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From Heroes to Villains: NOPD Verdict Reveals Post-Katrina History

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In an historic verdict with national implications, five New Orleans police officers were convicted on Friday of civil rights violations for killing unarmed African Americans in the aftermath of Hurricane Katrina and could face life in prison when sentenced later this year. The case, involving a grisly encounter on the Danziger Bridge, was the most high-profile of a number of prosecutions that seek to hold police accountable for violence in the storm's wake.

The officers' conviction on all 25 counts (on two counts, the jury found the men guilty but with partial disagreements on the nature of the crime, which could slightly affect sentencing) comes nearly six years after the city was devastated by floodwaters and government inaction. The verdict helps rewrite the history of what happened in the chaotic days after the levees broke. And the story of how these convictions happened is important for anyone around the U.S. seeking to combat law enforcement violence.

The results of this trial also have national implications for those seeking federal support in challenges to police abuses in other cities. New Orleans is one of four major cities in which the Department of Justice has stepped in to look at police departments. Any success here has far reaching implications for federal investigations in Denver, Seattle, Newark, and other cities.

The Danziger Bridge case begins with Hurricane Katrina. As images of desperate survivors played on television, people around the world felt sympathy for people waiting for rescue after the storm. But then images of families trapped on rooftops were replaced by stories of armed gangs and criminals roaming the streets. News reports famously described white people as "finding" food while depicting black people as "looting." Then-Chief of Police Eddie Compass told Oprah Winfrey that "little babies (are) getting raped" in the Superdome. Then-Gov. Kathleen Blanco announced she had sent in troops with orders to shoot to kill, and the second in charge of the police department reportedly told officers to fire at will on looters.

Evidence suggests that the NOPD acted on these instructions. On Sept. 2, just days after the storm, a black man named Henry Glover was shot by a police sniper as he walked through a parking lot. When a good Samaritan tried to help Glover get medical help, he was beaten by officers, who burnt Glover's body and left it behind a levee. The next day, a 45-year-old named Danny Brumfield, Sr., was killed by officers in front of scores of witnesses outside the New Orleans convention center when he ran after a police car to demand that they stop and provide aid.

The following morning, two families were crossing New Orleans' Danziger Bridge, which connects Gentilly and New Orleans East, two mostly middle-to-upper-class African American neighborhoods. Without warning, a Budget Rental truck carrying police officers arrived and cops jumped out. The officers did not identify themselves, and began firing before their vehicle had even stopped.

Officers had heard a radio call about shootings in the area, and according to prosecutors, they were seeking revenge. James Brisette, a 17-year-old called studious and nerdy by his friends, was shot nearly a dozen times and died at the scene. Many of the bullets hit him as he lay on the ground bleeding. Four other people were wounded, including Susan Bartholomew, a 38-year-old mother who had her arm shot off of her body, and her 17-year old daughter Lesha, who was shot while crawling on top of her mother's body, trying to shield her from bullets. Lesha's cousin Jose was shot point-blank in the stomach and nearly died. He needed a colostomy bag for years afterwards.

Further up the bridge, officers chased down Ronald Madison, a mentally challenged man, who was traveling with his brother Lance. Ronald was shot in the back by one officer and then stomped and kicked to death by another. Lance was arrested and charged with firing at officers, and spent weeks behind bars.

At the time, the New Orleans Times-Picayune reported that officers "sent up a cheer" when word came over police

radios that suspects had been shot and killed.

A cursory investigation by the NOPD justified the shooting, and it appeared that the matter was closed. In fact, for years every check and balance in the city's criminal justice system failed to find any fault in this or other officer-involved shootings from the days after the storm.

Eddie Jordan, the city's first black district attorney, pursued charges against the officers in late 2006. When the cops went to turn themselves in, they were greeted by a crowd of hundreds of officers who cheered for them and called them heroes. Before the case could make it to trial, it was dismissed by a judge with close ties to the defense lawyers, and soon after that Jordan was forced to resign.

After the dismissal of Jordan's charges, the story of police violence after Katrina remained untold. Jordan believes an indifferent local media bears partial responsibility for the years of cover-up. "They were looking for heroes," he says. "They had a cozy relationship with the police. They got tips from the police; they were in bed with the police. It was an atmosphere of tolerance for atrocities from the police. They abdicated their responsibility to be critical in their reporting. If a few people got killed that was a small price to pay."

Other elected officials, like the city coroner, went along with the police version of events. For example, the coroner's office never flagged Henry Glover's body, found burned in a car, as a potential homicide.

But the Madisons, the Bartholomews, and the Glovers, along with family members of other police violence victims, refused to be silent. They continued to speak out at press conferences, rallies, and directly to reporters. They worked with organizations like Safe Streets Strong Communities, which was founded by criminal justice activists in the days after Katrina, and Community United for Change, which was formed in response to police abuses. Monique Harden, a community activist and co-director of Advocates for Environmental Human Rights, helped to bring testimony about these issues to the United Nations. Another post-Katrina organization, Peoples Hurricane Relief Fund, presented the charges to an international tribunal.

Activists worked to not only raise awareness of specific issues of police violence, but to say that these problems are structural and that any solution must get at the root causes.

"This is about an entire system that was completely broken and in crisis," says former Safe Streets co-director Rosana Cruz. "Everyone's job in the criminal justice system depends on there being a lot of crime in the city. The district attorney's office doesn't work on getting the city safer, they work on getting convictions at any cost. As long as that's the case, we're not going to have safety."

Former District Attorney Jordan feels that investigators should pursue charges up to the very top of the department, including Warren Riley, who was promoted to police chief shortly after Hurricane Katrina and served in that role until 2010. "Riley, by his own admission, never even read the report on Danziger," Jordan points out. "It's so outrageous, it's unspeakable. It's one of the worst things that anyone can do. It's hard to understand why he's not on trial as well."

"Fish starts rotting at the head," adds Jordan. "This was all done in the backdrop of police opposition at the very top. It's not surprising that there was a cover-up. You just have to wonder how far that cover-up went."

In 2008, journalist A.C. Thompson did what New Orleans media had failed to do, and seriously investigated the accusations of police violence. His reporting, published on *ProPublica* and in *The Nation*, spelled out the shocking details of Glover's killing and pointed toward police coordination with white vigilantes in widespread violence. It

brought national attention to the stories that had been ignored. Activists took advantage of the exposure and lobbied the Congressional Black Caucus and the Justice Department for an investigation.

In early 2009, a newly empowered civil rights division of the Justice Department decided to look into the cases. Federal agents interviewed witnesses who had never been talked to, reconstructed crime scenes, and even confiscated NOPD computers. They found evidence that the Danziger officers had radically rewritten their version of what happened on the bridge that day. When FBI agents confronted officers involved in the Danziger case, five officers pleaded guilty and agreed to testify about the conspiracy to cover-up what happened. They revealed that officers had planted evidence, invented witnesses, arrested innocent people, and held secret meetings where they worked to line up their stories.

Before last week's verdict, the Justice Department had already won four previous police violence convictions, including of the officers who shot Glover and burned his body, as well as of two officers who killed Raymond Robair, a pre-Katrina case in which officers beat a man to death and claimed (with the support of the city coroner) he had sustained his injuries from falling down. About half a dozen other investigations are ongoing. The Justice Department is also looking at federal oversight of the NOPD, a process by which they can dictate vast changes from hiring and firing to training and policy writing.

The Danziger trial has been the most high-profile aspect of the federal intervention in New Orleans, and this verdict will have far-reaching implications for how the effectiveness of federal intervention is perceived. The convictions and guilty pleas in the case reveal a wide-ranging conspiracy that reaches up to sergeants and lieutenants. Marlon Defillo, the second-in-charge of the NOPD, was recently forced to retire because of his role in helping cover-up the Glover killing.

Most importantly, the verdict has helped shift the narrative of what happened in those days after Katrina.

The defense team for the Danziger officers was steadfast in describing their clients as heroes. Attorney Paul Fleming described the cops as "proactive," saying, "They go out and get things done. They go out and get the bad guys." Police attorneys in the Glover and Danziger trials also sought to use the so-called "Katrina defense," arguing that the exceptional circumstances following the storm justified extra-legal actions on the part of officers. With these convictions, the juries have definitively refuted this excuse.

In her closing arguments, Bobbi Bernstein, deputy chief of the Justice Department's Civil Rights Division, fought back against the claim that the officers were heroes, saying the family members of those killed deserved the title more. Noting that the official cover-up had "perverted" the system, she said, "The real heroes are the victims who stayed with an imperfect justice system that initially betrayed them."

Officers went out with a mission to deliver "their own kind of post-apocalyptic justice," she added. "The law is what it is because this is not a police state."

In comments immediately after the verdict, family members of those killed on the bridge expressed gratitude for those who had helped them reach this point, but stressed that their pain continued.

Speaking outside the courthouse after the verdict, Sherrel Johnson, the mother of James Brisette, said that the officers, "took the twinkle out of my eye, the song out of my voice, and blew out my candle," when they killed her son.

Jacqueline Madison Brown, the sister of Ronald Madison, told assembled press, "Ronald Madison brought great love

to our family. Shooting him down was like shooting an innocent child.” Commenting on officers who had testified for the prosecution in exchange for lesser charges, she added, “We regret that they did not have the courage and strength to come forward sooner.”

Kenneth Bowen, Robert Gisevius, Anthony Villavaso, and Faulcon, the officers involved in the shooting, could receive life sentences. Sergeant Arthur Kaufman, who was not on the bridge, but was convicted of leading the conspiracy, could receive a maximum of 120 years. Sentencing is scheduled for December, but will likely be delayed.

Post-scriptum :

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