

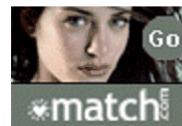
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## In Jury Pool, a Racial Divide Over Memories of Louima Case

By WILLIAM GLABERSON

**A** middle-age black man from Nassau County sat in the jury box in Brooklyn federal court one day this week and answered questions from a judge about his memory of news reports describing the assault of Abner Louima and the prosecution of former police officers for it. He remembered a lot, it turned out.

The prospective juror described the assault in the bathroom of a Brooklyn police station five years ago. He correctly said officers had given varying accounts about which of them was in the bathroom with Justin A. Volpe, the white officer who pleaded guilty to attacking Mr. Louima, a black Haitian immigrant. "Somebody's lying," he said. Earlier, in the same seat, a white man who works as a cook said he remembered so little about the case that he could hardly speak intelligently about it. "I had a busy year," he said.

The two men were among dozens of New Yorkers who were questioned this week by Judge Reena Raggi, who has gathered a pool of prospective jurors for the fourth trial of a white former officer, Charles Schwarz, who is charged with assisting in the assault.

The contrast between the memories of many of the black New Yorkers who were summoned and those of many of the white potential jurors displayed a racial divide in perceptions about the case. Many of the blacks described Mr. Louima's ordeal as they would a cultural touchstone, like the case of the Scottsboro Boys or the Birmingham church bombing. A black hotel worker remembered reading about the case in Jet or Ebony magazine and knew, without hesitation, that Mr. Louima had been sodomized with a broken broomstick.

For some of the whites, the Louima case was a half-forgotten news story. A middle-age white woman was so confused that she mistakenly referred to Mr. Louima as Abdul. Final jury selection is scheduled for this morning. Barring a last-minute plea bargain, testimony is to begin Monday.

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Long after the superheated atmosphere of demonstrations and accusations that once surrounded the case, the differences in attitudes may help define what the Louima case has come to mean to New Yorkers. Those differences may also explain the calculations of lawyers on both sides as they prepare to exercise their challenges to potential jurors this morning.

For the lawyers, race is always just beneath the surface in the case. When the jury was selected for Mr. Schwarz's last trial, in June, lawyers on each side accused the other of injecting race into the process. Mr. Schwarz's two earlier convictions had been overturned by an appeals court in February. In the end, the third jury, which included two black men, convicted Mr. Schwarz of one count of perjury but deadlocked on the three other charges: an additional perjury count and two civil rights charges; Mr. Schwarz will be retried on those charges next week.

The jury foreman from the most recent trial later charged that the bigotry of a white juror had caused the deadlock. He described her as a holdout and suggested she had favored Mr. Schwarz because she had concluded he was of German ancestry.

There were few signs of such attitudes during Judge Raggi's questioning this week. There were some whites who remembered a good deal about the case and some blacks whose memories were cloudy.

But even some of the lawyers remarked on the pattern among some of the blacks who were summoned. A black sixth-grade teacher displayed a firm grasp of the central allegations of the prosecutors: "Mr. Volpe," she said, "was the person who did everything to the man and then Mr. Schwarz was an accessory." But a young white man said he had never heard of Mr. Schwarz, although he recalled that a teacher had discussed the case in current events class when he was in high school.

Judge Raggi has ordered that all identifying information about the potential jurors be kept secret, so few details of each person's life emerged during the public questioning. But even those fragments occasionally provided a hint of the racial currents that could shape jurors' attitudes. One black man with a hint of an African accent was excused after he said an experience of being falsely arrested himself would make him too frightened to serve in a case involving the police.

When Judge Raggi asked the black man from Nassau County who had recalled so much about the case whether he could put everything he knew out of his mind if he were selected, his answer gave her pause.

"Being a human being," he said, "I have to say honestly, no, I cannot put everything out of my mind." But when she persisted, he said he could decide the case on the evidence alone. He will be among the 50 potential jurors who are to return to court this morning for the final selection.



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