

# The Abner Louima case: three New York cops guilty in cover-up of torture

By Bill Vann  
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A federal court jury in Brooklyn convicted three New York City cops March 6 of conspiring to cover up the 1997 stationhouse torture of Haitian immigrant Abner Louima.

Thomas Weise and Thomas Bruder each face five years in prison on the charge of conspiracy to obstruct a federal investigation into the savage assault on Louima. The third cop, Charles Schwarz, was convicted in a previous trial as an accomplice with Justin Volpe in torturing the immigrant worker inside the bathroom of the 70th Precinct in the Flatbush section of Brooklyn.

Volpe, convicted of sodomizing Louima with a broken piece of a broomstick, tearing a one-inch hole in his rectum and bladder, was sentenced to 30 years in prison. Schwarz, who was found guilty of holding Louima down during the attack, faces up to a life sentence.

The three cops greeted the verdict with disbelief and rage. "They're f—ing liars; this is f—ing bullshit," exclaimed Schwarz, who turned his wrath on his lawyer. As he was taken back into custody he slammed the wall and shouted out other obscenities. The other two defendants spilled out into the sixth-floor hallway with family members, other cops and PBA officials, cursing and crying. Bruder threw things at the wall, while Weise shouted "I'll f—ing kill you" to someone who tried to come to the assistance of his mother who fell to the floor, sobbing hysterically. Court guards, who would have undoubtedly moved to quell such a disturbance by any other group of convicted criminals, turned a sympathetic eye to this spectacle.

The city's largest police union, the Patrolmen's Benevolent Association (PBA), had insisted since the first trial that Schwarz was wrongly convicted and had vowed to prove his innocence in the conspiracy trial.

Flush with the acquittal of the four Street Crime Unit cops charged in the shooting of Amadou Diallo, it had anticipated not-guilty verdicts all around, rather than an across-the-board conviction in this case.

Unlike the first Louima trial, where all of the cops remained mute, Schwarz took the stand in his own defense and Volpe was also brought from prison to testify that it had been Weise, not Schwarz, who was with him in the bathroom during his torture of the immigrant worker.

The jury, however, appeared to find both accounts implausible. While much of the prosecution's case was circumstantial, including records of phone calls made between the defendants and from them to their alleged co-conspirators among both present and former officials in the PBA, the conflicting and changing stories told by the cops could not be concealed by the defense. Schwarz himself claimed, unbelievably, that he was unaware of the nature of the attack on Louima, even after Police Department Internal Affairs Bureau (IAB) investigators swarmed over the precinct. Under a withering cross-examination, he answered question after question with the claim that he could not remember.

In the earlier trial, cops testified that Volpe had made no secret of his depraved attack. Rather he paraded through the stationhouse with the stick in his hand, and bragged how he had "broken a man down."

New York Mayor Rudolph Giuliani and the New York Police Department both tried to claim the Louima case as the "exception that proves the rule"; a handful of rogue cops who had been brought to justice because of testimony given by other police officers and the work of the IAB.

In fact, the police investigation was forced by front-page news stories that were generated by an

emergency room nurse who contacted the media about Louima's horrific injuries. Cops who testified against Volpe, Schwarz and the other two officers were themselves complicit in the cover-up until it became clear that criminal indictments were imminent. In reality, the obstruction of justice charge would have been applicable to, at the very least, the scores of cops on duty from the time Louima was arrested until he was loaded into an ambulance at the 70th Precinct, and in all probability, to higher ups in the department who hoped the scandal would blow over.

In a more fundamental sense, the stationhouse torture took place within a definite political and social environment that has been fostered in New York. The police have been given awesome powers by a government that is determined to defend the wealth, privileges and well-being of a small layer of the wealthy by suppressing the rights of the millions of working class and poor residents, many of them, like Diallo and Louima, immigrants.

In the trial, the prosecution claimed that Volpe and Schwarz shared a common motive for assaulting Louima, that of "teaching him to respect cops" after an evening in which both men had been struck while dispersing a crowd outside a Haitian nightclub. This was not just the sentiment of a few out-of-control precinct bullies, however. It had been nurtured by an administration that has repeatedly tried to blame the victims of police murder and brutality for the crimes carried out against them.

Federal prosecutors, however, were at pains to disavow any connection between the Louima case and the wider phenomenon of murderous brutality and rampant corruption within the NYPD. US Attorney Loretta Lynch said that the central lesson of the proceeding had been that lying about a "fellow officer" was the worst "betrayal of the badge and the brotherhood." She said that the verdict helped bring "closure" to the city. The lead prosecutor, Assistant US Attorney Alan Vinegrad, brushed aside a reporter's question about the connection of the case to the widespread cover-up by the NYPD of police brutality, insisting that it was merely about "three individuals who lied to protect one of their own."

The trial also exposed the role of the PBA, which provides a key element of the so-called "Blue Wall of Silence" under which cops systematically lie about

incidents of police abuse. The practice is so common that, as was reported by the 1994 Mollen Commission, formed to investigate a raging scandal over brutality and drug-trafficking by police, officers themselves talk about "testilying" in court.

Called as a hostile witness by the prosecution was Michael Immitt, a PBA trustee, roughly the equivalent of a business agent, who chaired a meeting in which the prosecution said the plot was hatched to lie about Schwarz's presence during the bathroom assault. Immitt claimed on the stand that he did not know the nature of the charges the cops were facing, even on the day that the attack on Louima made banner headlines in the daily papers.

Also called to the stand was Anthony Abate, a former PBA 70th Precinct delegate who was fired from the Police Department for using racial slurs against a black cop and lying about an obscenity-laced tongue-lashing he had given a young female officer after she tried to deliver a lecture on domestic violence at the stationhouse. Asked about scores of phone calls made to him by the officers involved in Louima's arrest after revelations of his ordeal first surfaced, he claimed that his only role had been to lend the cops "a sympathetic ear."

Weise succeeded Abbate as a precinct delegate, while Volpe's brother also held that post in the union. This was hardly the first case of union delegates being implicated in cases of extreme brutality. Francis X. Livoti, a Bronx cop, was jailed on federal civil rights charges for the December 1994 strangling death of Anthony Baez, whose crime was that he allowed his football to strike Livoti's patrol car.

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