

Louima trial: New York cop pleads guilty to immigrant's torture

By Bill Vann
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Justin A. Volpe entered a guilty plea Tuesday May 26 to all the charges against him in connection with the stationhouse torture of Haitian immigrant Abner Louima in August 1997.

Speaking in a voice cracking with emotion, the New York City cop, who had formerly proclaimed his innocence, admitted to beating Louima in a patrol car and then taking him into the bathroom of Brooklyn's 70th Precinct where he rammed a broken piece of a broom into his rectum. Louima was subsequently hospitalized with massive internal injuries. Volpe went on to admit that he had threatened to kill Louima if he uttered a word about what he had done to him.

Four other cops are still on trial. Charles Schwarz, Thomas Bruder and Thomas Wiese are charged with beating Louima in a patrol car on the way to the stationhouse, while Sgt. Michael Bellomo is accused of covering up for the assault and lying to FBI investigators. The prosecution rested its case against them on Friday and the jury is expected to begin its deliberations on their fate this week.

Volpe's depraved attack in the precinct bathroom came as the culmination of a night of police violence that unfolded after cops were called to disperse a crowd outside a Haitian nightclub. Like the shooting of Amadou Diallo in February, it has become emblematic of the street "justice" that is meted out time and again to the poor, immigrants and minority youth by the New York Police Department.

Mayor Giuliani and his Police Commissioner, Howard Safir, have attempted to portray the guilty plea as a vindication of the Police Department, the result of "honest" cops coming forward to testify against a rogue sadist whose action represented an aberration. This testimony, Giuliani claimed, demonstrated that the so-called "Blue Wall of Silence" was a media-created myth.

Indeed, it was police officers who provided the most damning testimony against Volpe, making it impossible to continue with a defense that included the suggestion that the horrific damage done to Abner Louima's insides were the result of a consensual sex act. Testimony, however, made it evident that these officers came forward only after the stationhouse incident received massive publicity and multiple investigations were initiated, threatening to implicate the entire precinct.

Faced with the threat that they themselves could be placed on trial or see their careers ended, several cops took the stand to

give incriminating information that they had initially suppressed. Critics of the department, including leaders of two police minority groups—100 Blacks in Law Enforcement and the Latino Officers Association—dismissed the idea that the trial signaled the collapse of the "Blue Wall". This phenomenon, they pointed out, is not merely a matter of patrol cops being reluctant to testify against each other, but is driven by the determination of the department and the Mayor to squelch any criticism of the NYPD and their practice of retaliating against cops who expose internal wrongdoing.

With his guilty plea, Volpe threw himself on the mercy of the court. Coming after three weeks of testimony, it was not clear how much credit he will receive for his belated confession. Before Volpe read out his statement, Judge Eugene Nickerson told him he could face a life prison term once convicted of the Federal civil rights charges brought against him for his assault on Louima.

Choking on the words of his prepared confession, Volpe detailed the crimes he committed in the early morning hours of August 9, 1997 after moving in with other cops to disperse the crowd outside the Brooklyn nightclub.

"In the presence of other officers, I struck Mr. Louima in a patrol car," he said. He continued, "While in the bathroom in the precinct, in the presence of another officer, I sodomized Mr. Louima by placing a stick in his rectum. I then threatened to kill him if he told anybody." He went on to admit pushing a second individual, Patrick Antoine, to the ground during the same August 9, 1997 police action, subsequently charging him falsely with assault.

"That's it?" Judge Nickerson asked, after hearing the statement. He pressed the cop with a series of questions designed to establish his guilt beyond any shadow of doubt. "When you hit him were his hands cuffed behind his back?" he asked. "I believe they were your honor," Mr. Volpe replied.

"Were his hands handcuffed ... when you inserted the stick in his rectum?" in the stationhouse bathroom, the judge continued. "Yes," came the reply.

The judge questioned Volpe whether he had forced the stick into Mr. Louima's mouth after ramming into his rectum. He admitted that he had "put it to his mouth," showing it to him.

Was this "part of your effort to humiliate him?" the judge

asked. After first declaring himself "in shock at the time" and "mad" about being struck in the face while moving against the crowd, Volpe finally acknowledged that humiliation was his aim.

The plea arrangement seemed about to unravel, however, when the judge demanded of Volpe whether any other cops had "joined" him in the attacks on Louima. The cop seemed to panic, saying hurriedly that he had told "the truth about what I did" and claiming that he did not see any other cop hit the Haitian immigrant.

He then left the courtroom with his two attorneys, returning with another prepared statement in which he said there was another cop in the bathroom when he tortured Louima and it was "understood" that he would not do anything to stop the act. Without Volpe admitting to such an understanding with another officer, the judge would have rejected his plea of guilty to a conspiracy to violate Louima's civil rights. Officer Schwarz is accused by prosecutors of holding Louima down while Volpe rammed the stick into him. He has insisted he was never there.

While Abner Louima himself took the stand and pointed to Volpe as the man who tortured him, it was the testimony of four cops that provided the overwhelming evidence that forced the guilty plea.

"I broke a man down last night," two of these cops recalled Volpe declaring after his early morning arrest and assault against Louima. They and others described in sickening detail how the 26-year-old cop bragged about what he had done to the Haitian immigrant.

Sgt. Kenneth Wernik said Volpe told him that he had rammed a stick up Mr. Louima's rectum and asked him if he wanted to see it. Police Officer Michael Schoer said the defendant waved the stick in his face, telling him to smell "human s---." A third cop from the 70th Precinct, Mark Schofield, said he lent a pair of gloves to Officer Volpe, only to have them returned covered with blood.

Patrick Antoine, another man arrested the same night, testified that he was assaulted by police without provocation while walking home from a friend's house. He also rose from his seat in the witness stand to identify Volpe as the cop who brought the Haitian immigrant into the cell with pants down, leaving him moaning on his knees, his hands cuffed behind his back. When an ambulance crew arrived at the precinct, Antoine testified, Volpe returned to the cell, cursed Louima and dragged him up by his ear after kicking a chair out from under him.

Antoine said that afterwards Volpe escorted him to the bathroom. He said the officer told him he felt "like someone going crazy," and to "forget about" what had happened to him the previous night.

Pointing to a cross worn by Antoine, Volpe asked him if he believed in Jesus and told him that he did too. Antoine is suing the city for \$4 million.

Another prisoner who was in the cell next to Mr. Louima,

19-year-old Connele Lugg, said he heard screaming and banging against the wall before Louima, smelling of feces, was dumped into a cell next to his. Cops in the room with him, he testified, didn't even look up from their paperwork at the sound of screaming from the bathroom.

Indeed, cops administering punishment or payback in a stationhouse bathroom is not all that unusual. In cases where these attacks have come to light, police officers are generally punished administratively with a loss of vacation days or, in extreme cases, a 30-day suspension without pay. What set this case apart was the deranged form of retaliation selected by Volpe.

A Nurse from the Coney Island Hospital Emergency Room where Louima was taken following his stationhouse ordeal provided a chilling account of his condition

Sonia Miller, who was in charge of the trauma area that morning, said Louima was trembling when she first saw him, "He was shaking all over his body," she said, noting that the trembling grew even worse when the cop who was guarding him drew nearer.

After the cop left the room during an X-ray, she said to him, "They did a job on you. What happened?"

Speaking in a whisper, Mr. Louima told her that he was arrested, beaten in a patrol car at two locations and then taken to the stationhouse bathroom where an officer "shoved a plunger into his ass and then shoved it into his mouth".

The nurse told him that he had to report the assault. "He said he could not," she said. "A police officer told him that if he made any reports they would kill him and his family."

She and other members of the medical staff discovered that Louima was passing urine from his rectum and feces from his penis, she said. A further examination detected a fistula, or tunnel, between his bladder and his rectum. A doctor testified that the probable cause of this injury was the forceful introduction of a blunt object into his rectum.

The day after Volpe's guilty plea and the self-congratulatory statements of Giuliani and Safir, the city was rocked by another report of police violence. A cop in the Street Crime Unit, the same elite squad that was responsible for taking the life of West African immigrant Amadou Diallo in a barrage of 41 bullets in February, shot a 16-year-old youth in the Bronx. The Police Department described the shooting of the youth, Dantae Johnson, who was hospitalized in a critical condition, as "accidental".

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