"WE DON'T WANT THIS TO LOOK LIKE A MASSACRE"

HISTORICAL MOMENTS IN POLICING, VIOLENCE, AND RESISTANCE VOL. 4

By Mariame Kaba
Design by Billy Dee
ABOUT THIS SERIES

In the last few months of 2011 into early 2012, the issue of police violence once again burst into the mainstream with the treatment of Occupy protesters. While we were appalled at the violence directed at peaceful protesters by law enforcement, we were also dismayed that this phenomenon was treated as a novel one. The incidents were discussed in a way that was divorced from historical context. After all, the black and white images of police dogs being unleashed on peaceful protesters during the black freedom movement of the 1950s and 60s would not have been alien to the young people who were abused by law enforcement in New York and Oakland at the Occupy protests. Police violence is unfortunately not new.

In an attempt to inject some historical memory into the current considerations of police violence, Project NIA and the Chicago Prison Industrial Complex (PIC) Teaching Collective decided to develop a series of pamphlets to inform and educate the broader public about the longstanding tradition of oppressive policing toward marginalized populations (including some activists and organizers). This series titled "Historical Moments of Policing, Violence & Resistance" features pamphlets on various topics including: Oscar Grant, the Mississippi Black Papers, Slave Patrols, the Young Lords, the 1968 Democratic Convention, the Danzinger Bridge Shootings, Black Student Protests on College Campuses, Timothy Thomas, Resistance to Police Violence in Harlem, and the 1937 Memorial Day Massacre, among others. The pamphlets are available for free downloading at http://policeviolence.wordpress.com. Please spread the word about the availability of these publications.

ACKNOWLEDGEMENTS

Every single person who worked on this series volunteered his or her time to this effort. We are grateful beyond words for your support and talents.

Special Thanks to the following people who have contributed to making this project possible.

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Series Conceived and Published by Project NIA (www.project-nia.org) and Chicago Prison Industrial Complex (PIC) Teaching Collective (http://chicagopiccollective.com)
THE DANZINGER BRIDGE SHOOTINGS
WHAT HAPPENED?

On September 4, 2005 a short item appeared in the Associated Press:

“Police shot eight people carrying guns on a New Orleans bridge Sunday, killing five or six of them, a deputy chief said. Deputy Police Chief W.J. Riley said the shootings took place on the Danziger Bridge, which connects Lake Pontchartrain and the Mississippi River.”

A week after Hurricane Katrina, at around 9 am on September 4, 2005, a group of police officers commandeered a Budget rental truck and headed to the Danziger Bridge after hearing a distress call from another cop who said that people were shooting at police and rescue workers. As the truck approached the bridge, officer Michael Hunter, who was at the wheel, fired warning shots out of the window. He parked behind the Bartholomew family and as officers began exiting the truck, they immediately started shooting, killing 17 year old James Brissette and wounding four others: Jose Holmes, 19; his aunt, Susan Bartholomew, his uncle, Leonard Bartholomew III, and a teenage cousin, Lesha Bartholomew.

The family had been crossing the bridge heading from a local motel where they had been camped to the Winn Dixie supermarket to shop for food. James Brissette was killed by a shotgun blast to the back of the head and then was shot at least three more times while he lay on the ground. Susan Bartholomew's arm was shot off. Her 19-year-old nephew Jose Holmes was shot in the arm, the jaw and the abdomen. Police then chased down Ronald and Lance Madison, two brothers, who had been walking a ways ahead of the Bartholomew family. Hearing the gunfire, the Madisons began to run. Ronald Madison, a 40-year old man who had the mental capacity of a 6 year old, was injured. Eventually, another officer, later identified as Robert Faulcon, killed him with a shotgun blast to the back as he tried to run away.
After his brother was killed, Lance Madison, who was unhurt, was surrounded by police officers and accused of firing a weapon at police. He was arrested and booked that day with eight counts of attempted murder. In all, four people were wounded and two died that day. The police contended that they were being shot at on the Bridge and took appropriate action to neutralize the threat. Over a year later in December 2006, after a Grand Jury had heard details of the case, seven New Orleans police officers were indicted for their roles in the Danzinger Bridge shootings. Four police officers — Sgt. Kenneth Bowen, Sgt. Robert Gisevius, officer Anthony Villavaso and officer Robert Faulcon — were charged with the first-degree murder of James Brissette. Faulcon was also charged with the first-degree murder of Ronald Madison. Three more officers faced attempted-murder charges. These officers became known in the press as the “Danzinger 7.”

The story of the Danzinger Bridge incident is a case study in police abuse of power and lawlessness. It is also the story of a massive cover-up. In 2008, a criminal district court judge, Raymond Bigelow, dismissed the charges against the Danzinger 7 after deciding that a prosecutor violated grand jury secrecy. Assistant District Attorney Dustin Davis showed part of the grand jury testimony to the supervisor of several of the accused officers. The Orleans Parish district attorney’s office then turned to the U.S. Department of Justice Civil Rights Division asking that it take over the case. The Division agreed to pursue an investigation of the Danzinger Bridge incident and after six years ultimately succeeded in prosecuting five officers.

- Officer Robert Faulcon was charged with two counts of first-degree murder of James Brissette and Ronald Madison. He also was charged with attempted first-degree murder of Leonard Bartholomew III, Susan Bartholomew, Lesha Bartholomew and Jose Holmes Jr.
- Officer Robert Barrios was charged with four counts of attempted first-degree murder of Leonard Bartholomew III, Susan Bartholomew, Lesha Bartholomew and Jose Holmes Jr.
- Officer Michael Hunter was charged with two counts of attempted first-degree murder of Lance Madison and Ronald Madison.
- Officer Ignatius Hills was charged with one count of attempted second-degree murder of Leonard Bartholomew IV.

The grand jury also found no true bill to eight counts of attempted murder against Lance Madison, who police had arrested and accused of firing at officers. This essentially cleared Madison of those charges.¹

THE TRIAL

When the trial began in June 2011, there were five defendants: former officer Robert Faulcon, who resigned not long after Katrina; Sgt. Kenneth Bowen; Sgt. Robert Gisevius; officer Anthony Villavaso; and retired Sgt. Arthur Kaufman. The prosecutors built their case around the testimony and statements of five other police officers who had already accepted plea deals. Of the five cooperating officers, three had been directly involved in the shootings. These officers provided the most important details in the prosecution of the five defendants. The officers who turned against their colleagues shared information about a cover-up that included: a planted gun retrieved by one officer from his garage; officers revising their accounts of the shooting after being coached; phony witnesses; and a secret meeting to coordinate stories. For their part, the officers who were on trial said that they believed that they were under fire when they arrived at the bridge and were fearful for their lives. Yet this was contradicted by at least one officer who testified against his fellow cops. Officer Michael Hunter said that the first group of people they encountered was simply walking on the bridge and that they were unarmed. He fired some warning shots and people quickly began to scurry to take cover. In describing his state of mind at the time he testified: "I wanted to send a message," Hunter said of emptying his handgun of bullets. "Don't mess with us." Another officer, Sgt. Kenneth Bowen, then started firing at the unarmed civilians with an assault weapon leaning over a barricade where some individuals had taken cover to shoot at them. In his plea report, Hunter describes the scene: "The two females were lying on the ground, hugging each other and crying in apparent pain. Hunter saw that at least one of the females had suffered serious gunshot wounds, and that both appeared terrified. One of the females had a gaping wound on her leg, and had a large chunk of flesh missing from her calf. The other civilians were also seriously wounded, including one man who was lying face-down, not moving."

During his testimony at trial, Hunter told the jury that Sgt. Bowen later stomped on a dying Ronald Madison, who had already been felled by officer Faulcon’s shotgun blast.

On August 5 2011, a New Orleans jury returned a verdict of guilty for all five officers. The jury did not convict them of murder but found that the defendants had violated the victim’s civil rights. On the steps of the courthouse, after the verdict was rendered James Brissette’s mother, Sherrel Johnson said that her son was "gonna forever more be an urn of ashes." She added: "They took the twinkle out my eye, the song out of my heart and blew out my candle. But it's gon' be alright -- because justice has been served. The day has come. Fat lady done sang. Curtain came down. Nothing more to say."

SENTENCING:

Sentencing was originally scheduled for December 2011 but was postponed by the judge in January until April 2012. On April 4, 2012, the five convicted officers were sentenced by Judge Kurt D. Engelhardt to terms between ranging from 6 to 65 years:

- Sergeant Kenneth Bowen was sentenced to 40 years in prison;
- Sergeant Robert Gisevius was sentenced to 40 years in prison;
- Officer Robert Faulcon was sentenced to 65 years in prison; and
- Officer Anthony Villavaso was sentenced to 38 years in prison.

The fifth officer, Sergeant Arthur “Archie” Kaufman, was a supervisor who was not involved in the shooting, but who helped the other officers cover up what they had done. Kaufman was sentenced to six years in prison.
FACTUAL BASIS:

If this matter were to go to trial, the Government would prove beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following facts to support the allegations in the two-count Bill of Information now pending against defendant MICHAEL HUNTER, charging the defendant with one count of conspiring to obstruct justice in the investigation of the Danziger Bridge shooting that occurred on September 4, 2005, and with one count of misprision of a felony. Specifically, Count One charges that defendant HUNTER conspired with other New Orleans Police Department (NOPD) Officers, in violation of 18 U.S.C. 371, to commit the following offenses against the United States:

a. to knowingly falsify and make a false entry in a document with intent to impede, obstruct, and influence the investigation and proper administration of a matter within federal jurisdiction, and in relation to and in contemplation of such a matter, in violation of Title 18, United States Code, Section 1519; and

b. to knowingly engage in misleading conduct toward another person with intent to hinder, delay, and prevent the communication of truthful information to a federal law enforcement officer and judge of information relating to the commission and possible commission of a federal offense, in violation of Title 18, United States Code, Section 1512(b)(3); All in violation of 18 U.S.C. 371.

Count Two charges defendant HUNTER with misprision of a felony, in violation of Title 18, United States Code, Section 4, for concealing crimes he witnessed on the Danziger Bridge. From September 4, 2005, until March 2010, the defendant knew that officers with NOPD had engaged in deprivations of rights under color of law, in violation of Title 18, United States Code, Section 242, and that these deprivations of rights had resulted in bodily injury and death to civilians on the Danziger Bridge in New Orleans on September 4, 2005. The defendant concealed these crimes and provided false statements to investigators; All in violation of 18 U.S.C. 4.
The Shootings and the Start of the Conspiracy:

In 2005, defendant HUNTER was an officer assigned to NOPD’s Seventh District. On September 4, 2005, in the wake of Hurricane Katrina, the defendant and his fellow Seventh District officers were working out of a temporary station at the Crystal Palace on Chef Menteur Highway. In response to a radio call that officers on the I-10 high-rise bridge had taken fire, defendant HUNTER and other NOPD officers loaded into a large Budget rental truck, which HUNTER then drove from the Crystal Palace to the Danziger Bridge.

En route to the Danziger Bridge, Sergeant A asked to borrow an assault rifle defendant HUNTER had placed in the cab of the Budget truck. HUNTER hesitated initially, but then relented and agreed to let Sergeant A use the assault rifle.

When defendant HUNTER first observed the Danziger Bridge on September 4, 2005, he saw in the distance a handful of people casually walking on the roadway on the bridge. HUNTER realized that the people on the bridge would not know that the Budget truck held police officers who were responding to a call for assistance, so he used his left hand to fire warning shots, with his NOPD-issued handgun, out the window of the truck.

**HUNTER did not see any weapons on these civilians, and did not see them stop or turn around. They did not appear to be a threat to the officers as they ran up the bridge.**

As defendant HUNTER fired these warning shots, the people on the bridge scattered and ran toward a concrete barrier separating the roadway from a pedestrian walkway. The civilians, who did not appear to have any weapons, began to climb or jump over the barrier.

Defendant HUNTER stopped the Budget truck a short distance from where he had seen people climb over the concrete barrier. As the truck rolled to a stop, Sergeant A fired an assault rifle down toward the civilians on the walkway. At one point before HUNTER got out of the truck, he saw an older black male raise his head above the barrier, and he saw Sergeant A fire at the black male. The black male did not appear to have a weapon and did not threaten the officers.

In addition to the people who jumped over the concrete barrier, defendant HUNTER saw civilians running westward, toward the top of the bridge. HUNTER got out on the driver’s side, ran to the front of the truck, and fired his handgun in the direction of the people running away up the bridge. Sergeant B, who had also run to the front of the truck, stood nearby, firing an M4-type assault rifle at the same civilians. HUNTER did not see any weapons on these civilians, and did not see them stop or turn around. They did not appear to be a threat to the officers as they ran up the bridge. HUNTER fired his handgun numerous times in the direction of these fleeing civilians, but did not believe that he struck them.
Defendant HUNTER then walked to the passenger side of the truck, where Sergeant A and other officers were lined up in a position to fire at or behind the concrete barrier. HUNTER saw Sergeant A and one or more other officers firing at or behind the barrier. Seeing that there was no threat to the officers, defendant HUNTER shouted, “Cease fire!”

When the officers stopped firing, defendant HUNTER walked toward the back of the truck on the passengerside. While defendant HUNTER was still on the passenger side of the truck, near the walkway, he saw several civilians, who appeared to be unarmed, injured, and subdued. Sergeant A suddenly leaned over the concrete barrier, held out his assault rifle, and, in a sweeping motion, fired repeatedly at the civilians lying wounded on the ground.

The civilians were not trying to escape and were not doing anything that could be perceived as a threat.

Sergeant B and other officers started running up the bridge, as defendant HUNTER moved up the bridge to where two female civilians were lying on the walkway, behind the concrete barrier. The two females were lying on the ground, hugging each other and crying in apparent pain. HUNTER saw that at least one of the females had suffered serious gunshot wounds, and that both appeared terrified. One of the females had a gaping wound on her leg, and had a large chunk of flesh missing from her calf. The other civilians were also seriously wounded, including one man who was lying face-down, not moving.

**Defendant HUNTER returned to the Budget truck, where he observed the assault rifle that Sergeant A had borrowed from him. The magazine that had started off fully-loaded was now empty, and the rifle was hot to the touch.**

Defendant HUNTER did not see any weapons on or near any of the civilians when they were in the roadway, and he did not see any weapons on or near the civilians as they lay dead or wounded on the walkway. No officers on the east side of the bridge said that they had seen guns on or near the civilians after the shooting, and nobody asked the civilians where the guns were. At no time did any of the civilians make any statements about having fired at anyone.

Defendant HUNTER returned to the Budget truck, where he observed the assault rifle that Sergeant A had borrowed from him. The magazine that had started off fully-loaded was now empty, and the rifle was hot to the touch.
Defendant HUNTER and Sergeant A entered the cab of the Budget truck and HUNTER drove to the crest of the bridge. On or near the crest of the bridge, they met Sergeant B, who said that civilians running toward the bottom of the west side of the bridge had fired at him. HUNTER saw three black males running down the bridge, but they did not appear to have weapons or to be a threat to the officers. Sergeant B may have fired an assault rifle at the fleeing civilians.

An unmarked car driven by an officer with the Louisiana State Police (LSP) approached from the east side and stopped near the crest of the bridge. Defendant HUNTER, Sergeant B, and Officer A entered the car. Sergeant B sat in the back seat, on the driver’s side. Officer A sat in the front passenger seat. HUNTER sat behind Officer A.

As the car moved down the bridge, defendant HUNTER saw three black males running away, near the bottom of the bridge. None of the civilians appeared to be armed or to be a threat to the officers. Two men, later identified as Lance and Ronald Madison, ran down the right side of the road, while a third, older man ran down the left side. As the LSP car drove down the bridge, defendant HUNTER focused on Lance Madison, who was wearing black clothing, and Ronald Madison, who was wearing a white t-shirt, with blood on it.

As Lance Madison ran toward the Friendly Inn, a motel at the bottom of the bridge, Ronald Madison trailed approximately 20 to 30 feet behind him. The LSP car moved to cut off Lance Madison and, in so doing, briefly pulled slightly ahead of Ronald Madison, who continued to run after his brother. As Ronald Madison then ran past the slowing LSP car, heading toward the motel, he passed by defendant HUNTER and defendant HUNTER had a clear view of him.

...he did not see any weapons on or near the civilians as they lay dead or wounded on the walkway...
Defendant HUNTER saw blood on Ronald Madison’s shirt, and thought he might have been shot. Ronald Madison, who was running with his hands in view, had no weapon and posed no threat. Ronald Madison did not change his direction, turn around, or stop running as he passed the LSP car. Instead, Madison continued to run away, following his brother, who was a short distance ahead of him. At no time as Ronald Madison ran, did defendant HUNTER see him turn toward the officers, reach into his waistband, or make any threatening gestures.

As the unmarked LSP car pulled to a stop, Officer A, without warning, fired a shotgun at Ronald Madison’s back as Madison ran away in the direction of the motel. Defendant HUNTER immediately got out of the car and went to where Ronald Madison was lying on the ground. Ronald Madison was alive, but appeared to be dying. He was lying on his side, with two officers standing nearby. Neither defendant HUNTER nor either of the other officers searched Ronald Madison for a weapon.

As Ronald Madison lay dying on the pavement, Sergeant A ran down the bridge toward Ronald and asked an officer if Ronald was “one of them.” When the officer replied in the affirmative, Sergeant A began kicking or stomping Ronald Madison repeatedly with his foot. Sergeant A appeared to be striking Madison’s torso with as much force as he could muster. Defendant HUNTER charged toward Sergeant A, who backed off from Madison. As defendant HUNTER walked away, an officer standing nearby appeared shocked that HUNTER had confronted Sergeant A.

Shortly thereafter, Sergeant A approached defendant HUNTER and apologized for being “out of line.” Sergeant A then asked HUNTER “[had] a problem” with the shooting on the east side of the Danziger Bridge.

While on the west side of the Danziger Bridge, defendant HUNTER heard Lance Madison ask the officers why they had been shooting at him and his brother. Lance Madison never said that he or his brother had possessed a gun or had fired at police, and Lance Madison did not have a gun in his possession.

HUNTER knew without question that the shootings he saw on the bridge were “bad shots,” meaning that they were legally unjustified. HUNTER later heard that the civilian, Ronald Madison, was a 40-year-old severely disabled man.

Later that day, back at the Crystal Palace, defendant HUNTER met with the sergeant assigned to investigate the case (the Investigator), along with a lieutenant and other NOPD officers who had been in the Budget truck on the Danziger Bridge. During a roundtable discussion of the shootings on the Danziger Bridge, defendant HUNTER admitted that he had fired his weapon many times on the bridge. During this meeting, the lieutenant turned to an officer next to him
During the days and weeks that followed, the Investigator, Sergeant A, and Sergeant B met repeatedly with other officers to discuss the shootings. The Investigator was writing the NOPD report about the incident and defendant HUNTER understood that he would “take care of” the shooters, meaning that he would make the shootings appear justified. During the same time frame, defendant HUNTER understood through his own observations and his conversations with others that the supervisors were meeting with Officer A, who had shot and killed Ronald Madison, to work with him on his statement.

At some point after the shooting, defendant HUNTER heard that the Investigator was claiming to have found a gun at the scene on September 5, 2005, the day after the shooting. Defendant HUNTER concluded that the story about the gun was false, as he had not seen any of the civilians with guns and had not seen any guns at the scene on the day of the incident.

The Meeting and the Taped Statements

On or about January 25, 2006, prior to giving a formal, audiotaped statement, defendant HUNTER attended a meeting called by the Investigator. The meeting, attended by defendant HUNTER and the other shooters (except for the one who had resigned from NOPD), was held in the abandoned and gutted-out Seventh District station. At the meeting, the Investigator instructed the shooters to make sure they had their stories straight before they gave their formal statements on tape. Sergeant A then took the lead in explaining the false story that he would tell to justify the shooting, and the other officers discussed what they would say in order to remain consistent with that story.

Immediately after the meeting, defendant HUNTER met with homicide detectives and provided a false account of the shootings that was consistent with the false stories the shooters had just discussed.

In his audiotaped statement, defendant HUNTER told numerous lies, and concealed the fact that he knew of and participated in a cover-up of the Danziger Bridge shootings.

Specifically, HUNTER lied when he said that he saw civilians with firearms on the bridge; he lied when he said that Sergeant A or any other officer yelled “police” before shooting; he lied when he said that officers were “taking fire” on the Danziger Bridge; he lied when he said that Lance and Ronald Madison were armed and that one or both fired at police; and he lied when he said that he continued on foot to the west side of the bridge. HUNTER also intentionally misled investigators when he omitted any reference to the fact that he and other officers had ridden down the bridge with an LSP trooper; when he omitted that he and the LSP trooper were present during the shooting of Ronald Madison; when he omitted that he had seen officers shoot unarmed civilians; and when he omitted that Sergeant A had repeatedly and violently kicked or stomped a wounded and dying man.
False Statements to the State Grand Jury

On or about October 25, 2006, defendant HUNTER testified before a state grand jury investigating the Danziger Bridge incident. Under oath, HUNTER again lied about what happened on the bridge, and again concealed the fact that he knew of and participated in a cover-up of legally unjustified police shootings.

On the day defendant HUNTER was indicted by the state grand jury, a female officer from the Budget truck called defendant HUNTER’s home and stated that she had been on the bridge on the day of the shooting, and that things would be okay because she saw the civilians’ guns on the bridge and saw someone kick them off. Defendant HUNTER knew that the statement from the officer was a lie.

Miscellaneous Matters

At no point during the investigation of the Danziger Bridge incident did defendant HUNTER make any compelled statement to an NOPD investigator. At no point did defendant HUNTER learn of any administrative interviews done in the Danziger Bridge investigation.

Defendant HUNTER, like every sworn officer with NOPD, had been trained about the proper use of physical force, including deadly force, and about the consequences for a use of excessive force. The defendant, along with every other sworn NOPD officer, was taught that one of the consequences of an excessive use of force was that the FBI could investigate the incident as a criminal matter. The defendant and every other sworn NOPD officer also learned that an incident of excessive force could result in a federal civil suit and/or criminal prosecution in federal court.

Defendant HUNTER never heard anyone mention a suspect who had gotten away during the incident on the Danziger Bridge, and never heard anyone mention a civilian on the bridge with an assault rifle. And at no point did anyone ever mention Lance Madison having admitted that either he or his brother had possessed or fired a gun on the bridge that day.

Both the Government and the defendant, MICHAEL HUNTER, do hereby stipulate and agree that the above facts are true, and that they set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. Both the government and the defendant also agree that this factual basis does not contain all of the relevant information known to the defendant. This is a sufficient factual basis, but it is not an exhaustive statement by the defendant.

READ AND APPROVED

MICHAEL HUNTER Defendant
TOWNSEND MYERS Counsel for Defendant
BARBARA "BOBBI" BERNSTEIN Deputy Chief, Civil Rights Division
U.S. Department of Justice JULIA K. EVANS Assistant United States Attorney
Questions to Consider:

1. What happened on the Danziger bridge in September 2005?
2. Do you believe that “justice” was served in the verdicts in this case?
3. In your opinion, who are the police set up to protect? Who benefits? Who suffers?
4. What are your ideas about how we can transform oppressive policing and create a more just system? Can you think of any alternatives to the police to address some of the problems that we face as a society (like violence or crime)?

Resources:

The Danziger Bridge Killings: How New Orleans Police Gunned Down Civilians Fleeing the Flood (Democracy Now) --
http://www.democracynow.org/2007/8/31/the_danziger_bridge_killings_how_new

Law & Disorder: A Frontline Documentary --

Original Police Report on the Danziger Bridge Incident – (this report was fabricated)
http://www.propublica.org/documents/item/nopd-report-on-the-danziger-bridge-shooting?p=1

Propublica has an excellent summary of the case (along with primary source material) --
http://www.propublica.org/nola/case/topic/case-six

Timeline: NOPD’s Long History of Scandal --
http://www.pbs.org/wgbh/pages/frontline/law-disorder/etc/cron.html