

The Dominique Strauss-Kahn trial that might have been

Douglas Wigdor: What if the DA hadn't dropped the charges?

BY DOUGLAS WIGDOR

NEW YORK DAILY NEWS Friday, February 13, 2015, 5:00 AM



As the former finance minister of France and head of the International Monetary Fund stands in the dock in the French city of Lille accused of “aggravated pimping,” one can only think how Dominique Strauss-Kahn’s criminal defense might have played out here in New York had the Manhattan district attorney not decided to dismiss the indictment against him in August 2011.

There has never been any dispute that DSK and Nafissatou Diallo, the maid at the Hotel Sofitel, engaged in a very rough sexual encounter for a brief period of time in Room 2806 on May 14, 2011.

The only issue in the case would have been whether the encounter was consensual.

On this point, it is illuminating to hear some of the testimony that has come out thus far in the court in Lille from DSK, who is trying desperately to convince the judges that he did not know he was engaging in sexual acts with prostitutes despite copious testimony describing these so-called “soirees.”

In the words of the women present, they witnessed or participated in “carnage on a heap of mattresses,” “brutal” acts causing “crying” and “pain,” even as DSK smiled and continued seeking sexual gratification. While DSK admits that his “sexuality was more rough than the average man,” that he “only” participated in 12 orgies in three years and claimed he enjoyed the “festive atmosphere before, after and even during sex,” he boasts that it was often the case that women would throw themselves on him because they just wanted to please him.

Strauss-Kahn has had years to prepare for this testimony in French court. One could only imagine what he would have said had he been interrogated by the NYPD after having been taken into custody while attempting to flee the country on an Air France flight.

According to notes taken by a hospital employee after the assault, she told that employee she had been sexually assaulted by a “male, naked with white hair.”

With this in mind, would any jury have believed that an immigrant maid with an unblemished work record (including consistently returning items left behind by hotel patrons) would have consented to rough sex immediately after laying eyes on a 62-year-old stranger exiting from his bathroom with a towel around his portly waist?

In order to make DSK’s consent defense plausible, sources close to his team saturated the news with misinformation designed to denigrate the character of Diallo. This included false accusations that she was a prostitute — which resulted in a civil lawsuit brought on her behalf — as well as incorrect and incomplete translations of a call with a friend in her native language.

The call, leaked by “law enforcement officials,” alleged that Diallo said to her friends “words to the effect of”: “Don’t worry, this guy has a lot of money. I know what I’m doing.”

Amazingly, Diallo’s statement had been grossly mischaracterized. She did not raise the issue of DSK’s wealth or status in the way it had been described. In fact, it was the friend who made a remark about the money Diallo could stand to gain from the case. After hearing that, Diallo quickly dismissed the idea and said it was a matter for her lawyer.

More importantly, on that very same call, Diallo gave the same, consistent description of the sexual assault that she stands by to this very day.

A New York City immigrant victimized by Dominique Strauss-Kahn now owns an African restaurant in Harlem and is trying to move on with her life. One can only imagine the pain she feels to this day knowing that she had been sexually assaulted, only for the perpetrator’s indictment to be dismissed — rather than have his defense laughed out of court, as is happening now in Lille.



Wigdor, a former prosecutor and partner at Wigdor LLP, represented Nafissatou Diallo in her allegations against Dominique Strauss-Kahn.