

# CITY JOURNAL

FROM THE MAGAZINE

## Diallo Truth, Diallo Falsehood

For three months, the Diallo tragedy convulsed New York. But most accounts of it—the *Times*'s above all—were politically motivated distortions. The city is the worse for them.

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Just after midnight on February 4, four New York City cops took 41 shots at an unarmed street peddler named Amadou Diallo and plunged the mayoralty of Rudolph Giuliani into crisis. Within a day, a powerful morality tale gripped the city and clung there for the next three months. It ran as follows: "The shooting of Amadou Diallo exposes the dark underbelly of Mayor Giuliani's world-famous crime rout: a culture of police abuse that has struck universal fear into blacks and Hispanics and is now erupting into a broad-based multiracial protest movement."

Almost nothing in this tale was true. Residents of the city's most crime-ridden neighborhoods are far more positive about the police than the press ever hinted. Empirical data show a police department more cautious with the use of force than at any time in recent history. And the obsessively covered protest movement consisted only of long-standing Giuliani foes, whose importance shriveled when the TV camer decamped.

The Diallo crisis was a manufactured one—an unparalleled example of the power of press, and, above all, the *New York Times*, to create the reality it reports. Some people have good reason to resent the police; many more—especially minority New Yorkers resent them precisely because of the false charges made by activists and echoed incessantly by the press. That's why it's critical to rebut the press's mendacious moral tale from the ground up.

The event that sparked the crisis was horrific. As February 4 began, an unmarked car carrying four undercover police officers from the elite Street Crime Unit cruised down Wheeler Avenue in the Soundview section of the Bronx. Under the Giuliani administration, Street Crime officers aggressively seek out illegal guns—dangerous work, but a key cause of the city's breathtaking 75 percent drop in gun homicides since 1993.

The four cops would have been briefed that night about a rash of shootings in the neighborhood, including the murder of a livery cabdriver. The unit was also looking for an armed rapist responsible for up to 51 assaults, including ten in the Soundview section, where he probably lived. The four officers have yet to disclose publicly what happened next; the following speculative account, compiled primarily by the *New York Post's* crime reporter, rests on sources close to the case.

The cops spotted a slender man pacing nervously in the doorway and peering into the windows of 1157 Wheeler, a small brick apartment building. Officers Sean Carroll and Edward McMellon got out of the car, identified themselves as police, and asked the man to stop. Instead, 22-year-old Amadou Diallo, a peddler of bootlegged videos and tube socks on Manhattan's East 14th Street, continued into the vestibule and tried to get inside the building's inner door. Diallo had recently filed a wildly false application for political asylum, claiming to be a Mauritanian victim of torture orphaned by the government security forces. In fact, he was a Guinean with two well-off and living parents. He had reason, therefore, not to welcome encounters with authorities.

The two cops ordered Diallo to come out and show them his hands. Turning away, Diallo reached into his pocket and pulled out what Carroll thought was a gun. "Gun!" Carroll shouted. "He's got a gun!" McMellon, who'd followed Diallo up the stairs, feared he was in point-blank danger and shot at Diallo three times before stepping backward, falling off the steps, and breaking his tailbone. Carroll, seeing McMellon down and thinking he'd been shot, opened fire.

As bullets ricocheted into the street, the other two cops concluded that a firefight was under way. They jumped out of the car and began shooting at the figure crouched in the vestibule. Diallo hadn't fallen prone, according to the cops' lawyers, because the nine millimeter copper-jacketed bullets passed through him cleanly without bringing him down.

When the shooting stopped, eight to ten seconds later, the officers had fired a total of 41 rounds, 19 of which had hit Diallo, perforating his aorta, spinal cord, lungs, and other organs. Two of the officers had emptied their 16-bullet magazines. When they searched Diallo's body to retrieve his gun, they found only a black wallet and a shattered beeper in a pool of blood. Officer Carroll wept.

The killing of Amadou Diallo was an unmitigated tragedy, demanding close investigation into police training procedures, to see if any feasible safeguards could have prevented it. But nothing in the police department's recent history suggests that it was part of a pattern of excessive force. Nothing that is known of the case to date suggests that the shooting was anything but a tragic mistake; the officers acted in the good-faith, though horribly mistaken, belief that they were under deadly threat. "The majority of officers, because they're not in combat often, feel extreme fear," explains Robert Gallagher, a former Street Crime Unit officer and one of the most decorated detectives in history. "They saw Diallo acting suspiciously, and if one officer says 'gun,' the rest will believe him. In the exchange of gunfire, nothing in your mind says: 'I want to kill this man.'"

Every available fact about the New York Police Department shows how atypical the Diallo shooting was. After three years of steady decline, the cops' use of deadly force was far lower last year than in 1993, the final year of Mayor David Dinkins's administration, currently hailed as a paradigm of peace. In 1998, less than 1 percent of the department used their weapons, 25 percent below the 1993 number. Shootings per officer dropped 67 percent from 1993 to 1998. Most impressively, even as police interaction with criminals has risen precipitously since the Dinkins administration, and even as the department has grown by 36 percent, both the absolute number of police killings and the rate of fatalities per officer has fallen. In 1993, the police made 266,31 arrests and killed 23 people, compared with 1998's 403,659 arrests and 19 people killed. In 1990, one year into the allegedly golden Dinkins era, there were two and a half times more fatal shootings per officer than now, while, of course, New Yorkers were being murdered by civilians in record numbers.

Today's NYPD also looks restrained compared with the cops in other cities. Last year New York's fatal police shooting rate was 0.48 fatal shootings per 1,000 cops, compared with Philadelphia's 0.72, Miami's 2.01, and Washington, D.C.'s whopping 3.12. Washington's trigger-happy and predominantly black cops fire their weapons seven times more often than New York's, thus belying the endlessly repeated claim that a racially representative force is a more restrained force.

Though the absolute number of civilian complaints rose between 1994 and 1996—concurrently with a growth in the force and greater outreach by the Civilian Complaint Review Board—the rate of civilian complaints per officer dropped by 20 percent. And over the last two years, the absolute number of complaints has declined as well, following Commissioner Howard Safir's introduction of civilian complaints into the NYPD's celebrated Compstat (computerized crime analysis) system.

**F**rom the day he took office, Rudy Giuliani threatened the foundations of the liberal worldview—denouncing identity politics, demanding work from welfare recipients, and, above all, successfully fighting crime by fighting criminals, rather than blathering about crime's supposed "root causes," racism and poverty. It was a godsend for his opponents that the four officers who killed Diallo were white, allowing the incident to stand as proof of alleged departmental racism, the "dark side" (in *The Economist's* triumphant headline) of Giuliani's conquest of crime. Now it was payback time.

The Clinton administration jumped in immediately, sending FBI agents and federal prosecutors to the Bronx to help the local district attorney investigate the shooting and probably to start building a federal case against the officers and the department as well. The president denounced police misconduct (implying that the Diallo officers were guilty of deliberate brutality or racism); Hillary Clinton, readying her New York Senate run, let it be known that she was consulting with local Democratic pols about the Diallo case. Both the U.S. Civil Rights Commission and the Justice Department announced investigations into the NYPD as a whole and the Street Crime Unit in particular; the Justice Department inquiry could ultimately—and preposterously—lead to damaging federal monitoring of the city's police. The state attorney general started his own duplicative inquiry into the department's stop-and-frisk practices. One Police Plaza 1 became a round-the-clock paperwork-processing center for the numerous investigations.

Meanwhile, Al Sharpton and other local activists were experimenting with various protest venues. Sharpton's fellow reverend, Calvin Butts, announced a consumer boycott, whose relevance remained inscrutable. The Reverend Al finally settled on having his followers arrested for sitting in on police headquarters. His big break came when David Dinkins and Congressman Charles Rangel joined his protest and got the picture on the front page of the *New York Times* in plastic handcuffs. Bingo! The civil-disobedience campaign became an overnight sensation.

A wider range of Giuliani antagonists—and a very occasional, much-cherished "celebrity," such as Susan Sarandon—started showing up to be photographed and arrested. Not one objected to the vicious anti-police and anti-Giuliani rhetoric spewed out daily by Sharpton followers, nor did any shrink from linking arms with the city's most noisome racial troublemaker, despite his recent conviction for slander in the notorious Tawana Brawley hoax. After the announcement of almost unprecedentedly severe second-degree murder indictments of the four officers, Sharpton and a coalition of left-wing labor leaders and Democratic activists organized a march across Brooklyn Bridge on April 15 to promote a hastily devised "Ten Point Plan" for police reform.

The more Mayor Giuliani struggled against the net that ensnared him, the more entangled he became. When he burst out in impatience against the media's infatuation with the plastic handcuff charade, his opponents happily denounced his alleged racial insensitivity. His repeated refusals to condemn the entire police department and his insistence on responding to emotion with fact earned him censure for rigidity.

No press organ covered all this more obsessively (with the exception of local news channel New York One) than the *New York Times*. No mere observer of the unfolding events, the *Times* was a major player, enveloping the city in an inescapable web of anti-police Diallo coverage. In the first two months after the shooting, it ran a remarkable 3.5 articles a day on the case, climaxing on March 26—at the height of the Police Plaza protests and when news of the second-degree murder indictment was leaked—with a whopping nine stories. The paper buffed up Al Sharpton and glorified his protest movement. It covered Diallo's burial with loving detail and sentimental drama worthy of Princess Di. Most important, the *Times* created a wholly misleading portrait of a city under siege—not by criminals, but by the police. In so doing, it exacerbated the police-minority tensions it purported merely to describe.

The unquestioned assumption of the *Times's* coverage, as well as of the protests and government investigations, was that the Diallo shooting was a glaring example of pervasive police misconduct. But since in no way could the Diallo facts—the shooting a peaceful, unarmed citizen—be shown to be typical of the department, the *Times* zeroed in on a different angle. The Street Crime Unit, and the NYPD generally, it claimed, was using the stop-and-frisk technique to harass minorities. The logic seemed to be that the same racist mentality that leads to unwarranted stop-and-frisks led the four officers to shoot Diallo.

The day after the shooting, the *Times* announced its theme: "ELITE FORCE QUELLS CRIME, BUT AT A COST, CRITICS SAY." Ten days later, the front page put it more bluntly: "SUCCESS OF ELITE POLICE FORCE UNIT EXACTS A TOLL ON THE STREETS." Four days after that, another front-page article declared: "AFTER THE SHOOTING, AN ERODING TRUST IN THE POLICE" (big surprise, given the paper's nonstop allegations of widespread police brutality); an op-ed article the same day by a lawyer who makes his living suing the police reiterated: "DAZZLING CRIME STATISTICS COME AT A PRICE." Two days later, a front-page article in the Sunday Week in Review announced: "BEHIND POLICE BRUTALITY, PUBLIC ASSENT." A later article was headlined: "IN TWO MINORITY NEIGHBORHOODS, RESIDENTS SEE A PATTERN OF HOSTILE STREET SEARCHES." The burden of the series was that the Street Crime Unit stops minorities for "no reason," creating terrible fear and resentment in the streets. Uproariously, the paper even suggested that African immigrants are in greater danger from New York police than from the security forces of their homelands.

Unquestionably, the police under Mayor Giuliani have been using their stop-and-frisk power more aggressively than the Supreme Court opinion establishing the power contemplated. That's true of police departments across the country, though. Unquestionably, too, an active use of stop-and-frisk risks alienating people, especially since many officers fail to show appropriate courtesy when no gun is found. That hardly means, however, that the police are stopping people at random.

The *Times's* own evidence shows something very far from randomness. The Street Crime Unit, the paper says, reported 45,000 frisks in the last two years and made 9,500 arrests, of which 2,500 were for illegal guns. That ratio—one arrest for every 4.7 stops; one gun for every 18 stops—looks pretty impressive, though admittedly the police may not be reporting all stops. Argues Columbia law professor Richard Uviller: "I don't know of any other way to fight the war on handguns—the number-one crime problem in the U.S. today. A system that hits one in 20 is well within tolerance," he maintains. "The ordinary stop-and-frisk is a minimal intrusion."

But to the *Times*, any unsuccessful frisks may be too many. Its gut feeling about the stop-and-frisk issue shone out clearly from a shocked statement in the February 15 "TOLL THE STREETS" article: "Nearly 40,000 people were stopped and frisked during the last two years *simply because* a street crime officer mistakenly thought they were carrying guns." Why else would the police stop and frisk someone? Can the *Times* think that t

police should only stop and frisk people who actually have guns—an impossible requirement?

Missing from the *Times's* "simply because" conception is any sense of the danger that illegal guns pose or any recollection of the pre-Giuliani reality, when homicides topped 2,200 a year, compared with 633 in 1998. Richard Green, the leader of the Crown Heights Youth Collective, has not forgotten. "I've been to six young people's funerals since January," he says with frustration. "If the Street Crime Unit pats me down because I match a description, and the next guy they pat down has a gun, God bless them. I have a right to privacy, but you have an absolute right to your life and property."

The *Times's* coverage of police-community relations had no space for leaders like the dreadlocked Green. Instead, the paper conferred glowing profiles on Lieutenant Eric Adams, a strident internal critic of the police; cartoonist Art Spiegelman, who produced a disgraceful *New Yorker* cover drawing of a jolly policeman aiming at citizen-shaped targets at a shooting gallery; and David Dinkins and Charles Rangel, who competed for the most extreme insults they could hurl at Mayor Giuliani and his crime record.

Green has no tolerance for lawless police activity, but he has quite a different perspective on the NYPD's efforts to get illegal guns off the street from anything the *Times* reflected. He recalls a young man shot to death in April inside a Brooklyn movie theater. "If I have to choose between the bad and the intolerable," he says, "I'll take the bad. The intolerable is the mother crying in front of the casket, the father telling me: 'You know, the emergency room tried really hard to save his life.' If the mayor is doing something to stop this, God bless him." Green dismisses the image of the Street Crime Unit as rogue cops itching for a fight. "Those guys are not coming from the Yankee game to beat up some guy. When the SCU comes to a community, they're not there randomly. They're there because a Compstat analysis showed high crime in the neighborhood."

Many minority officers echo Green's observation. Mubarak Abdul-Jabbar, now a train coordinator for the police union, came up to the Bronx courthouse one windy morning in March to support the Diallo officers. Are the police targeting minorities? I ask him "That's a hard question," Abdul-Jabbar says slowly. "Unfortunately, there's a high rate of crime in black and Latino communities. The Street Crime Unit doesn't go where there's crime per se, but where there's *high* crime. If there were high rates of crime in Bay Ridge, they'd be there. No one wants to admit the facts," he adds, "that in black and Latino communities, senior citizens have to stay inside." But are the police stopping t

many people? "I don't think the police stop and frisk too much," muses Abdul-Jabbar. "The reality is, you have to stop and frisk; no one will announce to you that they have a gun."

Some officers undoubtedly make unjustified stops, but the *Times* rarely bothered to get the police's side of the story (a February 11 article on the dilemma of deciding whether to use one's gun, and a June 20 Sunday magazine article on the controversy over racial profiling were the exceptions). In early May, the bulletin board at the Street Crime Unit headquarters notified officers of the following series of armed robberies in the Bronx:

4/22/99 Blue Toyota 5 MB [male blacks] NFD [no further description]

4/23/99 Blue Toyota Uzi and .45 rev. 3 MB NFD

1 FB [female black] NFD

4/28/99 Blue Toyota MB 27, 5'6", 210 lbs.

These descriptions will be just the starting point for further observation and crime-pattern analysis. A broad-chested Street Crime Unit member from a family of police officers explains some possible additional guides. "We're trained to look for things that don't make sense," he says: "people congregating, turning away fast, or holding or picking up their belts, like an off-duty police officer with a gun." Even so, officers searching for the Toyota robbers may well stop some innocent drivers. Which is worse—stopping four innocent people on the basis of reasonable suspicion to make one arrest, or not making the arrest at all?

A preliminary analysis of stop-and-frisk records in over 20 precincts last year disproves the charge that the police single out minorities for investigation. In fact, police frisk blacks at a lower rate than their representation in I.D.s by crime victims. Victims identified 71 percent of their assailants as black, but only 63 percent of all people frisked were black (and only 68 percent of all arrestees were black). Since the majority of crime is committed by minorities against minorities, inevitably the subjects of frisks will be minorities, too.

In talking to city residents about the police, the *Times* found only resentment and suspicion. An article on March 21 on the model block program (see "How New York



Winning the Drug War," page 29) contained a characteristic touch. The paper had triumphantly discovered one of the city's few neighborhoods to turn down the program, in which police cordon off and intensively patrol a street to keep drug dealers from returning. Noting that some residents doubted whether they could reduce crime and drug dealing on their own, the article quickly added: "These residents are not police boosters, . . . but they like drug dealers even less." Phew, we might have thought they actually supported the police! The *Times* noted that these non-police boosters were worried "over well-publicized reports of brutality against . . . minority groups." It did not stop to consider whether that publicity—its own reporting, in other words—was creating the fear it described.

Undeniably, the sentiment the *Times* reported is real, and dangerous to the city's social fabric. It also long predates the Giuliani administration. Through much of the nineteenth century, police would enter the Five Points area of lower Manhattan—the city's most noisome Irish slum, with a homicide a night for 15 years—only in pairs, since they were so hated.

But though this animus toward the police still exists, it is accompanied by goodwill in the very communities where the animus is thickest. "I think the community loves the police; the silent majority is happy," says Street Crime Unit captain Harold Kohlmann, and most cops would agree. Had the *Times* visited a model block program one street away from where Diallo was shot, it would have found support for Kohlmann's claim. One April afternoon, Dave Rivera was basking in the bright sun and smoking a cigarette on Elder Avenue, drug-infested until recently. Rivera has lived on the block for 25 years and works as superintendent in the building across the street. The model block program? "Everybody loves it," he says in heavily accented English. "It's good they're here." Having lived under a drug fiefdom, Rivera offers a street-eye view of what the police are up against: "Sometimes the police have to be a little rough, they have to play the game. If you be too nice . . ." He shrugs meaningfully. Across the street, a slender 22-year-old with sunken cheeks and a red bandana around his head is leaning against chain-link fence.

Antonio Espinosa, a carpenter's aide, looks like a prime target for police harassment, somehow the cops have missed him. "I've never had a problem with the police," he says in Spanish. "I believe if you do right, you won't have a problem."

**M**any people will find this law-and-order view naive. But naive or not, it has many proponents among minorities. Mario has come to a community meeting at the 43rd

Precinct, where the Diallo shooting occurred, to ask the police to clean up a drug problem in his neighborhood. Does he think the police harass people? "Sometimes you're in the wrong place at the wrong time, and people think you targeted them. I'm pretty sure that if you were home where you were supposed to be, nothing would happen to you." The city's recently retired chief of police, Louis Anemone, one of the most revered members of the department and a major catalyst in the Giuliani crime revolution, concurs: "Guys out there at 1 and 2 AM, stopped on street corners—they're not your average Joe Citizen."

A constant *Times* theme was that people had "exchange[d] the fear of crime for a fear of the police," as an April 2 editorial solemnly charged. Some people, mysteriously, haven't picked up that terror. Asked if she feared the police, Freddie, a middle-aged woman attending the 43rd Precinct's May community-council meeting, unhesitatingly answers, No. Are the police racist? "I don't feel they're racist. We have very good officers." Pointing to her grandson and foster daughter, she says: "These two children, I try to teach them the police is their friend. When they come into the neighborhood, we talk, so they know they are there to help them."

This view has advocates even on Wheeler Avenue, where Amadou Diallo was shot. Pushing a cart filled with laundry one day last April, a few houses down from Diallo's former apartment, a boy named Eric says: "The police are here to protect us from bad guys and to stop the drug dealers. Before, parents couldn't let their kids out." Eric is no Pollyanna, however. "Some police are bad guys," he adds judiciously. "They don't know how to react against other people."

**I**t turns out the *Times* had to work pretty hard to avoid people like this. A recent Justice Department study found that 77 percent of New York City blacks approve of the police, an astoundingly high number, considering the relentless anti-police propaganda of activists and the press. The *Times* tried desperately to neutralize this refutation of its own coverage by playing up the paltry 12 percent gap between black and white approval ratings.

On the street, it's not difficult to find a more nuanced view of police-citizen interaction than the *Times*'s simple aggressor-victim model. Sharit Sherrod, a 23-year-old inventor and specialist, is standing in line at the 43rd Precinct to report a stolen car. He's had friends who've been arrested, he says—not surprisingly, since he has many friends in the Bloods. "But I don't run into the same problems with the police as the average black man," he explains, "because I know how to talk to them. I don't get an attitude, I don't

take it personally. A lot of my friends start cursing, but the way I look at it, the cops carry guns."

Sherrod is onto something. While there is no justification for the police treating peaceful citizens hostilely or rudely, police-citizen relations are a two-way street. Two 1998 studies for the National Institute of Justice found that citizens are more inclined to show the police disrespect than vice versa, and that the most powerful predictor of police disrespect is a citizen being disrespectful first. The nonstop coverage of the Diallo shooting has already increased the taunts thrown at the police on the street, escalating tensions.

No claim of police harassment seemed incredible to the *Times*. A troubling article told of police harassment of students at Rice High School, a Catholic school; one boy alleged that an officer had accused him of personally knitting the school sweater vest he was wearing in order to pass as a student. Perhaps every teen regaling reporters with his police ordeals tells only the gospel truth, but on the streets you hear skepticism about such accounts. "I'm sure the students provoke the police," sighs Lilliam Rosa, the youth coordinator for the Highbridge Unity Center in the South Bronx. "It's the attitude of kids these days: no respect for the police or other adults." Rosa's students are nearly all from Catholic schools; in her youth group, they tell of "looking hard" at the police, whom, she says, they hate. "Then they say: 'What you looking at?' and it makes the police suspicious." The cops have stopped some boys in her group at night to check their backpacks for guns—not a bad policy, she thinks. "The police just check them, then let them go," she says, "but most people react. Then the police react."

John Vargas, a hospital financial investigator and president of the community council of the 43rd Precinct, greets many police-harassment stories with similar skepticism. "I say 'Tell me what *you* did, not just what the cops did.' People won't honestly admit they did something wrong to provoke the police. People will always say this and that, but when you ask for concrete information, they walk away." The fact that only 5 percent of the complaints filed before the Civilian Complaint Review Board are ever substantiated, with many dismissed for failure to follow up, supports such skepticism.

A recent claimant to police-victim status shows how tenuous such claims can be. At Sharpton's April 15 march across the Brooklyn Bridge, a woman in the high-profile group of police-brutality victims was carrying a photograph of her bruised and cut son, Jovan Gonzalez. It turns out the police never laid a finger on Jovan. But the "racist gang" who did beat him up has "ties," Ms. Gonzalez claimed, to the 47th Precinct. Gonzalez has

already entered popular lore as a police victim; no one has ever asked for proof of the involvement of the 47th precinct.

Like liberal critics of the police throughout the city, the *Times* was shocked, *shocked* by the Street Crime Unit's motto: "We Own the Night." Here was proof of the marauding attitude of this renegade outfit! The *Times* neglected to report that the motto frames a silhouette of an old lady bent over a cane; the unit proudly asserts supremacy over thugs it unapologetically views as evil, in order to protect the helpless.

Fearless of self-contradiction, the *Times* played up the claim that racism causes the police to ignore crime against ghetto residents, even as it trumpeted claims that the police were *too* aggressive in trying to get guns out of the ghetto. A February 17 article quoted minority women who complained that the police were ignoring the serial rapist terrorizing the Bronx and upper Manhattan. If a white woman is attacked, the police are all over the case, complained a West Harlem community advocate, but "when we have 15-year-old girls beaten and raped, nobody comes to do anything." A Washington Heights woman bathetically doubted that the police would catch the rapist: "We are Spanish people, poor people. They might care if this was the Upper West Side."

Though in former days the police did ignore ghetto crime, today Compstat's crime analysis does not give extra points to white neighborhoods but targets crime wherever it occurs. The Street Crime Unit had gone to the 43rd Precinct precisely to track down the rapist; had the rapist not been out there, Diallo probably would still be alive. Were there angry demonstrations against the rape suspect when, after clever sleuthing, the police finally arrested him not too far from Wheeler Avenue? Of course not.

**S**o overwhelming was the case against the police, in the *Times's* view, that Giuliani's unaccountable support for them was front-page news. "GIULIANI SOFTENS HIS TONE BUT STILL DEFENDS THE POLICE," the paper reported incredulously on March 24. Instead of reporting the numerous positive data on the police, the *Times* left the task Giuliani and then implied that his was an advocacy position rather than a statement statistical fact. "While Giuliani has expressed sympathy and concern over the shooting he continued to deny a pattern of excessive force in the department," marveled the paper on February 10. But Giuliani "continued to deny" such a pattern because none existed, as the *Times* itself could easily have ascertained.

The nonstop Diallo coverage had its desired effect. A March 16 front-page article smacked its lips at the plunge in Giuliani's approval ratings from 63 percent to 42

percent and announced that "MANY THINK POLICE ARE BIASED." No wonder. Since the dark days of Giuliani's high ratings, noted the *Times*, "one issue has overshadowed all others, the death of Amadou Diallo." But it was a deliberate editorial decision, not an imperative of nature, that made that issue predominate. As Giuliani observed, if the press had been covering a recent murder of a guest at the Waldorf Astoria with the same obsession as the Diallo shooting, everyone would be convinced there was a growing murder problem in New York, even though murders were down 70 percent.

**W**hile embroidering its theme of the out-of-control police, the *Times* ran increasingly starry-eyed stories on the protest movement. At first, the paper occasionally noted the demonstrators' advocacy of violence, along with the death threats and obscenities they hurled at the police. But a different theme soon dominated: the heartwarming and progressive diversity of the protesters and the ever-increasing stature and statesmanship of the Reverend Al Sharpton.

In its relentless diversity coverage, the *Times* simply echoed the organizers' line. "In every photo and every event, there would be some sense of a rainbow," former Dinkins aide Ken Sunshine told the *New York Observer*. "If we had to drag someone in at the last minute to complete the photo, then we would do it." The *Times* was only too happy to be spun.

But then, in a cute postmodern twist, the *Times* acknowledged its own spun state and the made-for-the-media nature of the protests. "The carefully scripted parade has drawn unflinching press coverage," reporter Dan Barry confided in an extraordinary March 19 front-page article, with the most extraordinary front-page headline of the whole affair: "DAILY PROTESTERS IN HANDCUFFS KEEP FOCUS ON DIALLO KILLING." Here was a completely self-referential piece posing as news: the paper covering itself covering the Diallo protests. The article might as well have been headlined: "WE KEEP FOCUS ON DIALLO KILLING." Further signaling his postmodern awareness of the media game, Barry commented on the staged nature of the events: four of the day's prominent black arrestees, he wrote, "made a striking image for the scrum of news photographers."

**I**f anything, Barry understated how completely media-driven the civil-disobedience campaign was. As I chatted with a Sharpton follower one morning at One Police Plaza, a woman in a sleek suit paced nearby, casting impatient glances at me. Finally, I asked what she wanted. State Assemblymen Richard Gottfried and Pete Grannis were getting arrested that day, she portentously announced, then disappeared to spread the word among other reporters.

The ratio of cameras and reporters to protesters on the plaza easily approached one-to-one. Commissioner Safir needn't have made his ill-timed trip to the Oscars; he could have imbibed the same air of media-fabulousness outside his own workplace. The unreality rivaled any Hollywood production: here were Sharpton attorney Michael Hardy and Giuliani basher Norm Siegel of the NYCLU backslapping and sharing jokes with top police brass, while the "NYPD = KKK" signs bobbed nearby. Here were the allegedly brutal officers politely informing people where they should go to get arrested.

An eager swarm of reporters encircled Sharpton upon his arrival each day, climbing over one another like drones trying to get to the queen bee. Then the day's high-profile arrestees would link arms with the Reverend, about 50 yards from the entrance to police headquarters, and wait patiently for the signal, while Sharpton stared wordlessly at the building with a noble faraway look, like Telemachus faithfully scanning the horizon for the long-vanished Odysseus. Finally, the glorious march began, past the rows of cameras, down the brick walk to the revolving glass doors, and Sharpton would hand his current batch of arrestees off to the police like an usher presenting guests to a receiving line. Some high-profile arrestees found ways to make the moment even more meaningful: the *Times* noted reverently that Susan Sarandon "walked to her arrest singing 'We Shall Overcome' quietly."

Meanwhile, the *Times* tried out a little historical revisionism regarding the early protests. A March 26 article recalled that the protests were "small and sporadic at first, quiet prayer vigils or subdued marches involving only a few dozen supporters of the Diallo family." Quiet prayer vigils? How about the warning issued by the viciously racist Khalid Abdul Muhammad at the February 12 homegoing service for Diallo: "You shoot one of ours 41 times, we shoot 41 of yours one time. One shot, one kill." And the paper stopped listening to the regulars who showed up every day to wave banners at One Police Plaza—people like the man who yelled at officers that he'd kill them, or like Carol Taylor, a Sharpton groupie in a yellow African hat, who every day screamed hoarsely at the nearest cop: "P.U., I smell something blue!"

So the *Times* never noticed that the "rainbow" message that Ken Sunshine and other organizers worked so assiduously to convey didn't trickle down to the troops. When two Sharpton followers learned that one pro-police demonstrator, Gloria Horsham, like a white son-in-law, they could not contain their contempt for the 67-year-old Trinidadian. "You're filled with self-hate, so you taught your children to go after Caucasians," sneered a middle-aged woman from New Jersey. "Go back to Trinidad;

don't bring that stuff here!" An older man, unfazed by Horsham's retort that if she is so filled with self-hate, how come her other children had married blacks, chuckled condescendingly: "You want to bleach yourself out." Bill Lord, a former Sharpton campaign manager, hadn't gotten that rainbow feeling, either. He coolly told me that while I couldn't understand him, he could understand me. "I'm a specialist on white people," he assured me, "because they're the deceivers."

For all the determined spinning, the protests were hardly integrated. Politically, they were monochromatic, ranging from the unions opposing Giuliani's welfare reforms on the right flank to the Young Communist League on the left. The groups that sent members to get arrested at One Police Plaza represent every interest that Giuliani's efforts to dismantle poverty and identity politics have offended, from the NAACP, the National Congress for Puerto Rican Rights, Jews for Racial and Economic Justice, the CUNY faculty, and the National Lawyers Guild, to ACT-UP, the Committee Against Anti-Asian Violence, Housing Works, the Center for Constitutional Rights, the War Resisters League, Workers to Free Mumia, the Working Families Party, Lesbians and Gays Against Police Brutality, New York Lawyers in the Public Interest, and various unions. The most strident members of the City Council turned up at One Police Plaza, as did the State Legislature's Black, Puerto Rican, and Hispanic caucus. Few left-wing causes couldn't be piggybacked onto the Diallo episode. A poster outside Sharpton's headquarters denouncing Giuliani's workfare program read: "Shooting people like Amadou Diallo is one way to commit murder, starving people is another!"

**T**oo bad former mayor Ed Koch, who had intended to get arrested with Susan Sarandon, never made it to One Police Plaza. His arrest would have been the icing on the protest movement's hypocrisy. Not that he hadn't gotten in his media licks against Giuliani already, labeling him "nasty" on New York One and admonishing him to stop speaking out about "racism" in the NYPD. In the *Times*, he had pontificated that being mayor "requires a willingness to hear. So we're saying to the Mayor: 'Listen.'"

The phrase must have brought a certain feeling of *déjà entendu*, since in 1983, during an episode eerily foreshadowing Giuliani's current problems, a *Times* editorial had commanded then-mayor Koch to "Listen" to complaints of police brutality. Koch had had the temerity to question an account of police harassment then in the news. Such intolerable candor brought the Feds rushing up from Washington for hearings on police brutality and racism; familiar figures from the Diallo episode included Charles Rang, Reverend Calvin Butts, and Jesse Jackson.

Koch fought to head off the planned hearings tooth and nail. Look at the facts, he argued with acerbity: the department has a far better record on brutality than elsewhere. It didn't work. "Listen!" admonished the *Times*. Facts are not appropriate; empathy is: "When people rush to pour out their stories," the paper editorialized, "what they want from their leaders is not an argument but an ear." A parade of witnesses launched the identical charges of racism and insensitivity against Koch that Giuliani would face 15 years later.

Today, Koch has come round to the position that, in attacking the police, data don't count. "There's a greater number of corrupt and brutal cops today than ever before," he told me. What does he base his conclusion on? "I talk to people," he said. But don't the data show that police use of force is way down? "You're an advocate," he snapped.

**W**hat judgment should we make of current public officials who went to One Police Plaza to get arrested? By blocking police headquarters, they implied that the department was illegitimate and so should be prevented from functioning even at the risk of imprisonment—a message both false and irresponsible. If officials such as comptroller Carl McCall, the third-highest elected official in the state, feel that the legal regime they administer should be disabled, they should resign. (McCall declined to be interviewed on his decision to get arrested.)

That so many Democratic politicians so lightly tripped over to One Police Plaza for arrest shows how debased the currency of civil disobedience had become in Sharpton's hands. No pol seriously believed that the NYPD was so unjust that it required civil-rights-style demonstrations to resist it, and no pol expected any penalties—correctly so: there were none. Instead, "arrestees" grumbled over the time spent in booking. A student of Richard Green's correctly called the charade "designer arrests," noting the real arrests entail sitting in a holding cell for two days, eating bologna sandwiches, a coming home only if you're lucky. Green fumes: "The youth saw the [black] leaders marching in handcuffs; it legitimates being in handcuffs."

**F**or all the hyperbole surrounding the arrests, the final tally—1,166—hardly adds up to overwhelming support for Sharpton's cause. A second test of Sharpton's drawing strength, the April 15 march across the Brooklyn Bridge, came up even shorter, considering the resources behind it. The planners drew on the massive capacity of the health-care workers union, Local 1199, headed by Dennis Rivera, an implacable foe of Giuliani's efforts to privatize the city's dinosaur public hospital system. To recruit marchers, Rivera's state-of-the-art publicity machine printed hundreds of thousands



posters and leaflets; his phone banks made 150,000 calls. The Dinkins administration-in-exile took over the union's media center, with Dinkins's ex-chief of staff, Bill Lynch, directing operations, while former aide Ken Sunshine managed the media. Union media expert Bill Batson gave tours to reporters of the march's command center, around whose huge paper- and takeout-food-covered table political operatives, on loan from various City Council members, planned strategy. Batson, youthful and high-strung, with a chrysanthemum mop of dreadlocks and dental braces, proudly pointed out the operatives' gorgeous diversity: here's the former Black Panther (duly noted by the Times); here's the aide to City Council member Christine Quinn, whose recent swearing-in ceremony, attended by David Dinkins and Senator Charles Schumer, featured readings from the lesbian play *The Vagina Monologues*.

The anticipation of a kill was palpable. "A month ago, people were scared to say anything bad about the mayor; now he's being compared to Bull Connor in print," marvels Batson, in his tiny office crammed with posters like "10 Things You Can Do to Free [convicted cop killer] Mumia." Leaning back in his chair, Batson gossips on the phone with Elinor Tatum, editor of the *Amsterdam News*, while carrying on a second conversation. "I want you to know, Ellie, I was grandfather of the ads," Batson boasts, referring to a slanderous anti-police television commercial the union and other funders had just released. "I'm glad those 'Fooliani' pieces [a vituperative anti-Giuliani series in the *Amsterdam News*] started up again," he says. "And that *New York* piece—oh my God!" he crows in delight, referring to a blistering cover story on Giuliani.

The recent TV commercial, portraying two ominously angry white cops and one very terrified black boy, put its sponsors on the defensive. As a portrait of Rigoberta Menchu, the patron saint of political fibbers, looked down from the wall of 1199's reception room the tightly coiled union boss Dennis Rivera ducked reporters' questions comparing the ad to the Willie Horton commercial. But the little flurry of negative publicity around the ad may have been welcome. The official propaganda—the flyers, the ads—is not the point, reveals Batson conspiratorially. "The meat of this," he says, "is the free media. We're managing the media consciously, because we have no fucking money"—a plea of penury that's hard to swallow sitting in 1199's gleaming headquarters. The result, in Batson's view, was triumphant: "We have captured the imagination of the city of New York."

If so, most people decided to imagine at home, rather than come out to march. Days before, at Sharpton's headquarters, attorney Michael Hardy had envisioned "20,000 to 50,000 people coming across the bridge." In fact, police estimates of the march ranged

from 4,500 to 10,000. A media consensus emerged toward the lower number. And a visitor from another planet would have concluded that the protest was a joint effort on behalf of Diallo and cop killer Mumia, so numerous were the "Free Mumia" signs bobbing in the crowd. Once the cameras went home, the movement against police brutality collapsed. Two weeks after the April 15 march, a Sharpton-endorsed anti-police group held a meeting, and seven assorted socialists showed up.

Of all the stories the *Times* wove into its Diallo morality tale, none strained credulity more than the maturing of Al Sharpton. While virtually ignoring his past history of racial slander, the *Times* portrayed Sharpton as having been pushed into the Diallo case only by the appeal of a supporter (Sharpton gave the same story to the *Village Voice*, but changed the identity of the supporter). It also presented him as the passive recipient of the Diallo family's appeal for help: never has his "renown and resourcefulness . . . been as clear as this week," marveled the paper, "when a bereaved family from another continent turned to [him] for help."

In fact, Sharpton tried desperately from the start to capture the Diallos for his own use. He raged with resentment when he heard that the mayor had reached out to Amadou's parents: "Oh God, what are they trying to do here?" he recalled for the *Village Voice*. Giuliani, of course, was trying to offer his condolences and help, and had he met with the parents, the next three months might have been different. But Sharpton dispatched a brigade to the airport to try to get to the parents before the Giuliani people. To the great detriment of the city, he captured his quarry. The mother rebuffed Giuliani's assistance, and from then on, Sharpton used every opportunity to rub the mayor's nose in his defeat and to use the photogenic Mrs. Diallo to advance his cause. He made Giuliani wait for over an hour for the parents on the day of Diallo's funeral and then disclosed that the family would not see him at all. "I hate to blow the mayor's bubble here," Sharpton triumphantly announced, "but they are not preoccupied with the mayor."

A falser statement was never uttered. Sharpton, who scripts what the Diallos are preoccupied with, is obsessed with Giuliani. Ever since the mayor refused to meet with him after an ambush of the police at a Harlem mosque in January 1994, Sharpton has fumed at being denied access. "You've been running from me for the last four years. now it's me and you, Rudy," he declared after the savage police assault on Abner Louima in 1997, "and I'm going to whip you all over town."

Speaking to supporters at his National Action Headquarters, a large, low-ceilinged room in Harlem with a plaid carpet and large portraits of himself and other black

activists on the walls, Sharpton erased any ambiguity about the real political agenda of the Diallo movement. Addressing Giuliani in absentia, he vowed: "All that barking and talking will come back to haunt you. Only God could arrange for this trial right before your run for the Senate," he roared. "I think the mayor needs a long rest and I intend to help give him that. . . . I'm going to march until I march up those steps [of City Hall] and take my seat inside."

**I**f Sharpton ever does reach City Hall, he will get an adoring reception from the City Council members, among the silliest of the Diallo case's anti-police critics. It was a remarkable experience to watch them lecture Commissioner Howard Safir on how to police during an April 19 Public Safety Committee hearing. Stephen DiBrienza, the council's most histrionic grandstander, bellowed for more community policing and less anti-crime activity. Safir responded acidly: "The time you referred to, when there was allegedly more community policing, there were also 2,240 murders in the city." Amazingly, DiBrienza replied: "I'm not sure of the relevance of that." Shot back Safir: "It's of relevance to the people killed."

Council members spent most of their energy excoriating various breaches of political correctness. Many took wallops at the department's allegedly inadequate diversity. Too bad they didn't witness a one-sided exchange between three black toughs and a young black police officer at the April 15 march, which might have challenged their facile assumptions about police diversity and community relations. "Yo! Fuck you! You want to put a plunger up our ass?" the self-identified "hip-hop producers" spat at the impassive officer.

But nothing produced quite the excitement as an exchange between Councilwoman Ronnie Eldridge and Safir. After announcing imperiously: "Our children are being taught to fear the police," Eldridge threw down the gauntlet: "Is there not a way to keep crime statistics down without violating civil liberties?" Safir would have none of it. "I'd like that like: 'When did I stop beating my wife?'" he snapped.

Oooh—not just racism, but sexism! Christine Quinn, of *Vagina Monologues* fame, sputtered: "I don't think domestic violence is anything to joke about, Commissioner." And the commissioner's alleged insensitivity to women then became the leitmotif of the rest of the hearing.

Quinn and her colleagues found a perfect partner for their staged distress in Lieutenant Eric Adams, the persistent police critic and head of 100 Blacks in Law Enforcement V

Care. Adams signaled his readiness for the game in his opening statement. "I'm appalled that the council allowed the police commissioner to make light of women being beaten," he declared. He had brought along a hooded witness, a former member of the Street Crime Unit, to testify to the unit's brutality and racism. He hustled the witness in and out of the council chamber with great drama, including loud allegations that police spies were in the room. But it later turned out that the former officer, a woman, had an abysmal record on the force, including an assault on a superior, psychological instability, and malingering, and Safir had fired her a week before her anti-police testimony.

It's hard to top such anti-police foolishness, but the U.S. Commission on Civil Rights came close in its May 26 hearing in New York. The exchange between Mayor Giuliani and a row of Sharpton hecklers, led by "P.U. I smell blue" shouter Carol Taylor, provided an unparalleled duet between rationality and prejudice. Every fact Giuliani presented about the police, the Sharpton devotees met with closed-minded contempt. Do the police now shoot far fewer people than in 1990, even though there are 8,000 more officers? "What's the relevance of that?" Are fatal shootings by the police way down? "Oh, yeah, only blacks." Do FBI statistics show that New York is the safest large city in the country? "Stop it please, you make me sick!" One supporter shouted out the theme of the entire hearing: "I'm tired of statistics. He doesn't talk about the reality of racism."

Commission chairwoman and long-time practitioner of race politics Mary Frances Berry adopted the David Dinkins method of crowd control: let them vent. While the hecklers were virtually drowning out Giuliani, only once did she ever so delicately tap her gavel, grinning broadly at the Sharptonites. When they interrupted her, however, "BANG!" went the gavel.

With no more interest in the facts than the Sharpton crew, Berry cut off Giuliani's rec of data about the NYPD's low use of force to ask her all-consuming question: "Do you believe the NYPD fairly represents the population of New York City?" Berry should have known how irrelevant the query was. The new chief of her local police force in Washington, D.C. recently *begged* the Justice Department to investigate it for civil-rig violations, even though the force is majority black.

From then on, it was all uninformed second-guessing and attempts to trivialize the Giuliani crime rout. "Isn't it the case that bias crimes, brutality, and allegations of domestic abuse by police officers went up at the same time that crime went down?"

asked portentously. More police insensitivity to women! Not surprisingly, Giuliani did not have the figures on police domestic abuse at his fingertips.

Before dismissing Giuliani, Berry made clear how little of what he had said had made any impression on her. "Some of the choices appear stark, listening to you," she intoned gravely. "We could protect safety by ignoring civil-rights protections." Everything Giuliani had said, however, emphasized that the department insisted on improving police respect for citizens even as it fights crime. But Berry made sure that the record reflected the specious claim that Giuliani's crime turnaround had a "dark side," making New York, in effect, a police state. And though Berry couldn't ensure the mayor the courtesy of a respectful hearing, she was all graciousness to another figure in the drama. "I recognize that the Reverend Al Sharpton has already arrived," she beamed. "I just want to acknowledge the work he has been doing"—"work" that consists of keeping race tensions as high as possible.

**T**he Diallo follies have damaged the city enormously. The 23 percent of black New Yorkers who do not approve of the police have grown angrier. Street Crime Unit officers, well aware of the increased hostility toward them, have pulled back: their felony arrests fell 47 percent in the first four months of 1999, compared with 1998. Shootings and gun homicides are ticking up in the neighborhoods where the unit patrols; citywide, murders were 10 percent higher from February 4 to May 23, 1999, compared with the same period of 1998. And needless to say, the four Diallo officers have almost surely lost the chance of a fair trial.

What should we do? Commissioner Safir is right to reject the claim that crime in New York is low enough, so the police should change their mission. Continuing to bring crime down is the best civil-rights program he can offer, since blacks make up four times the number of homicide victims as whites, and the streets of minority neighborhoods have until recently been less safe for their law-abiding residents to walk than other parts of the city. Safir is also right to push the cops to show more respect for civilians. Too many officers have a rude, contemptuous attitude, and Safir's excellent and unfairly maligned, Courtesy, Professionalism, and Respect training program for cops is a good antidote.

But if the police bear a heavy responsibility for maintaining cordial community relations, the community shares that responsibility, too. It is a travesty that Sharpton and his eager new followers focus all their energy on stigmatizing the police. If they

spent half their lung and media power on stigmatizing criminals, and the other half on helping young people compete in the job market, they could transform the city.

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