

A Study Guide
for
Place in the World
Prepared by Roberta McNair for
CFI Education

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About the Film

The Central Park Five (2012)

Directors/Screenwriters/Producers **Ken Burns, Sarah Burns, David McMahon**

Cinematographers **Buddy Squires, Anthony Savini**

Editor **Michael Levine**

Synopsis

The Central Park Five tells the story of the five black and Latino teenagers from Harlem who were wrongly convicted of raping a white woman in New York City's Central Park in 1989. The film chronicles the Central Park Jogger case, for the first time from the perspective of the five teenagers whose lives were upended by this miscarriage of justice.

On April 20, 1989, the body of a woman barely clinging to life is discovered in Central Park. Within days, Antron McCray, Kevin Richardson, Raymond Santana, Korey Wise, and Yusef Salaam confess to her rape and beating after many hours of aggressive interrogation at the hands of seasoned homicide detectives. The five serve their complete sentences, between 6 and 13 years, before another man, serial rapist Matias Reyes, admits to the crime, and DNA testing supports his confession.



Set against the backdrop of a city beset by violence and facing deepening rifts between races and classes, *The Central Park Five* intertwines the stories of these five young men, the victim, police officers and prosecutors, and Matias Reyes, unraveling the forces behind the wrongful convictions. The film illuminates how law enforcement, social institutions, and media undermined the very rights of the individuals they were designed to safeguard and protect.

<http://www.pbs.org/kenburns/centralparkfive/about-central-park-five/>

Additional information on the film:

"Documentary Provides New Look at Infamous Central Park Jogger Case,"

<http://newyork.cbslocal.com/2012/11/25/documentary-provides-new-look-at-infamous-central-park-jogger-case/>

"Ken Burns tells story of 'Central Park Five,'" by Gary Levin,

<http://www.usatoday.com/story/life/tv/2013/01/14/central-park-five-pbs/1834187/>

Critical Reception

The "Central Park Five" Speak for Themselves

By Christopher McCallion

The rape and beating of Trisha Meili, "the Central Park Jogger," occurred months before I was born. I'm not old enough to remember the news of the event itself or the subsequent media firestorm during which five African-American teenagers were identified as the perpetrators. Over twenty-three years later, during a screening of the new documentary *The Central Park Five*, I found myself in the presence of many who do remember those events, including four of the five now-exonerated former prisoners themselves. These men have been denied justice for longer than I have been alive, and for over nine years have been pursuing litigation against the City of New York.

... Filmmakers Ken Burns, his daughter Sarah Burns, and her husband David McMahon

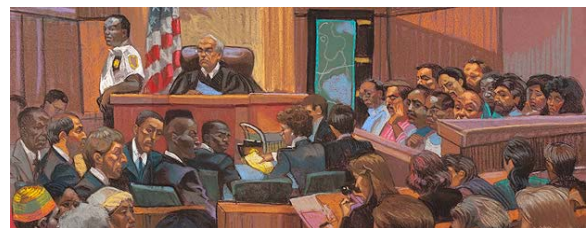
have produced a powerful counter-narrative on behalf of the so-called “Central Park Five.” Following Sarah Burns’s 2011 book on the subject, the film is an admirable attempt to give voice and restore dignity to those who for almost a quarter of a century have been silenced and defamed. The voice of Antron McCray, the only one of the five who declined to be presented on camera in the film, is in many ways a spectral reminder of a truth that, over the years, has been pushed to the margins.

That the prosecution relied almost entirely on the video confessions in question provides the film’s otherwise conventional documentary form with a compellingly reflexive character. Much of the film’s focus is on how the initial architecture of a narrative that was allegedly fabricated by the NYPD could be so easily reproduced throughout the public consciousness, and through the men’s own mouths as they confessed to the crime. Mr. Wise recalls feeling disbelief watching his own video testimony in the courtroom, the prosecution, in his words, “using me against me.” Much of the film’s strength derives from its use of image against image, testimonial against testimonial, but always fact against fiction. Neither the police nor the prosecutor’s office accepted the opportunity to contribute its side of the story to the film. In response to a case entirely about image and preconception, the city has chosen to remain silent.

Twenty-three years after the fact, this film may seem like a weak counter-balance to the full-out assault leveled by the media against the Central Park Five. The film may have a magnified impact, however, due to the coverage of the subpoena filed by the City of New York for the film’s outtakes and unpublished footage. The filmmakers have denied the request on legal grounds. During a Q&A after a recent screening, four of the five former prisoners, and directors Sarah Burns and David McMahon affirmed their belief that the subpoena is an attempt to further delay the proceedings in the case the wrongfully convicted men have brought against the city. In

this sense, the film may prove to be a decisive intervention in a civil rights case that city officials are trying to sweep under the rug.

The Central Park Five certainly offers a much deeper critique of institutional power than most socially conscious documentaries do. In its conclusion, however, the film finds itself pulled in different directions. Alongside the affirmation of human resilience embodied in the story of five wrongfully imprisoned men, there is an accusation directed towards humanity itself, most explicitly by historian Craig Steven Wilder, who claims that the public feeding-frenzy shows that “we are not very good people.” In this way, cynicism shows itself to be the complementary reverse of a facile liberalism. If anything, *The Central Park Five* should convince audiences that the destiny of these teenage kids was not determined by an intrinsically flawed human nature, but was imposed heteronomously by a system of oppression which can only facilitate its own self-reproduction.



Drawing from the first trial

... While the film brilliantly chronicles how institutional power asserts its authority, by conflating public consent with the functions of the power-nexus itself, the filmmakers miss the opportunity to level a more devastating “J’Accuse” at the system as a whole. *The Central Park Five* is an extremely moving and important film that everyone concerned with the justice system should see, but it leaves it to the audience to decide the fate of a system that proliferates both victimhood and guilt, universally and in equal measure.

<http://cinespect.com/2012/11/the-central-park-five-speak-for-themselves/>

The Central Park Five

By James Bowman

Not exactly the documentary of the century.

Ken Burns's documentary, *The Central Park Five*, based on a book by his daughter, Sarah Burns, tells the by-now pretty well-known story of the false conviction of five New York teenagers for the brutal rape in April of 1989 of a woman who for years was known only as "the Central Park jogger." Subsequently we learned—her own book, *I Am the Central Park Jogger* (2003) spilled the beans—that her name was Trisha Meili and that, having made a recovery from her injuries that was little short of the media's favorite epithet, "miraculous," she might as well join in the public discussion that had surrounded her horrible experience from the beginning and that had during the same period, especially in the media, insisted on seeing it as somehow emblematic of all that was wrong with America. In this respect, if in no other, Mr. and Miss Burns are carrying on in the same tradition, except that it is now the fate of the five not-guilty teens rather than that of the poor jogger which is significant, and racism rather than crime and social breakdown what it is significant of. "Oh," as Homer Simpson says, "that."

The film rounds up the usual suspects, too, focusing on the fault of the police and prosecutors who brought the case against the teens, on the gap between rich and poor in New York in the 1980s and the fear of crime that gripped the city in the period between the coming of crack to the streets of Bedford-Stuyvesant and Harlem in 1984 (I would argue much earlier than that) and the crackdown on crime under Mayor Rudolph Giuliani a decade later—which, so far as the film-makers are concerned, may or may not have had anything to do with the relative peace and safety in which New Yorkers live today. Understandably, they also show less interest in the question of the guilt of the innocent Five in several other incidents of assault and vandalism, which took place in the Park on the same evening and

which they were originally arrested for. It's obviously important for the sake of their story that the boys remain pristine in victimhood.

To be fair, the role played by the media and the media's hype in what happened to them is mentioned in passing and Jim Dwyer, then a reporter with *Newsday* and now with *The New York Times*, offers a perfunctory *mea culpa* on their behalf. But the movie itself is evidence that hype is now our lingua franca. Mayor Ed Koch is shown calling the jogger case "the crime of the century," as if it were still 1989 and he were still in office. For the most part the Burnses prefer to avert their eyes from the crucial role of the media in pushing for the false convictions, as they do from the fact that both the prosecutors, who seem to have been the chief culprits (if culprits they were) in stitching up the Five, were female. So, too, the fear of "crime" that the film mentions was much less important in generating the popular energy that the case produced than the fear of rape specifically. Whether the racial or the sexual element in the case was the more important factor in generating the hype which, in turn, generated the need for a quick conviction may be a moot point, but there can be little doubt that the two were vitally connected. The film is thus weakened by its attempt to disentangle them in order to attribute the false convictions to racial inequality.



The result is that this study in popular hysteria is much less cogent or interesting than it might otherwise have been. We are left with the impression that the police identified the suspects and the prosecutors built their case against them simply out of malicious racism. The fact that none of those police or prosecutors chose to cooperate with this

documentary cannot be quite unrelated, though a pending lawsuit against the city would have made that impossible in any case. Their presence would undoubtedly have helped in the effort to understand what happened, if we assume for a moment that understanding and not propaganda is the object of the film. The nearest it gets to an effort to arrive at any more persuasive explanation is the verdict of Jim Dwyer, who fingers “institutional protectionism”—a linguistic barbarism which refers, I take it, to the human tendency of police and prosecutors to close ranks in order to cover up their mistakes from public scrutiny.

The thing, if not the term, doubtless did play a part in bringing about both the injustice to the five boys and the further injustice of failing to make the effort to put it right. It was only when the actual rapist, Matias Reyes, came forward to confess more than a decade later that the case was reopened and the convictions overturned. But the indictment brought by the black historian, Craig Steven Wilder, against “society”—of which the Five’s convictions are said to have been a “mirror”—seems at least equally unjust. “Society” is much too easy a scapegoat for the faults of particular people who behaved badly. And if blame is to be allocated, let’s at least make sure that the media get their share. They were clearly complicit in the popular will to believe in a recrudescence of savagery associated with such much-exercised journalistic terms as “Wilding” and “Wolf pack” that seemed to dehumanize the alleged criminals.



Like the crime itself, these words came to stand in the popular imagination for crime—assault and property crime as well as rape—committed just for the fun of it which, therefore, could be taken to signify a complete moral and social breakdown. As it turned out, however, rape was not ordinarily that kind of crime but one appealing to the criminal specialist, such as Matias Reyes, who was a serial rapist and murderer. But the media version lives on in the absurd contention of David Denby in *The New Yorker* that the film is “perhaps the most devastating portrait of contemporary social inequality to appear in an American documentary.” This is like calling *Citizen Kane* a devastating portrait of the dangers of sledding or *Casablanca* a devastating portrait of gambling in Vichy France. The fact that the suspects were from socially unfavored backgrounds was not quite irrelevant to their plight, but a society without disparities of wealth and power not being imaginable, we ought to have wit enough to look to our portraiture for something more specific to this case, such as media fear-mongering, and not a constant of the human condition.

<http://spectator.org/archives/2012/12/31/the-central-park-five>

Additional reviews:

“*The Central Park Five*,” by Roger Ebert,
<http://www.rogerebert.com/reviews/the-central-park-five-2012>,

“‘The Central Park Five’ will make your blood boil,”
 by Moira Macdonald,
http://seattletimes.com/html/entertainment/2019898634_moviecentralxml.html

“Controversial documentary ‘The Central Park Five’ plays at Chicago film festival as lawyers demand filmmaker Ken Burns turn over footage so city can defend itself in \$250M federal lawsuit,” by Michael Lipkin and Douglas Feiden,
<http://www.nydailynews.com/new-york/new-film-stirs-central-park-rape-case-article-1.1183532>

About the Filmmakers

Ken Burns

After earning his BA at Hampshire College, Brooklyn-born Ken Burns pursued a career as a documentary filmmaker. At age 22, he formed Florentine Films in his home base of Walpole, New Hampshire. Dissatisfied with dry, scholarly historical documentaries, Burns wanted his films to “live,” and to that end adopted the technique of cutting rapidly from one still picture to another in a fluid, linear fashion. He then pepped up the visuals with “first hand” narration gleaned from contemporary writings and recited by top stage and screen actors. Burns’ first successful venture was the award-winning documentary *The Brooklyn Bridge*, which ran on public television in 1981.



While he was Oscar-nominated for his 1985 theatrical release *The Statue of Liberty*, Burns’ work has enjoyed its widest exposure on television: Such films as *Huey Long* (1985), *Thomas Hart Benton* (1986) and *Empire of the Air* (1991) (a bouquet to the pioneers of commercial radio) have become staples of local PBS stations’ seasonal fund drives.

In 1990, Burns completed what many consider his “chef d’oeuvre”: the eleven-hour *The Civil War*, which earned an Emmy (among several other honors) and became the highest-rated miniseries in the history of public television. *Civil War* was the apotheosis of Burns’ master mixture of still photos, freshly shot film footage, period music, evocative “celebrity” narration and authentic sound effects. In 1994, Ken Burns released his long-

awaited *Baseball*, an 18-hour saga. Over the coming decades, Burns would continue to ingrain his reputation as the biggest name in long-form documentary film making, creating multi-part histories *Jazz* and *The War*.

<http://movies.nytimes.com/person/83608/Ken-Burns/biography>



Sarah Burns

Sarah Burns graduated from Yale University in 2004 with a degree in American studies and went on to work for Moore & Goodman, a small civil rights law firm based in New York. In addition to writing the book *The Central Park Five: A Chronicle of a City Wilding*, she is also co-writer, director, and producer of a documentary film *The Central Park Five*.

Although Sarah Burns is Ken Burns’ daughter, she has said, “I stayed away from working in films at first because I didn’t want to get into the family business just because it was there. To have this story that I cared so passionately about was the right way for me.

“Part of our goal [in making *The Central Park Five*] is simply to inform people what happened in this case. But we also want people to think about how it happened. It goes back to those issues we’ve been wrestling with in this country for centuries in terms of how we look at and see minorities, particularly African-Americans, because of the history of slavery. That means talking about false confessions,

about the failure of all the institutions in the city to protect these kids, and particularly how the media failed to apply any journalistic skepticism to the story the police gave them. And of course, the underlying prejudice that made it all too easy for many to believe that they were guilty.”

<https://www.facebook.com/sarahburnsbooks/info>,
<http://www.imdb.com/name/nm5023740/bio#quotes>

Additional material on Sarah Burns:

“Q&A: Sarah Burns,” by Mark Hamblett,
http://www.newyorklawjournal.com/PubArticleNY.jsp?id=1202579194473&QA_Sarah_Burns&slreturn=20130326145314

“Compelling Reason for Following Father’s Footsteps: Sarah Burns and the Documentary ‘Central Park Five,’” By Felicia R. Lee,
http://www.nytimes.com/2012/11/18/movies/sarah-burns-and-the-documentary-central-park-five.html?_r=1&

David McMahon



David McMahon first joined Ken Burns and Florentine Films as an assistant editor on *Jazz* (2001). Following stints at PBS’s public affairs series, *Frontline*, and at National Geographic Television and Film, McMahon returned to Florentine to co-produce *The War* (2007) and *The National Parks: America’s Best Idea* (2009). With Burns and Lynn Novick, he wrote and produced *The Tenth Inning* (2010), a follow-up

to their *Baseball* series. With Ken Burns and Sarah Burns, McMahon produced, wrote, and directed *The Central Park Five*, a two-hour film about the five black and Latino teenagers wrongly convicted in the Central Park Jogger case of 1989, which premiered at the 2012 Cannes Film Festival. He is currently writing and producing a Florentine Films production about Jackie Robinson.

Raised in Clarence, New York, and a graduate of the University of Michigan, McMahon lives in Brooklyn, New York with his wife, Sarah Burns, and their daughter.

<http://www.florentinefilms.com/ffpages/AU2-frameset.html?DM.html~mainFrame>

More information about David McMahon:
Filmography,

<http://www.imdb.com/name/nm2047334/>
Interview with Sara Burns and David McMahon,
<http://www.nydailynews.com/services/central-park-five/filmmakers-sarah-burns-david-mcmahon-made-documentary-central-park-article-1.1305943>

Background

A tourist's view of New York in the 1980s



In 1983 and 1986, YouTube user RailroadPacific, a German tourist, visited a much grittier New York City and shot some amazing footage of the subway, Times Square, Chinatown, and the never to be seen again view of the city from atop the World Trade Center. Watch his videos here: http://dangerousminds.net/comments/new_york_city_in_the_1980s

New York in the 1980s

Essay and photographs by Steven Siegel

I've been photographing the streets and subways of New York for the past 30 years. When young people today look at my shots from the 1980's, they are aghast. To them, New York of the 1980s is almost unrecognizable. And they are right.

Some older people are nostalgic for "the good old days." For example, they remember the Times Square of the '80s ... And what they remember is not so much the danger but the grittiness and (for lack of a better word) the authenticity. Yes, there was sleaze, but there were also video arcades, cheap movies, restaurants, and weird places. These same people resent the "Disney-ification" of Times

Square and the gentrification of virtually all of Manhattan and many areas of the boroughs, and the loss of cheap housing and local stores everywhere.

Others' reactions to these same photos could not be more different. If they're over a certain age, they remember the high crime, the twin crises of AIDS and crack, the racial tension, the lurid tabloid headlines about the latest street crime. They say: It was a nightmare, and thank God it's over.

Of course, both views are right.

The New York of the 1980s differed in two fundamental ways from the New York of today.

First, 1980s-era New York was an edgier, riskier, dirtier, tenser, more dangerous and chaotic place. I think that fairly comes through in my images.

Second, 1980s-era New York had a sense of wide-openness and freedom that was lost following 9/11 ... and likely never will be regained.

Notice how these two fundamental changes overlap in a number of important ways. A safer city, to some extent, comes at the price of a loss of freedom and openness. Conversely, the edginess and riskiness of the 1980s came at an appalling human and social cost. ...

The trade-off between openness and security is reflected in a very literal way in some of my 1980s photos. Some of my photos from that era were taken from the tops of bridges and within city-owned properties that were nominally closed off to the public. In that era, many of these locations were open and accessible. It is perhaps unnecessary to state that—in this post-9/11 era—an itinerant photographer should not attempt to explore these same locations. The probable consequence, at the very least, will be the loss of the ability to smoothly pass through airport security checkpoints.

In any event, these are just a few broad-brush generalizations ... useful but limited. The City is such an enormous and complex place that one should hesitate to resort to generalizations—let alone attempt to explain the complicated forces that have shaped the City over the past thirty years.

My photos say this better than I can. What I mean is: If my photos show anything about New York, it is New York's astonishing diversity. New York is not one city. It is—and always has been—a collection of hundreds of neighborhoods. Each of these neighborhoods has its own delicate social fabric. One cannot know New York—or understand New York—without exploring all five boroughs. ...



I do know that, as long as I'm around, I'll be there—with my camera—to witness and record the changes in this remarkable City.

<http://www.flickr.com/photos/stevensiegel/sets/72157626376913418/>

The Climate: New York in 1989

This article was created as part of a section supported by PBS to coincide with the release of The Central Park Five, a documentary film, directed by Ken Burns, Sarah Burns, and David McMahon.

By Annaliese Griffin

On a typical day in 1989, New Yorkers reported nine rapes, five murders, 255 robberies and 194 aggravated assaults. Fear wasn't a knee-jerk reaction; it was a matter of self-preservation.

It was scary. "An under-policed city with crime out of control," said Dan Rather in his

nightly newscast. "America's capital of racial violence," said the Rev. Al Sharpton.

The night of the Central Park rape, a woman in Bedford Stuyvesant was raped and thrown off a building. That same week, 28 additional rapes were reported.

During the financial crisis of the 1970s, large swaths of neighborhoods in Brooklyn and the Bronx burned to the ground as desperate homeowners torched their own properties to collect insurance on what had become worthless real estate. The city government ground to a near halt, the school system buckled and seized and public housing slid into dangerous disrepair. By the early '80s, Wall Street was ascendant, creating incredible wealth, and a whole different city—for a very few. [The film *Wall Street's*] Gordon Gecko's New York was as familiar to most as the surface of the moon.

That divide widened as the decade lengthened.

"New York in the late 1980s was a completely schizophrenic, divided city," says Jim Dwyer, a reporter for *The New York Times*, speaking in *The Central Park Five* documentary. "There was enormous wealth gushing into the city, out of the rise of the financial industries which had surged, beginning around 1980. So the city that had been in a big collapse for several decades, had turned around, but there was a whole side to the city, in which drug gangsters, and crack and a kind of hard, permanently locked underclass was in place. And there was enormous suffering. It was as if there was a social moat that divided these two New Yorks."

And a major driver was the prevalence of crack cocaine. In New York and in major cities across the nation crack had become an epidemic. Senator Charles Schumer described it as "like a Mack truck out of control, and it slammed New York hard because we just didn't see the warning signs."

Crack transformed the face of drug use, turning it from a fashionable indulgence in cocaine on the part of Wall Street types, into a virulent inner city plague that brought drug wars, violence, and degradation into the neighborhoods. Crack deepened the city's racial dividing lines in a way no drug had before.

"People feared crime, and they saw it coming from poor minority neighborhoods and there was a sense that black and Latino young men and boys especially, were responsible for all of the problems in the city," says Sarah Burns, who co-wrote and directed *The Central Park Five* with Ken Burns and David McMahon. "It was easy for people to write them off as these wolf packs. In this case they looked at them and said, 'Yup, that makes sense.'"

"When the crack wars happened all [of a] sudden teenagers had lots of cash and guns, and all hell breaks loose in Bedford Stuyvesant. All hell breaks loose in Harlem. All hell breaks loose in Brownsville, East New York," historian Craig Steven Wilder says in the film. "We were supposed to be afraid. It would have been irrational not to be afraid. But the people who suffered most, with the rise of criminality, gang wars, drug wars, were actually the people we blamed. Most of the homicides were young, poor, working class, black and brown kids. And the dominant social message was no one cared if you lived or died."

In earlier years two cases stood out:

- In 1984 Bernard Goetz, a white 37-year-old Queens native, shot and wounded four young African American men who tried to mug him on the Downtown 2 train. Goetz, who became known as "the subway vigilante," was heralded as a hero and villain in equal parts. He was charged with attempted murder, assault, reckless endangerment, and firearms offenses. A jury of his peers found him not guilty on all charges except for possession of an illegal firearm, and sentenced him to one year in prison.
- In 1986, three young blacks whose car had broken down were chased and beaten by white

teenagers in Howard Beach, Queens. Cedric Sandiford was beaten with baseball bats and tree limbs, and Michael Griffith was struck and killed by a car as he tried to run across the Belt Parkway to escape the mob. The next morning Mayor Koch compared the incident to a lynching.



By the time of the Central Park attack on April 19, 1989, the city was full of fear, resentment, and racial tension. The crime hit every possible emotional button for New Yorkers who felt a constant, dull fear, a constant pressure to strategize their own safety. Dwyer recounts the way New Yorkers made deals with themselves—their block was safe, their train was safe, at least during certain hours. "They had figured out a safe path through this garden of terrors," he says.

The fact that the attack occurred in the park, New York City's great backyard, not in an alley or a graffiti covered subway car, violated a fundamental public sense of shared space. No single place remained safe.

Once it became clear that the suspects were black and Latino teenagers—that the crime was black on white—the racial tension that had been brewing boiled over into a rush to judgment.

"People assumed that these kids came from these depraved circumstances, because that made sense and that was the stereotype," says Burns. "Pete Hamill wrote a column about this world that they were coming from, the land with no fathers, this sort of thing. It's like, well, actually, and I'm sure these kids came from different circumstances, some better than

others, but they were not living in crack houses; these were kids who had fairly stable family situations.”



Central Park jogger crime scene

In their frustration, despair, and exhaustion from living in fear, from having been mugged, from not walking down certain streets during certain hours, New Yorkers living in a city where the murder rate was at an all-time high and climbing and where an average of nine rapes a day was an improvement over last year didn't want to hear about suspects who played baseball and loved school, who were close to their families and came from stable households. The public, the NYPD, the city government wanted someone to punish, swiftly and publicly, for the mess New York had become.

<http://www.nydailynews.com/services/central-park-five/climate-new-york-1989-article-1.1310861>

What really cleaned up New York

The city's extraordinary, continuing decrease in crime had little to do with Giuliani. An expert explains why

By Thomas Rogers

If you compare New York in 2011 to New York in 1990, it seems hard to believe that it's the same city. In the 1970s, '80s and early '90s, New York was viewed as one of the world's most dangerous metropolises—a cesspool of violence and danger depicted in gritty films like *The Warriors* and *Escape from New York*.

Friends who lived here during that time talk of being terrified to use the subway, of being mugged outside their apartments, and an overwhelming tide of junkies. Thirty-one one of every 100,000 New Yorkers were murdered each year, and 3,668 were victims of larceny.

Today, in an astonishing twist, New York is one of the safest cities in the country. Its current homicide rate is 18 percent of its 1990 total—its auto theft rate is 6 percent. The drop exceeded the wildest dreams of crime experts of the 1990s, and it's a testament to this transformation that New Yorkers now seem more likely to complain about the city's dullness than about its criminality.

In his fascinating new book, *The City that Became Safe*, Franklin Zimring, a professor of law and chairman of the Criminal Justice Research Program at the University of California at Berkeley, looks at the real reasons behind that change—and his conclusions might surprise you. Contrary to popular belief, Giuliani's "zero tolerance" bluster had little to do with it. Instead, it was a combination of strategic policing and harm reduction by the New York Police Department. Police targeted open-air drug markets, and went after guns, while leaving drug users largely alone. The implications of the strategy could make us revise not only the way we think about crime, but the way we think about our prison system and even human nature.

Salon spoke to Zimring over the phone about Giuliani's crackdown, the unique nature of New York violent crime and what other cities can take away from this change.

How unexpected was New York's decrease in crime over the last decade?

What happened in the United States during the 1990s was itself a major surprise. After essentially not being able to make any substantial progress in crime control over three decades, all of the sudden crime dropped over an eight-year period by something close to 40 percent. Now what happened in New York City was essentially twice as much of a crime

decline, a four-fifths drop from its 1990 peak. That is to say more than 80 percent of the homicide, the burglary, the robbery that New York was experiencing in 1990, New York is no longer bedeviled by. And the decline lasted twice as long as the national crime decline.

How significant is that kind of crime drop?

It is absolutely unprecedented. That is to say, a city where there are no revolutionary changes in population, or institutions, or economy going from extremely high crime and violence to, by American standards, extremely low crime and modest-to-low interpersonal violence was something that we had never experienced before. That doesn't mean that simply because it was unheard of people can't very quickly take it for granted and forget that they ever had a problem.

I'm reminded of the Village Voice's billboard campaign from a few years ago that celebrated the old crime-filled New York with slogans like "Where did all the junkies go?" It seemed a little perverse to me.

The low crime environment in New York is taken for granted and crime is no longer such an interesting issue in the city. It's no longer a media issue. It turns out that crime is like a toothache. You only think about dentists when your teeth hurt and the municipal teeth are no longer hurting.

I've always been under the impression that New York got a lot wealthier during that time, but as you point out, that's not the case. How did New York change during that period?

The big story in New York City is not just the huge change in crime, but the massive contrast between the very modest changes that happened in the city and the huge results. Yeah, there were 3- or 4,000 extra police by the end of the period, in a city of 8.3 million. That's a pretty superficial change. There wasn't a flood of new jobs, the schools didn't get wonderful, economic equality is worse rather than better. The basic populations and processes of the city

didn't change, but those relatively minor changes had huge impact on crime.

So what does that tell us about the nature of crime?

We used to have what I call a supply-side theory of crime. That is the notion that once people get in the habit of committing crime, of robberies, and burglaries, and drug sales, they are either going to be locked up or they are going to persist in criminality. That supply side theory of persistent criminality just animated all of our assumptions about what worked in crime control and what didn't. That notion of persistence meant that we were very, very pessimistic about the capacity of police to make a dent in crime for a very simple reason; because police are temporary and our notion was that criminal propensities were more or less permanent. You send three cops to 125th and 8th Avenue and the criminals just go to 140th Street. Or you send a lot of cops on Tuesday, and the robbers strike on Thursday instead.



Times Square in the 1980s

That was the assumption, and what we found out in essence was this: that if you send a lot of cops to 125th Street on Tuesday, that's not only one less robbery on Tuesday, but that's one less robbery in 2011 and the reason for that is that the things which determine criminal propensities are a lot more situational and contingent than we thought. If you say there isn't going to be a robbery on Tuesday, that's one less robbery in New York City. That doesn't

mean that people are saving it up for the long term.

Which means, in turn, the tremendous growth in the prison system we've witnessed over the last few decades is terribly misguided.

The temporary solutions that police and policing can provide turn out to have permanent impact on crime. Sending people away for 28 years all of the sudden sounds inefficient because instead of being able to assume that they were going to be active criminals for all 28 years, that variability in criminal propensities means that our investment in locking them up provides much less assurance that we're saving crime. Between 1990, which was the high point in New York City crime, and 2009 which is the end of the books measuring period, the percent of people released from prison who are reconvicted of a felony in three years, and I'm using that really as a measure of criminal activity, that percentage in 1990 was 28 percent. In 2006, which gives them three years on the street by 2009, the percentage of people reconvicted of a felony having been active criminals and been sent to prison and been released, drops from 28 percent to 10 percent. That means that the personal crime rate of former high-rate offenders has dropped 64 percent. In a way, that's absolutely necessary if the general crime rate goes down by more than 80 percent, but what it says about our investment in prisons as long-term crime control, is all of the sudden the gains we got from locking people up, have also dropped 64 percent. So prison is a lot less cost-effective.



Rikers Island prison

How does New York prisoner size compare to the rest of the country?

Over the period from 1990 to 2009, the rate of imprisonment in the United States, outside of New York City, went up by 65 percent. Even though there was a general crime decline, we kept throwing people in prison. In New York City, the rate of imprisonment and jailing didn't go up at all, it went down 28 percent. So what you have is that the one American city that did best in the crime control sweepstakes of the 1990s and the 21st century actually had less use of incarceration than everywhere else. If this were an experiment, what happened is that the kids who didn't brush with Crest had vastly fewer cavities. This is a country that had only one answer to its crime problems for 45 years. This is a country that increased the number of people it locked up by sixfold over the 40 years after 1970. So in essence what New York has done was demonstrate that the major investment we were making in controlling crime was simultaneously inefficient and unnecessary.

There's an assumption that the New York crime decline was tied to Rudy Giuliani's crackdown on small crimes—squeegee kid, and the homeless, and petty criminals. Is that true?

When you come back and you count your change carefully on these histories, you are always going to find a mixture of myth and reality. The chief tactician of the police changes in New York City, of the crime-control part, was a character named Jack Maple, now deceased, who wrote a book in the late 1990s that was an extremely honest and very forthright analysis of what the problems were and what they did with policing. The combination of reading carefully the historical record and then doing a massive historical research leads to a number of very, very clear conclusions. Clear conclusion No. 1 is this: that what went on never was order-maintenance or broken-windows [zero tolerance] policing.

The broken windows theory, which was a James Q. Wilson and George Kelling theory of tremendous impact in the early 1980s, was that

the signals you send that essentially repress non-serious crime make people feel better. The police essentially ignore the worst neighborhoods in the city, the ones with the highest rates of violence, they go to the marginal ones, the places that are at risk of becoming serious problems but haven't made it all the way to the center of the second circle of crime-control hell yet. Because what Wilson and Kelling said about the highest crime areas, is that they were probably hopeless. Well, that's the opposite of what the New York City police did.

If you're going to drive the homicide rate down by 82 percent, you have to go to the hot spots where homicide and robbery and burglary keep happening. And that was the focus of the New York City police. And not only were they interested in the highest crime areas, but what they were interested in, the people they wanted to take off the streets, were not the people who were committing less serious crimes, they wanted to take the robbers and the burglars and the shooters off the streets. The way in which they did that is that they took suspicious persons and they instrumentally arrested them for small crimes.

"Suspicious persons" is a loaded term ...

Marijuana was not a priority of the New York City police, but they had a huge number of public marijuana arrests. Why was that? That was because they were only arresting minority males who looked to them like robbers and burglars and they used as a pretext the less serious crime arrest to find out whether the particular person they were arresting had a warrant out for a felony and was a bad actor. In the immortal words of Jack Maple, who wrote that book in the late '90s, they were looking for sharks not for dolphins.

Now there are some real problems of selection and minority with that strategy, but having said that, it doesn't do us any good to misconstrue what the strategy was and to announce that somehow it was the maintenance of order that created the high crime impact. The reason that

order maintenance can't do that is because serious crime is deeply more concentrated in the worse parts of the city than order-maintenance issues. So you have to decide where you are going to invest your resources. And what New York City's police department did from Day One was to invest their resources where serious crime was.

Doesn't it send a worrisome message to other cities, that potentially racist stop-and-frisk policies may have been so successful in New York?

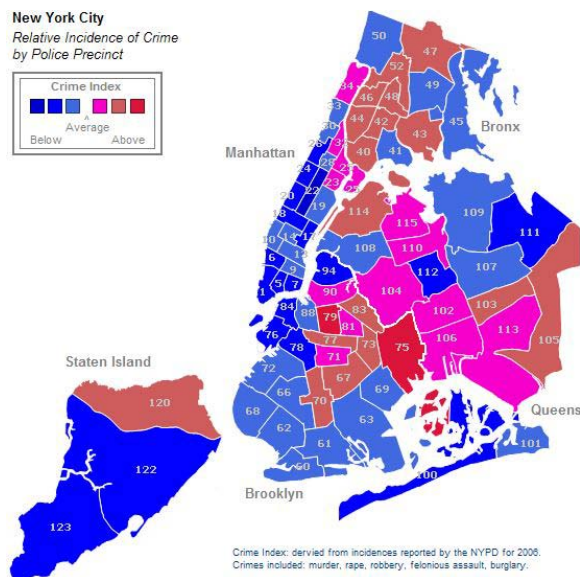
You bet it does. But there was a whole kitchen sink full of changes that took place in New York City policing. Now the question is, was all of this aggressiveness—focused on poor minority males in high-crime neighborhoods—necessary to these dramatically successful results? And the answer is a resounding "we don't know." We don't know how necessary the most costly parts of aggressive policing are to the results of policing in New York. We don't have a detailed crime control recipe book here. I'd love to have written the Julia Child cookbook of urban crime control. Here's the recipe for an 80 percent reduction that will work in your neighborhood! We are way away from that. We don't know how we can produce 80 percent in Toledo or in Seattle or wherever.

One thing you point out that was very important for the overall decline of crime in New York was the decline in open-air drug markets.



New York junkie, 1980s

The largest growth in police efforts during the 1990s was in narcotics. The narcotics squad was increased not by the 40 percent that was the police expansion, but by 137 percent between 1990 and 1999. And what the cops did was destroy public drug markets—places where ordinary citizens would have to stay away, places with incredible rates of homicide—and for a particular reason. If I’m a drug seller in a public drug market and you’re a drug seller in a public market, we’re both going to want to go to the corner where most of the customers are. But that means that we are going to have conflict about who gets the corner. And when you have conflict and you’re in the drug business, you’re generally armed and violence happens.



The good news is that drug violence went down tremendously. There are a couple of different ways in which the police department measures the number of killings associated with drug traffic in New York; both of those measures that they use are down more than 90 percent so that the streets themselves have been changed, people can walk there, and the number of dead bodies associated with illegal drug traffic has gone way, way down. Now what happened to the amount of drug use in New York City, to cocaine and heroin ingestion? And all of the indications that we have on that, and there are lots of ways of measuring it, suggest that illegal

drug use was really relatively stable, that the amount of heroin and cocaine ingested in 2009 in New York is not hugely different from the percentage of the population using cocaine and heroin in 1990 or the amount of cocaine and heroin they use. Now our cocaine users are a little bit older in the later period there, but the big difference is between the drug use, which is relatively stable, and the drug violence, which has gone way down.

The hard-line notions of William Bennett, our first national drug czar, was that the only effective way to go after the costs, the violence, the HIV of drug abuse, would be to substantially reduce drug use. And that was the official policy in this country for many years. The opposite approach, the public health approach, was called harm reduction. And what the harm reduction advocates said, and these were usually people who were doctors or masters of public health, they said, Look, if you are interested in something like HIV transmission, go after that. And, among other things, they suggested to exchange clean needles for dirty ones. That was something that the all-out drug warriors hated. Now the New York City police strategy wasn’t an all-out war on drugs in which all drug arrests are created equal. They went after the harm-producing public drug markets and they invested all their resources in taking the most violence-prone aspects of drug use and targeting them. The focused priorities were on the costs associated with drugs, not the number of people who were taking drugs or the number of kilos of drugs.

One of the really interesting things that comes out of the book is that, although many different kinds of crime in New York have decreased dramatically, and yet violent crime remains proportionally high when you compare them to cities like Toronto and Paris. Does this mean there is a different kind of criminal in New York City—a more violent one?

Fifteen years ago Gordon Hawkins and I published a book called “Crime Is Not the Problem,” about lethal violence in the United

States. The big contrast in New York after its crime decline is this: Everything went way down, but when you compare this tremendously successful crime control effort in an American city with what the situation is in other world capitals, you get a very different contrast. For auto theft and for burglary, the rates of crime and presumably the number of active criminals in New York City is less than it is in London, is less than it is in Paris, or in Toronto, or in Montreal. We have less property crime and presumably less property criminals than other major Western cities. But when you look at our homicide and robbery rates, they are still higher in New York City and would be higher in Los Angeles and other American cities than in Western capitals.

And the reason for that may explain the cultural limits of what I have been calling situational and contingent crime control. There is simply more of a streak of violence in American urban populations and what that suggests is that while we have been tremendously successful in crime and violence reduction using just situational and contingent, essentially superficial remedies, at some point the effectiveness of those superficial remedies ends. You are going to scrape bottom. The homicide rate in New York City went from 30 per 100,000 to under six per 100,000. That's phenomenal. If you had asked me 20 years ago whether that were possible, I would have assured it wasn't. But with that under six per 100,000 I think you start bumping up against the limits of what happens in a country that still has a lot of guns and an awful lot of structural inequality, and an awful lot of social isolation in urban ghetto and barrio areas.

We have to be talking about making deeper changes before we get to larger progress. Nothing is going to make New York City into Tokyo or Hong Kong or Beijing. Cultures are different and susceptibility to levels of violence as a problem-solving mechanism is much more deeply engrained in the American city than in many areas of the modern world. Most of the extreme problems of violence as well as crime that New York was experiencing in 1990, and

that other American cities had been experiencing on a chronic level, can be effectively addressed without the basic progress that we all think would be better. So we don't have to fix the schools, and we don't have to fix the economy, and we don't have to fix the culture to reduce 80 percent of our violence problem. That's wonderful news. It still would be a good idea to fix the culture, and the economy, and the schools, but we've got more time to do it and more freedom to experiment with those deeper substantive changes because we are living in a world where crime would be much less of a problem.

http://www.salon.com/2011/11/19/what_really_cleanned_up_new_york/

Race relations

Race Relations in New York City

C-SPAN, December 21, 1990

Jim Sleeper discusses his book, *The Closest of Strangers*, an analysis of race relations and racial politics in New York City in the late 1980s.



<http://www.c-spanvideo.org/program/YorkCi>

The Three Faces of Racial Profiling

Racial profiling is a practice that presents a great danger to the fundamental principles of our Constitution. Racial profiling disproportionately targets people of color for investigation and enforcement, alienating communities from law enforcement, hindering community policing efforts, and causing law

enforcement to lose credibility and trust among the people they are sworn to protect and serve.

Racial profiling continues to be a prevalent and egregious form of discrimination in the United States. This unjustifiable practice remains a stain on American democracy and an affront to the promise of racial equality. Since September 11, 2001, new forms of racial profiling have affected a growing number of people of color in the U.S., including members of Muslim, Arab, and South Asian communities. The Obama administration has inherited a shameful legacy of racial profiling codified in official FBI guidelines and a notorious registration program that treats Arabs and Muslims as suspects and denies them the presumption of innocence and equal protection under the law.

Equally troubling has been the federal government's encouragement of unprecedented raids of immigrant (particularly Latino) communities and workplaces by local law enforcement in cooperation with federal agencies. These policies have unjustly expanded the purview of and undermined basic trust in local law enforcement, alienated immigrant communities, and created an atmosphere of fear anti-immigrant rhetoric has led to a dramatic increase in hate crimes against and racial profiling of Latinos.



These policies and practices have wrought destruction on individuals, families, and communities, tearing them apart through

unjust detentions, deportations, raids and more.

The ACLU's work on racial profiling encompasses major initiatives in public education and advocacy, including lobbying for passage of data collection and anti-profiling legislation, and litigation on behalf of individuals who have been victims of the practice by airlines, police, and government agencies.

Additional Resources

The Persistence of Racial and Ethnic Profiling in the United States: A Follow-Up Report to the U.N. Committee on the Elimination of Racial Discrimination (2009 PDF) The historic fight against discrimination and racial bias in the United States continues and has perhaps become more challenging in the 21st century. Racial disparities continue to plague the United States and curtail the enjoyment of fundamental human rights by millions of people who belong to racial and ethnic minorities. http://www.aclu.org/files/pdfs/humanrights/cerd_finalreport.pdf

Racial Profiling: Definition (2005 resource): "Racial Profiling" refers to the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual's race, ethnicity, religion or national origin. <http://www.aclu.org/racial-justice/racial-profiling-definition>

Stories about Racial Profiling (2003 resource): Racial profiling occurs when the police choose to question, investigate or arrest an individual because of racially motivated preconceptions. People are therefore considered guilty without trial and are unjustly interrogated by the police simply because of the color of their skin or their national origin. <http://www.aclu.org/national-security/stories-about-racial-profiling>

Department of Justice Statistics Show Clear Pattern of Racial Profiling (2007 press release): The American Civil Liberties Union said today that a newly released Department of Justice report on racial profiling shows an alarming

racial disparity in the rate at which motorists are searched by local law enforcement.

<http://www.aclu.org/racial-justice/departments-justice-statistics-show-clear-pattern-racial-profiling>

Sanctioned Bias: Racial Profiling Since 9/11

(2004 PDF) This report is the latest in a series issued by the ACLU on government actions since 9/11 that threaten fundamental rights and freedoms and fail to make us safer. The ACLU opposes all racial, religious, and ethnic profiling, whether in the context of routine law enforcement, or domestic counterterrorism.

<http://www.aclu.org/FilesPDFs/racial%20profiling%20report.pdf>

No Security in "Secure Communities" (2010 blog)

Yesterday, a New York Times op-ed blasted President Obama's ramp-up of the "Secure Communities" program, an information-sharing program between federal Immigration and Customs Enforcement (ICE) and local law enforcement agencies. Under Secure Communities, local jails run all arrestees' fingerprints through not only criminal databases, but also immigration databases, in an effort to deport convicted drug traffickers, gang members, and other violent criminals. This screening happens even if the local prosecutor decides there's no basis for a criminal charge. The problem is: Secure Communities has led to racial profiling.

<http://www.aclu.org/blog/immigrants-rights-racial-justice/no-security-secure-communities>

<http://www.aclu.org/racial-justice/racial-profiling>

Analysis of Racial Disparities in the New York City Police Department's Stop, Question, and Frisk Practices

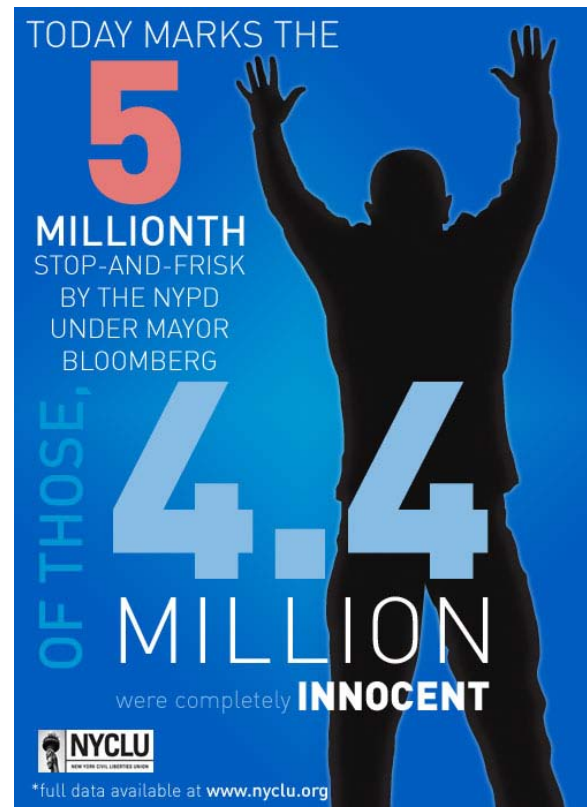
Greg Ridgeway, RAND Corporation

In 2006, the New York City Police Department (NYPD) was involved in a half-million encounters with pedestrians who were stopped because of suspected criminal involvement. Raw statistics for these encounters suggest large racial disparities—89 percent of the stops involved nonwhites. Fifty-three percent of the stops involved black suspects, 29 percent Hispanic, 11 percent

white, and 3 percent Asian, and race was unknown for the remaining 4 percent of the stops. Forty-five percent of black and Hispanic suspects were frisked, compared with 29 percent of white suspects; yet, when frisked, white suspects were 70 percent likelier than black suspects to have had a weapon on them.

These figures raise critical questions: first, whether they point to racial bias in police officers' decisions to stop particular pedestrians, and, further, whether they indicate that officers are particularly intrusive when stopping nonwhites.

Seeking answers, the NYPD turned to RAND to help it gain a clearer understanding of this issue and identify recommendations for addressing potential problems identified in the analysis. To examine the issue, RAND researchers analyzed data on all street encounters between NYPD officers and pedestrians in 2006, more than 500,000 stops that officers documented in stop-question-frisk (SQF) report worksheets. ...



Results of External-Benchmarking Analysis

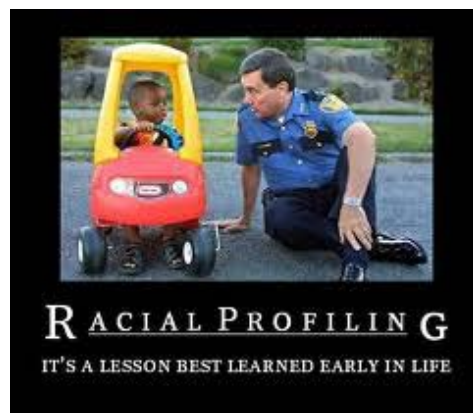
Evaluating racial disparities in pedestrian stops using external benchmarks is highly sensitive to the choice of benchmark. Therefore, analyses based on any of the external benchmarks developed to date are questionable.

Benchmarks based on crime-suspect descriptions may provide a good measure of the rates of participation in certain types of crimes by race, but being a valid benchmark requires that suspects, regardless of race, are equally exposed to police officers.

We found that black pedestrians were stopped at a rate that is 20 to 30 percent lower than their representation in crime-suspect descriptions. Hispanic pedestrians were stopped disproportionately more, by 5 to 10 percent, than their representation among crime-suspect descriptions would predict.

We provide comparisons with several other benchmarks to demonstrate the sensitivity of external benchmarking. The arrest benchmark has been featured prominently in previous analyses of NYPD stop patterns. However, arrests may not accurately reflect the types of suspicious activity that officers might observe, arrests can occur far from where the crime occurred, and, since police make both the arrests and the stops, the arrest benchmark is not independent of any biases that officers might have. Black pedestrians were stopped at nearly the same rate as their representation among arrestees would suggest. Hispanic suspects appear to be stopped at a rate slightly higher (6 percent higher) than their representation among arrestees.

The most widely used, but least reliable, benchmark is the residential census. Census benchmarks do not account for differential rates of crime participation by race or for differential exposure to the police. Comparisons to the residential census are not suitable for assessing racial bias.



Black pedestrians were stopped at a rate that is 50 percent greater than their representation in the residential census. The stop rate for Hispanic pedestrians equaled their residential census representation.

Results of Internal-Benchmarking Analysis

This analysis compared the racial distribution of each officer's stops to a benchmark racial distribution constructed to match the officer's stops on time, place, and several other stop features.

This analysis found the following:

- Five officers appear to have stopped substantially more black suspects than other officers did when patrolling the same areas, at the same times, and with the same assignment.
- Nine officers stopped substantially fewer black suspects than expected.
- Ten officers appear to have stopped substantially more Hispanic suspects than other officers did when patrolling the same areas, at the same times, and with the same assignment.
- Four officers stopped substantially fewer Hispanic suspects than expected.
- Six of the 15 flagged officers are from the Queens South borough.

To put these findings into perspective, the analysis flagged 0.5 percent of the 2,756 NYPD officers most active in pedestrian-stop activity. Those 2,756 most active officers, about 7 percent of the total number of officers,

accounted for 54 percent of the total number of 2006 stops. The remaining stops were made by another 15,855 officers, for whom an accurate internal benchmark could not be constructed, mostly because they conducted too few stops. While the data suggest that only a small fraction of the officers most active in pedestrian stops may be outliers, the stops made by the 15,855 that we could not analyze may still be of concern.

Results of Outcome Analysis

If there is race bias in the behavior of the 15,000-plus officers whose individual behavior we could not analyze with the internal benchmark, it may still reveal itself in the patterns of stop outcomes—that is, post-stop frisks, searches, uses of force, and arrests. Therefore we analyzed the outcomes of police stops.

Our analysis found the following:

Officers frisked white suspects slightly less frequently than they did *similarly situated* nonwhites (29 percent of stops versus 33 percent of stops). Black suspects are slightly likelier to have been frisked than white suspects stopped in circumstances similar to the black suspects (46 percent versus 42 percent). While there is a gap, this difference is much smaller than what the aggregate statistics indicated.

The rates of searches were nearly equal across racial groups, between 6 and 7 percent.

However, in Staten Island, the rate of searching nonwhite suspects was significantly greater than that of searching white suspects.

White suspects were slightly likelier to be issued a summons than were similarly situated nonwhite suspects (5.7 percent versus 5.2 percent). On the other hand, arrest rates for white suspects were slightly lower than those for similarly situated nonwhites (4.8 percent versus 5.1 percent).

Officers were slightly less likely to use force against white suspects than they were to use it against similarly situated nonwhites (15 percent

versus 16 percent); however, in Queens, Brooklyn North, and the Bronx, there was no evidence that use-of-force rates varied across races.

Officers recovered contraband (such as weapons, illegal drugs, or stolen property) in 6.4 percent of the stops of white suspects. The contraband recovery rate was 5.7 percent for similarly situated black suspects and 5.4 percent for similarly situated Hispanic suspects.

Overall, after adjustment for stop circumstances, we generally found small racial differences in the rates of frisk, search, use of force, and arrest. Nonwhites generally experienced slightly more intrusive stops, in terms of having more frequent frisks and searches, than did similarly situated white suspects. While most racial differences in post-stop outcomes were small, for some outcomes in some boroughs, the gaps warrant a closer review. For example, the Staten Island borough stands out particularly with several large racial gaps in the frisk rates (20 percent of whites versus 29 percent of similarly situated blacks), search rates (5 percent for whites versus 8 percent of similarly situated blacks), and use-of-force rates (10 percent for whites and 14 percent for similarly situated blacks).



The raw numbers on recovery rates for contraband indicated that frisked or searched white suspects were much likelier to have contraband than were black suspects. However,

after accounting for several important factors, the disparity reduces sharply. The recovery rate for frisked or searched white suspects stopped in circumstances similar to those of black suspects was slightly greater than it was for black suspects (6.4 percent versus 5.7 percent). When considering only recovery rates of weapons, we found no differences by race. For every 1,000 frisks of black suspects, officers recovered seven weapons, and, for every 1,000 frisks of similarly situated white suspects, officers recovered eight weapons, a difference that is not statistically significant.

However, they do indicate that the disparities are much smaller than the raw statistics would suggest. This result does not absolve the NYPD of the need to monitor the issue, but it also implies that a large-scale restructuring of NYPD SQF policies and procedures is unwarranted.

http://www.rand.org/content/dam/rand/pubs/technical_reports/2007/RAND_TR534.sum.pdf



Conclusions

The raw statistics cited in the first paragraph of this summary distort the magnitude and, at times, the existence of racially biased policing. For example, we found that there are some legitimate factors that explain much of the difference between the frisk rate of black suspects (45 percent) and the frisk rate of white suspects (29 percent). Some of those factors include police policies and practices that can legitimately differ by time, place, and reason for the stop. As a result, the raw statistics, while easy to compute, often exaggerate racial disparities. Any racial disparities in the data are cause for concern. However, accurately measuring the magnitude of the problem can help police management, elected officials, and community members decide between the need for incremental changes in policy, reporting, and oversight or sweeping organizational changes.

Our results using more precise benchmarks do not eliminate the observed racial disparities.

Police and Prosecutors

Central Park Jogger case: Where are they now?

Published: 04/12/2009

Robert Morgenthau



Venerable Manhattan district attorney Morgenthau brought the case against the five youths, then agreed to vacate the convictions after DNA linked a murderer to the rape in 2002. He never apologized to the defendants, as he has in other wrongful conviction cases. "They moved to set aside the verdict and we consented, and the verdict was set aside. So you know, we made a mistake, but we corrected it," he told a reporter last month. He plans to retire at the end of the year.

Linda Fairstein



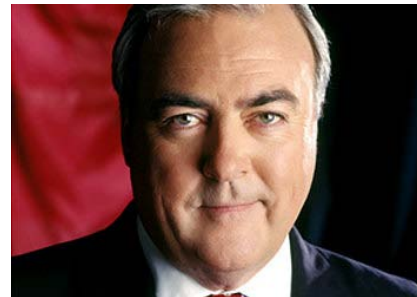
Fairstein headed Morgenthau's sex crimes unit when the attack happened and spearheaded the case. She retired and is a successful mystery novel author. She declined comment on the infamous crime and its aftermath, because she is among those the five former defendants are suing. At a bookstore reading in 2003, she said the youths were guilty.

Elizabeth Lederer



Lederer was the lead trial prosecutor and is now the senior investigative counsel in the labor racketeering unit of the DA's office, and she teaches at Columbia University as a Lecturer in Law.* She is also named in the suit. A DA spokeswoman said Lederer would not comment on the case.

Mike Sheehan



Sheehan was a detective who later parlayed a career of working high-profile cases into a career as a crime reporter for Fox 5 television news. He interviewed the youths the night of the assault, and has said he remains convinced of their guilt. He is also named in the suit. Sheehan, 60, was arrested last month after cops said he slammed his car into a police horse in Tribeca. He was charged with causing an injury to a police animal and failing to take a Breathalyzer test.

<http://www.nydailynews.com/news/crime/central-park-jogger-case-toplist-1.1105>

Park Marauders call it: 'WILDING'

New York Daily News

Originally Published: April 22, 1989

This story was reported by Daily News Staff writers Sharon Broussand, Larry Celona, Ingrid Devita, James Duddy, Tony Marciano, Patrice O'Shaughnessy, and Claire Serant. It was written by Stuart Marques.

Seven teenagers were charged yesterday with brutally raping and nearly killing a jogger during a crime spree in which nearly three dozen youths roamed Central Park "wilding"—randomly attacking anyone they found.

The youths—aged 14 to 16—were charged as the comatose woman, a 28-year-old investment banker, battled for her life. Cops said the teens were part of a wolf pack that attacked at least nine people during their rampage.

Doctors said the woman, a Pittsburgh-area native who has lived on the Upper East Side since 1986, suffered multiple head fractures, bruises to the front and back of her brain and possible severe brain damage.

The woman is not being identified by the Daily News because she is a rape victim.

An honors grad with a master's degree from Yale, the victim was listed in "extremely critical" condition and was attached to high-tech life support systems.

"She has a 50-50 chance," said Dr. Robert Kurtz, director of surgery for the Intensive Care Unit at Metropolitan Hospital, where the woman was surrounded by her tearful and stunned family.

"She has a fighting chance to return to completely normal functions," Kurtz added.

The seven teens were charged with attempted murder, rape and assault on the woman, who put up a fierce struggle as she was beaten unconscious with fists, a 12-inch pipe and a rock.

Cops said some of the accused teens told them they initially beat the woman with fists to

subdue her, but then used the pipe and rock when she continued screaming and clawing at them.

The suspects were identified as Raymond Santana, 14, of E. 119th St.; Anton [sic.] McCray, 15, of W. 111th St.; Clarence Thomas, 14, of W. 112th St.; and Yusef Salaam, 15, Kevin Richardson, 14, Kharey Wise, 16, and Steve Lopez, 15, all of the Schomburg Plaza Houses on Fifth Ave.



Kevin Richardson

Police sources said Richardson, a student at Jackie Robinson Junior High School, and McCray, a pupil at Career Academy Junior High, reenacted the attack for detectives yesterday. They described how the woman was pulled off the 102d St. transverse in the park, dragged into the woods, stripped, and raped.

Police said a dozen youths took part in the attack, but that not all of them raped the woman. Cops said she battled so fiercely she scratched Richardson across the face.

Sources said some of the youths gave statements admitting their guilt and describing the assault in graphic detail.

Though they will be tried as adults, they must be sentenced as juveniles if convicted. For example, a juvenile convicted of rape or attempted murder would face a maximum sentence of 3-1/2 to 10 years—compared to 8-1/2 to 25 for an adult.

Richardson, Santana, Lopez, and two others—a 13-year-old and a 14-year-old—were

also charged with attacking a male jogger with the same metal pipe just minutes before assaulting the woman. The two others were not identified because they were charged as juveniles.

Police have questioned about 20 teens, and at least one remained in custody last night.

Four of the suspects were charged during the day and three others booked after extensive questioning late last night. ...

Chief of Detectives Robert Colangelo said some of the youths used the term "wilding" to describe their actions.

Colangelo said the rampage began about 8:30 p.m. Wednesday, when a group of 17 youths met at Taft Houses at Madison Ave. and 117th St. and began walking to the park. He said they were joined by a band of 16 more at Fifth Ave. and 110th St.

"They joined together to have a bigger show of force and they said, 'Let's go raise a little hell,'" Colangelo said.

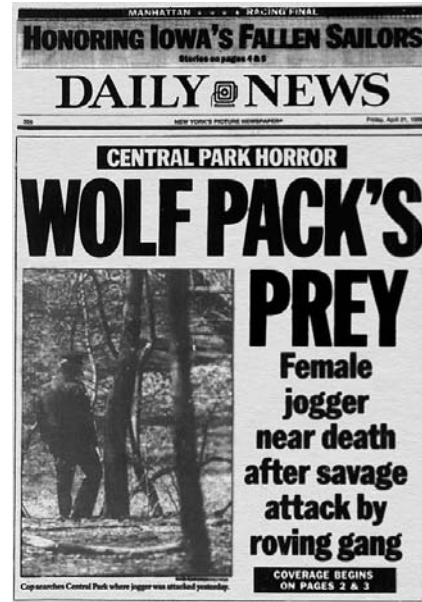
"They went into the park looking to attack joggers and steal bicycles." Colangelo said some of the youths admitted lying under bushes or behind trees waiting for victims.

"They waited for someone alone and they pounced," Colangelo said.

Cops said the 33 youths entered the park about 8:50 p.m., first attacking a man walking alone near the Conservatory Gardens. "One kid said, 'I know him, leave him alone,'" Colangelo said. The group then swooped down on a homeless man eating a sandwich and drinking a can of beer at East Drive and 104th St. The youths took his meal and pushed him to the ground before running off.

Police gave this chronology after the first two attacks.

8 p.m.—The gang split into three groups on East Drive when they saw a patrol car coming. The officers apparently did not see the teens.



9:05 p.m.—A 52-year-old man jogging at 102d St. and East Drive was punched and pushed. He ran to the Central Park stationhouse on the 86th St. transverse and reported the incident.

9:15 p.m.—The group attacked a man and woman riding a tandem bike on East Drive in the 90s. The couple pedaled away and later called police.

9:25 p.m.—One of the three groups attacked a 30-year-old man jogging around the Reservoir. The man, David Lewis, told the Daily News that one youth threw a rock and another slammed him into the fence surrounding the Reservoir. Lewis sprinted away from them and ran to the police station.

9:30 p.m.—Police received a call that a large gang of youths was prowling at East Drive and 100th St. A patrol car was sent, but the officer reported seeing nothing.

9:54 p.m.—A jogger was attacked at the Reservoir.

9:55 p.m.—A 40-year-old man was hit with a metal pipe near the Reservoir. He was taken to St. Luke's Hospital for treatment.

10 p.m.—Police received a call that a group of youths was loitering near 98th St. and East Drive. A car was sent, but the group was gone.

10:05 p.m.—About 12 teens attacked the woman as she jogged.

10:40 p.m.—Police arrested five teens at 100th St. and Central Park West. Three of those five were ultimately charged in the rape.

<http://www.nydailynews.com/services/central-park-five/park-marauders-call-wilding-article-1.1304526>

Arrest, interrogation, and trials

A Journey Through the Tangled Case of the Central Park Jogger

Sydney H. Schanberg

Published: November 19, 2002

When Justice Is a Game

Every now and again, we get a look, usually no more than a glimpse, at how the justice system really works. What we see—before the sanitizing curtain is drawn abruptly down—is a process full of human fallibility and error, sometimes noble, more often unfair, rarely evil but frequently unequal, and through it all inevitably influenced by issues of race and class and economic status. In short, it's a lot like other big, unwieldy institutions. Such a moment of clear sight emerges from the mess we know as the case of the Central Park jogger.

She was horribly beaten and raped and left near death on an April night 13 years ago. Five Harlem teenagers who were part of a “wilding” spree by more than 30 youths in Central Park that night were accused of the rape. Other charges included sexual abuse, assault, riot, and robbery. Under intense questioning, they at first confessed, in written statements and on videotape, but shortly thereafter retracted everything—contending that they had been intimidated, lied to, and coerced into making the statements. There was no physical evidence linking them to the crime—no blood match, no semen match, nothing. The victim could not provide an identification of any assailant because the battering left her with no memory whatever of the episode or even of starting out on her jog. But in two court trials a year later, the juries were persuaded by the vivid

confessions that each of the five had at least some role in the attack on the young woman. Four—because they were under 16—were sentenced under juvenile guidelines and served jail terms of five to 10 years. The fifth, Kharey Wise, who was 16 and thus classed as an adult, got a sentence of five to 15 years. He came out of prison just last August.



Matias Reyes

Sometime last winter a serial rapist and murderer named Matias Reyes, who is serving a 33-1/3-to-life sentence in state prison, sought out the authorities, told them religion had entered his life, and confessed that he and he alone had brutalized and raped the jogger. His DNA, it was soon learned, matched that of the semen found in the jogger's cervix and on one of her running socks.

The public wasn't told any of this for several months as the shocked “justice system” wrestled with the gargantuan problem.

Manhattan District Attorney Robert Morgenthau, whose office prosecuted the case, began an investigation. It was not as hurried as the first one. Nor were as many detectives assigned to it. Despite the new evidence, the police department, whose leadership is reported to believe still that the five teenagers had at least some connection to the rape, recently started its own investigation. Morgenthau has a court date of December 5 to deliver his recommendations on whether the convictions should be vacated. Unseen backstage, the two assistant district attorneys in charge of Morgenthau's reinvestigation, Nancy Ryan and Peter Casolaro, are said to be under

heavy lobbying from the players who produced those convictions. It's now a tug-of-war between a fair decision and one that would try to protect some carefully crafted reputations.

State law would seem to favor the five convicted youths. New York's Criminal Procedure Law—Section 440.10 (1) (g) states that if “new evidence” is produced that probably would have affected the original verdicts, then a court may “vacate” the convictions. There is no requirement for the court to rule that the confessions were coerced.

Back in 1989, the atmosphere surrounding this crime was, modestly put, emotional. The city was crackling with racial aggravation. And the mayoral campaign had begun—David Dinkins, who is black, would be opposing Rudolph Giuliani, who was already showing his disdain for many in the black leadership.



April 21, 2013 Tweets from Donald Trump

And then, on the night of April 19, in the city's premier greensward, a white, 28-year-old honors graduate from Wellesley and Yale, a rising star at Salomon Brothers investment bank, was allegedly raped by a group of black and Latino youths who, the authorities said, had thrown her to the ground, stripped her of her clothes, and, as she struggled desperately, bashed her all over her body with a rock and other objects to stop her flailing. Her left eye socket was crushed and her skull broken through to the brain. She lost 80 percent of her blood. The doctors at Metropolitan Hospital, who initially told police her chances to live were almost nil, saved her.

Press coverage was wall-to-wall. The rape wasn't the only crime committed in the same area that night. During the roving band's hour or two in the park, a number of cyclists and pedestrians and joggers had also been assaulted. Two of them, both men, were beaten into the dirt and, like the jogger, left in pools of blood. In such crimes, given the media attention and the potential for community anxiety and even unrest, pressure on police and prosecutors is immense. The unwritten edict from on high is: Solve this case instantly and put the perpetrators behind bars. In less than 48 hours, the police had rounded up a dozen or so suspects and reported that a few had already confessed.

A week later, with five youths of color charged, Donald Trump, a loud real estate developer and casino operator whose kinship with either truth or justice has never been obvious, took out a full-page ad in each of the city's four daily papers urging New Yorkers to ignore those like Mayor Koch and Cardinal O'Connor who had counseled against “hate and rancor.” Of the accused, he wrote: “I want to hate these muggers and murderers. They should be forced to suffer and, when they kill, they should be executed. ... I am looking to punish them. ... I want them to be afraid.” Ugliness was in the air.

Linda Fairstein, who controlled the case as head of the Manhattan District Attorney's Sex Crimes Prosecution Unit, says now: “I don't think there was any rush to judgment.” Perhaps. But there certainly was a rush.

So intense was the push for confessions that Fairstein, who had sought and achieved celebrity from her sex-crime prosecutions, bullied and stalled and blocked the mother and two friends of one suspect, Yusef Salaam, from gaining access to him. Fairstein's apparent purpose was to keep the suspect under wraps because she had been informed by the interrogating detective that the questioning was in a delicate phase where Salaam had begun to make some admissions. A short while

later, Fairstein realized she could not bar the mother any longer, and the angry parent halted the interrogation.

Thus, unlike the four others charged with the rape, Salaam had not signed any written statement nor given a videotaped confession. The prosecution's only evidence of what he said at his interrogation came from the detective, Thomas McKenna, who testified at Salaam's trial a year later. (The case was split into two trials, with three of the defendants grouped in the first one—Antron McCray, 15, Yusef Salaam, 15, and Raymond Santana, 14, and the remaining two accused—Kevin Richardson, 14, and Kharey Wise, 16, in the second. These groupings were largely maneuvered by the prosecution so as to get information to the juries in the order the D.A.'s office preferred. Both trials were held in 1990 and both lasted two months.)

On the stand, McKenna, a detective for 20 years, openly acknowledged that he had used a ruse on the night after the rape to get Salaam's "confession." The boy, McKenna said, at first repeatedly denied having been in Central Park. Then, went McKenna's testimony, he, the detective, made the following untrue statement to Salaam: "Look, I don't care if you tell me anything. I don't care what you say to me. We have fingerprints on the jogger's pants. They're satin, they're a very smooth surface, and we have been able to get fingerprints off of them. I'm just going to compare your prints to the prints we have on the pants, and if they match up, you don't have to tell me anything. Because you're going down for rape."

At this, according to McKenna's testimony, Salaam blurted, "I was there but I didn't rape her." And then, said McKenna, the boy calmly proceeded to admit that he had hit the downed jogger twice with an iron bar and felt her breasts, but said it was four other boys who actually "fucked her." Salaam identified two of them, Kevin Richardson and Kharey Wise, McKenna testified. He said he didn't know the other two.

There never were, of course, any fingerprints on the jogger's running pants.

As described by McKenna, his trick-playing on Salaam is, under present case law, quite legal. As are many other kinds of law enforcement distortions, misdirections, and veiled (and sometimes not so veiled) suggestions that leniency will be granted if the witness is forthcoming. The justice system's premise for accepting these stratagems is that an innocent person will not falsely incriminate himself.

After the trial, some jurors said the detective had gained credibility with them by being so candid about his methods.



Prosecutors Elizabeth Lederer and Linda Fairstein

Probably the most blatant example of the prosecution's contortions under pressure had to do with distorting the meaning of critical evidence—the DNA. To wit, the D.A.'s office all along, right up to the first trial in 1990, had told the press, and therefore the public, that the DNA results were "inconclusive" because they showed only a "weak" or "faint" pattern—leaving the impression that, while there was no match, the samples likely did belong to one or more of the indicted five, but were merely of poor quality. In fact, the semen samples taken from the victim were absolutely conclusive in ways important to the defense.

The prosecution never did reveal the true DNA results and analysis. The FBI did—at the first trial, more than a year after the crime. The disclosure was made by the witness from the FBI laboratory, Special Agent Dwight Adams. And it didn't come in his direct testimony as a witness for the prosecution, because Assistant D.A. Elizabeth Lederer avoided any question to

him that might lead to the whole truth. However, Adams told the story openly, with no reluctance, in his cross-examination by defense attorney Mickey Joseph.



Preliminary hearing

Adams's testimony was a major departure from the line the prosecution had spun. Answering Joseph's questions, the FBI expert said that while there was no DNA match with the blood samples from any of the defendants or possible suspects in the wilding, or the sample from the jogger's boyfriend, some firm conclusions could be made. True, there was no match, Adams said, but all 14 of the DNA samples could be *excluded* as belonging to the person or persons who penetrated the victim in Central Park that night. Answering Joseph's questions matter-of-factly, the FBI expert explained that in DNA testing, it is easier to exclude than to match. He said the weak pattern obtained from the cervix and the stronger pattern found on the sock, though not as complete as needed for a match, were nonetheless clear and strong enough to determine that they definitely did not belong to any of the 14 people whose blood was tested.

The prosecution had known all along that the tests were not "inconclusive." They knew the results proved that the semen could *not* have come from any of the five defendants. And yet the prosecution stayed mute.

Adams revealed one more thing on the stand that the prosecution had never told the public: The FBI lab had compared the semen from the cervix and the semen from the sock—and they were from the same person. "They seemed to match," he said clearly.

In hindsight, the FBI disclosures should have exploded a bomb in the heart of the prosecution case. But the testimony set off no fireworks. The disturbing confessions were what had captured the minds of the jury—and the press.

What Adams's testimony meant was that only one person, still at large, had ejaculated inside the victim while keeping in mind that since some rapists are not able to function sexually during the attack, the possibility that both Reyes and a temporarily impotent group assaulted her cannot be absolutely ruled out. (The police have lately been searching for possible evidence of a link between Reyes and the five who were convicted.)

But the theory of the crime that the hard, forensic evidence most supports is that the group of five, or some of them, took no part, or no significant part, in the sexual assault. This raises the further possibility or likelihood, as counter-intuitive as this may seem given the confessions, that the five defendants were indeed "coerced" as the law defines the word—which would support their charges that they were intimidated, fed details about the rape, told that their friends had informed on them, and prodded with subtle hints that if they confessed about the others they would help themselves.

Penetration of the victim is a corollary legal issue here. Under the law, penetration is necessary before the crime of sexual assault rises to that of rape. In the case of a group of attackers, penetration by only one person (though, again, not necessarily ejaculation) is enough to implicate the rest of a group in a rape. Otherwise, in this case, the five could only be charged with other crimes committed during the wilding. The indictments did charge them with several other crimes, such as assault, robbery, and riot, but the pivot of the prosecution's case—and the primary focus—was always the rape.

At the same time, it is important to remember, in any examination of the public

record of this flawed investigation and prosecution, that even if these five youths, or at least some of them, were not guilty of rape or sexual assault, they were not innocents—having been convicted of a whole series of other crimes committed in the rampage that night. One need only recall that among those crimes, two men, John Loughlin and Antonio Diaz, were horribly beaten and left bleeding and unconscious.

Timothy Sullivan, then the editor of *Manhattan Lawyer* and now news editor of the *Courtroom Television Network*, wrote a book in 1992 titled *Unequal Verdicts*, the most authoritative account of the trials and the case as it stood at that point.

Sullivan's book provides most of the now-forgotten details, and he goes behind the scenes a lot. He recounts several instances where the pressure and urgency felt by the prosecution showed through. Here are two of them.

(1) Sullivan writes that Elizabeth Lederer, a respected Assistant District Attorney whom Linda Fairstein had named as lead attorney for the trials, was fully aware of all the pieces the prosecution was missing, one of which was proof or a statement that penetration had taken place. The following excerpt shows some of Lederer's questioning of Raymond Santana on videotape. Santana has told her that Kevin Richardson, 14, was the only one he had seen "having sex" with the victim.

"Did he penetrate her?" she asked, referring to Richardson. "Did he put his penis inside of her?" "Um hmm," he confirmed. "Did he say that he had?" "No, he didn't say it." Santana scoffed. "But you could tell?" "Yeah." "How could you tell?" "Because he was havin' sex with her! That's what you're supposed to do when you havin' sex!"

Lederer persisted. "Well, when he was doing that, was he moving up and down?"

"Yeah," Santana replied and, rather than wait for her to ask again how he could tell, added: " 'Cause I seen it."

"And so you could see that he was moving," said Lederer, "thrusting up and down . . . thrusting into her?" "Yeah," said Santana. "That's how I knew he was havin' sex with her."

What leaps out from this interview is how Lederer, very frustrated, lapses into badgering to try to drag the information she needs out of him. Equally revealing is that Santana never actually says he saw Richardson's penis inside the victim.



Perp walk: Yusef Salaam and Korey Wise

(2) In late November 1990, on the ninth day of deliberations in the second trial—of the two remaining defendants, Kevin Richardson and Kharey Wise—the press and players anxiously awaited the verdict (which didn't come until December 11).

Sullivan writes:

"If we don't get a rape conviction," said Detective McKenna, "we lost the case." A reporter asked whether a conviction on attempted murder, technically a higher count, would not be considered a victory. No, said McKenna, it had to be a rape conviction. [Detective John] Taglioni nodded in agreement.

Today, none of the players are talking. The D.A.'s office says that the judge handling the reopening of the case, State Supreme Court Justice Charles Tejada, has asked them to make no further public comments until the December 5 hearing before him, when Morgenthau will

produce his report and make his recommendations.

One central unanswered question about the rape case falls completely on Morgenthau's office. Why didn't he and his people—when they received the FBI's final DNA results, just before the first of the two trials—ask the judge for a postponement? They could simply have told him they needed more time to identify and arrest the missing man they had now determined, from the semen tests, had penetrated the victim. The judge may have been annoyed with them and chewed on them a bit, but he would almost certainly have recognized the legitimacy of their request and granted it.

Matias Reyes has now confessed to being that missing man, and his DNA shows him to be right. He has also confessed to the rape and beating of another woman two days earlier—on April 17, 1989—in the same northern quadrant of the park. The authorities reportedly have tied Reyes to that April 17 rape as well.

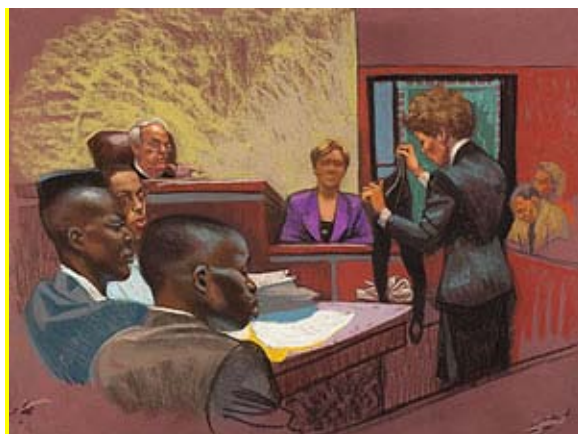
Why, back in 1989, didn't the authorities look into a possible link between the April 17 and April 19 rapes? If they had, the April 17 victim, a 26-year-old woman who had full memory of the assault, could possibly have identified her attacker early on or provided other critical information.

Was it simply human oversight, to which we are all susceptible, or were they in too much of a hurry? Or was the D.A.'s office actually aware of the April 17 rape, which happened in daylight, and simply dismissed it as different in pattern?

In any event, the prosecutors cannot argue it wasn't right in front of their collective noses. On April 29, 1989, 10 days after the jogger rape, *The New York Times* ran a long story about the 28 other first-degree rapes or attempted rapes reported across New York City during the week of the Central Park crime. Fourth on the list was the following entry for April 17, now tied to Reyes.

3:30 P.M. As she walked through the northern reaches of Central Park on the East Side, a woman, 26, was hit in the face, robbed and raped. The suspect escaped.

It's not uncommon for criminal cases to have a few unknown elements, inconsistencies, or gray areas. But the jogger case was shot through with them. Portions of the defendants' statements, for example, were flat-out contradictions of the accounts given by their co-defendants.



Lederer shows "Central Park jogger" evidence

If the authorities had just paused somewhere along the way and expanded the investigation to deal with some of these gaps, the case would likely have been turned upside down. What really explains the failure to delay the trials? Was it the pressure for quick results? Or the public embarrassment of having to admit gray areas and missing pieces after going too far? Whatever the explanation, the failure to pursue the loose ends surely altered the outcome.

Now there will be a second outcome. And a number of human dramas are playing out in the background.

The five convicted youths, now in their late twenties, and their families are obviously hoping their rape convictions will be set aside. They want to remove the stigma of being listed as sex criminals in the government registry and being required to report their whereabouts to the authorities every three months. They're surely also hoping their convictions on all the

other charges—assault, robbery, attempted murder, and riot—will be vacated as well. City officials are bracing for huge damage suits should any of the counts be overturned. It bears repeating that, even if the five are found not guilty of involvement in the rape, we may never know the full story of what happened that night. It's not likely we'll hear any more confessions from the young men or any admissions of wrongdoing from the players on the prosecution side.



Korey Wise's video interrogation

The rape victim has said that though she has no memory of the awful attack, she would like to know who did this to her. Her wish for all the answers may not be granted, either. She fought her way back from near-death to resume her post at Salomon Brothers, more quickly than anyone predicted. She's not the same, though, and won't be. She suffers from double vision and is wobbly on her feet. She has a hard time walking in a straight line. Of late, she is said to be writing a memoir.

Linda Fairstein, a fiercely competitive, driven professional who was 41 at the time of the jogger rape, has since left the D.A.'s office to write novels about an assistant district attorney who prosecutes sex crimes. When the rape occurred, she raced into the fray to wrest the case away from Nancy Ryan, 39, another upward A.D.A. who was Fairstein's chief rival in the Morgenthau constellation. Now, Morgenthau has put Ryan in charge of his reinvestigation of the case. Those who know Fairstein say she harbors a dream of succeeding Morgenthau as Manhattan D.A. The latest developments could wreck that dream.

Nancy Ryan is said to be under lobbying siege now from police and prosecutors, former

and current, who believe her report will call for the rape verdicts to be vacated. With their reputations at stake, they're trying to talk her into a less drastic decision. Fairstein is reported to be lobbying Morgenthau. If it all weren't so real, it would be a soap opera.

Robert Morgenthau, it is fair to say, is a haloed icon in the New York establishment. At 83, he has probably spent more years in public service here than any other active government official. For the past 28 years (he began his eighth consecutive term in January), he has been the Manhattan D.A. Some admirers call him "America's D.A." He has been an advocate for good government and has lent his name and time to many worthy causes. That said, he is, like all the other players in this story, a mortal being, not a deity. Like any D.A., he has in his time covered up lots of his office's mistakes. Like other big-city D.A.s, he has also swept under a large carpet the misdeeds of myriad well-known personages. They owe him. Not long ago, his office buried an investigation into Charles Gargano, the state's economic czar, who has a recurring habit of giving big state contracts to people who make big campaign contributions to his friend Governor George Pataki. Some Morgenthau watchers think that he may have been too long with power and that with age, he may have lost his touch.

People sometimes use the phrase "the game" to describe how big systems like government and multinational corporations often get manipulated not for the common good but for the good of the people who run them. It's not a description of evil, but rather of human nature. It explains what happens when individuals have been doing things a certain way for a long time and come to believe this is always the right way. One symptom is when a player begins to focus only on winning, on trouncing the opposing side. Another is when people become so habit-formed and sure of themselves that they stop asking the question: "Could I possibly be wrong about this?"

The story of the Central Park jogger case may be in large part a story about people in the justice system playing the game—when they should have been doing the right thing.

<http://www.villagevoice.com/2002-11-19/news/a-journey-through-the-tangled-case-of-the-central-park-jogger/>

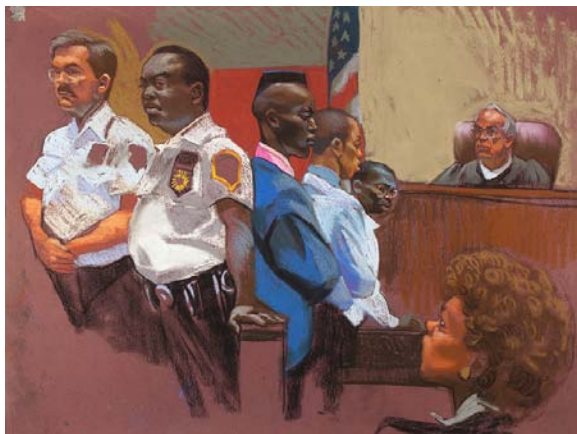
Jog trial jury is a mini-N.Y.

Beginning today, 12 Manhattanites, each a reflection of the city's striking mosaic, will sit in judgement of three teenagers accused of raping and beating a woman jogger in a senseless rampage through Central Park.

The jurors included blacks, whites, Asians and Hispanics. They are working-class New York natives and middle-class city newcomers. Some grew up in the heart of Harlem, others live a world away in the Village. All but two are men.

Defense attorneys say they could not be happier with the jury's ethnic and racial composition.

The defendants—Antron McCray, 16, Raymond Santana, 15, and Yusef Salaam, 16—are charged with rape, sodomy, attempted murder, assault, robbery and riot in the April 1989 incident. Three others will be tried later this year.



Courtroom drawing from the first Central Park jogger trial of Antron McCray, Yusef Salaam, and Raymond Santana

Michael Joseph, McCray's attorney, said he will try to convince the jury that cops forced the teenager to confess and then put words in his mouth.

McCray and Santana have made videotaped statements and signed written confessions. There is no videotape or signed confession from Salaam, only detective's notes about his alleged role in the crime.

Robert Burns, Salaam's attorney, said he will focus on discrimination in his opening statement today.

Burns told prospective jurors that the three youths were arrested only because, as blacks or Hispanics, they are easy targets. He said the case has received so much attention because the 29-year-old victim is an upper-income white woman.

Prosecutors and police repeatedly have said that the case has nothing to do with race.

The jurors, selected last week in State Supreme Court in Manhattan, include:

- Earl Fisher, jury foreman, a retired housing inspector and a 1950 Boston University law graduate. He is black.
- Charles Nestorick, a customer representative for New York Telephone who used to live in Pennsylvania, where the jogger grew up. He is white.
- Pedro Sanchez, a city employee who plans to retire this year. He is a black Hispanic.
- Ben Neal, whose cousin is a retired police officer. He is black.
- Ronald Gold, formerly a speech and proposal writer for the national Gay Task Force. He also has written for *TV Guide*. He is white.
- Rafael Miranda, a college-educated Transit Authority track maintenance worker. He is Hispanic.
- Harold Bruland, a computer manual writer for the state Social Services Department and formerly a pastor for a Methodist church in Minnesota. He is an avid jogger who runs in Central Park. He is white.

- Richard Peters, whose brother retired as police lieutenant in Queens three years ago. He is white.
- George Louie, whose wife is a cancer researcher. He is Asian.
- Samuel Holliday, a Consolidated Edison repairman who is a block association member. He is black.

- Edith Milton, a clerk at her brother's convenience grocery store and a churchgoer who is active in her tenant patrol. She is black.
- Migdalia Fuentes, a secretary at the United Nations. Her UN department publishes material on child labor and street children. She is a black Hispanic.

<http://www.nydailynews.com/services/central-park-five/jog-trial-jury-mini-n-y-article-1.1304794>

***Columbia Law School: Fire Elizabeth Lederer**

Campaign created by Frank Chi

To: Dean David M. Schizer, Columbia University Law School

Fire Elizabeth Lederer now.

Why is this important?

Elizabeth Lederer was one of the lead prosecutors in "the Central Park Five" case, who wrongfully convicted five teens falsely accused of assaulting and raping a female jogger in New York City's Central Park, on April 19, 1989.

No DNA evidence tied the suspects to the crime, so the prosecution's case rested almost entirely on false confessions. In fact, analysis indicated that the DNA collected at the crime scene did not match any of the suspects—and that the crime scene DNA had all come from a single, as yet unknown person.

Yet the accused teens were forced into false confessions and were put away for years by the overzealous prosecution for crimes they did not commit. The convictions were vacated in 2002 when Matias Reyes, a convicted rapist and murderer serving a life sentence for other crimes, claimed to have committed the crime alone and DNA evidence confirmed his involvement in the rape.

Today, Lederer is still an assistant District Attorney in New York, and she also teaches at Columbia Law School.

No individual who is responsible for locking up innocent boys for years should ever step foot in a classroom to teach students. Ever.

UPDATE: It looks like Columbia Law has edited Lederer's bio to exclude her involvement in the Central Park Five case. Do not be fooled!

Original Bio:

https://www.law.columbia.edu/fac/Elizabeth_Lederer

Elizabeth Lederer

Lecturer-in-Law

Ms. Lederer is an Assistant District Attorney, New York County. She served as a line assistant trying misdemeanor and felony cases, handling motion practice and grand jury presentations, specializing in sex crimes and homicide cases (1979-85); Worked as Senior Trial Counsel trying homicide cases and high profile cases including the "Central Park Jogger" case and the "Prince and Princess" case; Served as Deputy Bureau Chief of Career Criminal Unit (1986-92); Served as Trial Bureau Chief (1992-2005) overseeing more than 50 attorneys and support staff in the investigation, preparation and trial of criminal cases, and the staffing of weekly in-take and Supreme Court parts. Senior Investigative Counsel, Labor Racketeering Unit, conducting long-term investigations into corruption in the labor industry (2005-Present).

Scrubbed Bio:

http://www.law.columbia.edu/fac/Elizabeth_Lederer

Elizabeth Lederer

Lecturer in Law

Ms. Lederer is an active prosecutor in the New York County District Attorney's Office. She is Senior Trial Counsel, working in the Forensic/Cold Case Unit to review and re-investigate unsolved murder and rape cases. In her many years in the District Attorney's Office, Ms. Lederer has worked in the Labor Racketeering Unit investigating organized crime in the construction industry, the Sex Crimes Unit, and the Career Criminal Unit. Ms. Lederer has tried many, many cases, and has taught trial practice and general litigation in a number of different venues.

<http://org.credoaction.com/petitions/columbia-university-law-school-fire-elizabeth-lederer-as-lecturer-in-law?source=facebook-share-button&time=1366172037>

The Victims

Kevin Richardson



Kevin and his mother

Kevin Richardson lives in New York City and works in environmental services at a geriatric center. He's not satisfied there, but is happy to have a stable job with good benefits. He's still incredibly close to his mother and older sisters. They all gather every Friday at the apartment on the thirty-fourth floor of the Schomburg tower where Kevin grew up and where his mother still lives.

Yusef Salaam



Yusef and his mother

Yusef Salaam is the father of five daughters, and continues to live in Harlem with his fiancée. His early interest in computers and how things work have translated into a career; he works for

a New York area hospital, managing the wireless system that doctors and staff use to communicate throughout the hospital.

Korey (Kharey) Wise



Korey Wise, whose sentence was five years longer than those of his co-defendants and who served his entire term in maximum-security facilities, despite being the least intellectually and emotionally developed of the group, has also had the most difficult time getting his life together. Though he completed a high school equivalency program and started taking some college courses while in prison, his learning disabilities and hearing problems remain unaddressed. He speaks loudly and with an impediment that calls to mind the speech patterns of a deaf person; he still leans in when someone is speaking to him, trying to better understand what they are saying. His speech is jumbled and he often repeats words, struggling to express ideas more complex than his communication skills allow.

He is considered permanently disabled and lives on Social Security disability benefits. He lives in an apartment in New York City through a housing program called Urban Pathways.

Raymond Santana



Since his conviction was vacated and his record cleared, Raymond Santana has had better luck finding jobs and getting back on his feet. After spending hours lifting weights in prison, he was able to get a job working as a personal trainer and later assistant manager at a gym in New York City. He now works full time for one of New York City's largest unions and lives with his family in the same apartment in Harlem where he grew up. He's recently begun teaming up with the Innocence Project and speaking to young people about his experiences.

He has a daughter who was born in 2004. She lives with her mother in Brooklyn, but she spends every other weekend with Raymond in Harlem, and he visits her in Brooklyn on his off weekends.

Antron McCray



Antron and his mother

Antron McCray left New York soon after being released from prison, beginning anew under his legal name, which allowed him to find work without mentioning his time in prison. Though his conviction has since been vacated, few around him know anything of his past. He is married and the father of six children.

<http://www.pbs.org/kenburns/centralparkfive/about-central-park-five/>

Jog mom fires lawyer

The judge in the second Central Park jogger trial refused to let a defense lawyer bow out of the case yesterday after he was fired by one of the teenage defendants.

Howard Diller, the lawyer for defendant Kevin Richardson, was fired by the youth's mother, Grace Cuffee, for not presenting an aggressive defense like the one mounted by Colin Moore, the lawyer for Richardson's co-defendant, Kharey Wise. Richardson has retained activist attorney C. Vernon Mason.

At the jogger trial, the spectators and press packed the seventh-floor courtroom as Diller told the court, "The defendant refused to cooperate because they have another attorney. To deny him his own counsel would be unfair. It would be inappropriate for me to continue."

State Supreme Court Justice Thomas Galligan ordered Diller to continue as Richardson's lawyer yesterday but did not rule on whether Mason could come in today and serve as defense attorney for the remainder of the trial. Mason was not in court yesterday because he was finishing a homicide case in Brooklyn.

Jogger judge bars Mason step-in

"This case will not be adjourned for another attorney," the judge said yesterday. "This case has gone through jury selection. We are in the second week of trial. I am prepared to go forward. As far as the court is concerned, you are the attorney for the defendant and you will continue as the attorney." The judge then

ordered the jury to be brought into the courtroom.

Diller and Moore have been at odds ever since Moore announced that he would aggressively question the jogger about her sex life during this trial. She was not cross-examined during the first trial. Diller said he would ask for a mistrial if Moore grills the 30-year old investment banker.

Jog trial suspect's kin balk

The victim was raped and beaten by a pack of teenagers rampaging through Central Park on April 19, 1989.

Richardson, 16, and Wise, 18, are charged with attempted murder, rape, sodomy, robbery, assault and riot in the case. Wise, because he was 16 at the time of the incident, faces a maximum prison term of 57 years if convicted.

<http://www.nydailynews.com/services/central-park-five/jog-mom-fires-lawyer-article-1.1304941>

Jog trial teen throws tantrum

A defendant in the Central Park trial screamed and wept hysterically yesterday after the prosecutor told how he savagely raped and beat a woman jogger.

Pounding his feet on the ground, his body jerked over the defense table, defendant Kharey Wise, 18, screamed: "No, no, no. I can't take this. Aaaaaah. She is lying. That woman is lying. This is false."

Minutes earlier, prosecutor Elizabeth Lederer had told jurors during opening statements in the second Central Park jogger trial that Wise called the attack "his first rape."

The last Manhattan Supreme Court juror had just left the room for a short recess when Wise started shrieking. He banged his face with his fists and screamed as court observers looked on in shock.

Four stunned court officers surrounded Wise, while his attorney, Colin Moore, tried to

soothe him. One guard placed his hands on Wise's shoulders. Then the officers pulled him out of the courtroom by his brown corduroy jacket.

Mistrial move denied

After the recess, Howard Diller, attorney for co-defendant Kevin Richardson, asked the judge for a mistrial. He argued that the outburst had tainted the jury.

"Four or five jurors were still in this room," Diller said. "He (Wise) was foaming at the mouth, your honor. He was about to vomit."

Justice Thomas Galligan denied the motion, saying none of the jurors saw or heard Wise weeping.



Korey Wise during video interrogation

When Wise returned to the room, Galligan warned he would be banished from court if he lost control again. Wise wept quietly in his seat, still mumbling under his breath.

His rage simmered during Lederer's hour-long opening remarks. As she detailed the beatings in the park, Wise shook his head and muttered under his breath. At times, he clasped his hands as if in prayer.

"This shows obviously the kid is upset at the lies he has heard," Moore said. "It is an admission of innocence."

Disabled defendant?

Wise and Richardson, 16, are accused of the attempted murder, rape and assault of the female jogger 18 months ago. Three youths were convicted of rape and assault, and acquitted of attempted murder, in August. A sixth defendant will be tried next year.

Moore said Wise suffers from learning and hearing disabilities. He is deaf in one ear and has an IQ of 73, Moore said.

Wise, who was 16—considered an adult—at the time of the attack, has been at Rikers Island for 18 months. In prison, other inmates have harassed him and beat him up, Moore said. As the only adult defendant, he faces up to 57 years in prison if convicted.

Lederer also confirmed yesterday that the jogger will take the stand during the trial. Moore has threatened to cross-examine the jogger. If he does, Diller said he will call for a mistrial.

Confessions targeted

Like the defense in the last jogger trial, the attorneys focused their opening remarks on discrediting the defendants' videotaped statements. They argued that police coerced the youths into confessing.

"The facts were not his," Moore told the jury. "They were being fed to him by the police."



Korey Wise in Custody

Moore likened the district attorney's case to "an optical illusion, a conjuror's trick. It is full of smoke and mirrors."

Evidence link

Wise and Richardson made videotaped and written statements detailing the attack. In his second videotape, Wise said he raped the jogger "to prove himself."

Although Richardson said on tape that he tried to stop the rape, prosecutors say they have physical evidence linking him to the attack. Lederer said police found pubic and head hair

"similar and consistent" with the jogger's on Richardson's clothing, including his underwear.

<http://www.nydailynews.com/services/central-park-five/jog-trial-teen-throws-tantrum-article-1.1304893>

Learn More and Get Involved

The Innocence Project

The Innocence Project (www.innocenceproject.org/fix/) is a national litigation and public policy organization dedicated to exonerating wrongfully convicted individuals through DNA testing and reforming the criminal justice system to prevent future injustice.

The Center on Wrongful Convictions of Youth

The CWCY (<http://www.cwcy.org>) is a joint project of the Center of Wrongful Convictions and Children and Family Justice Center at Northwestern University School of Law's Bluhm Legal Clinic. It is the only innocence project in the country that focuses exclusively on individuals who were convicted or accused of crimes when they were adolescents or younger.

The Innocence Network

The Innocence Network (www.innocencenetwork.org/) is an affiliation of organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of crimes for which they have been convicted and working to redress the causes of wrongful convictions.

Know Your Rights

This publication of the American Civil Liberties Union (www.aclu.org/files/kyr/kyr_english.pdf) addresses what rights you have when you are stopped, questioned, arrested, or searched by law enforcement officers.

<http://www.pbs.org/kenburns/centralparkfive/about-central-park-five/>

Trisha Meili



I Am the Central Park Jogger

New York Daily News

Published: Tuesday, April 2, 2013, 2:51 PM

For years, to the world at large, she was known as “the jogger” or “the victim.” Her real identity was unknown to all but a few.

Although at the time of the attack her name was printed by two newspapers and she was identified by name on a radio station, the vast majority of the Media protected her privacy as the victim of rape and referred to her only as the “Central Park jogger.”

The overwhelming majority of readers and TV and radio audiences, the well-wishers and the supporters from around the world knew about the 28-year-old investment banker who was the brutalized victim. They had watched from afar as she made her amazing, agonizing recovery. They kept up with the updates from her family and the doctors. Then marveled at her courage to appear in court; face intrusive questioning about her personal life; and say that she wanted no part of a witch hunt. She surprised and inspired with her bravery, resilience and hope.

And in April 2003, she surprised the world again by revealing her identity in a memoir: *I Am the Central Park Jogger: A Story of Hope and Possibility*.

And the inspirational story of triumph at last became recognized as the story of Trish [sic.] Meili.

On her website, CentralParkJogger.com (<http://www.centralparkjogger.com>) she reaches out to people struggling through recovery from any number of problems, and has become an inspirational speaker.

The last thing she remembers from her old life, she has said, is cancelling a dinner date. Late in the afternoon of April 19, 1989, she spoke to a friend on the phone. He was calling to confirm their plans to have dinner, but she was too busy. A few hours later, sometime between 9:00 and 9:30 p.m., she went to run in Central Park.

She doesn’t remember running in the park that night, the rape, the extended stays in hospitals. By the time she fully regained consciousness people around the world knew far more about what had happened to her than she did.

Extracts of the book were published in the *Daily News*, and in an interview with Larry King she explained that she had wanted to remain anonymous for so many years because: “I want people to know me for me, not as the label of the Central Park Jogger, someone who has a head injury, and someone who’s been raped. And for a long time, that was very, very important to me,” she said.

“But over the last few years, I thought, you know what, I think it’s more important to get this message out there that yes we can come back, and that I’m an example, I think, of how much the love and support of others helps, and how much it makes a difference.”

Meili grew up in northern New Jersey and in Pittsburgh, Penn., and was an economics major, and a member of the Phi Beta Kappa society. She also took an MBA and an MA at Yale University before joining Salomon Brothers in 1986. She describes her two older brothers as “very, very protective” and told King in the same interview that because she couldn’t

remember the attack, or much of the time she spent in the hospital, that she was angrier at her attacker on her family's behalf than her own. "I was angry more at what whoever had done it put my family through, because they saw me at my absolute worst. They wondered, was I going to survive? Was I going to come out of the coma? In what state was I going to come out of the coma? And so they had to live with all that uncertainty."

Today, Meili, 52, lives in suburban Connecticut with her husband, Jim Schwartz. She bears a scar on her cheek, multiple scars on her head that are hidden by her hair, has balance and vision problems and lost her sense of smell.

She is an influential and powerful lecturer, speaking across the country about her recovery and personal growth, and she works with the Sexual Assault and Violence Intervention Program at Mount Sinai Hospital, Gaylord Hospital and the Achilles Track Club, which helped her run the New York City Marathon in 1995.

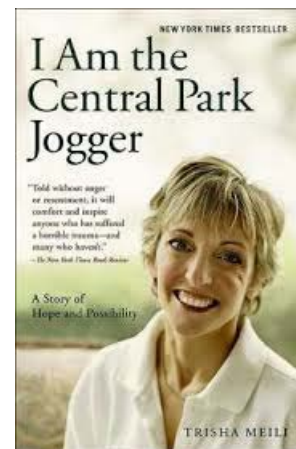
She was determined to testify at two trials of the original defendants, against the wishes of her family and doctors, who felt it would be unhealthy. She had a message to deliver to her alleged attackers, she said. "If you tried to put me down, you are not getting away with it."

Throughout her recovery Meili has returned to the park, and continues to run. "When I ran through Central Park in the 1995 marathon it was very symbolic."

The book was published shortly after the confession by Mattias [sic.] Reyes became public. That left her now knowing what to believe, she wrote. "In a way that makes me feel helpless, not as a victim, but as someone who wants to contribute to the truth. Part of my being at peace with the events of April 19, 1989, however, is accepting that I will never know."

Trisha Meili's story is not of an attack, but one of healing. The horror of her attack brought

an outpouring of support and love from her family, friends, healthcare workers, co-workers, and strangers.



Through her work, book, and lectures, she now reaches out to people struggling through recovery from any number of problems. She is unstinting.

She told the Daily News this week: "I continue to spread a message of resiliency, hope and possibility to groups both in the United States and internationally."

<http://www.nydailynews.com/services/central-park-jogger-article-1.1305746>

Central Park Revisited

Thirteen years ago, the Central Park jogger case gave callous new faces to New York's social breakdown and began to usher in the Giuliani era. Now a new confession has reopened old racial scars and raised questions about how police do their work.

By Chris Smith

He wiped her blood off his hands and went home. Left behind, in a shallow ravine near Central Park's 102nd Street transverse, was the brutalized body of a 28-year-old woman. Matias Reyes says he had raped and beaten her so viciously that he assumed she would die. The curly haired 17-year-old boy calmly strolled north, into the night.

Thirteen years later, Reyes returns to the scene of the crime. This time he is in handcuffs, after a six-hour drive from the cell in a state

prison near the Canadian border where he's serving 33-1/3 to life after pleading guilty, in 1991, to four rapes and the murder of a pregnant woman. For this visit to the 102nd Street transverse, on a spring day in 2002, Reyes is accompanied by investigators from the Manhattan district attorney's office. They want to test the claim that Reyes waited until this year to make: that on the night of April 19, 1989, he and he alone attacked the woman who became known around the world as the Central Park jogger.

His first appearance at this spot triggered events that nearly consumed the city. Now the return of Matias Reyes is roiling dozens of lives all over again.



Rape and murder suspect Matias Reyes is taken by detectives for booking. (Photo: *The Daily News*)

Five teenagers were convicted of the attack on the Central Park jogger, in two stormy trials. All pleaded not guilty and claimed that their videotaped confessions were concocted by the cops. Antron McCray, Kevin Richardson, Raymond Santana, Yusef Salaam, and Kharey Wise served sentences ranging from five to thirteen years. Wise got out of prison August 12—just months after the only DNA collected at the crime scene, which was never tied to any of the accused, was matched to Reyes.

In August, lawyers for the five petitioned to have the convictions dismissed, saying that new evidence—Reyes's confession and his DNA—had surfaced that could have substantially altered the original verdicts. The D.A.'s office has been reinvestigating the Central Park case for nine months—but on October 21, Robert

Morgenthau's office will be back in State Supreme Court asking for a 30-day extension. Reyes has now been linked to eight rapes in a seven-month period, including one in Central Park on April 17, two days before the infamous jogger attack.

No matter what Judge Charles Tejada ultimately decides, the case has already had multiple, dramatic consequences: most tragically for the jogger, who nearly died. After years of rehabilitation, she still suffers from impaired vision and sketchy balance. Her emotional trauma is unquantifiable. And five anguished families watched their sons disappear into prison. ...

Now the case returns, uncannily, as anxieties about crime, civil rights, and the economy revive—and as part of a revolution sweeping the criminal-justice system, courtesy of DNA testing and a new concern about false confessions. ...

Almost from the moment the jogger was found, the Central Park case has existed as a vehicle for clashing worldviews: that held by the older, white, traditional-family-structure New York and that of the newer, nonwhite, poorer, marginalized New York. The furious reaction to the arrests and the trials illustrated how stark that cultural divide had become. And though the current legal breakthrough in the jogger case comes from the advent of cold, scientific DNA testing, the war for perceptions remains trapped in opposing views of the police: faith or mistrust.

Mike Sheehan, 54, one of the key detectives in the Central Park case, comes out of the city's tradition of street-savvy Irish cops. Michael Warren, 58, the lawyer who is trying to vindicate McCray, Richardson, and Santana, comes out of the sixties tradition of black radicalism. Both men, and the camps they represent, are tenacious in defending their sense of emotional innocence. "All this stuff about coercion really pisses me off," Sheehan says. "Do you honestly think that we—detectives with more than twenty years in,

family men with pensions—would risk all of that so we could put words in the mouth of a 15-year-old kid? Absolutely not.”

“Oh, the police are lying,” Warren says. “Absolutely. I’ve spoken to the parents, I’ve spoken to our clients, and I’ve seen the effect on them when they begin to tell the story of what was done to them during the interrogations: They break down. So I don’t have any question as to their version of what took place.”

Unfortunately, for everyone else, the hardest thing to come by in this case has always been absolutes. ...

On Thursday, April 20, 1989, Linda Fairstein got a call. The head of the Manhattan D.A.’s Sex Crimes unit learned that her superior, Nancy Ryan, then the assistant district attorney for homicide cases, was taking control of the investigation with Ryan’s top aide, Peter Casolaro, because the jogger was thought likely to die. Fairstein went over Ryan’s head, to District Attorney Robert Morgenthau, arguing that the jogger was definitely the victim of a sex crime and if she lived would need a compassionate prosecutor. Fairstein won the turf skirmish. Soon, her best prosecutor, Elizabeth Lederer, was preparing to make videotapes. ...

As they confessed, the boys spoke in matter-of-fact cadences. McCray at times seemed embarrassed, Santana defiant, and all of them looked tired—videotaping began on April 21, after most of the suspects had been awake for nearly two days. But none appeared apologetic or upset.

As inflammatory as some of the videotaped statements were, a few off-camera quotes also incited fury. Police officials told reporters that the boys had coined a new term, *wilding*, to describe beating up random victims, and that while in a holding cell the suspects had laughed and sung the rap hit “Wild Thing.” Another law-enforcement leak had Salaam explaining why the boys had gone on their spree: “It was fun,” Salaam was said to have said.



Attorney Michael Warren

The tabloids and TV news were predictably sensationalistic. But a presumption of guilt infected coverage everywhere: “A 28-year-old investment banker, jogging through Central Park, was attacked by a group of teenagers. They kicked and beat her in the head with a pipe and raped her. The teenagers, who were from East Harlem, were quickly arrested.” That’s from the *Times*, and it appeared on May 29, a little more than one month after the five were indicted.

Beyond the initial shocking impact, the confessions grew in importance as forensic evidence failed to materialize. No blood or DNA tests tied the five to the jogger. Hairs found on Richardson’s clothes were said to be “consistent” with those of the jogger, but it was precious little residue considering that five people were accused of beating and raping a woman in a muddy ravine. ...

In the two trials, Lederer, the prosecutor, did a skillful job of weaving the jogger attack into the series of random acts of violence committed by packs of 30 to 40 youths that night. Yet that broader picture—which prosecution sources still emphasize is crucial to the guilt of the five in the jogger attack—has a large flaw. None of the seven other joggers and bicyclists who testified about other incidents was ever able to identify McCray, Richardson, Salaam, Santana, or Wise.

The majority of jurors, however, kept coming back to what they saw as a common-sense analysis: How could four of the five teens, with adult relatives by their sides, give richly

detailed statements incriminating themselves in a horrific act that they simply didn't commit? (Wise, 16, was unaccompanied; Salaam wasn't videotaped.) And the majority of jurors eventually won the debate—though not completely through the weight of logic. Tim Sullivan, who had extensive access to the Central Park jurors for his book *Unequal Verdicts*, quotes one juror as disregarding the legal instructions of trial judge Thomas Galligan. “There’s always that danger, that jurors will try to come up with something, because at some point they feel like prisoners,” says Sullivan, now a producer at Court TV. “If a jury is in there for ten or twelve days, as these were, people start looking for a way to get out.” ...



NYPD strategist Jack Maple

In [Detective Mike] Sheehan’s account of the Central Park interrogations, the police officers never raised their voices, let alone their fists. The detectives were so concerned with proper procedure, Sheehan says, that they moved the suspects from the 20th to the 24th Precinct so that they would be videotaped according to regulations, in a designated “youth room.” Coercion? Just the opposite, Sheehan says: When Santana spontaneously started describing the attack on the jogger, Sheehan says he told the boy to wait until Raymond Santana Sr. arrived.

Detective Tom McKenna was more active. The 21-year veteran falsely told Yusef Salaam

that fingerprints had been found on the jogger’s clothes. “Salaam looks at me and says, ‘I was there, but I didn’t rape her,’ “ McKenna recalls. “We are allowed, by law, to use guile and ruse, and we do. People only give things up when you tell ‘em you got ‘em. But to frame somebody and leave the right son-of-a-bitch out in the street? I’m irate anyone would infer that.”

Nor has Sheehan lost any sleep over the convictions. “I used to lie awake at night thinking about cases we had over the years: *I hope to God we have the right guy*,” he says. “That’s your biggest fear: You never want to put an innocent person in jail. Mother of God! I didn’t worry much on this one. Because they’re telling us where they were. *They* are telling *us*—the sequence may be off, but they’re essentially telling us the same stuff. They remember a guy they beat and took his food, they remember hitting this guy running around the reservoir. They went through all of these things, each kid. And they also tell you about the jogger. And they place people, so you have a mental picture of where they were around this woman’s body. And their parents are with them, not only in the interviews but in the videotape, for the record. That’s enough for me. I’m satisfied.” ...

Sheehan says he knew nothing of the Central Park DNA until the first trial, in June 1990. ...

In a perfect world, the D.A.’s office would have tested [Matias] Reyes’s and every other rapist’s DNA against that found on the Central Park jogger’s sock. But beyond the practical problems—no DNA data bank existed in 1989; detectives were plenty busy—such open-ended hunting would have gone against ingrained NYPD culture. Detectives consider a case closed when “good” arrests are made.

Indirectly, however, the mind-set that shaped the Central Park and Reyes investigations led to one of the crucial improvements in the nineties NYPD. When Bill Bratton arrived as police commissioner, he promoted an eccentric, brilliant transit detective named Jack Maple to become his

chief strategist. Maple became justly famous for Compstat, a system of mapping crimes—first with pushpins, then with computers. Maple got less publicity for an equally important change. He pushed for cops to question suspects for leads on any and all other crimes. Good cops already did this, but Maple made it a priority. Sheehan might never have gotten Reyes to implicate himself in the Central Park attack, even following Maple's principles. But he might not have been satisfied with tying Reyes to the Lourdes Gonzalez murder.

Changing police culture is very much on the minds of Peter Neufeld and Barry Scheck. Two weeks ago, Neufeld flew from New York to Billings, Montana, to welcome Jimmy Ray Bromgard back to freedom. In 1987, Bromgard was found guilty of raping an 8-year-old girl. In late September, Bromgard became the 111th wrongfully convicted person to be cleared by DNA testing, two thirds of them by Neufeld and Scheck.

"A guy in California just got out, and there will be two more guys next week in Savannah," Scheck says, staring into the distance and trying to do the math in his head. "And soon there will be five more in New York, right?"

Neufeld and Scheck launched the Innocence Project in 1992. Right now their mostly volunteer law-student staff is scrambling to file petitions on behalf of thousands of Florida inmates who've been granted a brief window of time for DNA reviews. The second chance came after a death-row inmate named Frank Lee Smith died awaiting a DNA test that would have cleared him.

But the Innocence Project's agenda is far broader than applying DNA testing to old cases. "Twenty-three percent of the post-conviction DNA exonerations involve false confessions or admissions," Scheck says over a glass of red wine in a bar around the corner from his prodigiously messy Greenwich Village office. "And that's just after conviction. There are thousands of cases where people have been exonerated by DNA after they were arrested

but before they were convicted. Many of those cases involve false confessions. The DNA work has pointed clearly and dramatically to this problem of false confessions."



Innocence Project founders Peter Neufeld and Barry Scheck

The Innocence Project's solution is to videotape all conversations between police and suspects who are in custody, and [Councilman] Bill Perkins has introduced a City Council bill. "It's a bad idea," a city prosecutor says. "There's so much give and take between detectives and suspects. The smart guys get them something to eat, they talk to them, they schmooze them. You'd be looking at videos that last for hours and hours." There is also the philosophical question of how much a general public that wants to see bad guys locked up is prepared to know about what happens in an interrogation.

Already, though, Scheck and Neufeld have helped make New York's courts more accurate than most. In 1994, they lobbied Governor Mario Cuomo to create a state Forensic Science Review Board that would certify and regulate all crime labs. Then they nudged the city to spend \$33 million to upgrade its crime lab in Queens. "Now New York leads the country in trying to run down cold cases with DNA," Scheck says.

During the first Central Park trial, Scheck advised defense lawyer Mickey Joseph, who represented Antron McCray. "The next time I heard about this case was in June, when I was called by a reporter for the *Times*, who told me that we, the Innocence Project, had received a letter from Matias Reyes," Scheck says. "Except that we hadn't. Oddly enough, he had written to Lynne Stewart and asked her to send the letter on to us." ...

“It would be a terrible shame if this whole reexamination did not result in doing something to prevent false confessions,” Scheck says. “The Central Park case has all the earmarks we’ve seen in our other cases of false confessions. And in all these cases, we find that the real assailant committed many crimes.”



Dolores Wise sings “We Shall Overcome” at a rally demanding her son Korey’s conviction be overturned, 2002

Reyes made at least one trip through Central Park between the night he raped the jogger and his return this spring. In August 1989, he was arrested in the lobby of a building at Lexington and East 91st. From there, detectives drove him to the office of the Sex Crimes unit, inside the 20th Precinct on West 82nd. The police car crossed through Central Park. Sitting in the backseat, looking out the windows at the park on both sides of him, did Reyes worry that the cops would link him to the jogger case? Or did he think, *They grabbed those other five suckers—at least I got away with one?* Did the notion flicker through his warped mind that maybe he should take credit for the jogger attack, too?

He might have spared a whole city—and perhaps five particular teenagers—years of

pain. But instead he kept his secret, because Matias Reyes had no conscience. What’s hardest to believe in this long and sad saga is that he’s grown one now.

http://nymag.com/nymetro/news/crimelaw/features/n_7836/index1.html

Exoneration: Its Costs

After serving the minimum sentence, parole may be granted to an inmate who has followed the rules and not gotten into trouble. While not an absolute requirement for parole, it is unlikely that an inmate will be granted parole without having admitted to or expressed remorse for the crime that sent him to prison. However, the Central Park five maintained their innocence.

Antron McCray, Kevin Richardson, Yusef Salaam, and Raymond Santana each served nearly seven years of their five-to-10-year sentences before their conditional releases.

Four of 'The Central Park Five' appeal for settlement in 10-year-old wrongful conviction in case of 1989 Central Park jogger rape

This article was originally published on www.NYDailyNews.com in 2013 and is now being presented as part of a section supported by PBS to coincide with the release of The Central Park Five, a documentary film, directed by Ken Burns, Sarah Burns, and David McMahon.

By Michael J. Feeney/*New York Daily News*
Monday, January 28, 2013, 1:30 AM

Four of the five men wrongfully convicted of raping a jogger in Central Park in 1989 appealed Sunday for a settlement in their 10-year-old suit against the city.

The four—Raymond Santana, Yusef Salaam, Kharey Wise, and Kevin Richardson—appeared at a screening attended by hundreds of people at Riverside Church of *The Central Park Five*, the movie that tells their story.

Salaam's children moved through the audience, collecting signatures on a letter to Mayor Bloomberg asking for his support for the men, who all served years in prison before a serial rapist confessed to the crime, and DNA evidence showed he was the attacker.

"Although you were not the mayor at the time, surely if you speak on the subject and

demand justice for these boys, it would make a difference," the letter said.

Santana, 38, said the civil case, next in court on Feb. 19, has been "moving at a snail's pace."

Roger Wareham, an attorney for three of the five, said the slow progress was "very frustrating, especially since the city has not even made an offer."

Each of the five is seeking \$50 million, but Wareham insists no amount of money can replace the years of their lives spent in prison.

"There's no financial amount that can compensate spending their teenage lives in jail," he said.

"I just want it to be over," Salaam, 38, told the *Daily News*, saying he hopes for an end to the case for the sake of the city and the five men.



Yusef Salaam, Kevin Richardson, Raymond Santana, and Korey Wise in 2012

"One of the things it does is it gives the city an opportunity to heal," he said. "And it gives us an opportunity to move on with our lives."

Sarah Burns, who made the movie along with her father, Ken Burns, said she is pleased the film is having an impact.

"We're reaching people," she told The News. "It's a story that moves people ... I'm glad that people are talking about it and hopefully we can prevent these things from happening again."

Wise, 40, said he was just glad their side of the story has finally been told. "The truth is out," he said.

<http://www.nydailynews.com/new-york/central-park-call-wrongful-rape-conviction-case-article-1.1249362>

Further information:

The Prisonworld Radio Hour discusses the Case of the #Central Park Five,
http://www.amsterdamnews.com/news/local/justice-quest-central-park-seek-reparations/article_7925b3ae-1ec0-11e2-aa10-0019bb2963f4.html?mode=image&photo=0

'Central Park Five' Documentary on New York Justice System Breakdown Pulls Filmmaker into Legal Battle

By Janell Ross

The documentary begins in New York's Central Park, with a large, hazy moon poking through a network of bare tree branches, followed by a sobering reminder of what happened there: On April 19, 1989, passersby discovered a jogger, beaten, raped and left for dead, in this section of the park.

The documentary goes on to recount what happened next: Five teenagers – all of them either black or Latino, and from Harlem—were convicted of the crime, sent to prison for nearly a decade or more and released, only to later see all of their convictions vacated in 2002. A serial rapist who happened to cross paths in prison with one of the wrongly convicted teens, confessed to the crime. His DNA matched evidence found in the park. No physical evidence was ever found conclusively linking the five teens to the rape and assault.

The jogger, a young, white, petite and Ivy League- educated investment banker, has never had any memory of the crime. Police and most of the city officials even remotely involved in the prosecution of the five teenagers declined to comment on the documentary. And one of the five young men falsely accused and imprisoned remains so shell-shocked and

concerned about the crime's stigma that he declined to appear on camera.

All of this is in play in Ken Burns' latest documentary, *The Central Park Five*, which he made with his daughter Sarah Burns and her husband, David McMahon. The film, which debuted publicly Nov. 23, allows Ken Burns, one of the country's best-known documentary filmmakers, to examine the ways in which race and anxieties around it can shape and sometimes disfigure our communities. Sarah Burns first wrote about the case while a senior at Yale in 2003 and then followed the story while working for a lawyer in New York before publishing a book, *The Central Park Five: A Chronicle of a City Wilding*, last year.

Meanwhile, the New York City government is actively fighting a \$250 million civil suit that the Central Park Five and their family members filed in 2003, accusing the city as well as the individual police officers and prosecutors who worked on the case of violating their civil rights. In September, the city also began waging a legal war with the filmmakers, asking a court to force Burns' company, Florentine Films, to turn over all notes and outtakes not included in the final documentary for city review, saying it could use the material to defend itself. Earlier this month, city lawyers filed additional documents claiming that Ken Burns and his colleagues are not journalists and therefore aren't entitled to invoke legal privileges to protect their work product.



Yusef Salaam being escorted into court

Lawyers for Florentine have moved to quash the city's subpoena on the grounds that

they do indeed consider themselves journalists, and that reporters in New York cannot be compelled to share their work product with government officials.

“This is the purest piece of journalism we’ve ever done in that all we do is lay out the facts, give these young men who have been so dehumanized a chance to tell their own story in their own words,” said Burns. “This film is a powerful, clear-eyed look at the facts that ultimately reveal the way that these boys—and they were young boys—were screwed.”

Some of the people involved with the arrests and prosecution of the Central Park Five continue to maintain they did nothing wrong or that the teenagers were, in fact, somehow connected to the crime. A New York Police Department-commissioned review, which was made public in 2003, asserted that the police officers involved did nothing wrong.

Sarah Burns said that she believes the methods the police used in the case weren’t, actually, out of the norm.

“The factors that contributed to a miscarriage of justice in this case aren’t part of an isolated incident where officers veered dramatically from established interrogation procedures,” she said. “This was, in most ways, by the book. So, the most frightening thing here is that I think it could very easily happen again.”

The Huffington Post attempted to contact the prosecutors, and police at the center of the Central Park Five convictions. Most did not respond to requests for comment or declined interview requests pointing to the ongoing civil suit. The New York Police Department did not respond to a request for information about the status of the detectives involved in the investigation or interrogations at the center of the case and the vacated convictions.

Linda Fairstein, head of the sex crimes unit in the district attorney’s office during the case, left in 2002 to write crime novels that feature a female prosecutor as the heroine. Elizabeth Lederer, the prosecutor who handled the

Central Park jogger trials, today leads a unit in the district attorney’s office that investigates labor corruption, and teaches at Columbia University’s Law School. Detective Mike Sheehan, one of the officers involved in securing the teenagers’ confessions, left the police force in 1993 to become a crime reporter for New York television stations. After hitting a police horse and getting fired from his last job, Sheehan began writing and consulting on an NBC crime drama. None of the three responded to requests for comment.

The woman raped and beaten in the attack did not respond to a request for comment left at her home. And three of the Central Park Five—Antron McCray, Kevin Richardson, and Korey Wise—also could not be reached for comment.



Sharonne Salaam after exoneration

“What happened in this case, it sounds like the plot of a movie or some really, really horrible dream,” said Yusef Salaam, one of the five wrongfully convicted teens who are all now approaching middle age. “Only for us, this was a living, waking nightmare where the people who persecuted and hounded us, then built their careers and, in some cases, made their fortunes off this case, are still insisting they didn’t do a single thing wrong. So, the average person still believes that we somehow got out on a technicality.”

‘Savages and beasts’

Ken Burns’ camera has typically glided back generations in time, giving life to historical black and white photos, and the diary entries, letters and voices of the deceased. In *The Central Park*

Five, that camera sweeps viewers back just 23 years to the multi-colored tableau of a graffiti-bathed New York in 1989.

New York had put its flirtation with bankruptcy behind it, but remained vexed by curtailed city spending, crack cocaine, street crime and poverty. At the same time, neighborhoods gripped by those ills sat within blocks of others where professionals, financiers, dreamers, artists and business owners were charting new pathways to wealth and building mega-fortunes.

During the 1980s, a series of racially motivated crimes—black men beaten, shot or chased to their deaths by white mobs, as well as mayhem in Central Park led by a group of mostly black teens after a Diana Ross concert — also made plain that New York was still plagued by the kind of racial tensions and fears that ultimately became deeply entwined in the Central Park jogger case.

“There is a notion that a criminal gene of some sort rests in the black body and that it is only awaiting a chance to commit heinous crimes,” said Roger Wareham, a lawyer who defended three of the Central Park Five in the 2002 case that helped overturn their convictions, and is representing three of the men in the group’s ongoing civil suit. “That belief or presumption runs through the entire system. It’s the notion that undergirds policies like Stop and Frisk today.”



Teenage Yusef Salaam

In April 1989, construction workers walking through the park after a night of drinking discovered the woman who would become known as “The Central Park Jogger” in the park around 1:30 a.m. Police had already detained some of the five teens who would ultimately be convicted of the crime. The police had also rounded up others believed to have been in the park when another jogger, a man, reported that a group of teens beat him in one section of the park. A couple riding a tandem bike reported a group of teenagers harassed them in another. In still another section, teens beat a homeless man and stole his food.

The Central Park Five maintain that while they saw those crimes and others like them in the park that night, they were in no way involved.

“What they did, as I understand it now, having watched “Law & Order,” having watched “CSI,” was basically a dragnet,” said Salaam, 38, of how the police corralled young suspects in Harlem. In 1989, Salaam attended a private school and was the only one of the five who didn’t have the day off from classes.

“By the time I got home from school the next day, the police had basically gone through and scooped up most of the young people who lived in the neighborhood. Somehow my name was on their list.”

Salaam, then 15, and a friend who happened to be with him, Wise, were brought to the police precinct. The police officer who took them in told the boys that Wise’s name was not on the list but encouraged Wise to come down and keep his “buddy,” company. Wise wound up spending more time than any of the others—nearly 12 years—in prison.

Within days, reporters picked up police language and coined new phrases for the group of teenagers—25 or more—who entered the park in a loose group the night of the jogger’s attack. The group became “a wolfpack,” and the criminal harassment and assaults that some engaged in, “wilding”—a term none of the

teens arrested in the Central Park Jogger case say they had ever heard.

“It was the kind of language usually reserved for animals,” Sarah Burns said. “They are called savages and beasts, and terms like wilding and packs were thrown around in almost every story. It was the language used to describe the Scottsboro Boys, only this was happening right here in New York City in 1989.”

The Scottsboro Boys were nine black teens accused of raping a white woman in Alabama in 1931. After a series of trials and Supreme Court appeals each of the teens was sentenced to death, or lengthy-to-lifelong prison terms. The case also led to a Supreme Court ruling that held the systemic exclusion of blacks from jury pools was unconstitutional.

Salaam, and Raymond Santana, another of the Central Park Five, said that in the rush to determine who had raped and assaulted a white woman in 1989, New York police and other investigators ignored real evidence.

Prosecutors knew before the trials began that DNA evidence recovered in the case did not match any of the five teens, according to a court document filed by the district attorney’s office as part of a motion to overturn the convictions. This fact came up during the Central Park Five’s trials. During the time between the Central Park rape and his arrest in 1990, Matias Reyes, the man whose confession and DNA ultimately linked him to the Central Park rape, attacked four more women and killed one of them.

In a series of interviews both Salaam and Santana said they and other members of the group convicted in the Central Park case were repeatedly questioned by a number of detectives. Both men say they were told they could go home if they simply implicated others, admitted to peripheral involvement in the crime, or said they were close enough to clearly see others commit the crime. Some were told that evidence was found at the scene connecting them to the jogger attack.

“They kept saying ‘come on, come on, I need you to help me out,’” said Santana, who is now 38 and works for a union pension fund, but was only 14 when he was hauled into the police station. “‘I know that you are a good kid and I want to be able to send you home.’”

None of the boys or their parents had ever been in trouble with the law. Under police pressure, four of the boys admitted to roles in the crime and implicated others. After hours of interrogation and signing written statements, three of the boys’ parents appear in the documentary, ashen, exhausted and almost still as the teens confess on tape to touching the jogger’s breasts, holding her arms or legs, watching others rape her, or doing so themselves.

“We all lied because that’s what they told us to do,” said Santana in a recent interview. “We all lied.”



Raymond Santana

Police say Salaam made a verbal confession. But he did not sign a statement or make a confession on video tape. The primary reason: His mother insisted that police let her take her son home after several hours of interrogation, Salaam said.

“It was as if there was no way we could possibly be innocent and no way we were getting out of there alive without admitting to something,” said Salaam, who today works as a wireless communications administrator.

Salaam was 15 when he was arrested. “I could hear Korey Wise screaming in another room. I wasn’t sure what they were doing to him. But I remember thinking OK, these men

might really take me somewhere in this precinct and kill me.”

Police have denied that any of the teens were physically abused during their interrogations.

Saul Kassin, a social psychologist at John Jay College of Criminal Justice and Williams College who appears in the film, said the notion that people cannot be compelled to implicate themselves in a crime they did not commit is pervasive—and erroneous.

Police push hard for confessions because when cases reach juries, confessions often trump DNA evidence, eyewitness testimony and every other possible proof of innocence, Kassin said. Kassin has studied juries, case outcomes and the effect of defendant statements for more than 30 years.

“What can be more convincing than people acting against their own self interest? We expect criminals to resist confession,” Kassin said, “and we certainly don’t expect innocent people to confess to a crime. But the fact is we know it happens. We know how it happens. We even know to whom it is more likely to happen. But, what we don’t know is how often it happens.”

Law enforcement officers know that psychologically, the more stressed that human beings become, the more they focus on short-term needs and grow increasingly incapable of contemplating long-term consequences, Kassin said.

Young suspects, those with any sort of developmental or mental disability and people under extreme stress are most likely to be compelled to confess to crimes, even sometimes, crimes they did not commit, Kassin said.

The Innocence Project, a national litigation and public policy advocacy organization that only takes cases in which DNA evidence exists that may affirm or overturn a conviction, found that in 25 percent of the cases in which it has

been able to overturn a conviction, defendants made a false or coerced confession.

The average confession typically takes 30 minutes to four hours to secure, Kassin said. The majority of known false confessions follow interrogations that stretched, 12 to 14 hours or more. New York police interrogated the Central Park Five for 14 to 30 hours, according to court documents filed by the men’s lawyers.



Today in New York, police procedures have not changed. Officers can lie to suspects about evidence during interrogations. And, suspects are not videotaped from the time that interrogations begin. Only confessions, the end result, are taped.

“That, to me, is the one thing that everybody ought to be able to agree needs to change,” said Santana. “If they put suspects on tape, the minute they put you in that chair. If everything that everybody in that room said were recorded from the jump, then everybody would see what really happens in some of those interrogations. And some things, the things that happened to me, they just wouldn’t happen.”

In the film, former New York City Mayor David Dinkins, who served during the 1990s after the Central Park jogger trial, reads from a statement issued by the district attorney’s office examining the convictions, confessions and prosecutions after Reyes confessed to the crimes.

“The accounts given by the five defendants differed from one another on the specific details of virtually every major aspect of the crime. Who initiated the attack. Who knocked the victim down. Who undressed her. Who struck her. Who held her. Who raped her. What

weapons were used ... Some of what they said was simply contrary to established fact. Now, this is a damn shame,” Dinkins, the city’s only black mayor, said.

The shame that hangs around the Central Park jogger case enveloped several lives and the documentary leaves few involved blameless.

McCray, the only one of the wrongfully convicted teens who does not appear on camera in the film, recounts in a voiceover the fact that his father—a man who coached his little league games, and did not stop his son from making a false confession—left the family during the trial. McCray’s father apologized while he was in prison and reunited with McCray’s mother. Years later, when McCray’s father died, the two men were hardly speaking.



Antron McCray

Salaam recalls seeing his lawyer, a friend of his mother’s, asleep during his trial. Wise talks about being astounded by the contents of his own confession when played in court and the grilling he endured on the stand. And, he talks about the fact that his father drank himself to death while Wise was in prison.

Santana realized mid-trial that his own lawyer believed that he and the others had committed the crime. And a juror, who was unconvinced by the evidence, admits in the film that under pressure he voted guilty, “just to get out of there.”

“At the time in New York there was this sense that black and Latino young men in this

city were the source of problems, and that the city was out of control,” said Sarah Burns. “So this story fit the pattern. The only problem is that the whole case was built on lies. And in the ultimate irony, we would not know any of this if it weren’t for Matias Reyes, a serial rapist who is very likely a sociopath. He crossed paths with Korey Wise in prison and was disturbed by the pain in Korey’s eyes.”

In 2003, when the commission tapped by the police to review the case issued its report, the three-member panel dismissed the idea that the teenage suspects’ confessions were coerced, doubted Reyes’ claim that he acted alone and posited a third theory of the crime. The teens, the report suggested, may have “mauled” the jogger in a sexual way, the report said—after which Reyes, either with the teens or after them, likely perpetrated a more brutal attack and rape.

Some of the lawyers on the commission had deep and longstanding ties to the department. One had worked as a New York police officer. Another had been a city prosecutor—the first to ever indict a police officer for murder after an on-duty shooting—and served on another commission that investigated police corruption in the 1970s that went on to initiate officer indictments. The third was the police department’s deputy commissioner for legal matters.

Only Michael Armstrong, the former prosecutor and the commission’s head, could be reached for comment. He described the group’s work as [an] honest attempt to understand first, if the police did anything wrong and second, whether Reyes was guilty. Armstrong saw the documentary last week.

“It’s more nuanced, there’s just more to it than Ken Burns would have you think,” said Armstrong, who was interviewed by the filmmakers but not included in the documentary. “Burns wanted to take his daughter’s thesis and turn it into a crusade and he has produced something that in my opinion takes one side.”

New York police and prosecutors declined to participate in the documentary due to the ongoing civil suit.

Reyes, who is serving a life sentence in a New York prison, also declined to appear on camera. A recording of one of his statements about the Central Park rape offers a chilling set of details about the crime. He was never charged in the case because by the time he confessed, he was already serving a life sentence for the rape of three women, and the rape and murder of a fourth. But the district attorney's office and the three-person commission agreed Reyes was involved because his DNA was found inside the victim and on her clothing.

New York is one of 25 states that provide compensation, via a set formula, to wrongfully convicted individuals who can prove that they were not convicted because of their own actions or due to an honest mistake.

But the Central Park Five have sued New York in federal court, not state court. If they prevail, they could win a large payout and compel changes in police or prosecutor policies, said Wareham, a lawyer defending some of the men in the suit.

"Spending their teenage years in prison, it changed the whole arc of these men's lives," he said.

Adele Bernhard, a professor at Pace University Law School, runs the Criminal Justice Post Conviction Project. The project takes on cases where there is little-to-no DNA evidence to support the claim that a defendant has been wrongfully convicted.

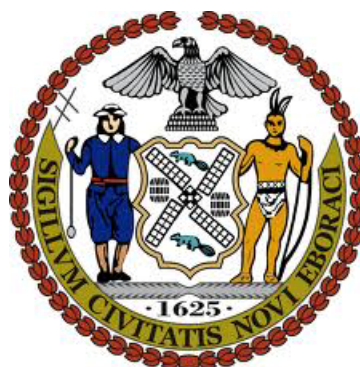
"The city is still fighting because it represents the police," said Bernhard of the Central Park Five's suit. "The police are unwilling to concede that the confessions were illegitimate so therefore they cannot concede that the men are innocent."

The justice system is, of course, vulnerable to human error. Sometimes witnesses, police and prosecutors with good intentions—calming

a frightened city's fears by quickly solving a crime, making a community safer or just bringing some measure of justice to a victim—and those without them blame the wrong person for a crime, Bernhard said.

The Central Park Five will have to show that what happened to them was not simply a mistake, she said. Bernhard thinks they have a solid case.

"I think we are at a point where everyone can see and the evidence shows that [the police] coerced these confessions out of these kids," she said. "They gave them details to make their confessions more convincing, even if they didn't realize they were doing that. And, that's what caused them to spend all those years in jail. Those are the logical conclusions here. That's what a jury is likely to see."



Seal of the City of New York

In the latest chapter of the long-running civil suit, the city scaled back its request for information from the documentary makers, saying New York City needs interviews with the Central Park Five and their family members that don't appear in the film in order to mount a full defense. The information it needs isn't available anywhere else, according to the city.

In documents filed with a federal court this month, city lawyers said New York has a right to the footage because the filmmakers have advocated for the Central Park Five, essentially aligning with the men. While in college, Sarah Burns worked as an intern for one of the lawyers representing some of the Central Park Five in the civil suit. And, in a 2009 letter to New York Mayor Michael Bloomberg, Ken Burns

encouraged the mayor to resolve the case, according to court documents filed by the city.

Burns said he sent the letter after running into Bloomberg at an event and telling him about the film. The mayor asked him to send a note, Burns said. Sarah Burns had long stopped working for the lawyer when she began work on the film and that lawyer had no influence in what appeared in the documentary, the Burns' lawyers wrote in court documents. They contend that they are documentarians who arrived at a point of view—that a grave injustice has been done, remains unresolved and could easily repeat itself in New York and in many parts of the country—after reporting on and examining a complex story. That is no different, they say, than the work that columnists produce for *The New York Times* or the mayor's namesake, Bloomberg News.

"What's happening to us, what the city is trying to do is ultimately a sideshow, the least of some very egregious injustices in this 23-year saga," said Ken Burns. "But I see it as a cynical attempt to delay something that is bigger than all of us—the march toward justice."

CLARIFICATION: Language has been amended to reflect more accurately the Supreme Court decision that ruled the systematic exclusion of black citizens from jury pools to be unconstitutional.

http://www.huffingtonpost.com/2012/12/16/central-park-five-documentary-justice-breakdown_n_2308107.html

City loses lame effort to get Ken Burns material on Central Park jogger case

New York Daily News Editorial

Published: Thursday, February 21, 2013

With full, peeved justification, a federal magistrate judge smacked city lawyers for playing fast and loose with the facts as they tried to force filmmaker Ken Burns to turn over outtakes from a documentary on the Central Park Jogger case.

Magistrate Judge Ronald Ellis also neatly barred the city from subpoenaing Burns'

footage under well-established doctrines that protect the press from having to surrender material that was never published or broadcast, except under limited circumstances. None of which applied here.



Filmmakers David McMahon, Sarah Burns, and Ken Burns

Burns, his daughter Sarah Burns and her husband, David McMahon, produced *The Central Park Five*, a film that searingly tells the story of the arrests and convictions of five young black men in the rape of Trisha Meili, a runner who was brutally assaulted in 1989.

Antron McCray, Kevin Richardson, Yusef Salaam, Kharey Wise, and Raymond Santana served prison sentences varying from six to 13 years before another man confessed to the crime and was implicated by DNA evidence. The five have since waged a decade-long lawsuit, alleging that cops and prosecutors violated their civil rights.

City lawyers sought to inspect Burns' outtakes in hope of finding evidence with which to impeach the plaintiffs. They argued, in part, that Burns was not entitled to the protection afforded journalists because, they charged, he was in league with the five and their lawyers.

As evidence, city attorneys told the judge Burns had represented "that the purpose of the film was 'first and foremost ... the settlement of the civil suit.'" Too bad for them, Ellis checked what Burns had said between the dots and discovered that the lawyers had distorted the meaning of the documentarian's statement.

"The manipulation of the quote in this manner is troubling," Ellis wrote, adding that the city "cannot bolster a weak argument by omitting language which undermines that argument."

Now that Ellis had disposed of this sideshow, Manhattan Federal Judge Deborah Batts, who has responsibility for the case, must push it to a resolution after 10 unconscionable years in court.

<http://www.nydailynews.com/opinion/playing-fast-loose-slow-article-1.1269291>

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"Analysis of Confessions in '89 NYC Rape,"

<http://abcnews.go.com/Primetime/story?id=132077&page=1#.UXsxWKK87-Z>

"The Central Park five, again," editorial,

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"Controller John Liu urges mayor to settle lawsuit against the 'Central Park Five,'" by Joe Stepansky and Ben Chapman,

<http://www.nydailynews.com/new-york/liu-settle-central-park-lawsuit-article-1.1233437>

"After Botching Central Park Five Case, City Goes After Filmmakers Who Told the Tale," by Kevin Baker, <http://observer.com/2012/10/after-botching-central-park-five-case-city-goes-after-filmmakers-who-told-the-tale/>

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The View—Kharey Wise & Raymond Santana (11-20-12),

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"'It's as if we were born guilty': the Central Park Five," interviewer Trymaine Lee,

<http://tv.msnbc.com/2012/12/13/its-as-if-we-were-born-guilty-the-central-park-five/>

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"Central Park 5 civil suit: Justice still denied," by Dolores Cox,

<http://www.workers.org/2013/02/28/central-park-5-civil-suit-justice-still-denied/>

"New York demands documentary footage on Central Park Five case," by Chris Boyette,

<http://www.cnn.com/2012/10/05/justice/new-york-central-park-5/index.html>

"'Central Park Five' Documentary on New York Justice System Breakdown Pulls Filmmaker into Legal Battle," by Janell Ross,

http://www.huffingtonpost.com/2012/12/16/central-park-five-documentary-justice-breakdown_n_2308107.html

"Controversial documentary 'The Central Park Five' plays at Chicago film festival as lawyers demand filmmaker Ken Burns turn over footage so city can defend itself in \$250M federal lawsuit," by Michael Lipkin and Douglas Feiden,

<http://www.nydailynews.com/new-york/new-film-stirs-central-park-rape-case-article-1.1183532>

"The Rape of Lady Justice: Patrician DA and the Central Park Jogger Case," by Nicholas Stix,

<http://www.freerepublic.com/focus/news/808118/posts>



Central Park Five reunited in 2012: Antron McCray, Raymond Santana, Kevin Richardson, Yusef Salaam, and Korey Wise

Questions for Research and Discussion

On January 8, 2003, *The New York Times* reported:

“A panel commissioned by the New York City Police Department concluded yesterday that there was no misconduct in the 1989 investigation of the Central Park jogger case, and said that five Harlem men whose convictions were thrown out by a judge last month had ‘most likely’ participated in the beating and rape of the jogger. ...

“Compiled by two prominent New York lawyers, Michael F. Armstrong and Jules A. Martin, and by Stephen L. Hammerman, deputy police commissioner for legal affairs, the report also constituted the Police Department’s counterpoint to a motion last month by the Manhattan district attorney, Robert M. Morgenthau, that recommended dismissal of the convictions of the five men, whose graphic but unsupported confessions had sent them to prison.

“But the report by the police panel ... insisted there was no new evidence beyond [Matias] Reyes’s claims, said that the videotaped and written confessions had not been coerced or fed to the suspects by investigators, and that timelines constructed to show that the defendants were elsewhere were unreliable. It said the ‘most likely scenario’ was that the youths and Mr. Reyes had attacked the jogger, either simultaneously or consecutively. ...

“‘We conclude that there was no misconduct on the part of the New York City Police Department in the arrests and interrogations of the defendants,’ the panel declared. It said investigators followed rules requiring parents or other relatives to sit in on interviews, adding that Mr. Morgenthau and the original trial judge, Thomas B. Galligan, concurred that there was no evidence that the confessions had been coerced or obtained through trickery, deception or threats of physical force.”

Since the time of this report, the Central Park Five filed a federal lawsuit against the City of New York, the District Attorney’s Office, and the NYPD for malicious prosecution. The case has been open for 10 years, and there is no resolution in sight. And although the men have been exonerated, they have not received any kind of apology from the police or District Attorney’s office.

The prosecutors and detectives who worked on the Central Park jogger case are unwilling to admit that the Central Park Five were coerced into making confessions and were innocent of the crimes for which they were convicted and incarcerated. Others, including former Mayor Ed Koch and Celeste Koeleveld of the New York City Law Department, hold to variations on the theme that, no matter if the teenagers were truly guilty or not, New York City and the defendants in the civil suit filed by the Central Park Five should not be held liable for convictions that were based on inconsistent and allegedly prompted statements made by the youths. They all contend that the interrogations and prosecution were performed in good faith.

New York City Councilman Charles Barron believes that the city, NYPD, and DA’s office do not want to settle the lawsuit, because it would create an embarrassment by exposing the abuses of the criminal justice system. This would force the city to address the police practice of coercion. He goes further by asserting that race is central to these and many other convictions and executions—sanctioned or not. He states the defendants will not settle because, “It is the attack on black men, the attack on black people, the continuing criminalizing of black people even when they are innocent.”

Councilman Barron sees the Central Park Five case as instructional, because it reveals the psychological damage suffered by black people: Prison is the modern form of slavery. He says, “The Thirteenth Amendment abolished slavery except for [imprisonment for] a crime. We were brought here for our

labor and they still want our labor. We went from the plantation to the penitentiary. The prison industrial complex is the new plantation. That's why these men were arrested. That's why the city doesn't want to own up to that. This is why the Central Park jogger case is the critical case of the twentieth century."

1. The Central Park Five were exonerated because of the DNA evidence that pointed solely to Matias Reyes. Yet the panel investigating possible misconduct by the NYPD and the prosecutors from the District Attorney's office determined there was no wrongdoing on their part. How can both of these decisions be valid? How do you think the panel concluded that, even though DNA evidence shows the contrary, the "most likely scenario" is that the Central Park Five committed the assault and beating on the Central Park jogger either "simultaneously" or "consecutively"?
2. Based on the above information, the material in this study guide, and what you learned from watching *The Central Park Five*, discuss the possible motivations (other than monetary) for an unwillingness to admit possible wrongdoing— or even mistakes—on the parts of the investigators and prosecutors.
3. What do you think about Councilman Barron's theory about prison's being the modern form of enslavement of black men? Look up current statistics on incarceration in California prisons by race. Do your findings support Barron's correlation between imprisonment and slavery or not? What factors other than race might contribute to Barron's assertion?
4. Although the youngest four of the Central Park Five served their time at a juvenile facility, they were tried as adults. That they were being treated as adults was the justification for publicizing their names, even immediately after their arrests. And it is noted in Korey Wise's biographical notes (from the film's website) that he is partially deaf, has a lower-than-average IQ, and may be developmentally disabled. Yet he not only was tried as an adult, he was imprisoned with adults.

Consider boys of 14, 15, and 16 that you know (or yourself, if you are that age) and look objectively at their levels of maturity. If faced with a situation similar to the Central Park Five's roundup, accusations, and interrogation by the police—especially for the length of time they were held—how do you think a teenage boy in 2013 would hold up? Are teenagers mature enough to undergo an experience like theirs and understand the consequences of their words, both for the short term and long term? How so or how not?

5. Have you, your family, or your friends traveled to New York City and seen parts of the city referred to in the film? These areas would include Central Park, Harlem, and the Upper East Side. Did these areas (or any other areas of the city) resemble the descriptions of New York in 1989, particularly regarding the dangers of mugging or personal harm recounted in the film? How so or how not?

Read "The Climate: New York in 1989," which starts on page 11 in this study guide. Are the day-to-day hardships and perils described by New York residents of that period recognizable for you? How so or how not? Do you feel that the late 1980s in New York were a time with more or fewer social ills than you experience in your life? Explain your reasons.

6. It has become standard practice to withhold the name of a rape victim out of sensitivity to the victim and her/his family. However, while most of the media in New York referred only to the “Central Park jogger,” two black newspapers gave her name. The reasoning was that the media reported the Central Park Five’s names and addresses (or neighborhoods), and since they were children *and* had been accused of but not convicted of a crime, no sensitivity or concern for their privacy was shown.

What do you think about the tension between the public’s right to know information and a victim’s—and an alleged criminal’s—right to privacy? Is there a double standard? If you know of examples of media protection or revelation about identities and personal information, offer these up for discussion. Weigh the pros and cons of each position. Are there hard and fast answers to resolve this dilemma, and if so, what are they?

Black Nation Stand N’ Fight Racism Self-Determination for the Central Park 5



23 Years of Racist Injustice Must End...

All Out... Next Court Hearing & Rally

Tuesday, February 19, 2013 @ 2PM

Federal Court, 500 Pearl Street, 26th Floor

**CP5 GOT TO GET PAID!
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December 12th Movement & Freedom Party Call (718) 398-1766 for Info