

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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February 12, 2013
Start: 1:26 p.m.
Recess: 3:24 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
GALE A. BREWER
Chairperson

COUNCIL MEMBERS:
Inez E. Dickens
Erik Martin Dilan
Domenic M. Recchia, Jr.
Peter F. Vallone, Jr.

A P P E A R A N C E S

John Liu
New York City Comptroller

Bill Perkins
Senator
New York State Senate

Roger Wareham
Attorney for Kevin Richardson, Raymond Santana, and
Antron McCray

Steven Banks
Attorney In Chief
Legal Aid Society

Sharonne Salaam
Mother of Yusef Salaam

Carlton Berkley
Retired NYC Detective

Craig Shley
Executive Director
Vote People

Deborah Goodman
Concerned Citizen

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2 CHAIRPERSON BREWER: My name is
3 Gale Brewer, and I chair Governmental Operations,
4 and I want to welcome everyone here today. We are
5 particularly honored to have Mr. Santana, Mr.
6 Richardson and Mr. Wise here, and I thank you very
7 much for being here today. My colleagues are
8 Council Member Arroyo, Council Member Chin, the
9 very special today Council Member Barron, Council
10 Member Dilan, Council Member Vallone, Council
11 Member Wills, Council Member Recchia, Council
12 Member Williams, Council Member Jackson, Council
13 Member Mark-Viverito, and I thank all of them, and
14 I thank David Sitzer [phonetic], who is counsel to
15 the Committee and Tym Matusov [phonetic], who is
16 the policy analyst of the Committee. We are here
17 because on April 19th, 1989, a 29 year old woman
18 was attacked and raped while jogging in Central
19 Park. She was then in a coma, unable to remember
20 details of the crime. That is quite important.
21 And although there were many, many, many
22 inconsistencies in the statements from the
23 individuals who were apprehended, the five young
24 men, they were convicted largely on the basis of
25 their confessions and the horror is they spent

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2 from 6 to 13 years in prison. I think we all know
3 that story. Over 11 years after the incident,
4 convicted rapist and murderer, Matias Reyes,
5 confessed to the attack and rape on the jogger.
6 He said that he had acted alone. DNA found at the
7 crime scene was a match to Mr. Reyes. The
8 Manhattan District Attorney's Office recommended
9 that the convictions of the five young men be
10 vacated. The office noted that no physical or
11 forensic evidence connected any of the five young
12 men to the attack on the jogger, and that Reyes'
13 account of the attack was corroborated by
14 independent evidence, and that the confessions of
15 the five had inconsistencies throughout. The
16 State Supreme Court granted this request to vacate
17 the convictions on December 19, 2002. After the
18 convictions were vacated, NYPD police department
19 convened a panel to explore what could be learned
20 from the case. In its final report, the panel
21 found that there was no misconduct by any members
22 of the NYPD. The report also put forth a theory
23 that the five young men participated in the attack
24 with Reyes. The men sued the city of New York in
25 2003 claiming that their convictions were racially

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2 motivated and the result of a widespread
3 conspiracy amongst law enforcement officers. This
4 litigation has continued for ten years without
5 resolution. Four of the five men have urged the
6 city to settle, but the city has refused, arguing
7 that police and prosecutors did not engage in any
8 misconduct in their handling of the case. The
9 resolution being heard today sponsored by Council
10 Member Barron calls on the city of New York to
11 settle these suits expeditiously. I look forward
12 to hearing this afternoon's testimony, but first I
13 hope we will hear from the main sponsor, Council
14 Member Barron.

15 COUNCIL MEMBER BARRON: Thank you
16 very much. Thank you very much, Chair Brewer. I
17 want to first thank and thank foremost the victims
18 of this heinous, gross miscarriage of injustice or
19 justice, and that is Kevin Richardson, Antron
20 McCray, Raymond Santana, Yusef Salaam and Kharey
21 Wise. They are the real I would say heroes of
22 this movement because it was your spirit, your
23 fighting spirit that kept all of us moving
24 forward, so this is a great day in the sense that
25 this institution, and I do believe you are going

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2 to get the support of over 25, 26 of the council
3 members in this institution, including our chair,
4 Gale Brewer, is supporting you today, the entire
5 black, Latino and Asian caucus is supporting you
6 today, and I think when resolutions come out of -
7 - and Domenic Recchia is supporting you today. I
8 want to thank him so much. The votes on this
9 committee, I will see what the vote is going to
10 be, but I'm anticipating a very positive result,
11 so we are glad that this day is here, and what a
12 resolution does in the City Council, it's a
13 resolution that expresses the political will of
14 the most powerful council in the world. There is
15 no council more powerful than the New York City
16 Council, so it expresses that political will. I
17 want to read my testimony into record, and then
18 have a few remarks, and then we will proceed. We
19 are here today to discuss Resolution 80-A, a bill
20 that I introduced in 2009 and reintroduced in
21 2010. I chose to sponsor this bill because of the
22 gross miscarriage of justice that surrounded the
23 five men in the infamous incident of 1989 that
24 became known as the Central Park jogger case. I
25 want to note also that in addition to this

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2 resolving things for the young men, there also was
3 a young woman who was raped, and the miscarriage
4 of justice left her rapist out there longer than
5 what it should have. Something else could have
6 happened. Fortunately, the person who admitted it
7 was incarcerated, but they didn't know that. By
8 forcing this prosecution on innocent people, they
9 disregarded the very victim of the rape incident
10 herself by leaving a suspect out there because
11 they were falsely accusing these young men. There
12 is four characters of injustice that I just want
13 to point out. One the first injustice was the
14 character assassination. They were labeled as
15 urban terrorists, savages, wilding. Donald Trump
16 needs to pay all a compensation and reparations
17 'cause he took out articles in every major
18 newspaper, spent over \$80,000 to call them and
19 character assassinate these youngsters. Some of
20 these labels will stick with them for the rest of
21 their lives because I don't know if we are going
22 to convince everybody, but that was a gross
23 miscarriage of justice—the character
24 assassination. That was one. Secondly, the
25 police department, and thirdly, the DA's Office;

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2 they said that they acted in good faith. They
3 said that a mistake was made, but they were acting
4 in good faith. You are not acting in good faith
5 when you feed false information to young teenagers
6 who are being interrogated by the police and you
7 are feeding them false information. You are not
8 acting in good faith. When you hear their
9 confessions, and you know its inconsistent with
10 what happened, that there is no forensic evidence,
11 no DNA, no blood, no semen, no lesions, nothing
12 connecting them to the scene of the crime, and you
13 still go forward with your prosecution, you are
14 not acting in good faith. So we say that the city
15 failed to act in good faith. As a matter of fact,
16 when I think about this prosecution and I think
17 about what happened at Duke University when the
18 lacrosse players were they claim falsely accused
19 of raping a black woman, well, what happened to
20 that DA? That DA was disbarred. That DA was put
21 in jail, but this DA gets away clean. These
22 police officers are getting away clean. That has
23 to stop, and we're hoping that this hearing sheds
24 light on the interrogation process. We spoke to
25 people from the Innocence Project and people don't

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2 understand how many, what percentage of people
3 that were through DNA found innocent, totally
4 innocent, but yet confessed to crimes that they
5 did not commit because of the interrogation
6 process, the inhumane, brutal interrogation
7 process. So on this day, we put forth this
8 resolution. We are calling on the City Council to
9 put the pressure on the mayor. They stole the
10 most important years of these young men's lives.
11 They can never get those years back. There is no
12 amount of money, their parents, their families,
13 their loved ones can ever receive to make up for
14 this gross miscarriage of justice for this theft
15 of time out of their young lives. I'm sure you
16 will hear some that might even still today in
17 spite of the DNA evidence, in spite of their
18 exoneration, in spite of the fact that they are
19 totally, totally innocent will still claim that
20 they are not, and defy reality, so on this day, we
21 are calling on the mayor to not commit the fourth
22 gross miscarriage of justice and that is a lengthy
23 civil trial that is going to bring hardship,
24 emotional hardship to the families, financial
25 hardship to the families and this city and to the

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2 victim of the rape herself. All of that can be
3 settled with a settlement out of court. We think
4 the Central Park five must be paid. I thank you
5 very much.

6 CHAIRPERSON BREWER: Thank you very
7 much. We'd like to now call the first panel;
8 Comptroller John Liu and New York State Senator
9 Bill Perkins please. And we'd like to welcome
10 Council Member Crowley. Sure, Mr. Liu, do you
11 want to go first?

12 COMPTROLLER LIU: Good afternoon,
13 Chairperson Gale Brewer and members of the City
14 Council's Governmental Operations Committee.
15 Thanks very much for this opportunity to share my
16 thoughts on this very important issue. I thank
17 Council Member Barron for his insightful opening
18 remarks as well, and for his bill. I'd like to
19 thank Council Member Barron and all of the co-
20 signers of this resolution for shining some light
21 on this important matter that has been in the
22 shadows for far too long. The case of the Central
23 Park 5 represents a very difficult, dark chapter
24 in our city's history. In 1989 the five
25 teenagers—children really, were convicted of a

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2 brutal crime they did not commit. Yusef Salaam,
3 Kevin Richardson, Antron McCray, Raymond Santana
4 and Kharey Wise collectively spent more than 30
5 years in prison for the actions of another
6 individual, Matias Reyes, who ultimately claimed
7 responsibility. Their convictions were vacated in
8 2002. As we are here today to discuss, since 2003
9 the Central Park five and the New York City Law
10 Department have been engaged in complex and costly
11 litigation that has yet to be settled. As of now,
12 multiple causes of action are pending in this
13 federal case including malicious prosecution,
14 racial discrimination, and lack of due process.
15 While no monetary award could fully repay the
16 Central Park five for this imprisonment, the city
17 must make an effort to correct this tremendous
18 injustice, which robbed them of their youth.
19 Their imprisonment also wreaked havoc on their
20 families. Parents not only lost their sons to
21 prison, but also had to live through the indignity
22 of having their children compared to vicious
23 animals as the press labeled them with such
24 racially charged expressions as wilding and wolf
25 pack. Both as a New Yorker and as comptroller, I

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2 am deeply troubled by the fact that this civil
3 rights case remains unresolved more than a decade
4 after these convictions were vacated and nearly a
5 quarter of a century after the crime. I have
6 offered and continue to offer the resources and
7 services of my office and the expertise of my
8 staff to help resolve this matter. I will even
9 provide the table. The Law Department and the
10 plaintiff's attorneys are welcome to use my
11 boardroom around the clock until they reach a
12 settlement. As the financial steward of this
13 city, my goal is to ensure that we strike a
14 delicate balance between resolving claims fairly
15 while minimizing taxpayer costs. In the case of
16 the Central Park five, I am extremely concerned
17 that the longer we wait, the more the legal bills
18 mount and more valuable city resources are
19 claimed. When the city loses a case, it is often
20 required to cover all of the plaintiffs' legal
21 expenses, and while each case is different based
22 on our best estimates a decade or more legal fees
23 for five plaintiffs could easily be in the seven
24 or eight digits. Moreover, in many instances the
25 inability to arrive at a negotiated settlement

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2 before a judge or jury renders a verdict means
3 much higher costs for taxpayers. In 2011, the
4 city paid out \$550.4 million for tort settlements
5 and judgments, 185.6 million of which were against
6 the NYPD. Some \$84 million of the city's
7 settlements involved civil rights violations, so
8 in the end, I ultimately have to approve any
9 settlement, but I also have to keep an eye out for
10 the taxpayers. Regardless of what is right by the
11 city's pocketbook, a settlement for the Central
12 Park five is long overdue simply because it is the
13 right and the just thing to do. Now as you may
14 know, the city's Corporation Counsel rebuked my
15 call for a settlement last month likening it to
16 publishing a budget report while missing half of
17 the data. The Corporation Counsel said that it is
18 puzzling that the official charged with
19 safeguarding the city's finances feels that we
20 should not defend the city, especially when we
21 believe no constitutional violations occurred. In
22 response I stated this is exactly why this matter
23 remains unresolved after ten years. Shame on the
24 Corporation Counsel for not being willing to sit
25 at the negotiating table and finally settle a case

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2 that has dragged on for far too long. The
3 Corporation Counsel should know better than anyone
4 that the state of the city's budget has no bearing
5 on the relative merits of any civil rights case.
6 The Corporation Counsel misunderstands the duties
7 of the comptroller, which certainly includes
8 mitigating the city's financial risk. There is no
9 reason for decades to pass before this matter is
10 resolved, and that is why I am proud to be here
11 today to avoid my support for this resolution and
12 to reiterate my call to bring closure to this
13 matter once and for all. Let's get the settlement
14 under way. Thank you.

15 CHAIRPERSON BREWER: Thank you very
16 much. Senator Perkins, welcome back to your old
17 chamber.

18 SENATOR PERKINS: I'm reminded that
19 the last time I was here I was in your seat as the
20 chairman of this Committee, so it's double
21 appreciative of that memory, but of course even
22 more so it's good to be back in the cause of
23 justice. I want to thank the Comptroller for his
24 remarks and before today even the press conference
25 in which he shared those remarks, and I especially

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2 want to thank Councilman Barron for this important
3 resolution and your perseverance in making sure
4 that it happens, especially in this place. At
5 this time, I also want to make note of the fact
6 that Ms. Sharonne Salaam is here—the mother of
7 Yusef Salaam. - - . It's good to see her. It
8 was her vigilance and perseverance that helped the
9 five get to this place where justice is a
10 discussion versus what others had wanted to have
11 discussed—Donald Trump when he called for the
12 death penalty. I guess I could simply end this by
13 not only expressing my support of the resolution,
14 but just saying they need to get paid, and how do
15 you spell justice? P-A-I-D. I would say for the
16 sake of justice, for the sake of our city's
17 reputation, the Central Park five must be paid.
18 The time has come. The moment is now. This is
19 not the first time we have heard a lengthy and
20 detailed outline and enumeration of the
21 particulars of the Central Park five case. These
22 are stark and distressing sets of facts. Really
23 no more needs to be said except having been there
24 with the five from the beginning as a neighbor, as
25 a friend, as a community activist, as a member of

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2 this City Council, out to see that justice was
3 done, I am compelled to add without further ado
4 it's past time that these young men get paid. No
5 matter what, the time is now. No matter the
6 amount, it is not ever going to be enough. Not to
7 restore to these long suffering men and their
8 families the years, the living and the trust that
9 they have lost. Justice delayed is justice
10 denied. This protracted outrage of justice
11 remains and will remain an indelible stain in our
12 city's record. It reminds of us of the urgency of
13 our struggle against racism, disturbing and
14 fundamental tendencies we must overcome in our
15 city and in America. Justice must no long be
16 delayed. The Central Park five must get paid. I
17 just want to again thank my colleague, Charles
18 Barron, my colleagues in this City Council at this
19 time for bringing this forward. I think it's a
20 major step towards them getting paid, and there
21 being justice, but I'd like to also say that after
22 they get paid, we need to have videotaping of
23 interrogations before there are confessions. In
24 fact if we can get that done before they get paid,
25 we might avoid another Central Park situation, but

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2 we need to have that. I have legislation on the
3 state level towards that end, and I think we also
4 would like to take this moment to invite you, the
5 City Council as well as the community at large to
6 join us this weekend during the caucus, black,
7 Latino, Hispanic, Asian caucus where we will be
8 having a forum with the Central Park five looking
9 at how they can get justice and looking at how we
10 can avoid this, and looking at all that this case
11 has meant, not just to them, but to this city and
12 to this state and to this nation. I understand
13 that recently for instance, there has been some
14 concession to the fact that there was injustice
15 and the solution that the police commissioner
16 wants to offer administratively to require that
17 until further notice that there will be such a
18 policy of interrogation of videotaping of
19 interrogation. That is too whimsical. The next
20 commissioner may come in and say I don't agree
21 with - - , and I also want to thank the governor
22 for looking at a similar approach, but again,
23 administrative fixes whether in terms of agency or
24 whether in terms of an executive be that the mayor
25 or be that the governor in this case are steps in

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2 the right direction, but they are whimsical
3 because the next governor may decide that
4 administrative fix is not appropriate, but if we
5 pass the legislation, then it is immune to who
6 gets elected, so we want a solution on a local
7 level on a state level and even on our federal
8 level, President Obama, that will say this can
9 never happen again because the coerced confessions
10 that are fundamental to the injustice that took
11 place can be prevented if upon interrogation there
12 are videotaping of these interrogations and
13 therefore those types of maneuverings that
14 resulted in this injustice will be prevented. I
15 am glad that we are here resurrecting this
16 discussion particular with regard to this
17 resolution, but I am also glad that we are looking
18 at it as we move forward with this case in terms
19 of what is being presented by our comptroller
20 calling for a quicker resolution of the court case
21 and all of these moments of delay are only feeding
22 the possibility that there will be a repeat of
23 this very unfortunate tragedy that took place in
24 these individuals lives in our city. So let's
25 hurry up and let them get paid and pass the

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2 legislation that will prevent it from happening
3 again in the future. I am so happy to be here. I
4 don't even feel like stopping talking, but I
5 understand that at some point we have to really
6 get serious and make sure that the work of this
7 body and the work of our legislators addresses
8 this injustice ASAP.

9 CHAIRPERSON BREWER: Thank you
10 both. I have one quick question. I think Council
11 Member Williams has a question, so for the
12 comptroller, why do you think the city refuses to
13 settle in this case, and is there any precedent or
14 something like this in terms of the settlement.
15 In other words, why is it going so slowly? Maybe
16 that is an obvious rhetorical answer, but you have
17 a lot of expertise.

18 COMPTROLLER LIU: I don't want to
19 speak for the administration. Since I took office
20 as comptroller a little more than three years ago,
21 my office has been in continuous dialogue with the
22 Corp Counsel, and though all the settlements for
23 the city have to be approved by the comptroller
24 while it's in litigation stage, the Corp Counsel
25 really has to run the show, so they have continued

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2 to assure me that they are doing everything they
3 can, but three years later, there seems to be no
4 movement whatever and so I can't explain why they
5 refuse to negotiate a settlement because I think
6 at the end of the day, there is going to be some
7 kind of settlement, but that is a question that I
8 think you would have to ask them because I can't
9 explain why. There is plenty of precedent to
10 answer the second part of your question. There
11 have been cases of wrongful imprisonment that have
12 led to sizeable settlements out of court, and even
13 during my tenure these past three years, there
14 have been settlements along those lines, so it is
15 hard to understand why they refuse. I think
16 obviously there is a lot of emotion in this case—
17 emotion about the rape and the attack in the first
18 place that perhaps led to maybe the media piling
19 on and generating a lot of pressure on everybody
20 involved and then even years later, a huge amount
21 of emotion, which I would argue is precisely the
22 reason why we have to bring some closure to this,
23 and the only way to bring closure is to have some
24 kind of settlement. At the end of the day, the
25 city's position is zero. That is probably not

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2 going to happen. The plaintiff's position is \$250
3 million. In all honesty, I don't think that is
4 going to happen either. It is going to be
5 somewhere in between. Let's get to that as
6 quickly as possible.

7 CHAIRPERSON BREWER: Thank you.
8 Council Member Williams?

9 COUNCIL MEMBER WILLIAMS: Thank
10 you, Madam Chair. Thank you to Council Member
11 Barron for being a stalwart in pushing this
12 resolution forward. Thank you comptroller and the
13 state senator for being here as well. I want to
14 thank Kevin Richardson, Raymond Santana and Kharey
15 Wise for your stalwart being role models I think
16 on how to deal with an issue like this. I heard
17 in the movie—the documentary at the end I think it
18 was Antron McCray that was saying in his voice
19 that he told them that he would make it, and I
20 think that was very poignant that you guys said
21 that you were innocent and believed that you would
22 make it, and it's poignant that you have come this
23 far, and I wanted to make sure I'm on the record
24 for saying that I support you, and I also
25 apologize for what the city has done. It's

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2 frustrating—my mother Patricia Williams is
3 watching on the web, and I want to mention that
4 she had to raise a young black man in the city
5 during that time the Central Park jogger case was
6 there. I think she did a fairly decent job, but I
7 know that it has to be difficult for young black
8 and brown parents to navigate the system.

9 Something I said outside in the press conference—
10 the United States has a history of demonizing and
11 treating particularly young black and Latino men
12 badly to say the least. New York City and the
13 mayor right now are continuing that tradition by
14 not settling this case. It is very frustrating
15 and there is still people questioning, well, were
16 they there? Did they commit certain times - - ?

17 The reason I am so firm on this 'cause I firmly
18 believe that given the same set of facts, the same
19 set of questions, the same set of well, what if,
20 if it were five young white men, who had raped a
21 young black or Latino female, they would have
22 already been paid, they would have already been
23 settled, they probably never would have been in
24 jail to begin with based on the flimsy evidence
25 that everyone knows was there, and I think that is

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2 a the heart of this issue no matter where it is
3 you lie on this issue, no matter what questions
4 that you have given those same set of
5 circumstances, if you switch the color of the
6 skin, there is no doubt that this result would
7 have been different. This is not to belittle what
8 the jogger experienced—that horrific, horrific
9 act—this is not to belittle that, and my prayers
10 are with her as well, but when people like - - and
11 lawyers who made their careers off the backs of
12 these young men and have still refused to
13 apologize even though their careers were made, the
14 deceased Mayor Koch, who never apologized, even
15 the face of all of this for the environment that
16 was created by the media for people like me to
17 look at me different for some reason is very, very
18 frustrating, so I just want to say thank you
19 again. I do have a couple of questions, and I
20 hope not only that you get paid, but this
21 resolution that took too long to come to this
22 hearing, but I'm thankful that it is here needs to
23 also get passed as quickly as possible. New York
24 City the most diverse city in the world, this is
25 where we need to put a stop to treating people

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2 differently because of how they look, at least—I
3 don't know about a stop, but at least an attempt
4 to say that we realized there was a problem here.
5 Either mistakes were made, done intentionally,
6 there was a problem that needs to be fixed. My
7 question in particular, Comptroller, but anyone
8 can answer, in your view based on information you
9 have do these men deserve compensation for the
10 time they spent in jail?

11 COMPTROLLER LIU: Well, as the Corp
12 Counsel rightly points out I do not have direct
13 access to any of the information because the case
14 is in litigation, so that is a tough question. I
15 believe that the parties have to sit down and
16 negotiate a settlement, and I think as I said
17 before, I don't think it's going to be the city's
18 extreme position nor the plaintiff's current
19 position. It is probably going to be somewhere in
20 between, and I agree with you. There was a
21 mistake made. Nobody is saying that—look, I think
22 we have among the best systems in the world, but
23 it's not perfect, and in this case, clearly a
24 mistake was made, and when there is a mistake,
25 somebody has got to pay.

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2 COUNCIL MEMBER WILLIAMS: I think
3 - - have a question also the word mistake. I
4 think a lot of this was done intentionally because
5 of the color of the skin of the people involved,
6 but that aside mistake or not a mistake there was
7 a wrong that was committed that needs to be
8 corrected. I did want to ask if the Corp Counsel
9 had given any indication as to what the problems
10 were, why they were taking so long, and if you
11 knew why they were taking so long?

12 COMPTROLLER LIU: No, we don't have
13 any clarity. We don't have any clarify. My
14 office has been assured every time we contacted
15 the Corp Counsel that they are doing whatever they
16 can.

17 COUNCIL MEMBER WILLIAMS: I think I
18 have gone over my time, but thank you.

19 CHAIRPERSON BREWER: I'm sorry.
20 It's just that some people have to go. Anyway-

21 SENATOR PERKINS: [interposing] May
22 I answer that question? I'm not a comptroller, so
23 I don't add well, but I can say this as a
24 political person if the mayor said they should be
25 paid and this case should be resolved it would

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2 make a difference. Now he may not have the
3 authority towards that end, but he has a
4 leadership role to play in this resolution of
5 justice, and he also has a leadership role as the
6 sort of leader of this city in terms of its fiscal
7 wellbeing and so forth, so they should be paid,
8 and he should be standing up saying on my watch
9 they are going to get paid.

10 COUNCIL MEMBER WILLIAMS: Thank
11 you, and I believe they should stop trying to
12 retry this case. It has already been proven.
13 Thank you.

14 CHAIRPERSON BREWER: Thank you very
15 much. We are going to actually vote with the
16 members who are here now because some people have
17 to leave, but please understand we will be here
18 all afternoon as long as there is testimony and
19 people who would like to testify, so I'd like to
20 call on Council Member Barron who wanted to make a
21 statement, and then will the clerk please call the
22 roll? And the roll will stay open for those
23 members who will be here a little bit later. Mr.
24 Barron?

25 COUNCIL MEMBER BARRON: Well, I

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2 wanted to read the names of all of the people that
3 were supporting you and your families on the
4 resolution, and I wanted to say we need to stop
5 calling it a mistake. This was a gross, gross
6 miscarriage of justice. It was deliberate, and
7 that is why it should be settled right away. I
8 want to thanks Charles Barron. I want to thank
9 Comrie, Dilan, Dromm, Jackson, Mealy, Palma, Vann,
10 Rodriguez, Mendez, Foster, Mark-Viverito, Rose,
11 Cabrera, Williams, Ferreras, Arroyo, Chin, Reyna,
12 Wills, King, Weprin, Levin, Dickens, Brewer and
13 Recchia. Thank all of you.

14 CHAIRPERSON BREWER: Thank you very
15 much, and will the clerk please call the roll at
16 least for this initial call?

17 COMMITTEE CLERK: William Martin,
18 Committee Clerk. Roll call vote Committee on
19 Governmental Operations, Resolution 81-A. Council
20 Member Brewer?

21 CHAIRPERSON BREWER: I vote aye,
22 and I do remember in 1989 standing in Central Park
23 with the Senator Perkins in support of what we are
24 talking about today. It was a very long time ago,
25 but I do remember standing there, and I vote aye,

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and I'd like to have my name added officially.

COMMITTEE CLERK: Dilan?

COUNCIL MEMBER DILAN: I vote aye.

COMMITTEE CLERK: Recchia?

COUNCIL MEMBER RECCHIA: Aye.

COMMITTEE CLERK: Vallone?

COUNCIL MEMBER VALLONE: Explain my
vote, Madam Chair?

COUNCIL MEMBER VALLONE: In
discussing this with some council members
downstairs, I became aware that many people are
not actually clear as to what the new evidence is
in this case. I was in the DA's Office at the
time, although I had nothing to do with this case.
What happened was there were a lot of crimes
committed in the park that night on May 19th of
'89. 30 teenagers vicious assaults, attacks on
bikers and joggers—two of them left unconscious
through pipe attacks, and in fact Santana And
Richardson were caught in the park that night.
All of the defendants were convicted of the rape.
Four of the five of them were convicted of the
other crimes also including the vicious pipe
attack on John Loughlin, who was left unconscious.

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2 In fact, in 2002, Santana and Richardson after
3 trial again confessed to the other crimes, not the
4 rape, the other crimes. All of those convictions
5 were upheld by the court, by the appellate
6 division and the court of appeals, which looked
7 into all of the legality involved in the
8 statements. Now the new evidence—and I don't
9 blame my colleagues for not understanding this
10 because the press has been wrong almost every time
11 they have written about it—the DNA evidence was
12 known at the time of the trial. The defense
13 summed up on it. The prosecution summed up on it.
14 They were told, the prosecution said we know that
15 the DNA was left by someone who is not caught.
16 The actual person who left it is not here. The
17 defense then summed up and said we don't have the
18 actual rapist. They don't have the actual rapist.
19 That is the person who did it. It was all known
20 at the time of trial. The only new evidence is
21 that one of the most vicious criminals in the
22 history of the world was caught—somebody who would
23 rip his victims eyes out so they couldn't identify
24 him in the rape. He was caught and he said he
25 acted alone. That is the new evidence. Now if

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2 you believe that clears them I respect that. You
3 are entitled to your opinion. If you believe that
4 makes them innocent, that is fine, but just know
5 that is the new evidence. There is no new DNA
6 evidence. That is it. All of the other evidence
7 was before the jury. All the other evidence was
8 before the appellate division and before the court
9 of appeals at the time. Now again if you believe
10 they were innocent at the time, I respect that. I
11 disagree. If you believe they were innocent
12 because of the new evidence, I respect that. I
13 disagree. But we are not voting on guilt or
14 innocence today. We are voting on whether hard
15 earned tax payer money should be given to these
16 men. That is what we are voting on whether we
17 should take money from our libraries and our
18 daycare and close our firehouses to pay these
19 people because the city was intentionally wrong or
20 grossly negligent. That is what we are voting on
21 today—giving taxpayer money, not guilt or
22 innocence. That would be a different resolution,
23 and that is why I am voting no.

24 COMMITTEE CLERK: by a vote of
25 three in the affirmative, one in the negative and

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2 no abstentions, item is adopted. Members, please
3 sign the Committee Report.

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CHAIRPERSON BREWER: Thank you very
5 much, and we will keep the vote open however for
6 others that may want to join us. Council Member
7 Barron wanted to say something and then State
8 Senator-

9

COUNCIL MEMBER BARRON:

10 [interposing] Yeah, I just wanted to say for the
11 families that are here, for the young gentlemen
12 that are here, none of us pay Vallone any mind.
13 He fabricates his own stories.

14

[applause]

15

COUNCIL MEMBER BARRON: He lives in
16 his own little world. Facts are irrelevant, and
17 he just fabricates whether people were arrested or
18 not. That is not even accurate?

19

COUNCIL MEMBER VALLONE:

20 [interposing] What was not accurate, Charles? What
21 was inaccurate? If you want to open up a debate
22 after a vote, let's do it. Tell me what is
23 inaccurate. Stop making speeches.

24

[crosstalk]

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COUNCIL MEMBER BARRON: It's not

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me. Shut him up. Well, shut him up. Both of you-

COUNCIL MEMBER VALLONE: What is it? Is he voting? His time to talk is done.

CHAIRPERSON BREWER: He's not on the Committee. Council Member Williams also had a question. He wanted to continue.

COUNCIL MEMBER VALLONE: - -
question me?

CHAIRPERSON BREWER: Well, Council Member Williams had questions for the witness.

COUNCIL MEMBER BARRON: Well, let me finish what I was saying-

CHAIRPERSON BREWER: Go ahead.

COUNCIL MEMBER BARRON: and he has to stop being disrespectful. You are the chair of this committee, not him. The bottom line is that he lives in a world of his own, and he creates misdistortions [phonetic], and this is the reason why we have to have this kind of resolution, and then the propaganda that we put forth after this resolution will bring truth to light. I mean how could they have DNA evidence and all of that stuff and then still go forward? That is worse than what

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I even thought. If they have all of this information and still go forward... He doesn't know who was in the park doing what. This is just his little world-

CHAIRPERSON BREWER: [interposing]

Council Member, I think we want to go back to Council Member Williams because he had questions. Council Member Williams?

COUNCIL MEMBER BARRON: Thank you.

CHAIRPERSON BREWER: You had questions-

COUNCIL MEMBER VALLONE:

[interposing] Well, now I need a point of personal privilege, Madam Chair. I was just attacked.

CHAIRPERSON BREWER: - - if you have a question for the witness, we can come back, but I had to cut Council Member Williams off because of the vote. Go ahead, Council Member Williams.

COUNCIL MEMBER WILLIAMS: Thank

you. I do want to also add I made it a point to say that given all of the facts no matter where you stand, this would be different if the color of the skin of the young men were different and the

1
2 fact that they knew they had no DNA evidence, the
3 fact that none of the so-called confessions
4 matched up with each other, and they still moved
5 forward, I think makes it even more egregious and
6 shows that there was purposeful intent to do
7 something even though they didn't have all of the
8 evidence that was needed, and I think makes it
9 worse, and again, given all of the facts of where
10 you stand on this case, I don't think anyone can
11 disagree based on the history that has happened
12 that things would be different if the color of
13 skin were different, and I think that is the point
14 that remains that needs to be shown that we need
15 things to be changed differently. I did want to
16 ask if there was any consequences to the city's
17 refusal to settle?

18 COMPTROLLER LIU: The longer this
19 case drags on, the higher the potential legal
20 bills mount for the city, and in other cases, the
21 legal bills have been quite significant reaching
22 the tens of millions of dollars just for the legal
23 costs alone.

24 CHAIRPERSON BREWER: There are
25 other people who have questions when you are done,

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Council Member.

COUNCIL MEMBER WILLIAMS: I'll finish. I have heard of the city settling with a drug dealer for \$7.5 million. Do you have any information on that particular case?

COMPTROLLER LIU: I'm sure my office has that information. I don't know it off the top of my head.

COUNCIL MEMBER WILLIAMS: Okay.
Thank you.

CHAIRPERSON BREWER: We have been joined by Council Member Dromm, Council Member Reyna. Council Member Dromm has a question.

COUNCIL MEMBER VALLONE: Madam Chair, am I getting my point of personal privilege?

CHAIRPERSON BREWER: Can you let Council Member Dromm go, and then—

COUNCIL MEMBER VALLONE:
[interposing] No, I need to leave also, so—

CHAIRPERSON BREWER: Alright. Go ahead. Quickly. Very quickly.

COUNCIL MEMBER VALLONE: I just want to say I explained this to Charles Barron on

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2 many occasions prior to today so for him to act
3 like it's the first time he is hearing it is the
4 charade that it is. Second of all-

5 [crosstalk]

6 COUNCIL MEMBER VALLONE: I am
7 responding to your attack. I'm allowed to - -

8 [crosstalk]

9 COUNCIL MEMBER VALLONE: You
10 attacked me. For some reason you were allowed to
11 speak after I spoke.

12 [crosstalk]

13 COUNCIL MEMBER VALLONE: I am
14 playing by the rules. You are not. So very
15 quickly I am going to say that I was called
16 inaccurate, and yet nothing I said was actually
17 pointed out as being inaccurate.

18 CHAIRPERSON BREWER: [interposing]
19 Can we go back to the witnesses? 'Cause they have
20 a lot to say.

21 COUNCIL MEMBER VALLONE: Thank you,
22 Madam Chair.

23 CHAIRPERSON BREWER: Council Member
24 Dromm has a question.

25 COUNCIL MEMBER DROMM: Thank you,

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2 Councilwoman Brewer. It's not so much of a
3 question as much as it is a statement. I didn't
4 have an opportunity to vote because I am not a
5 member of this Committee, but I am a proud sponsor
6 of the resolution, and I do believe that a
7 tremendous miscarriage of justice was done here,
8 and I remember this case because I was a New York
9 City public schoolteacher when it happened, and I
10 remember the principal of my school instructing us
11 to do lessons on wilding. That is how into the
12 culture this went. This is how far it went. And
13 I even questioned the use of the world wilding and
14 the implications that it has for people of color.
15 Council Member Williams has correctly pointed out
16 that had these young men not been men of color, I
17 seriously doubt that this case would have gone as
18 far as it has, and I seriously doubt that if these
19 young men were not men of color that the case
20 would have already been settled because they truly
21 do deserve in my opinion to be compensated for the
22 time that they spent in prison and the effect that
23 that had on their lives. I do plan to continue to
24 support this, to speak out on it, and to be
25 present as much as possible to show support until

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this wrong is righted. Thank you.

CHAIRPERSON BREWER: Thank you very much.

SENATOR PERKINS: Two quick things. I just want to first with respect to my colleague, Council Member Vallone, I just for the record want to be clear that I was around, and I know very clearly that District Attorney - - upon looking at the evidence, the DNA evidence as well as the confessions of Matias Reyes concluded that the confessions did not hold water, and therefore, the case should be thrown out. He was in that office at that time. I don't know if he has this debate with him at that time, but I do know that that is how this case moved forward in terms of vindicating them of what took place. I want to for the record make it clear that he was prosecuting the case well into the case when it was discovered that Matias Reyes was making confessions in detail in prison for the rape and murder of several other victims. He had raped several others and murdered a pregnant woman. His DNA was available towards that end. That was clear. There was no DNA before they were arrested

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2 that had them arrested to begin with. There was
3 nothing there for that other than the fact that
4 they were across the street from where they lived
5 in the park where they played. I also jogged in
6 that park and witnessed other situations in that
7 park and so I am just thinking that we have to be
8 clear about these facts and these allegations that
9 continue to convict them for what was never proven
10 with DNA evidence even to get them arrested to
11 begin with or at the scene of the crime. I just
12 want to make sure that that is clear. I am sorry
13 that he is not here, so I could share that with
14 him, and I should point out on the racial thing.
15 A black woman was raped and thrown off the roof at
16 the same time that this took place. Did you know
17 that? - - knew about it. That didn't get a line
18 in any press. I just want to point out that there
19 is a racial component to this. There continues to
20 purvey this case, and we have to face that to get
21 past it because it will continue to be a curse for
22 our city and for our citizenry and so I am happy
23 that we are having this difficult discussion. I
24 Council Member Barron for bringing it forward and
25 for all of you for bringing it before this - -

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body. It's really a wonderful thing that you are doing.

CHAIRPERSON BREWER: Thank you both very much. Our next panel, Mr. Banks, Mr. Wareham and Ms. Salaam. Sergeant, we will need another chair. Thank you all. Thank you all very much, and whomever would like to begin.

ROGER WAREHAM: My name is Roger Wareham. I am one of the attorneys representing Kevin Richardson, Raymond Santana, and Antron McCray, and along with initially Michael Warren and Evelyn Warren represented them in the motion that had their convictions overturned back in 2002. First I want to thank the Committee for holding the hearing. I just have some brief remarks. We support the resolution that is being put forward. Our position has always been that this should be settled as soon as possible and that the real torture that these young men who were children at the time and their families have been put through for now April 19th will be 24 years needs to be put to an end. I guess just factually what has come up in listening to the questions in the hearing has been the question of

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2 why the city wouldn't settle and whether a mistake
3 was made and whether the city was acting "in good
4 faith." I think the facts that have come out that
5 are public knowledge is that when these five
6 children - - . They were 14, 15 and Kharey, who
7 is back there, was just barely 16 years old at the
8 time were arrested and interrogated for many hours
9 by veteran homicide detectives because the belief
10 was that the jogger who had lost 75 percent of her
11 blood and found in a muddy ravine was going to
12 die, so they were initially interrogated by
13 homicide detectives. These were children who had
14 not been in trouble with the law, in the early
15 part separated from their parents, and so that was
16 the scenario that these so-called confessions, and
17 they weren't really confessions. They were
18 statements in which one implicated the other, and
19 so they weren't really confessions, but those were
20 the statements. As it's been said, there was no
21 DNA. She had lost 75 percent of her blood. She
22 was nearly dead, yet all of them were arrested.
23 There was no blood. There was no mud. There was
24 nothing that tied them to it. The only thing and
25 Mr. Vallone - - well, a jury decided and a court

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2 decided. The only thing that convicted them were
3 the statements, and the fact that they were black
4 and Latino in a city where—not just a city, in a
5 country where racism was prevalent. The fact that
6 there was no DNA and then that still did not
7 prevent them from being convicted, incarcerated,
8 giving up their teenage lives, and let me just say
9 it is both an honor and a privilege to be able to
10 represent them because to represent five young men
11 who have been through what they have been through
12 and to see how they have come out as just really
13 good human beings is impressive, but to see them
14 have to go through this another 10 or 11 years is
15 very, very discouraging. No forensics, only the
16 statements. Reyes came forward 13 years later and
17 everything he said was consistent with the fact
18 that not only did he do it, but that he had done
19 it alone, and that was his MO. When he was
20 arrested four months after the attack on the
21 jogger, he ended up being interrogated by
22 Detective Michael Sheehan [phonetic] who had also
23 been involved in the interrogation of our clients,
24 and apparently it was Detective Michael Sheehan
25 that he confessed to crimes that he had not even

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2 been arrested for, that there was some degree of
3 bonding, that there was a modus operandi that was
4 established, and when the DNA came back either
5 that month, August, September or October that
6 year, and it didn't match, it never occurred to
7 anyone that someone who had been known as East
8 Side Rapist that maybe we should match his DNA
9 with that missing person. And so when he came
10 forward and the District Attorney's Office, which
11 has been the same District Attorney's Office that
12 had prosecuted did a thorough investigation and
13 saw that what he said was consistent with one
14 person doing it, that his DNA matched, that he
15 knew facts that only the person who had actually
16 done it knew. He knew facts that the police
17 department didn't know. So it was clear that - -
18 the District Attorney's Office, Morgenthau's
19 office, said we are not going to—we are to join
20 the motion that we are not going to pose a motion
21 to have the convictions overturned because it is
22 clear that he is the one who did it, and he did it
23 alone, so their convictions on everything were
24 overturned. And so the conclusion that any
25 thinking person—you don't have to be a lawyer to

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2 conclude that Reyes was the one who did it, not
3 just from his statement, but from his entire modus
4 operandi and from the facts, even the fact of the
5 area from which he was initially dragged further
6 into the woods, it was a narrow trail, and that
7 there was nothing that tied these children to
8 that. This civil litigation has gone on for much
9 too long. We have gone over at least 90,000 pages
10 of documents that we have received in discovery.
11 We have conducted 45 depositions, and in that whole
12 process there has not been one thing that would
13 indicate to us that the story is any different
14 than what we have laid out. There is nothing that
15 indicates well, maybe one of them was really
16 there. There is nothing, and so to continue a
17 process that can only lead to one result, which is
18 that they have to be compensated for the wrong
19 that was done to them is a wasted process, and I
20 agree with Comptroller Liu, it ends up being a
21 waste, a unnecessary waste of city money, and our
22 position all along has been that we accept his
23 offer to engage in settlement negotiations. It
24 has been the other side that has refused to do
25 that. So let me just finish with this. The

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2 former Mayor Koch, recently deceased Mayor Koch,
3 made a statement in 1989 that this was the crime
4 of the century, and he was right. He just
5 misidentified who the criminals were. Thank you.

6 CHAIRPERSON BREWER: Thank you very
7 much. Next?

8 [applause]

9 STEVEN BANKS: Good afternoon. My
10 name is Steven Banks. I am the attorney in chief
11 of the Legal Aid Society. As you know, I
12 testified before you on many different topics
13 during the course of the year. Thank you for
14 inviting us to testify today, so that we can lend
15 our voice in support of the resolution that you
16 have passed. We are here solely to lend our voice
17 to calling this what it is, an injustice, and
18 urging that it be redressed as best it can. As
19 many of you have said and the earlier witnesses
20 have said, no price can be put on the years lost
21 in your life, but through litigation some type of
22 compensation can be provided. That is what our
23 system is about. Former Mayor Koch also said that
24 this case would really tell us how the criminal
25 justice system works, and unfortunately, the case

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2 here remains as a blot on the criminal justice
3 system, and it is an urgent matter that that blot
4 be removed so that we can actually come to grips
5 with the underlying causes that led to this case.
6 This is one of the most celebrated cases of a
7 wrongful conviction in the United States, but
8 there are wrongful convictions that continue to
9 occur because we haven't come to grips with the
10 reasons for why these wrongful convictions
11 occurred and the continued litigation over whether
12 wrongful convictions occurred only continues to
13 obscure the truth that we must understand. For so
14 long as interrogations are conducted without being
15 required to be recorded, there will be coerced
16 false confessions. 40 percent, 40 percent of the
17 post-conviction proven wrongful convictions as a
18 result of DNA evidence involve false confessions.
19 New York is next to only Illinois in this
20 category. We are a leader in so many areas
21 historically. We should be a loser in this area,
22 and we will continue to be a leader in this area
23 until the lessons of this case are fully learned,
24 and they are as simple frankly as the things that
25 Senator Perkins laid out, and the Legal Aid

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2 Society supports this Council and many of you at
3 this hearing in calling for the kinds of things
4 that would come to grips with how this could have
5 happened. The entire police encounter must be
6 recorded. It must be mandatory. Voluntary
7 administrative programs depend on the moment.
8 Mandatory legally required things endure forever
9 and given what has happened here that is what is
10 needed to ensure that no other young people go
11 through this. There must be a consequence for
12 failing to record. Failure to record without some
13 demonstration of good faith should prevent the
14 introduction of a recorded statement, and even
15 upon a showing of good faith, there should be an
16 instruction to a jury that the confession was
17 obtained without a full recording. There need to
18 be special protections as this case demonstrates
19 for vulnerable people, young people, people that
20 have limited experience in life, people of limited
21 education, people who are impaired. Protections
22 have to be in place to prevent the introduction of
23 an interrogation in such a case because the
24 consequences of taking an interrogation from a
25 vulnerable people are too great as we have seen

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2 here, and as my colleague, Mr. Wareham highlighted
3 the vulnerabilities here of homicide detectives
4 interrogating children. Last but not least, our
5 system tends to view a confession as appropriate
6 if it was voluntarily given. The search shouldn't
7 be for whether it was voluntarily given; the
8 search should be as to whether or not it is
9 reliable, and reliability can only be evaluated
10 when you see the entire transaction from start to
11 finish between the police interrogators and the
12 people that have ultimately confessed. Now in the
13 end this will prevent wrongful convictions, but it
14 will also prevent unnecessary fights about what
15 was said to whom and why it was said, so I don't
16 see why it is that the sunshine that this would
17 provide shouldn't come on in and cleanse what is a
18 very dark corner of the criminal justice system
19 going forward, and the only way to do that is to
20 take responsibility for what happened in the past,
21 compensate the people who have been harmed and
22 going forward make sure that this never happens to
23 anyone else. Thank you very much.

24 CHAIRPERSON BREWER: Thank you.

25 Next?

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[applause]

SHARONNE SALAAM: Hi. I am Sharonne Salaam, the mother of Yusef Salaam, one of the five boys that were arrested and convicted and went to jail for the rape of the Central Park jogger and other things. As a mother, I cannot begin to explain my shame and humiliation for having my child go through this experience along with other children at the same time. It is not a place that I would have ever thought I would have been as I grew my child and my children. Not one day did I wake up and say, well, here. I am raising myself a rapist and he is going to be very good at it. Not one time did I say I was raising someone who was going to go out and beat up people. Not one time. It's very easy to justify the police actions that evening as one of mistakes that happened, but I was there, and I told Linda Fairstein on several occasions as she asked me how old my child was. There were other family members who arrived at the police station before me, and she also asked them how old my son was, and they also told her he was 15. Two groups of family members had arrived. One person arrived and she

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2 offered him an opportunity to take part of the
3 investigation if he would just give them the
4 permission to interrogate my son, and he did not.
5 This was a situation where no matter what excuse
6 you make for these people who call themselves
7 members of law enforcement they stepped over the
8 line willingly. This was something they may not
9 have planned to do on their arrival, but they were
10 willing to do it. They worked in coercion with
11 one another to create this scenario. I know
12 during part of my deposition one of the ladies
13 asked me well, why didn't I show the birth
14 certificate? Because at that time I used to walk
15 around with a birth certificate in my pocketbook
16 for all my children. Many of us mothers do little
17 odd things like that, but the reality is even if I
18 had shown the birth certificate they were already
19 interrogating my child upstairs. The reality is
20 once I told them for the tenth time and Linda
21 Fairstein said to me, we will stop questioning him
22 now after she had led me to believe all those
23 hours that not a soul was talking to him. She had
24 led me to believe she believed he was 15 years old
25 as I had told her on many occasions. She led me

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2 to believe that she was following my instructions
3 and that was that I was not giving her permission
4 for anyone to talk to him under any circumstances.
5 They were working on him upstairs. I didn't know
6 where my child was, and when I learned later how
7 Mayor Koch said we are going to make some examples
8 of these boys, how would you feel as a mother, as
9 a father knowing that your child was being made an
10 example of because of what the police said? Nobody
11 was out trying to find out what justice was.
12 Nobody. Our children were being led to the
13 slaughter. They were the sacrificial lambs. They
14 didn't care what stories they came up with that
15 night, and later on when they wrote my son's
16 confession because they had no confession for him,
17 they wrote him a confession and typed it up and
18 you know what the detective said? That he was
19 getting ready to sign it, but I stopped it—how
20 could I have stopped it? I'm downstairs being held
21 off in a backroom somewhere not knowing whether my
22 child was alive or dead. I feel sorry that we
23 have corruptive police officials in our ranks that
24 need to be weeded out weeded out in every sense of
25 the word. I feel very sorry that when they didn't

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2 find the DNA that it was Elizabeth Lederer, who
3 said the reason they didn't find it was because
4 they all wore condoms, but they hadn't found any
5 condoms either. There was an excuse for
6 everything they said that did not lead to the
7 truth. The FBI person came and testified. They
8 had gone over my son's clothes with a magnifying
9 glass and found nothing. Nothing. What kind of
10 justice do you get in this society? We are
11 supposed to be the avant garde of justice for the
12 world. My child didn't get justice. I didn't get
13 justice. None of the other mothers and children
14 got justice. None of us. And we are still
15 waiting for justice to come. I don't know when
16 it's going to be arriving. I don't know. Many of
17 us have fallen on the wayside from death because
18 of all the pressures of this stuff. I don't even
19 know if I am going to make it to the end. I hope
20 to God I can see the end of it to see justice at
21 last for all of these children, now men. I pray
22 that this does not happen to others, but one thing
23 I do want to say, and that is this, - - , that is
24 this: laws were changed because of this case.
25 They started adding on time for children to go to

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2 jail. They started making it possible for
3 children to be incarcerated with adults. All
4 types of things started to happen because of this
5 case. When you look at justice, none of those
6 things are going to be rolled back. They are not
7 going to take the children who they put in jail
8 after the Central Park jogger case or as a result
9 of the Central Park jogger case out and put them
10 in juvenile facilities. That is not going to
11 happen. We are stuck with those things that were
12 put in place. Right now when people see my child
13 many of them don't know if he is guilty or
14 innocent, and that is because the police continue
15 the same stories that they have in the past. They
16 all are wondering why don't they just confess to
17 something or get over it? I didn't raise a child
18 to be sent off to jail so I could get over it. I
19 haven't gotten over it. Maybe one of the reasons
20 why I haven't gotten over it and all of the stuff
21 that has happened has led me to have stage 4
22 cancer. The stress of it all will kill you and it
23 has killed many of us. It will drive you to
24 drink. This must end, and it needs to end for all
25 of us, not just for the jogger. I remember how

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2 they sent her roses. They took collections for
3 her to make sure she had a secure future. When
4 this situation was overturned with my child,
5 nobody sent me a rose. I still get death threats.
6 People are still calling me today telling me to
7 die, die, die. I want it to end. I did not get
8 the same service that was given when this was a -
9 - case in the newspapers every day as this was
10 going on. It was just a whisper when Matias Reyes
11 came forward—just a whisper, and I don't know if
12 the rats heard it down in the sewers. I am
13 hurting. These families are hurting. These
14 children, now men, are hurting, and at some point,
15 there needs to be justice for us also, not just
16 for Patricia Meili, but for all of us, and this
17 type of thing should not be allowed to hurt any
18 other families in our society.

19 CHAIRPERSON BREWER: Thank you very
20 much, and thank you for joining us here today
21 because I know you have had to do an awful lot of
22 speaking out, and that is what has been the
23 backbone of this case, so I really, really
24 appreciate you being here today in particular. I
25 know that Council Member Jackson had a question.

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2 COUNCIL MEMBER JACKSON: Well,
3 thank you, Chair Brewer and my colleagues and to
4 the families and the individuals of Central Park
5 five, our hearts go out to you, and in fact, I was
6 invited to see the film and listen to the
7 presentation at the Schaumberg Center, and
8 obviously not knowing all the particular details
9 it was clear to anyone that was present what the
10 situation was, and in fact, Charles Barron, my
11 colleague, who is a member of the New York City
12 Council's Black, Latino and Asian Caucus—there are
13 26 members of us and I co-chair the caucus, we
14 express adamantly to all those that will listen
15 that the caucus is totally 100 percent behind this
16 resolution and that we committed to Charles that
17 we would do everything to stand up with him to
18 ensure that a hearing was held, and I am glad that
19 the forces of the Speaker's Office and staff
20 allowed this hearing to go forward after
21 negotiating with Charles Barron, and so we stand—
22 and when I say we not only members of the Black,
23 Latino and Asian Caucus, there is other members
24 that are not members of the caucus that are not
25 black that are not Latino or that are not Asian

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2 that stand with us just like the Caucus does, but
3 I wanted to say that loud and clear to let you
4 know that the support here in the City Council for
5 you to receive justice—I mean obviously no one can
6 give you back the years that you spent in prison,
7 not jail, prison. Riker's Island is a jail.
8 Upstate is a prison. It's a big difference. No
9 one can give you back the youth in which they took
10 from you, and I listened to my colleague, Peter
11 Vallone. He is of a different opinion. Clearly,
12 the evidence all of the evidence shows that
13 nothing connected you there to that situation. I
14 saw it in the film. I listened to it. I listened
15 to your attorneys. I have read the papers, and as
16 your attorney said, no blood, no dirt, no strands
17 from the jogger's clothes on your clothes, no
18 hair, nothing as far as physical evidence that
19 connected you to that rape and that location
20 exactly where she was at except the forced
21 confessions, the statements or confessions that
22 they have, and I am not an attorney at law. I'm a
23 layperson, but one thing that I do have is I have
24 common sense, and I know right from wrong and
25 clearly you were wrong, and justice needs to be

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2 had. And ten years of a lawsuit without you
3 receiving a resolution and especially knowing what
4 our City Comptroller indicated that the legal
5 costs are building up, and I remember a case, and
6 maybe my colleague alluded to it, Jumaane
7 Williams. I'll finish in one minute, Chair
8 Brewer. I represent part of Harlem, Washington
9 Heights, and Inwood, and I read in the paper maybe
10 no more than a year ago that a drug dealer, a
11 Dominican drug dealer was convicted of murder and
12 after spending I think 17 years in prison, they
13 found out that he didn't commit the murder, and I
14 believe that NYPD or the city knew he didn't do
15 it, but he was convicted, so he was released. He
16 was deported because he is not a citizen. He was
17 deported to the Dominican Republic, and they paid
18 him about seven and a half million dollars or more
19 as a result of that. I don't know the exact
20 numbers, and I said to myself, if the city can
21 resolve that situation, then dammit, the city can
22 resolve this one. So with that, Madam Chair—I
23 don't have any questions for them. I just thank
24 the attorneys and Steve Banks and the parents and
25 everyone involved, and especially our colleague,

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2 Bill Perkins, 'cause I remember Bill Perkins was
3 there, and I wasn't there standing next to Bill
4 Perkins, but I applaud him and everyone else that
5 stood loud and clear, and I applaud my colleague,
6 Charles Barron, for putting forward this
7 resolution in which we wholeheartedly support.
8 Thank you, Madam Chair.

9 CHAIRPERSON BREWER: Thank you.

10 Council Member Melissa Mark-Viverito?

11 COUNCIL MEMBER MARK-VIVERITO:

12 Thank you, Madam Chair and Ms. Salaam, I want to
13 thank you for being here, for your courage 'cause
14 as you were speaking, my heart is breaking, and
15 seeing those that were wrongfully convicted also
16 being impacted and having to relive this every
17 time we have this conversation is just—we are in a
18 sorry state, and this is not acceptable. For so
19 many reasons, we have to settle this case, and I
20 think at the press conference outside, and I said
21 that this is about reparations. It's about
22 righting a wrong. And that is what this
23 represents. We know that there is and anyone that
24 wants to turn a blind eye to it, anyone who wants
25 to be callous—we can have difference of option,

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2 but we shouldn't be callous, especially when
3 something as terrible as this has happened—that we
4 have institutionalized racism in our society, in
5 our institutions, in our government. That is a
6 reality. That is a reality, and that is what this
7 is about, that this is something that has be
8 recognized, and that is why it is important to
9 settle this cause because it's admitting that
10 there is a wrong. When we have an NYPD that
11 continues to arrest hundreds of thousands of
12 predominantly black and Latino youth, and over 90
13 percent of those cases go nowhere, they find
14 nothing, when you talk about marijuana arrests,
15 overwhelmingly black and Latino children and young
16 people when those that use marijuana are
17 predominantly white, when you have people being
18 sent to death based on wrong information where you
19 had governors issue moratoriums on the death
20 penalty, predominantly of black and Latino
21 individuals, there is a problem in our society,
22 and until we are able to recognize and admit that
23 that is the case, we are going to continue to
24 perpetuate that, and that is why it is important
25 to settle this, for that, and for so many other

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2 reasons. We have got to come to terms with that
3 reality, and despite the fact that we are of
4 overwhelming majority in this city, and this goes
5 beyond color because it is about culture, it is
6 about an organization of culture, it is about what
7 has been the predominant mindset in our
8 institutions and our government. That has to be
9 uprooted. That has to be weeded out, and we have
10 to do that by admitting the wrong, and so again, I
11 really want to thank Council Member Barron. I
12 want to thank all of those that have stood strong.
13 I want to thank all of you that are here and the
14 family members and those that were wrongfully
15 convicted. All I can say is I am sorry. I was
16 just recently arrived to New York—I came in 1987
17 to go to school here, and I was 20 years old in
18 1989, and I was at Columbia University, and that
19 institution has had a lot of challenges with the
20 surrounding community as we all know. The
21 relationship with Harlem over the years has not
22 been very good, and that always was an issue,
23 especially when I was there at college. It was
24 very dominant that it was definitely an ivory
25 tower that was not very interactive with the

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2 community in this case obviously and the hysteria
3 around it contributed to that kind of thinking.
4 So I just want to again thank everyone that has
5 taken a leadership role. I really look forward to
6 the day that this get settled, and I think
7 unfortunately this administration and this NYPD
8 refuses, it thinks it's infallible, and refuses to
9 admit when it's wrong, and there is plenty of
10 wrong within it, so with that, I thank you all for
11 what you are doing, and thank you, Council Member
12 Barron.

13 CHAIRPERSON BREWER: Thank you very
14 much. We have been joined by Council Member
15 Comrie, and there is a question from Council
16 Member Dromm.

17 COUNCIL MEMBER DROMM: Okay, thank
18 you very much. I also want to say how moving your
19 testimony was, Ms. Salaam, and I thank you for
20 coming in, and you brought up a very good point,
21 which I think has to be continually stressed.
22 These young men at the time were 14, 15 years old.
23 They were youth, and their youth was taken away
24 from them as well as the family suffering also,
25 and I would like to think that some things have

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2 changed. We have worked hard in the Committee for
3 juvenile justice here to try to change some of
4 those terrible laws that were put into effect as a
5 result of this particular case, but much more work
6 remains to be done, and so I do want to thank you
7 for coming in and for sharing your testimony.

8 It's a very important and emotionally moving role.

9 That being said, I wonder if has the issue of

10 malicious prosecution ever been brought up because

11 I do believe that somebody needs to be held

12 accountable for what was done to these young men,

13 and I don't think that—and they do well deserve

14 having some type of compensation, and I hope that

15 happens, and that is why we are here today, but I

16 do believe that somebody needs to be held

17 accountable for what happened to these men, so

18 that it does not happen again in the future. I

19 don't know if Steve if you know anything or how

20 that even would happen, but I think it's something

21 else that we should be looking at and would like

22 to even work with Council Member Barron on.

23 ROGER WAREHAM: In the particular,

24 that is still one of the counts in the case is

25 malicious prosecution, so that it's clear that

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2 that is what happened. It's clear that when the
3 DNA came back and as Ms. Salaam testified they
4 were going to make a case. It was we have got—
5 it's the same mentality of stop and frisk. You
6 are presumed guilty because you are born with a
7 skin color, which says that you are a perpetrator,
8 and so despite the fact that all of the evidence
9 contradicted their guilt, their involvement in it,
10 the District Attorney's Office was going to make
11 this prosecution happen, which was why—let me talk
12 about the question of good faith. There was no
13 good faith. The statements we coerced. When
14 everything kept coming back that they didn't do
15 it, that didn't stop them, and - - there was a
16 book that one of the district attorneys wrote - -
17 Harlan Levy, where he talks about the day when
18 Elizabeth Lederer called him in and like she had
19 been kicked in her stomach because the DNA didn't
20 match and they sat down and figured out how they
21 were going to make this work regardless of the
22 facts.

23 STEVEN BANKS: I just add not as
24 the lawyers in this case, but looking at the
25 complaint that has been filed here and the civil

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2 litigation, that is the way you get redress, and
3 that is the way as you know - - brings many civil
4 actions, and that is the way you try to stop this
5 from happening again, which is why again, I think
6 it's so important that it get resolved 'cause
7 otherwise it continues to longer and more people
8 more anonymously are caught up in it, and that is
9 equally as bad as the sensational attacks on
10 people that this case involved.

11 COUNCIL MEMBER DROMM: To me, yes,
12 I agree, and I understand the issue of civil
13 litigation and that the vindication that will come
14 from that and the acknowledgement that will come
15 from that, but to me also it would seem because of
16 exactly what was done, and I have seen the movie,
17 I have read the case, I haven't spoken to the
18 lawyers or anything like that, but from what I
19 know as a layman, as Council Member Jackson said
20 as well, there was a definite intent to set these
21 young men up, and to me that also has to violate
22 some laws, and I would like to see that if people
23 violated those laws that they be held accountable
24 in a way that is possible by the laws that we have
25 prohibiting that type of behavior on the part of

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2 prosecutors, and I think that goes even beyond the
3 issue of the compensation for these victims and I
4 don't have the answers because I am not an
5 attorney, but from what I have seen and what I
6 have read, and what I know about this case, it
7 sure seems like these young men were viciously and
8 maliciously set up.

9 ROGER WAREHAM: There are civil
10 rights points in the complaint. Now the question
11 of the prosecution is always a question - - this
12 concept of prosecutorial immunity, which basically
13 gives the prosecutors a tabula rosa to do wrong and
14 not be accountable for it, and that is something
15 that really needs to be addressed.

16 SHARONNE SALAAM: Part of it I know
17 a number of people had asked well, why aren't they
18 willing to meet with Liu and others to come to a
19 resolution of this case. The issue regarding that
20 is because they have something to hide. They
21 don't want to be held responsible. They know
22 their guilt already, and they are meeting behind
23 closed doors weekly, every day, monthly to figure
24 out how they can save their own skins and put ours
25 under the roasting pan again.

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CHAIRPERSON BREWER: Council Member Comrie?

COUNCIL MEMBER COMRIE: I'm sorry I was late, Madam Chair. I was at the press conference, and I signed onto this resolution early - - Council Member Barron because I wanted to take the opportunity to apologize to the family in my own way on behalf of the city, and to all of the families for the young men that were involved, and I just really wanted to take a moment to apologize and ask that as I said in the press conference earlier that these families and these young men get paid for their pain and for their suffering, that they get compensated for the wrong that was done to them, and I agree with Council Member Dromm 100 percent in the malicious prosecution, the deliberate attempt to demonize and create hysteria around what happened and even after they knew the facts, which really bothers me that the prosecutors, the district, the DAs, the District Attorney knew what the facts were, and yet the still pushed to convict these young men that they knew didn't commit a crime. I don't understand how they can live with themselves

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2 frankly. I don't understand how they can continue
3 to - - not be first up to say that there should be
4 some compensation. I don't understand how they
5 cannot stand up and say that they made a mistake,
6 and that there needs to be some justice given to
7 these young men. I don't understand how we as a
8 city or any official in the city could want to
9 tolerate leaving that type of - - , that type of
10 standard to where it is still the standard in the
11 city where the police can create an opportunity to
12 wrongfully convict someone, so I think that-I want
13 to congratulate Council Member Barron for
14 everything that he did to push to get this
15 hearing. I am proud of the small part that I
16 played helping him. Well, you say it's a big
17 part. I think it was part of my necessary role as
18 an elected official to do what was necessary to
19 fight for justice for these young men, and I think
20 that until we understand that there are deeper
21 issues here beyond making sure that they are
22 compensated and that the rest of their lives are
23 taken care of, the aspects of this affects every
24 young person, every child, every family in the
25 city when we have a city that is not willing to

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2 own up to its responsibilities in this case. And
3 until we find a way to make that happen as well,
4 until we find a way to deal with the people that
5 are still not willing to apologize for a clear
6 error that they compounded, that they exacerbated,
7 that they created into a hysteria from the Donald
8 Trumps of the world to the mayor at the time to
9 everyone. It just wanted to create a specter
10 [phonetic] of minority young men being animals as
11 opposed to minority young men having a right to
12 play in the park in their neighborhood 'cause you
13 have got to understand as Senator Perkins said
14 earlier, this is their neighborhood park. This
15 was a park designed for them to play in. This was
16 the area of their recreation in an urban city
17 where they were expected to go and have fun, and
18 to be blamed for trying to have fun and to get
19 some exercise and to all of a sudden they are
20 being put under lights and their parents are being
21 lied to and their family and friends are being
22 lied to, and they have lost 25 years of their
23 life. We need to show that this city can do
24 better, and the only way that the city does better
25 is by owning up to its mistakes and paying them,

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2 and I don't understand how any of the people that
3 were involved in this can sleep at night. Thank
4 you, Madam Chair.

5 CHAIRPERSON BREWER: Thank you.

6 Council Member Barron?

7 COUNCIL MEMBER BARRON: Thank you
8 very much. I just wanted to say to Council Member
9 Dromm, what we are going to do on this, this is
10 just the beginning, and at least it will highlight
11 the contradictions and put the information in the
12 public domain, but they prosecuted, and I don't
13 know whether it was malicious prosecution in the
14 Duke case or whether the FBI did it, the Justice
15 Department did it, somebody prosecuted that DA,
16 and I think there are other places where DAs have
17 been prosecuted. It might have been for malicious
18 prosecution, but the challenge that we have always
19 had in this American system that where
20 institutional racism has permeated through just
21 about every institution is that you have to ask
22 the FBI to prosecute the police or you have to ask
23 the FBI to get the DA or the DA to get the police,
24 and they're all in cahoots, so it's always a big
25 challenge, but I think if we put enough pressure

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2 'cause I'm not quitting on this one ever until we
3 really get that justice that Ms. Salaam is talking
4 about. We are not going to quit whether it's the
5 Justice Department, and even if we have to go to
6 the United Nations, and say that they are human
7 rights violations - - America has signed on to the
8 universal declaration of human rights in the
9 1940s, and sometimes you have got to take it
10 beyond even the national scope or the state scope
11 and bring it to the world's attention, but if that
12 is the case then we could not have found a better
13 case to bring to the attention of the world. - -
14 and Attorney Roger Wareham is very, very familiar
15 with the international arena and the different
16 kinds of human rights committees in the world, so
17 we are going to look at all of this. Right now we
18 are going to focus on this piece right here,
19 getting this justice, getting this compensation,
20 and let them be ignorant and foolish and arrogant
21 and put all the depositions in that is needed in a
22 case, and perhaps, when we get all of that
23 information we can take it further.

24 CHAIRPERSON BREWER: I was going to
25 ask you a question, but go ahead.

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ROGER WAREHAM: One of the questions initially to Mr. Banks was what are the long term implications of this? And one of the long term implications is coming at the culture of how the police department and the District Attorney's Office interact with each other. You know, the police are used to perjuring themselves, so it's so common they call it - - and it has come up even recently in the Bronx around the marijuana arrests, so it's coming - - that culture to try and ascertain why there has been such a delay, why this has taken so long, it means that if they committed a crime in the first place, if they lied in the first place and we have a deposition and they testify to what happened, then they are going to keep lying. They are going to be perjuring themselves, so the longer this stretches out, the less chance that maybe they won't have to do that, but that is---hopefully, the microcosms of this case just like it spawned regressive legislation to incarcerate people may come at the culture of the - - of the perjury and break that because that is how they ended up where they ended up.

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2 CHAIRPERSON BREWER: Thank you. I
3 just have one quick question. On the issue of the
4 police misconduct hearing, is that a normal post
5 discussion? Is that something that is done
6 normally - - was this a special situation - - ?

7 MALE VOICE: The Armstrong report
8 you are talking about.

9 CHAIRPERSON BREWER: The panel that
10 took place. I am asking the question. Most
11 people give statements, but I actually have a
12 question. Go ahead.

13 STEVEN BANKS: It is not the usual.

14 CHAIRPERSON BREWER: I didn't think
15 so.

16 STEVEN BANKS: It's not the usual
17 way that things proceed, although it does raise
18 the issue that I think Council Member Barron
19 raised, which is ultimately when one is looking to
20 see whether or not an injustice occurred, the
21 importance of having it be an independent look is
22 an important approach. Frankly, I think if we had
23 more post-conviction analysis of the wrongful
24 convictions that are occurring throughout the
25 system maybe we would have less of them, but

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2 again, I come back to this one as one that must be
3 addressed because it permeates the system.

4 ROGER WAREHAM: I think the
5 Armstrong Report, which has summed up that the
6 police department had done nothing wrong, that
7 these statements from these children that when you
8 look at them were completely inconsistent, and as
9 it turned out they had nothing to do with the
10 jogger. It had to come from somewhere. It only
11 leads to one conclusion, but I think it's the
12 reflection of—I think the Comptroller was asked
13 why hasn't this case been settled, and he is the
14 comptroller and he is diplomatic, but it's the
15 politics. Part of it is the politics of which
16 defendants are connected to which people - - .
17 I'm not talking about the Comptroller Liu; I am
18 talking about the mayor's office, and which
19 defendants have political connections around why
20 this hasn't been settled because to anyone else
21 looking at it they would have said, this was a no
22 brainer. When you talk to people in the streets
23 everybody assumed that this had already been
24 resolved. Nobody understood why it has happened,
25 but we have to look at the politics.

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2 CHAIRPERSON BREWER: Thank you very
3 much for all of your time and commitment and
4 testimony here today. Thank you so much. Our
5 next panel is Mr. - - , Ms. Weingraf, Mr. Hayden
6 [phonetic]. We need more chairs I think,
7 Sergeant. Mr. Berkley and Ms. Goodman. Whomever
8 would like to start, I think some people have left
9 I am afraid, so whomever would like to start, go
10 ahead. Just introduce yourself, and thank you for
11 being here.

12 CARLTON BERKLEY: My name is
13 Carlton Berkley. I am a retired New York City
14 detective. I joined the police force back in
15 1984, so I was on the job when this case happened,
16 and you know, for the facts for Mr. Vallone, and
17 this is being recorded, he will know I got other
18 facts in this case.

19 CHAIRPERSON BREWER: It is being
20 recorded.

21 CARLTON BERKLEY: Okay, well, there
22 is other facts. There are some things that he
23 didn't know that while I was in the police
24 department word has went around during this case
25 that these young boys did not commit it—did not

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2 commit the crime, but detectives were being
3 promoted and they were laughing and saying, oh
4 well, who cares, as long as we get promoted to
5 second grade, to first grade. Also, Mr. Vallone
6 didn't know that Detective Sheehan, Hartman
7 [phonetic] and McKenna [phonetic] were drinking
8 numerous times on duty while they were working.
9 So it's a lot of facts that he don't know about.
10 As a detective during this time that this had
11 happened, I was so upset myself finding out and
12 trying to get in touch with these young men's
13 parents, but other officers that knew what was
14 going on with these young men being interrogated
15 at 14 years old and 13 years old and 15 years old
16 in the patrol guide it stated that you are not to
17 interrogate juveniles without their parents being
18 there. I am telling you that they were
19 interrogated before their parents got there, and
20 that their parents were lied to as far as telling
21 them that your son really didn't do anything, just
22 give us 10, 15 minutes to talk to them, which
23 violated New York City Police patrol guide
24 procedure, so there is a lot of violations that
25 the police officers, that these detectives

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2 committed against these young men, and as a
3 detective and a second grade detective when we
4 went through the academy, we was told that you
5 don't bring any evidence and you don't add to the
6 evidence. You just bring in whatever you get and
7 you tell the truth and let the jury settle the
8 case. You don't play judge, jury and executioner,
9 so that is what we was taught. We wasn't taught
10 that you don't make your own case, which in this
11 case that is what happened because when you put
12 pressure on police officers to make an arrest, and
13 it's coming from the top, I am telling you I never
14 did it, but I know plenty of cops that were out
15 there and still doing it with the stop and frisk
16 because when some cops need certain details as far
17 as 8 to 4 or they need shifts like an 8-4 because
18 their wife works maybe 4 to 12 and they need to be
19 home, it's pressure put on those cops to bring in
20 those numbers as far as stop and frisk. But
21 getting back to this case here, which was a total
22 miscarriage of justice 'cause it goes back to the
23 Scottsboro [phonetic] case - - where we had
24 racism, we had a frame up, we had an angry mob,
25 which was the papers, and one thing that was

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2 mentioned during this case that one of these boys
3 should have been lynched right in Central Park.
4 So a lot of things that Mr. Vallone don't know,
5 and when he wanted to speak about facts, I would
6 love to sit down with him, and I also wanted to
7 say when the Commissioner Kelly's son was accused
8 of rape, he never even made it into a police
9 precinct, and had I been working and had that case
10 I would have loved to have him because he would
11 have been in the precinct. We definitely need
12 videotaping 'cause I tried to do that while I was
13 a detective, and I was told that I don't bend the
14 rules, I just play by them. We definitely need
15 videotaping and audiotaping during interrogations
16 because we as a member of the 100 blacks in the
17 National Latino Offices, we asked for this while
18 we were in the police department along with Eric
19 Adams [phonetic] and Anthony Miranda, but the
20 police department said no, and the reason why they
21 said no is because you really don't know what goes
22 on in interrogation rooms, but these young men can
23 tell you. I know that McKenna and them was in
24 their face and telling them that they better
25 confess to this and that. I know because I know

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2 McKenna. I know Hartman, and I know Sheehan, and
3 Sheehan just got bumped off a news agency because
4 of his drunkenness. Like I said, they were drunk
5 90 percent of the time while they were working.
6 Last, but not least we have cops stealing guns out
7 of police lockers and selling them for drugs. We
8 have cops raping women. We have cops killing
9 unarmed senior citizens, church congregants,
10 blacks and Hispanics without any firearm or
11 without any weapon at all. With all of this going
12 on, do you really think that blacks and Latinos in
13 the minority neighborhoods really think that the
14 police are there to protect them with all of this
15 going on? We need to hold those detectives, all of
16 them, we need to hold them accountable. No one is
17 saying that they should be sued. We don't need
18 the police department or the city indemnifying
19 them when as a detective you know that the
20 evidence was false, you brought it to the District
21 Attorney's Office, and she Linda Fairstein also
22 went through and prosecuted these young men. As a
23 former law enforcement officer - - and did my 20
24 years, it was a total miscarriage of justice and
25 everyone needs to be held accountable, even the

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2 judge as far as I am concerned—everyone. And like
3 I said, Ray Kelly's son never made it to the
4 precinct and a woman accused him of rape. Why is
5 it that he gets special treatment?

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CHAIRPERSON BREWER: Thank you very
much. You can stay if you want.

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CARLTON BERKLEY: I would love to
stay, but I have got 15 young youth that I have to
go and coach for a basketball team, but I would
love to stay.

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CHAIRPERSON BREWER: Thank you for
your commitment to our city. Thank you. Thank
you very much, sir. Next. Thank you.

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CRAIG SHLEY: Madam Chair Brewer,
Councilman Barron, thank you very, very much for
your tireless work and speaking up for our
community and your people. African Americans and
Latinos need that type of support. I thank you
very much. I am very proud to see my two
councilmen—

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CHAIRPERSON BREWER: [interposing]
Identify yourself.

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CRAIG SHLEY: My name is Craig
Shley. I live in central Harlem. I have been in

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2 New York City since 1990, worked for State Supreme
3 Court Judge Faviola Soto, former candidate for
4 different offices in my district. I am executive
5 director of Vote People. I am a block association
6 president, and I am a brother to these men who
7 have suffered, and a friend to them as well. I
8 also was moved by Ms. Salaam, which I know her
9 personally, brought tears to my eyes and my heart,
10 and I am saying that 'cause I'm going to set aside
11 my history. I am speaking to this Council as a
12 body of people, other human beings, and I say to
13 you that the crime that was committed against them
14 is still being perpetrated today in our judicial
15 system. A lie does not live forever as you can
16 see. This community that we are in as amalgamated
17 cultures have to understand what occurred to them
18 is not a present thing, it carries all the way
19 from slavery to today. This offense is extra
20 stabbing in our hearts, in our communities, in our
21 souls. It erodes the lives of mothers like Yusef
22 Salaam, like Antron's parents, like Kevin, like
23 Raymond, like Salaam, like all of them, all of us
24 and the way you address this when you have a lie
25 that is living and you have a mayor that is

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2 actually opposing it, it becomes offensive to the
3 people, African Americans and Latinos, because
4 once at some point in time other culture erasers
5 are going to be in the same situation. You are
6 going to need help from other people to stand up
7 for you to correct the injustice. This is
8 something that can be corrected by the legislative
9 body. If we cannot get paid as the gentlemen
10 ought to be, if we cannot get a verbal
11 acknowledgement from the city as a whole for the
12 wrongs that they have done, legislatively it can
13 be corrected. We are now living in a society
14 where we have evolved to the point that when you
15 face things like this, things that offend not just
16 our ideals of judicial process, but culture and
17 race, you have an obligation to stand up and
18 correct this. I'm asking you to separate your
19 differences here and think about this as a human
20 being. I have a child, and I am not certain if I
21 could have stood around and watched that happen to
22 my child. You understand what I am saying. It
23 takes an act of God to have the dignity that this
24 lady and these people's families has had for so
25 long. Reward them, reward their efforts, restore

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2 them, make them whole as you can as a body and
3 forward this legislation and aid us to bring the
4 people that perpetrated this crime against them
5 and humanity to justice. As I close, I want to
6 say to the five that they are me, we, it's my
7 peers. I set aside their last names, and I wanted
8 to set aside what I say and do as I do in my
9 regular life because it offends me directly. I am
10 an African American male, and I will tell you, I
11 have stories of my own. My family have stories
12 that is identical, but not as famous and infamous
13 as the things that are perpetrated against them.
14 Correct it. New York City leads the country.
15 Harlem has the lab and the rat of social sciences.
16 Correct this and other states will follow and we
17 could then stand up with dignity and hold hands -
18 - the African and Latino communities say we are
19 not going to abandon you now as we did before, and
20 with that, I say a thank you. I appreciate you
21 again, Barron, for the work that you have done.
22 Robert, I thank you—excuse me, Councilman Robert
23 and Barron, I appreciate it. This has to stop.
24 It offends me directly and them, and I ask that
25 you continue what you are doing and if anything I

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2 could do as a citizen or anything within my will
3 and my capability to do so, I shall do it. My
4 name is Craig Shley and I thank you very much.

5 CHAIRPERSON BREWER: Thank you very
6 much. Next?

7 DEBORAH GOODMAN: Hello. My name
8 is Deborah [phonetic] Goodman. I am a retired
9 legal secretary, and I have been an activist for
10 civil rights in the last couple of years. I moved
11 uptown to Harlem and the Bronx because I saw that
12 in my opinion the biggest problem in New York City
13 is the institutionalized racism, and especially
14 regard to the policing. I am just a regular white
15 woman who is middle class and worked and paid my
16 taxes and thought that the police were here to
17 protect and serve us and that things work out well
18 in a court of law and there is justice. In the
19 last few years, I have had my eyes opened. In
20 1989, I remember the climate in New York. I was
21 born in Brooklyn. I remember the word wilding. I
22 remember having everybody try to make us afraid of
23 black people. I remember growing up like that
24 because I was born in 1961 in the civil rights
25 era, and I watched everything. And then I watched

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2 people in New York right now talk about how things
3 got better, and I am here to tell you, oh no, they
4 have gotten worse. This stop and frisk problem is
5 the most racist policy I have ever seen, and New
6 York does lead the country. They are now bringing
7 it to other cities, even though it's just the
8 worst policy in the world. It criminalizes entire
9 - - of youth, but the thing at hand here is
10 justice for the Central Park five, and what
11 everybody needs to realize is that all of this
12 racist problem is all related and it's getting
13 worse, so if we don't nip it right now where it is
14 already out of control and say, wait a minute. We
15 have to speak up for justice. These people have
16 been completely undone in every possible way. How
17 do we not stand up for them? And how does everyone
18 in our City Council not get behind that? How do we
19 even have that guy, Peter Vallone? If you are not
20 really angry, you are not paying attention, and if
21 you don't think it could happen to you, if you're
22 not rich, it will happen to anybody. Our economy
23 is melting down and everybody running all of our
24 politics knows how bad it so, so they are policing
25 us to the nth degree. In my white neighborhood,

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2 you never see cops with uniforms because they
3 don't want to upset us. We are a wealthy
4 neighborhood, and we should think everything is
5 fine, but if you go up to the Bronx, it looks like
6 an armed siege with command and control units
7 everywhere and cops that get out just as kids are
8 getting out of school. The way to stop this
9 problem is first and foremost to go back in
10 history and fix the injustice that was done to
11 these men. How they became such incredible
12 gentlemen after going through all of that is far
13 beyond my knowledge, but I give you undying
14 respect and love. But what I would like to say to
15 the City Council, stop with all of the flowery
16 words. We have got a major crisis of racism.
17 Focus on it, and start to address it, and start by
18 settling and letting these men live their lives in
19 peace. Thank you.

20 CHAIRPERSON BREWER: Thank you very
21 much. I do want to thank Mr. Santana, Mr.
22 Richardson and Mr. Wise for staying for the entire
23 hearing. That is really appreciated. Thank you
24 very much. I don't know if Mr. Barron wants to
25 say anything further. We are waiting. We are

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2 going to keep the record open. There are a couple
3 of people who still need to vote, but I want to
4 thank Mr. Barron for bringing this to our
5 attention. We certainly are—the resolution will
6 pass. We already have the votes, and it will go
7 to the floor, but I don't know if you want to say
8 anything else.

9 COUNCIL MEMBER BARRON: Council
10 Member Brewer, I'd like to thank you as chair of
11 this Committee for seeing to it that this hearing
12 took place, and that it was passed in this
13 session. So it is a milestone for us here in the
14 City Council to have it passed, and we are going
15 to keep fighting for you. The next step would be
16 to bring it before the full Council. I believe it
17 might be on the 27th—maybe the next Stated Meeting,
18 but I will check that to make sure, and we will
19 get that information out so that we can come back
20 again during the full Stated Meeting of the City
21 Council, and I do believe that we will be
22 successful there too, and this will just be the
23 beginning of our struggle, and I'd also like to
24 let everybody know that my office is preparing
25 proclamations for all five of these young men and

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2 we want to find a special occasion to present
3 these City Council proclamations to you, - - for
4 the record. This is not just that you had this
5 injustice inflicted against you, but the way that
6 you responded to it. I am not sure that I could
7 do it the way you did it, and you put it so well
8 that you maintained your integrity, you're a
9 gentlemen and angry and fighting with every
10 demonstration. You could have easily gone away
11 and done something foolish and forgot about the
12 whole idea of struggling for the larger issue of
13 our liberation and our justice, so I am so proud
14 of all five of you, and will be honored to honor
15 you and pick sometime in the neighborhood, maybe
16 at a church or at a hotel or something where we
17 have a ceremony just for you and deliver the
18 proclamations. Thank you.

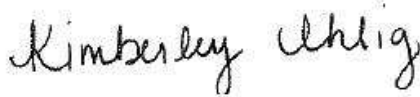
19 CHAIRPERSON BREWER: Thank you. So
20 at this moment, the hearing is not closed. We are
21 waiting for one more person to vote, but it is
22 ending, and I thank everybody for their
23 participation. Thank you. This hearing is now
24 adjourned.

25 [gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.

Date

2/24/13