quite deserve to be executed simply for wrestling, I'm not going to mourn over it."

But Amadou Diallo did absolutely nothing wrong. He worked for a living, had no criminal record, was standing quietly on his own front stoop, offered no violence, and simply tried to retreat safely to the

protection of his own home, a very natural reaction when pursued by four armed men he did not know to be cops.

In New York City under Rudy Giuliani, we have seen the terrible resurgence of officially condoned police racism. Not long ago, a black cast member of a Broadway play was arrested and held overnight, missing his performance. Like Diallo, his only "crime" was that of being a black man in his own building at a time when it came under police attention. Ask any young black man in New York City, neatly dressed teenager or even a computer consultant wearing a suit, how many times he has been stopped and harassed by the police.

In New York City we have a terrible double standard, because if the cops had executed my white next door neighbor under identical circumstances, there would have been consequences.

Dirty politics

I believe that transferring the trial to Albany was the result of dirty politics. The implication that the cops could not receive a fair trial in the Bronx was insulting to the residents of that borough, and very much predicated on who the defendants were. After all, the John Gotti trial did not get moved from Brooklyn, and the defendant was far more notorious than the cops who slew Amadou Diallo. The jury selection process is predicated on the premise that by adroit questioning and careful consideration it is possible to find jurors who will render a fair verdict. It would undoubtedly have been possible to find people in the Bronx who had never heard of Diallo, just as it was possible to find a few in Brooklyn who did not think much, one way or the other, about John Gotti.

The real reason the trial was moved was because of the comparative *political* environments of the two venues. The people of the Bronx, because of long experience, not prejudice, have a skeptical view of cops. The people of Albany do not; the judge who transferred the case there carefully picked a jurisdiction where cops are almost always acquitted of any kind of criminal charge. A Bronx jury would have looked at the defendants through the eye of their own experience of police harassment and violence, and would have evaluated the testimony in the light of this experience. An Albany jury would also see the case through its own quite different lens, of regarding the police as the "thin blue line" between homeowners and chaos (including chaos riding the Greyhound bus from New York City). The transfer was not accomplished to find people who could be "neutral" or "impartial"; it was to substitute one set of attitudes, of experiences, for another.

Yes, there were four black women on the jury, and the vote was unanimous to acquit. It will be interesting to hear what they have to say. The defense attorneys tried to have them all excused because of their race (as defense attorneys in these types of cases always have.) But this time the judge did not permit it (as judges in the past usually did.) Nevertheless, though reassuring, it would still be a form of oversimplification and reverse racism to say the trial was fair *because* there were black people on the jury. An Albany jury of whatever racial composition could still have assigned lesser value to Diallo's life because he was Senegalese, an immigrant, did not speak English as a first language-- or because he lived in New York City.

Cops who work in the Bronx should be tried by the people of the Bronx, just as criminals who prey on the people of the Bronx should be tried by them. There is no difference in the two situations, unless you presuppose the result. The real reason for transferring the trial was "lets save these heroes," not "lets find a fair and neutral venue."

The transfer incidentally sends the message that it is wrong, hysterical, overwrought and dangerous to speak out against police violence, because the result will be that your entire jurisdiction will be deemed too unstable to carry out a fair trial of a violent policeman. Why then do we not apply the same rules to Mafia trials? Why is it fair to try a Mafioso in a jurisdiction where there has been a significant, ongoing, negative spotlight on Mafia violence and frequent strongly phrased denunciations by police and prosecutors? Why doesn't the "perp walk"--the ritual of the cops thrusting a newly arrested defendant against his will right into the cameras and microphones of reporters--ever result in a judge holding that the defendant can now not receive a fair trial in that jurisdiction?

The question is rhetorical and the answer obvious. The government can heap all the invective it wants on a criminal defendant but when the speech is that of private citizens opposing government power, the rules suddenly change. Dirty politics, as I said.

Rudy Giuliani's police state

Giuliani's first Mayoral campaign began in a police riot, which no-one today remembers. The cops were demonstrating in front of City Hall, then inhabited by a black mayor, David Dinkins. Giuliani stood on the steps and delivered a speech so incendiary that the cops, many of them already drunk, began beating journalists and blocking traffic on the Brooklyn Bridge. It is heavily ironic that Giuliani no longer permits demonstrations on the steps of City Hall.

As a former prosecutor, the mayor relies on the police as his power base. They are not simply one of the city agencies under his management, nor does he regard them as a group which needs to be carefully supervised, as prone to suicide, alcoholism and violence. Because the mayor draws his power from the police, he can never be in a position of criticizing anything they do. Instead, he will always be an apologist for their violence.

The kind of mayor I want for my city would be deeply agitated by the killing of Amadou Diallo and would ask why he had such poorly trained, highly strung "heroes" patrolling in plainclothes. Giuliani, on television, merely seemed pained, as he always does. Undoubtedly he wishes it had not happened, but only because it is a nuisance to deal with and (had it gotten out of control, for example if the trial had been permitted to happen in the Bronx) a potential threat to his senatorial campaign.

Another lesson from the Diallo case is that we live in an era of more subtle evil than before. Forty years ago in the South, the cops would have been swaggering and boasting and the white jurors winking (if any indictment was brought at all.) Twenty-five years ago in New York City, an untraceable gun would have emerged from a police locker to be placed by the body and the cops would have claimed that Diallo brandished it at them.

Today, in the era of "compassionate conservatism", everyone has learned that quite extreme behavior can be hidden behind reasonable sounding words. Thus by acknowledging that killing Diallo was a "mistake" (as they would not have twenty-five or more years ago) the cop defendants expected, and obtained, complete absolution for their acts.

**“Rudy Giuliani
is a dictator in
waiting.”**

-Jonathan Wallace

But in the law school where I obtained my training, a "mistake" means "negligence" and "criminal negligence" was one of the counts on which the jury acquitted all defendants. What exactly is the

significance of a "mistake", or the acknowledgment that a "mistake" was made, if there are no consequences whatsoever?

In the 1970's, when police violence was endemic, we nevertheless had the interesting spectacle of the police department firing cops who had been acquitted of criminal charges, as unfit to do their jobs. I do not believe that will happen here, in Giuliani world; it would give the lie to the rest of the careful cover-up of the power structure on which this city is run. I am not certain exactly why the deeply racist and violent police department behaved with a modicum of fairness thirty years ago, but it was probably because of the political oversight of mayors very different from Giuliani.

Instead, the "mistake" of killing Amadou Diallo will be a "freebie"; the cops will get to go on with their careers. (Federal charges are also possible; these prevailed despite the criminal racism of an all white state jury in the Rodney King beating--where the original state trial had also been moved to a conservative community. But in that case the federal jury had a video-tape to watch. In the Diallo case, lacking a shouted epithet or a racist background of one of the officers, a federal civil rights violation-- though I strongly believe one existed--may not be proveable.) Do the cops involved then get to make the same "mistake" a second time, a third or a tenth? At what point do we deem it a "mistake" we need to do something about?

Rudy Giuliani is a dictator in waiting. He is self righteous, absolute, has no sense of humor, and will go to any lengths to punish his enemies. He is temperamentally completely unsuited to be senator, as it is a job requiring negotiation, collegiality, and charm. I believe he is interested in the job for one reason only: as a stepping stone to the Presidency. If so, he would be the most dangerous president since Richard Nixon. In fact, I think he would be more dangerous: Nixon doubted himself and sometimes hesitated at the opportune moment; Giuliani feels no doubt and will not hesitate.

In wake of Diallo shooting, New Yorkers turn on their mayor

NEW YORK (Court TV) — Last month New York City Mayor Rudolph Giuliani publicly pondered a run for the U.S. Senate last month. Then police officers gunned down an unarmed immigrant in the Bronx.

Now, as the fallout from the shooting continues to make waves, it appears that Giuliani might not win even his constituents' vote in such a race.

According to a New York Times poll of 915 New Yorkers, the mayor's approval rating among his constituents has sunk to its lowest point since he was elected in 1994.

Last summer about two out of three New Yorkers said they thought Giuliani was doing a good job as mayor. Now 42 percent approve of his performance, although almost two-thirds of whites still support him.

Amadou Diallo, a 22-year-old immigrant from Guinea who worked as a street peddler, was shot late at night in his Bronx apartment building by four plainclothes police officers of the Special Crimes Unit on Feb. 4.

Of the 41 bullets fired, 19 struck Diallo, killing him instantly. The officers, who were searching for multiple-rape suspect, may have thought Diallo had a gun but none was found. Diallo, known as a pious Muslim, had no criminal record.

Reaction to the shooting was swift and outraged. Even the frequently pro-Giuliani tabloid, The New York Post, heralded the story with the headline "In Cold Blood".

African-American leaders were quick to denounce the incident as one more example of law enforcement run amok under Giuliani's watch.

Rallies across the city have attracted thousands of protestors, and prominent politicians such as former mayor David Dinkins, Congressman Charles Rangel, and the Rev. Al Sharpton have been arrested at sites protesting the shooting.

Giuliani, while lamenting the tragedy of the young man's death, has maintained that the New York police are the finest in the country, and denounced Monday's protest as a publicity stunt.

He says African-American activists are exploiting Diallo's death to accuse him of tolerating police brutality. But the recent poll figures suggests those activists are not the only ones calling his police force's tactics into question.

"There was a festering discontent that the Diallo shooting has finally catalyzed," said Devon Copley, a migrant to the city from Buffalo and the founder of a Web site on the Diallo shooting called www.41shots.org, which has received about a thousand visitors in the last three weeks.

The Shooting of Amadou Diallo

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Giuliani's much-vaunted success in fighting crime has earned him a national reputation, even though most large American cities have experienced similar drops in crime since the early 1990s.

At first, New Yorkers were simply grateful to feel safe on the streets and the subway. Now, fed a flood of news reports describing systemic harassment in minority neighborhoods, many may be wondering whether they have struck a devil's bargain.

While 62 percent of New Yorkers said they approve of the way Giuliani is handling crime, that figure has plummeted 20 percent in just five months.

More than half now say they feel the police use excessive force, and 47 percent agree that Giuliani's policies have led to an increase in police brutality.

The 400 officers in the Street Crimes Unit, whose motto is "We Own The Night," frisk tens of thousands of people, mostly young black and Hispanic men, for guns every year.

Usually they find nothing, but they are responsible for 40 percent of the guns confiscated by police even though they constitute just one percent of the 40,000 force.

Yet despite the aggressive crime-fighting techniques, fewer than half the residents polled said they feel safer today than four years ago. Only a third of black residents, many of whose neighborhoods have experienced the largest drops in crime, said they feel safer.

The outcry over the Diallo shooting will probably be stoked with more fuel in the next month as four white police officers go on trial in Brooklyn to face charges of brutally beating Haitian immigrant Abner Louima in 1997.

Louima was allegedly sodomized with a wooden toilet plunger handle in Brooklyn's 77th precinct and left bleeding in a cell with puncture wounds to his intestines.

After the Louima attack made headlines, Giuliani moved swiftly to condemn the incident, clean out the precinct, and install a new commander and more minority officers. Federal prosecutors took over the case, which is expected to go to trial in April.

Many protestors are now demanding that federal prosecutors take over the Diallo investigation as well.

"The Louima case was an outrage, but at that point I still had some faith left ... that this administration could police the police," said Copley. "I felt that justice would be done and there was no need to get involved. Not anymore. The Diallo case, itself, was the last straw."

— *Catherine Heins*

Chronology of the Diallo Police Shooting Case

FEBRUARY, 1999:

Feb. 4: Four white police officers in plainclothes approach Amadou Diallo outside his apartment building in the South Bronx at about 12:45 a.m. and shoot him down in a barrage of 41 bullets. Diallo, a 22-year-old street peddler, was unarmed and had no criminal record.

Feb. 5: Newspaper headlines alert New Yorkers to the shooting. Minority leaders are outraged, but Mayor Rudolph Giuliani tells residents not to rush to judgment.

Feb. 6: At the request of outraged community leaders, Manhattan U.S. Attorney Mary Jo White agrees to track the Bronx District Attorney's investigation into the shooting.

Feb. 7: Hundreds of people turn out for a rally outside Diallo's modest two-story building in the Soundview section of the South Bronx, the first of a growing series of protests.

Feb. 12: Two thousand people attend a memorial service for Diallo, whose parents have flown to New York to claim their son's body and bring it back to Guinea for a funeral.

Feb. 14: A motorcade accompanies Diallo's coffin to Newark International Airport in New Jersey, where Continental Airlines flies him to Guinea.

Feb. 15: Thousands of Guineans greet the plane upon its arrival the following day. Activists in Washington D.C. rally in protest of the shooting.

Feb. 16: A Bronx grand jury begins to hear evidence in the case. No eyewitnesses to the shooting have been found and the officers thus far have not been questioned nor offered any information about the incident.

Feb. 17: Amadou Diallo is buried in his hometown in Guinea, and well-known attorney Johnnie Cochran, who hosts a program on Court TV, announces that he will represent Diallo's parents, Saikou and Kadiatou Diallo, in a wrongful-death civil suit.

MARCH, 1999

Mar. 9: Civil rights and minority groups file a class-action lawsuit to shut down the aggressive Street Crime Unit, to which the four officers who shot Diallo belonged. They say the unit unfairly frisks thousands of young black and Latino men every year without cause.

Mar. 15: The daily protests outside police headquarters in Manhattan begin to gather steam as former mayor David Dinkins is the first in what will become a long list of celebrities and public figures to be arrested in protest of the shooting.

Mar. 16: A New York Times poll shows that Giuliani's popularity has plummeted in the wake of the Diallo shooting, and that many residents are unhappy with his steadfast support for the police and acerbic denunciation of the growing street protests.

Mar. 18: The Justice Department and the New York Attorney General both announce that they will launch investigations of the Street Crime Unit's practices.

Mar. 23: Civil rights leader demand a White House summit on police brutality.

Mar. 25: The grand jury wraps up its inquiry and votes on the indictments. Word leaks out quickly that the four officers have all been indicted for second-degree murder and reckless endangerment. At the daily sit-in, actress Susan Sarandon joins the 1,000 people arrested in protests in the past two weeks.

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Mar. 31: Hundreds protest at State Supreme Court in the Bronx, both for and against the officers, as the grand jury officially indicts the four with Diallo's parents and siblings look on. The officers all plead not guilty to the charges. They are released on \$100,00 bail but are suspended from their jobs.

APRIL, 1999

Apr. 6: Mayor Rudolph Giuliani distributes courtesy cards to police officers to advise them on how to treat citizens and suspects with more respect.

Apr. 7: Charges are dropped against more than 1,200 arrested in civil disobedience protests of the Diallo shooting, including actress Susan Sarandon, former mayor David Dinkins, and the Revs. Al Sharpton and Jesse Jackson.

Apr. 8: The police arrest the serial rape suspect for whom the four Street Crime Unit officers were searching on the February night in the Bronx when they killed Diallo.

Apr. 15: Thousands march across Brooklyn Bridge to draw attention not just to Diallo's death but to police brutality nationwide

SEPTEMBER, 1999

Sept. 29: Bronx Supreme Court Justice Patricia Williams rejects defense motions to dismiss the case. Attorneys for Kenneth Boss, Sean Carroll, Edward McMellon and Richard Murphy argued that intense media coverage and anti-cop rallies pressured grand jurors into indicting the four officers.

DECEMBER, 1999

Dec. 16: Citing pretrial publicity, a New York appellate court orders a change of venue for the trial. The trial of the four officers is moved from the Bronx to the predominantly Albany, sparking protests from Diallo's supporters and family. With the change of venue, Bronx Supreme Court Justice Patricia Williams is removed from the case.

Dec. 23: Albany Supreme Court Justice Joseph Teresi is appointed new trial judge.

Dec. 29: Justice Teresi sets new trial date for Jan. 31, 2000. Jury selection had been scheduled to begin Jan. 3

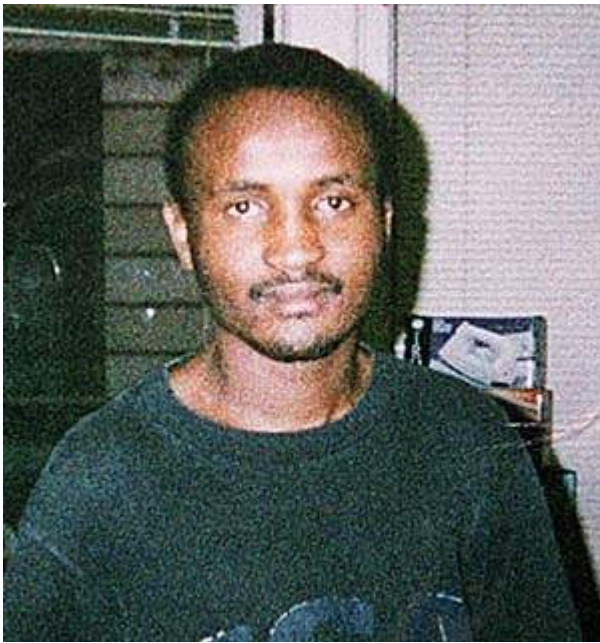
JANUARY, 2000

Jan. 19: Justice Teresi refuses to reconsider a prior ruling that barred a secret "earwitness's" statement from trial. In this statement, the witness claims she heard someone — presumably one of the officers — yell "He has a gun!" before the shooting. Defense attorneys believe the witness's statement would have helped the officers' defense, but Justice Williams did not believe the testimony was vital to the case. In addition, Justice Teresi rules that testimony about prior shooting involving the McMellon, Boss, Murphy, and Carroll will not be admissible.

Jan. 25: Justice Teresi rules that the New York law prohibiting television cameras in the courtroom is unconstitutional, thereby allowing Court TV to cover the Diallo shooting trial. The prosecution and defense say they will not appeal Teresi's ruling.

Jan. 31: Jury selection begins.

Feb. 1: Jury selection is completed. The 12-panel jury consists of 4 African-Americans and 8 whites. The four alternates are all white men.



Amadou Bailo Diallo ([September 2, 1975](#) – [February 4, 1999](#)), a 23 year-old [Guinean](#) living in [New York City](#), was killed under controversial circumstances by four police officers in the [New York City Police Department's Street Crime Unit](#), at 1157 Wheeler Avenue in the [Soundview](#) section of the [Bronx](#). Since Diallo was unarmed and, as is believed not to have threatened the cops, the killing caused outrage in New York and elsewhere. Many viewed it as [police brutality](#) stemming from [racial profiling](#).

Diallo had come to New York City to study [computer science](#), but had not yet enrolled in school. He reportedly sold videotapes, gloves and socks from the sidewalk along 14th Street during the day and studied in the evenings.

He had gone out to eat and returned home early on the morning of [February 4](#). While he was standing near his building, police officers Edward McMellon (then 26), Sean Carroll (then 35), Kenneth Boss (then 27), and Richard Murphy (then 26), were passing by in a Ford Taurus (Boss was driving) in plainclothes but wearing their NYPD shields, approached him for questioning after noting that Diallo fit the description of a since-captured serial [rapist](#).

The officers said they loudly identified themselves as NYPD officers. At their approach, they reported Diallo ran up the outside steps toward his apartment house doorway, turned from the officers, and ignored their orders to stop and "show his hands." He then reached into his jacket. Believing Diallo was drawing a firearm, Officer Carroll yelled "Gun!" to alert his colleagues. The officers opened fire. While backing away, Officer McMellon fell down the steps, appearing to be shot. The four officers fired 41 shots, hitting Diallo 19 times. Investigation found no weapons on Diallo's body, and that he had pulled out of his jacket and held in his hand his wallet, not a gun. McMellon had not been shot, but had merely tripped while backing down the stairs. The four officers had shot and killed an unarmed man.

On [March 25](#) a [Bronx grand jury indicted](#) the officers on charges of second-degree [murder](#) and reckless endangerment. On [December 16](#) a New York [appellate court](#) ordered a [change of venue](#) to [Albany, New York](#), stating that pretrial publicity had made a fair trial in New York City impossible. On [February 25, 2000](#), after two days of deliberations, a jury, which included several African-Americans, unanimously voted to acquit the officers of all charges.

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Aftermath

Diallo's death, the change of venue, and the verdict each sparked massive demonstrations against [police brutality](#) and [racial profiling](#), resulting in more than 1700 arrests. Charges against the protestors were later dropped. In [2001](#) the [Justice Department](#) announced that it would not charge the officers with having violated Diallo's [civil rights](#).

On [April 18, 2000](#), Diallo's mother, Kadiatou, and his stepfather, Sankarella Diallo (Diallo is a very common name in Guinea and Mauritania), filed an \$81,000,000 (USD) lawsuit against the City of New York and the officers, charging gross negligence, wrongful death, [racial profiling](#), and other violations of Diallo's civil rights. In March, 2004, they accepted a \$3,000,000 (USD) settlement. Kadiatou and Sankarella Diallo remained in the United States, particularly in [New York City](#) as self-appointed activists, although their visas to stay in the U.S., which had been extended several times, recently expired and were apparently not renewed.

The shooting death of Diallo also highlighted the presence and plight of West African immigrants (about 50,000 as of 1999) living in New York City. Many are single males who work as street peddlers (as did Diallo) or as employees in wholesale and retail establishments.

In [2003](#), Amadou Diallo's mother Kadiatou published a [memoir](#), *My Heart Will Cross This Ocean: My Story, My Son, Amadou* ([ISBN 0345456009](#)).

Diallo's death has become an issue in the 2005 mayoral election in [New York City](#). Bronx borough president [Fernando Ferrer](#), who had protested the circumstances of Diallo's death at the time, more recently told a meeting of police officers that he thought it was a "tragedy" but "not a crime." Ferrer, a candidate for mayor, has been strongly criticized by Diallo's family and others for these remarks.

Media references to Diallo

Rappers [Immortal Technique](#), [Wyclef Jean](#), [Mos Def](#) and [Talib Kweli](#) (of the duo [Black Star](#)) were among the first entertainers to speak out against the issue. Along with collaborators such as [Organized Noise](#), [Pharoahe Monch](#), and [Common](#), they started the *Hip Hop for Respect* project, which created the *Hip Hop for Respect* album speaking out against police brutality.

At a show in [Atlanta, Georgia](#) on [June 4, 2000](#), [Bruce Springsteen](#) and the E Street Band debuted a [protest song](#) titled "American Skin (41 Shots)". Although the lyrics do not explicitly mention Diallo, they refer to 41 shots, confusing a wallet with a gun, and suspects being shot for reasons of [race](#). Shortly thereafter, the [New York City Patrolmen's Benevolent Association](#) called for a [boycott](#) of Springsteen's concerts in the city.

In April of [2002](#), as a result of the killing of Diallo and other controversial actions, the [Street Crime Unit](#) was disbanded.

[Jazz trumpeter Roy Campbell](#), and [guitarist Elliott Sharp](#) have both performed instrumental songs titled *Amadou Diallo* and *Diallo Blues* on the Albums *Ethnic Stew* and *Brew and Blues for Next*. [Wyclef Jean's The Ecleftic](#) features a song entitled "Diallo" performed with [Youssou N'Dour](#), a powerful tribute to Diallo including lyrics concerning police brutality and racial profiling that compared Diallo's murder to that of [Stephen Biko](#). In 2002, Lauryn Hill released the song "I Find It Hard To Say (Rebel)" on her second album *MTV Unplugged 2.0*. Hill (on the intro of the song): "I've written it about the whole Amadou Diallo situation, it was such a hot time in the city at that point, I was afraid that if I put the record out, people would misunderstand what I meant by 'Rebel' and they just take it to the streets".

Diallo was briefly mentioned in [Dave Eggers'](#) novel [You Shall Know Our Velocity](#)

[Malcolm Gladwell](#), in his book [Blink](#), looks at the Diallo shooting as a case of poor choices based on an inability of the officers to make correct decisions quickly and under stress.

The song "Bang! Bang!"^[1] by New York City band [Le Tigre](#) is about Diallo's death.

The song "Gunship Politico" by State Radio (formerly Flag of the Shiners) is also about Diallo's death.

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