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Praise, Questions For Hynes After Arrests

In wake of witness intimidation indictments, concern as to whether DA will now pursue rabbinic leaders.

06/26/12 | Hella Winston | Special To The Jewish Week

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The recent indictments by the Brooklyn district attorney of four chasidic men for attempting to impede the sex abuse prosecution of a chasidic defendant is being met with a mix of skepticism and cautious optimism by sex abuse victims, their advocates and observers. Many are gratified to see the district attorney taking a tough stance on witness intimidation, a problem in the ultra-Orthodox community that District Attorney Charles Hynes himself has acknowledged is worse than anything he has seen even in organized crime and police corruption cases. However, some question the timing of these arrests – coming in the wake of blistering media criticism of Hynes’ handling of Orthodox sex abuse cases – and whether they signal a true willingness on the part of the district attorney to pursue elements of the communal leadership they claim have been the driving force behind such intimidation for decades. “Which genius law-man from the task force ‘figured out’ how to break the Mafia’s wall of silence a mere couple of weeks after the [New York Times](http://www.nytimes.com) (<http://www.nytimes.com>) article[s]?” asked Asher Lipner, a victims’ advocate and clinical psychologist who has been treating Orthodox sex abuse victims for 10 years. Lipner’s derisive comments refer to a public promise Hynes made to take former Mayor Ed Koch to a “celebratory lunch” after he “get[s] lucky with one or more of these [c]ommunity criminals who hide behind their religion and act like Mafia dons.” This promise came on the heels of a two-part investigation last month by The Times – which drew heavily on years of work by Jewish publications and blogs – into the sex abuse issue in the Orthodox community that ran in May. “Somehow,” Lipner added, “media attention, protests and calls for a federal investigation created this incredibly unlikely ‘lucky’ break.” The recent arrests are related to the case of Nechemya Weberman who is awaiting trial on charges of sexually abusing a girl, for whom he was providing unlicensed therapy, over the course of three years beginning when she was 12. A fundraiser for Weberman’s defense fund last month spurred a protest in Williamsburg. One of the four men charged, Abraham Rubin, is accused of trying to silence the victim and her boyfriend with a \$500,000 bribe. Two others, charged with coercion and aggravated harassment, allegedly threatened to remove the kosher certification from the victim’s boyfriend’s restaurant, thereby negatively impacting his livelihood; one of the men physically tore it down, according to the indictment. To some, the timing of the arrests suggests a political motivation. “Now you have the flip side [of what you had before],” said James A. Cohen, a professor at Fordham Law School and an expert in the area of witness tampering. “Hynes doesn’t do anything for years, gets pressure from the press and then makes these arrests,” Cohen continued. “Just as he was politically motivated not [to go after intimidation], now he might be politically motivated to appease the press.” “I have no reason to believe that there isn’t a solid basis for these arrests,” Cohen emphasized. But he added that the defendants’ attorneys may argue that they did not know this was a crime because “after all, [this behavior] was permitted by the prosecutor all along.” According to Hynes’ spokesman, Jerry Schmetterer, “These arrests were the result of a number of factors and hard work by Kol Tzedek [the DA’s initiative, launched in 2009, to encourage Orthodox victims of sex crimes to report to the authorities] and the new task force organized to investigate the intimidation of victims and witnesses.” Even his critics agree that whatever Hynes’ current motivation, the arrests seem to represent a positive step. According to Mark Peters, a former senior state prosecutor at the attorney general’s office who ran against Hynes in 2005 and is now a partner at the law firm Edwards Wildman Palmer, “There is no doubt that if these are good cases – and I have no personal knowledge of them – whether they are of political use to the district attorney doesn’t make them any less good.” Orthodox attorney and author Michael Leshner told The Jewish Week he was encouraged by the arrests but, like Lipner and Cohen, wonders whether law enforcement could have acted on this problem sooner. Indeed, Leshner and co-author Amy Neustein wrote an academic paper about a 2000 case in which Hynes dropped sex abuse charges against Solomon Hafner, a Bobover chasid who was charged with first and second-degree child abuse. According to the paper, some two months after Hafner’s arrest, Hynes was visited by a member of an influential Bobover religious court who claimed that his beit din had already looked into the allegations and found them baseless. Shortly thereafter, Hynes announced that there was “no evidence to support the charges,” and the grand jury that had been convened to begin hearing testimony was disbanded. Leshner and Neustein quoted one of the rabbis, Chaim Rottenberg, as saying, “We educated the DA on how to properly

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conduct a sex abuse trial.” Noting his own knowledge and experience, Leshner also expressed concern about whether, “if people like the four defendants in this [current] case were instructed, or egged on, by rabbis to do what they did, [we are] going to see some of the rabbis prosecuted too.” ♦ Much of the apparent skepticism about Hynes’ recent actions and intentions stems from what critics allege is his longstanding, cozy relationship with the politically powerful Brooklyn Orthodox community – a relationship, they argue, that has led him to go lightly on Orthodox criminals in general. Hynes denies the charge but it has dogged him for years. Indeed, a 1994 editorial in the Times – written when Hynes had been in office for only five years – asserted that “The delicate balance between being a politician and being a prosecutor has been most evident in District Attorney Charles J. Hynes’ dealings with Brooklyn’s Orthodox Jewish population” and took the DA to task on a number of counts. Specifically, the paper noted that Hynes’ then adviser on Jewish affairs, deputy district attorney Charles Posner, was in violation of ethical guidelines barring any ADA from serving as an official of a political committee, club or organization; in addition to his position as an ADA, Posner also served as the president of the Council of Jewish Organizations of Flatbush. The editorial also mentioned a 1994 case involving the kidnapping of a teenager by Rabbi Shlomo Helbrans. There, Hynes’ office initially sought to drop the case and then, after the FBI and federal prosecutors got involved, entered into a plea agreement that would have imposed only probation and community service. The plea was later overturned by a State Supreme Court judge, and Helbrans ended up spending two years in prison. In addition to these cases, there is also the extradition of Avrohom Mondrowitz, which Hynes failed to pursue until 2007, despite an opinion from the U.S. Embassy in Tel Aviv that extradition could have been possible in 1988. Hynes claimed that the ultimately unsuccessful 2007 attempt was precipitated by a change in the extradition treaty between the U.S. and Israel that went into effect in January of that year. However, Mondrowitz’s arrest in Israel came 10 months later, after several men who grew up in the Orthodox community but were not part of the original case went public in the media alleging Mondrowitz had molested them as children, too. Other examples of Hynes’ apparent special treatment of Orthodox crime suspects abound. In a July 1998 column for Newsday (now archived on the NYPD Confidential blog) Leonard Levitt reported that the mother of 29-year-old Crown Heights resident Simon Jacobson, who was accused of bilking an elderly tenant out of her life savings, reached out to community liaison Henna White. The case was assigned to the Rackets Bureau, and White’s husband ended up representing Jacobson. According to Levitt, despite being given apparently ample documentation of Jacobson’s dealings, the district attorney dismissed the case for lack of evidence. For his part, Hynes has long denied going easy on the Orthodox community. In recent weeks he has launched a vigorous defense of his record, including an op-ed in the Daily News. In that piece, published on May 16, he cited his office’s Kol Tzedek hotline initiative. “From when I took office as district attorney in 1990 until the creation of Kol Tzedek, my prosecutors handled only a few cases a year of sex abuse in that community,” Hynes wrote. “Since the inception of Kol Tzedek, we have made 95 arrests; 53 cases have been adjudicated, with a conviction rate of 72%.” (Those numbers turned out to be contentious, as The Jewish Week reported that a number of those cases counted as Kol Tzedek ones were actually reported before the program began.) But the case from the past that is perhaps most relevant to the recent witness intimidation arrests is that of Rabbi Bernard Freilich. Rabbi Freilich, who had served on Hynes’ advisory board and was at the time a special assistant and spiritual adviser to Superintendent James McMahon of the New York State Police, was charged in 2000 with threatening an alleged incest victim and her husband in order to prevent them from testifying. The jury ultimately acquitted Freilich but, in the wake of the case, influential members of the ultra-Orthodox community began calling for Hynes’ removal for what the Village Voice wrote was “seen as the latest in a series of wrongs directed against the Orthodox community.” Hynes has not pursued an Orthodox witness intimidation case again – until now. Only time will tell if the communal reaction to this latest one will be any different.

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Submitted by Hannah (not verified) on Tue, 07/03/2012 - 17:45.

It is horrifying to me to see that the Jewish community has been protecting and hiding evil instead of protecting our children and disabled adults. I hope the Jewish press continues to cover witness intimidation tactics and keep pressure on our government offices to protect the innocent.

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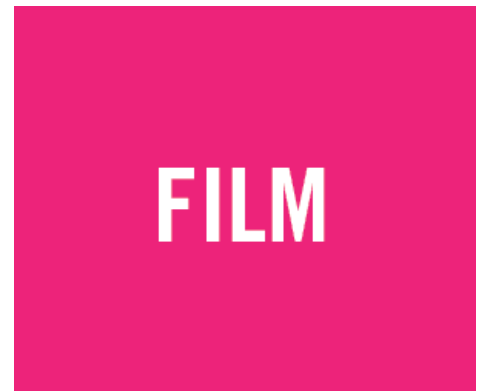
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