by {ga=ahumm}
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New York police officers killed two unarmed black people in May and there has yet to be rioting in the streets or even mass demonstrations as the black and civil rights communities wait and see whether police and governmental authorities will either produce credible investigations or turn the matters over to special prosecutors.

Alberta Spruill, 57 and African American, died of a heart attack May 16th after Special Operations police, acting on a bad tip that the apartment contained munitions, tossed a stun grenade into her Harlem apartment as she dressed for work, handcuffing her even after finding no guns in the place. The medical examiner's office has ruled the death a homicide, but blame has yet to be assigned. Mayor Bloomberg and Police Commissioner Kelly have apologized for the incident and acknowledged the obvious, that something was terribly wrong with this raid. Bloomberg's response has been noted to be in stark contrast to that of his predecessor in police misconduct cases. Rudy Giuliani almost always sided with the police, exacerbating racial tensions.

The head of the unit that conducts no-knock searches, Deputy Chief Thomas Purtell, has been transferred to the Housing Bureau, but he has not been charged with any malfeasance. Capt. David Driscoll, the Harlem precinct's commander, was transferred to Brooklyn in the wake of the botched raid.

Peter Vallone, Jr., chair of the City Council Public Safety Committee plans hearings on these police procedures on June 12. He told the Daily News , "We want to look into what went wrong. And we really want to make sure that this never happens again." Manhattan Borough President C. Virginia Fields, the story said, is asking those who have been subjected to mistaken raids on their homes to call (800) 728-1550 and to appear at a hearing on June 5 at 10:30 AM at her Municipal Building office at 1 Centre Street on the 19th floor South.

There are many unanswered questions in this case, where the police seem to have acted legally in that they obtained a warrant. Why was such an unreliable source used? Shouldn't there be a better system in place to screen sources? Why wasn't the apartment put under surveillance to verify the tip that it was being used for illegal purposes? Why wasn't the most rudimentary investigation done into who actually occupied the apartment, a trustworthy city

worker and grandmother?

But the elephant in the room of this case is race. Is it conceivable that police would have conducted the raid in this way in a white neighborhood?

Similar issues surround the case of Ousmane Zongo, 38, the black immigrant from Burkima Faso who was killed by a police officer, Bryan Conroy, at a West Chelsea storage facility where he worked. The officer alleged to a supervisor that Zongo, who repaired African art in one of the storage spaces, lunged for his gun. Conroy shot him four times. He has yet to speak to either the District Attorney's office or police investigators. The Rev. Al Sharpton says that he has spoken to a witness to the incident who only wants to speak with an independent investigator. The witness, according to Newsday , is an "undocumented immigrant fearful of being deported."

Several hundred demonstrators, mostly West African immigrants, demonstrated on May 28th outside the W. 27th Street storage facility where Zongo was killed. Their rallying cry was for Governor George Pataki to appoint a special prosecutor in the case. Michael Hardy, a lawyer for the Zongo family who is associated with Sharpton's National Action Network, said, "There needs to be no question of impartiality in this investigation. The police department and the district attorney may need to be prosecuted."

Sidique Abou-Bakarr Wai, president of the United African Congress addressed the crowd, insisting, "It is not about black rights, it is about human rights." When he said, "Zongo did not fight with a police officer," the West

African demonstrators chanted, "Never! Never!" "Africans don't fight," Wai said. "We are a law abiding people. We don't have a quarrel with the police, but with vigilante officers."

Civil rights lawyer Norman Siegel was also on hand at the rally. "We have been here before," he said, recalling Patrick Dorismond and Amadou Diallo , "another unarmed New Yorker shot dead because of police force. The names change, but the issues are the same: 1) Whether the shooting was justified, 2) Will the truth be discovered and disclosed? and 3) Will there be systemic change in regard to police procedures. The civil rights community wants the truth and the truth is difficult to obtain in these cases. We learned years ago that police cannot investigate

police. And the District Attorney's office, because they rely on the testimony of police, has a built-in conflict of interest." He, too, said that a special prosecutor was critical in this case. And he feels that Mayor Bloomberg needs to be educated about the history of these kinds of cases if he is willing to trust the police to investigate themselves.

Zongo, who had intended to return to his native land to be reunited with his wife and children, "was a peaceable man," said Mohammed Dibassy, president of the African Arts Center where Zongo worked and a leader of the Malian Association USA. "We are a peaceful people, but we want solutions. We want justice to be done."

After seeing the cops who killed Diallo acquitted of all wrongdoing in an Albany court, these West Africans are not willing to see this case handled by the same people. Masses of New York civic leaders were arrested outside police headquarters to push for the arrests of the officers who killed Diallo, only to see the case moved upstate. This time, they want a special prosecutor.

Council Resolution to Protect Civil Rights and Civil Liberties

More than 100 civil liberties advocates gathered on the steps of City Hall on May 28 to herald the introduction of a resolution in the New York City Council to call upon the United States to repeal provisions of the USA Patriot Act that "pose a direct threat to the constitutional protections afforded individual freedoms." If passed, New York would join 115 other American cities in petitioning the Congress and the President to restore civil liberties trimmed by the post-9/11 act.

"September 11th shook the city and country to its core," said Donna Lieberman, director of the New York Civil Liberties Union, part of the New York Bill of Rights Defense Committee, "but we must be free as well as safe." She cited such infringements as "relentless snooping on our private lives, diminished right of courts to protect us, undermining the right to due process and counsel," and assaults on freedom of speech. If New York adopts the resolution, it will double the population covered by jurisdictions who have passed similar petitions.

Councilmember Bill Perkins is the chief sponsor of the resolution. Councilmember Charles Barron, another sponsor, said that this resolution joins one in the Council calling for the repeal

of the Patriot Act. Councilmember Margarita Lopez said that Congressman Jose Serrano (D-Bronx) had urged the New York City Council delegation that went to Washington last month to help in pushing the Congress to reform the Patriot Act. She said that immigrant people are "disappearing" in this country under the Act the way dissenters disappeared in Latin America in the 1970s.

Councilmember David Yassky said, "I honor the men and women in our armed forces, but over history, what makes us strong is not military might, but our commitment to freedom and individual liberty."

Pat Perry, who lost her son, John, a police officer, on September 11, 2001, said that John "strongly supported the Bill of Rights and would be here today" if he were alive. Playwright Tony Kushner said, "It is not surprising that an administration that believes they can create democracy unilaterally through military action believes it can secure democracy here at home by decimating the Bill of Rights."

Bishop Paul Moore, Religious and Civil Rights Leader, Dies at 83

The Rt. Reverend Paul Moore , Jr., Episcopal Bishop of New York from 1972-89, died on May 1st after a long bout with cancer. He was 83. I paid tribute to Moore in the pages of the Gay City News
for his leadership in the city on the rights of women and gay people. In a town where many religious leaders come down on the more conservative side of issues, Moore was an outspoken champion of the poor, downtrodden, and disenfranchised. When his time as head of the Diocese of New York was up, he worked on more international causes rather than upstage his successor at St. John the Divine Cathedral, including a leading role in securing justice for the people of East Timor. But his home base was Greenwich Village and he continued to be a force for human rights in his beloved city. Despite fourteen years out of office, his funeral was packed in the largest cathedral in the world on 112th St. and Amsterdam Av.

Andy Humm is a former member of the City Commission on Human Rights. He is co-host of the weekly "Gay USA" on Manhattan Neighborhood Network (57 on Time-Warner; 109 on RCN) on Thursdays at 11 PM.