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LIVE FROM NEW YORK

Diallo and the Truth

by Jackie Mason and Raoul Felder

Announced at the end of every marriage ceremony are the words, "Speak now or forever hold your peace." Now, at what should be the end of the ceremony of justice in the Diallo case, to paraphrase as unlikely a source as the late Emperor Hirohito, who told his people in the wake of Hiroshima that "The time has come to endure the unendurable," the time has come for us to speak the unspeakable. We must also now decide if the time has come to view this affair through the prism of truth, or through a phantasmagoria of political expediency and hypocrisy.

All of this is not to suggest that Mr. Diallo's death was not a tragedy. The death of any young person, particularly by violent means, is an irreversible and irremediable horror. But to reinvent the past, especially for political reasons, is the stuff of totalitarian regimes and not of a democratic society.

Amadou Diallo has been universally portrayed as a good, decent, and law-abiding young man pursuing the American dream-myth of a journey from honest, hard-working immigrant to responsible citizen. In point of fact, Mr. Diallo was an illegal immigrant who falsely stated on government forms that he was a political refugee (a criminal offense) and was a street vendor without a license (another violation of the law), who undoubtedly did not pay tax on his illegal earnings (yet another crime). This is not to mention the fact that street vendors, in addition to breaking the law by their very enterprise, take customers away from tax-paying businesses.

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Considering his tenuous claim to respectability, it is not hard to understand why Mr. Diallo ran from the police. He might also have had other good reasons to run from the police but, of course, these will never be known. He certainly understood the English language and could not have not believed the police would simply walk away when he chose flight.

This much is sure and certain: If Mr. Diallo did not run from the police, he would be alive today. No one has remotely suggested that if he stopped and was questioned, the police would have taken out their guns and, after questioning him, executed him with nineteen bullets.

There are those who say the police should have secured the situation by hiding behind their vehicles, and others who actually would have had Judge Teresi charge the Albany jury that if the officers believed they were confronted by deadly force, they should have fled the scene rather than open fire. In this regard it is of interest to note George Orwell's reflections that, "Men sleep peacefully in their beds at night because rough men stand ready to do violence on their behalf."

If villainy seeks a cast of characters, certainly Bronx District Attorney Robert Johnson is a likely prospect. Pandering to political pressure, and perhaps with visions of future elective office dancing in his psyche, he wildly overcharged the police officers. TV interviews with him after the verdict depicted a man explaining to the camera, with a deer caught in headlights expression on his face, that it was "the Grand Jury that indicted" the officers because they, the police officers, did not choose to appear before it.

A Former Chief Judge of the highest court of this state made a comment, repeated ad nauseam, that if requested by the DA, "a Grand Jury would indict a ham sandwich" -- and the bread, the baker, the pig, and the

bottle of mustard.

Deserving of at least passing mention in this pantheon of bad taste and irresponsibility is Hillary Clinton, Senatorial candidate and First Lady who, two weeks before the trial, proclaimed that the death of Mr. Diallo was a "murder."

It should not go without notice that the tall, balding, usually unidentified figure standing beside Mr. Diallo's mother and the Reverend Al Sharpton during the proceedings in Albany, is Robert Conason, a well-known and capable negligence lawyer whose job will be, undoubtedly, to make an awful death a financial windfall at the taxpayers' expense.

Jackie Mason is starring on Broadway in his an all-new, one-man show, **Much Ado About Everything**. He is also a nationally syndicated radio host (**The Jackie Mason Show**). **Raoul Felder** is a lawyer and nationally syndicated radio talk show host and legal commentator (**The Felder Report**). Both radio shows air on the **Talk America Radio Network**.

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