

The Sean Bell verdict—assuring that New York City’s police can kill with impunity

By Bill Van Auken
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The decision handed down Friday morning by a New York judge in the police slaying of Sean Bell was as shocking as it was predictable. A 23-year-old, unarmed man was cut down in a hail of 50 bullets on the morning of what was to be his wedding, and no one is held accountable.

The not-guilty verdicts for the three New York City detectives in the November 2006 shooting follow a long pattern of court decisions and prosecutorial abstention that have served to exonerate the city’s police force in the killings of unarmed civilians, the vast majority of them carried out in New York’s poorer black and Hispanic neighborhoods.

For the friends and family of Bell—who is survived by his fiancée, Nicole Paultre, and two daughters, ages five and one—as well as for far wider layers of people in the Jamaica, Queens neighborhood and across the city’s working-class communities, the verdict nonetheless provoked disbelief and outrage.

At the Queens courthouse, Supreme Court Judge Arthur Cooperman’s verdict was met with cries of “Shame!” and “No!” while many were left in tears of rage. People in the crowd outside shouted “murderers” as cops and police union officials left the courthouse. Over 1,000 police ringed the area, significantly outnumbering the crowd that had come to hear the verdict and support Sean Bell’s family. Police helicopters hovered overhead.

In finding the three detectives—Michael Oliver, Marc Cooper, and Gescard Isnora—not guilty, Judge Cooperman claimed that the testimony of several key prosecution witnesses “just didn’t make sense.” Cooperman added in his verdict that among the factors he had taken into account was that some of the prosecution witnesses, including the two who were shot and seriously wounded on the same morning Bell was killed, had criminal records. This was something that was obviously unknown by the cops who unleashed a barrage of gunfire that ended

Bell’s life.

Testimony by the non-police witnesses in the trial indicated that Bell and his friends had no knowledge that the men that confronted them with guns and then shot them were police officers.

The judge dismissed not only the charges of manslaughter, but also misdemeanor counts of reckless endangerment in a shooting that saw bullets tear through the surrounding neighborhood, in one case smashing into a busy transportation hub a football field’s length away. One of the cops—Oliver—fired 31 times, reloading his pistol in order to keep pouring bullets into the unarmed men.

The cops had been sent to the Club Kalua in Jamaica Queens, where Bell and his friends were celebrating a bachelor’s party on the eve of his wedding. They were there undercover, in plainclothes, investigating allegations of prostitution and drug sales at the location.

Failing to make any arrests in connection with their assigned mission, they got into a confrontation with Mr. Bell and his friends, allegedly because they suspected they had a gun. No gun was ever found. Why the cops—who were supposedly undercover and therefore not supposed to reveal their identities—chose to initiate such a confrontation has yet to be clarified.

Bell’s friends—one of whom, Joseph Guzman, barely survived 19 bullet wounds—testified that they never heard the cops shout “Police!” and had no idea that the man approaching their car waving his gun—Isnora—was a police detective. Their understandable reaction was to try to drive away and save their own lives. The cops responded with the fatal fusillade, claiming afterwards that they thought they saw the car’s passenger—Guzman—reach for a gun.

The incident recalled nothing so much as the 1999 police killing of African immigrant Amadou Diallo in the Bronx. He was gunned down in a hail of 41 bullets as he

stood on his own doorstep, reaching for his wallet, which the cops in that incident also said they suspected was a gun.

In that infamous case, the four accused cops managed to secure a change of venue on the grounds that press coverage of the brutal killing made it impossible to get a fair trial in New York City. Their trial was moved to Albany, and they received acquittals.

The three detectives in the Bell killing also had good reason to believe that a jury of 12 average New Yorkers would convict them, and opted to have the case heard by a judge.

There have been attempts by the police and some sections of the media to draw a distinction between the two cases on the grounds that, while the four cops in the Diallo case were all white, two of the three detectives on trial in the Bell killing were, like the victim himself, black.

Whatever the background of the individual cops who pulled the triggers, however, the social and political realities that give rise to such police killings remain the same.

Michael Bloomberg, New York City's billionaire Republican mayor, issued a statement on the verdict feigning sympathy with the Bell family, noting that "an innocent man lost his life, a bride lost her groom, two daughters lost their father, and a mother and father lost their son." He added, "No verdict could ever end the grief that those who knew and loved Sean Bell suffer."

The statement—which essentially dismissed the injustice of the verdict itself—stood in stark contrast to that of Bloomberg's predecessor, Rudy Giuliani, whose standard reaction in similar police shootings was to vilify the victim. Nonetheless, the bottom line was the same. Bloomberg demanded acceptance of the abortion of justice handed down in the Queens courthouse, while warning that any form of violent protest would be swiftly suppressed by the city's police force.

This message was backed up by Police Commissioner Ray Kelly, who told the media, "We have prepared, we have done some drills and some practice with appropriate units and personnel if there is any violence."

The same sentiments were echoed by the front-runner for the Democratic presidential nomination, Senator Barack Obama. Campaigning in Indiana, Obama declared, "We're a nation of laws, so we respect the verdict that came down."

The real significance of the verdict, however, is that the so-called "nation of laws" keeps double books. There is

one set for average working people, and quite another for the police and the privileged social layers whose interests they defend.

New York City's 35,000-member police force has as its principal task that of policing the social divide—one of the deepest in the world—that cuts through the city's 8 million people.

According to an analysis of tax data released earlier this month, the city's top 1 percent—some 82,000 people—account for fully 37 percent of the city's total income. According to the Bureau of Economic Analysis, while the average annual salary in New York City stands at \$40,899, the top fifth of Manhattan residents pull in an average of \$351,333.

Manhattan is an island shared by hedge fund manager John Paulson, who recorded \$3.3 billion last year, with the bottom 20 percent—over 300,000 people—somehow surviving on an average household income of \$8,855 a year.

It is a city where former Citigroup chairman Sanford Weill can spend more than \$42 million for an apartment on Central Park West, while a record 9,300 families sleep in the city's homeless shelters each night.

Boasting the most expensive restaurants in the country, it is also a city where 1.3 million residents—including over 400,000 children—periodically go hungry for lack of sufficient money to buy food.

Protecting the interests of the haves against the have-nots under conditions of such stark social polarization requires a police force that knows it can kill with impunity. Judge Cooperman's verdict has reaffirmed this fundamental bulwark of a grossly unequal society.

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