



## The Big Lie in the Central Park Jogger Case

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### It's Time For Justice To Be Paid

Three weeks ago, in mid March, the young men who were defendants in the Central Park Jogger case became potential plaintiffs by filing a Notice of Claim in federal court of their intent to sue the city of New York, the New York Police Department, individual police officers and the Manhattan District Attorney's office. The former defendants are claiming, among other things, a denial of their civil rights by the city for, as you probably know by now, their wrongful arrest, convictions and incarceration. They are seeking millions in damages, as they should, from the City for the terrible injustice done to them. In response to their Notice of Claim and intent to sue, the City of New York has publicly vowed to fight the lawsuit and to prove once again that they were involved in the rape, assault and attempted murder of the Jogger along with confessed rapist, Matias Reyes.

This, despite Manhattan District Attorney Robert Morgenthau's admission of a miscarriage of justice and a court ruling vacating their wrongful convictions on December 19, 2002 for good and sufficient cause, supports the DA's judgment. If the city of New York makes good on its promise to fight the lawsuit, it will be perpetuating a fictional account of what happened on the night of April 19, 1989, as advanced by the police and former prosecutor Linda Fairstein.

### A Little History Is In Order

On the night of April 19, 1989, New York City police rounded up more than thirty Black and Hispanic teenagers whom they suspected had been part of a park rampage they called "wilding" and were involved in the vicious rape, assault and near murder of a white 28 year old banker – forever to be known as the **Central Park Jogger**. The Jogger was near death when police found her in a puddle of mud and blood, and was in a coma for twelve days. She did not remember the attack when she regained consciousness.

Five black and Hispanic teens, ranging from age 14 to 17 years old, were eventually isolated and identified as the attackers. By now their names be familiar: **Kharey Wise, Kevin Richardson, Antron McCray, Yusef Salaam and Raymond Santana**. Their names have been seared into our consciousness. They have become known as the **Central Park Jogger Five**. The teens, under relentless pressure from the New York Police Department and Assistant DA Linda Fairstein of the Manhattan District Attorney's Office, eventually "confessed" to the attack. We were told that their confessions were not coerced and that there was DNA evidence linking them to the crime. **We were told lies**. Unfortunately, the young men were eventually tried and convicted in 1990 and 1991 amidst a lynch mob mentality by the press, politicians and prominent citizens in the city such as real estate mogul Donald Trump. Trump even took out a full-page ad in all of the New York newspapers at a cost of \$85,000 calling for the restoration of the death penalty. *"They should be forced to suffer . . . I want them to be afraid"*, suggested Trump in the ad. Politicians, like then Mayor Ed Koch, called for a national movement for more draconian laws against predator juveniles and for the treatment of juveniles, as young as 11 years old, as adults in the criminal justice system.

### Scottsboro Boys Revisited Up North

What happened on the night of April 19, 1989 in New York City reverberated all across the country and affected black and brown communities, and their children. We, as a community, had our doubts about their guilt and the evidence used to gain their convictions. "Something", we kept saying, "was not quite right with their arrest, confessions and convictions". We were powerless to do anything about it since our system of justice had found them guilty of the crime. The dilemma of the Central Park Jogger defendants was reminiscent of the *Scottsboro Boys* case in 1931. The *Scottsboro Boys* case involved nine young black boys who were accused of having raped two white girls while on a freight train heading to Huntsville, Alabama. The

same basic elements were present: Young black boys ranging in age from 13 to 19, their wrongful arrest, coerced confessions, introduction of false evidence, no forensic evidence linking the Boys to the alleged crime, wholesale lying by the police and prosecutor, and an abrogation of judicial authority to ferret out the truth which led to their convictions. All but one of the Scottsboro Boys was sentenced to death. Later the two white girls confessed to having made up the story of the assault and rape by the young men. Like the Central Park Jogger case, the Scottsboro Boys case stirred emotions around the country because of the apparent injustice of the convictions at the time.

### **In Time, The Truth Will Come Out**

At the time of his sentencing in 1991, Yusef Salaam, told the judge that he was not guilty of the crime charged and that "I look upon this legal lynching as a test by my God, Allah . . . Sooner or later the truth will come out." All the Central Park Jogger defendants served prison sentences ranging from 6 to 10 years. Well, the truth finally came out last year and the case was reopened after 31-year-old convicted murderer and serial rapist, Matias Reyes, told State and defense investigators that he alone had attacked and raped the Central Park Jogger. Subsequent DNA analysis of evidence found at the crime scene confirmed Reyes' confession and, subsequently, the innocence of the Central Park Jogger defendants.

You may also know the end story on this case: This past December Manhattan DA Robert Morgenthau showed courage and conviction by admitting that the convictions of these young men was a horrible mistake and miscarriage of justice. He moved to set them free and vacate their convictions, to the outrage of law enforcement. The police were still pointing a finger at these young men as having been involved in the rape and assault of the Jogger either before or after Reyes committed his attack on her. The net effect of what Morgenthau did in agreeing to vacate the wrongful convictions of the defendants is to say, without saying it, that all the supposed evidence in the case, the confessions, the DNA evidence and the statements of his prosecutors at the time, were tainted and based on lies perpetrated by some of his staff and the police. Likewise, Morgenthau's tacit admission speaks volumes about the judge who presided at the trial and his failure to ferret out the truth.

### **Twisting The Truth To Support The Lie**

Our system of civil and criminal justice, for the most part, is a search for the truth. The system depends on all participants, the litigants, the lawyers and the judges, telling the truth and aggressively ferreting out the truth, especially in criminal proceedings where the truth is oftentimes murky and elusive. If any one of the participants in our system of justice corrupts the search for the truth, injustice is the byproduct of that corruption. The case of the Central Park Jogger Five is a good example of how our system of justice failed these young men, allowed them to be arrested, convicted and incarcerated for a crime they did not commit. The truth of the matter is that all participants in this miscarriage of justice, the prosecutors, the police and the judge, knew these young men were not guilty of the crime. The five accused, and our community, were and are the victims of a **BIG LIE**.

On Sunday April 6, 2003, the NBC television network aired an exclusive interview of the Central Park Jogger by The Today Show's Katie Couric, and a *retrospective* on what happened to the victim on the night of April 19, 1989. The Jogger, now publicly identified as Patricia Meili, revealed the heartache and pain she suffered at the time of the brutal attack and rape. She does not remember what happened to her on that horrible night but her so-called *friends* - Chief Prosecutor at the time Linda Fairstein, the cops and detectives who arrested and coerced confessions from the five young men - apparently have long memories. These *friends* of the Jogger want to continue to twist the truth again and point the finger of guilt at these five young men. They want you to believe it, too. These so-called friends of the Jogger also want some measure of vindication and exoneration from the inferences that can and have been drawn about their conduct in the arrest and prosecution of these Central Park Jogger defendants leading to the overturning of their convictions on December 19, 2002 by New York Supreme Court Justice Charles Tajeda. That was the subtext of the NBC special. The so-called friends want to perpetuate the **BIG LIE** once again.

### **Dividing Us Along Racial Lines To Keep The Lie Alive**

City's vow to fight and implicate these young men again in the Jogger attack and rape, after having served time for that miscarriage of justice, is an insult to them and their families. It is also an affront to all of us who were indirectly victims of this miscarriage of justice with the passage of draconian juvenile laws designed to punish and prosecute our children, as young as 11 years old, as adults in order to stop the spread of so-called "wilding" in our urban communities. In its defense against the civil lawsuit, the City should not create a fictional account of what happened in Central Park on that spring evening in 1989. To do so would fly in the face of the evidence developed by the Manhattan DA and the assessment of Judge Tajeda who vacated their convictions on December 19, 2002. Such a defense is a disservice to all of us and continues to divide us along racial lines and polarize our communities.

**Time For Justice To Be Paid**

Now it is time to stop playing legal games with the lives of these young men. They were wrongfully convicted of a crime they never committed. That's a fact. It is time for the city of New York and Mayor Michael Bloomberg to put a halt to all of this legal wrangling and fiction and admit that they, through their agencies and employees, made a terrible mistake fourteen years ago. A prolonged and tortured defense of the lawsuit by the city will only heighten our sense of injustice and further erode our faith and confidence in the justice system. We need to put this tragic example of injustice behind us. Most legal pundits believe that the Central Park Jogger Five will win their day in court and recover significant monetary damages for their wrongful convictions. The question is a very simple one: Does the city of New York pay now or later? I say the City of New York should pay now rather than later. And allow all of us to move on and put this horrible incident and miscarriage of justice behind us. Something went terribly wrong with our system of justice on the night of April 19, 1989. It should be settled quickly. We demand it. **Justice demands it.**

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