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## On Abuse Prosecutions, A Tale Of Two Cities

Wed, 06/19/2013

Ben Hirsch

Special To The Jewish Week

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Ben Hirsch

On April 14, 2008, Rabbi Yehuda Kolko, a 62-year-old Brooklyn yeshiva teacher charged with sexually molesting two students, pleaded guilty to lesser charges of child endangerment. Under the plea agreement, Kolko made no admission of sexual wrongdoing and did not have to register as a sex offender or serve any time in prison. Rabbi Kolko was sentenced to three years' probation.

On May 13, 2013, Yosef Kolko (Yosef is Rabbi Yehuda Kolko's nephew), a 39-year-old Lakewood, N.J., haredi yeshiva teacher, pleaded guilty to multiple counts of sexual assault of a young yeshiva boy. Yosef Kolko, who has not yet been sentenced, is facing 15 to 40 years in prison.

These two cases are strikingly similar, so what accounts for the vastly different outcomes?

Brooklyn.

In 2006 I was approached for help by the family of a 9-year-old boy who had been molested by

Rabbi Yehuda Kolko at Yeshiva Torah Temimah. The boy wanted to file a criminal complaint.

People knowledgeable about this issue told me that Brooklyn District Attorney Charles Hynes hadn't prosecuted an Orthodox sex abuse case in years and wouldn't take this one. I didn't believe them.

We contacted the Brooklyn DA's office and it promised that prosecutors would conduct a one-day interview with the victim and his family during which a formal complaint would be taken. However, after four full days of interviews, the assistant district attorney in charge informed us that the office was reluctant to prosecute this case.

Why? The prosecutor said that the office wanted at least two victims before proceeding with a case. Outraged at the DA's inaction, the family filed a civil lawsuit and announced the suit at a press conference. Lo and behold, the Brooklyn DA arrested Kolko — the very next day.

Shortly thereafter, an 8-year-old boy disclosed to police that Rabbi Yehuda Kolko had molested him in school. Kolko was arrested a second time.

DA Hynes had his second victim. Yet within months the DA decided not to take this case to trial and instead

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reduced the charges and offered Kolko a sweetheart plea deal. Questioned by reporters, Hynes' office tripped over itself defending its decision. First, it claimed the victims were not willing to testify. When the families offered proof this was not true, the DA reversed course and said he had sought to spare the children the trauma of a trial. But the children were not fearful of taking the stand. In fact, one of them testified last year when Kolko was charged with violating the terms of his probation. Both have been looking forward to testifying in the pending civil case against Yeshiva Torah Temimah.

When the victims' fathers filed complaints alleging that Yeshiva Torah Temimah was engaging in a relentless campaign of intimidation against them, Hynes refused to process the complaints. Instead, the DA publicly ridiculed them.

Across the river in New Jersey, things could not be more different.

When a Lakewood man named Shaul Luban sent text messages urging people to pressure Yosef Kolko's victim's father to drop the charges, the Ocean County DA charged Luban with witness tampering. She also privately warned Rabbi Yisroel Belsky, a prominent Brooklyn rabbi who was intimidating the family, to cease and desist or risk prosecution.

Why is a New Jersey prosecutor able to successfully prosecute an Orthodox child molester while seeing to it that those who interfere with justice are punished – something Hynes has been unable or unwilling to do? True, New Jersey prosecutors are appointed by the governor, which gives them more freedom to prosecute crimes even within politically powerful communities. But while Hynes needs the haredi rabbinic-controlled bloc vote to win elections, the fact that he's willing to coddle Orthodox child molesters and the rabbis who protect them to keep his job suggests that he has lost his moral compass.

Hynes plays us for fools. His spurious claims of over 100 prosecutions have been questioned by everyone from advocates to The Jewish Week, the Forward, New York Times and New York Post. His unique policy of non-disclosure of Orthodox child molesters serves only as cover for his false statistics. He boasts of aggressive prosecutions, yet getting Hynes to prosecute these cases takes extraordinary effort. Absent extensive grassroots activism, media coverage and even the intervention of private attorneys retained by the families of victims willing to stand up to the maltreatment meted out by many at the DA's office, Hynes will not prosecute an Orthodox sex abuse case.

Advocates who have met with Hynes' team report experiencing intense hostility and even being threatened with arrest. Case in point: Hynes' arrest of Sam Kellner, a parent of a victim and a confidential informant who worked closely with sex crimes Det. Steve Litwin to build the case against Rabbi Baruch Lebovitz, a notorious child molester who was tried and sentenced to 30 years in prison. One day before Lebovitz was released from prison – after his conviction was overturned on appeal due to the DA's neglect to turnover evidence to the defense – Hynes held a press conference announcing the arrest of Kellner of charges of perjury and extortion.

The Jewish Week recently reported that the case against Kellner is based upon highly questionable "evidence" given to the DA by none other than the family of Baruch Lebovitz.

Lebovitz is free to roam the streets while Kellner faces 20 years in prison if convicted.

Clearly, Brooklyn needs a new DA.

*Ben Hirsch is a co-founder of Survivors for Justice ([www.sfinv.org](http://www.sfinv.org) (<http://www.sfinv.org>)), an organization that advocates and educates on issues of child safety.*

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### Comments

Submitted by Anonymous (not verified) on Sat, 06/22/2013 - 04:47.

Sounds like ben has a bitter axe to bring. He is quite correct that child molesters are horrendous cockroaches who need to be made examples of but there is more than the odious whiff of a self jew hater in Bens' virulent dissertation....there is at least one in every jewish woodpile and considering the size of the jewish community in New York its understandable that at least one Ben infests the roost. See the problem is that Ben has cast the stone against a odious sicko who so happens to be a Haredi jew. But Ben has implicated every Haredi man women and child using only fragile unsubstantiated wicked aspersion and suspicion and arrogant self conviction in the place of substance. Ben has borrowed the very broad brush of the anti semites and painted liberally a whole segment of his fellow coreligionists by default besmirching also the innocent and more so his own integrity and any assumption of objectivity. Sorry Ben but you are also guilty of abuse...albeit not sexual; but abuse nevertheless of a whole community....just go away under a rock. The child abusers will be punished but what a shame ...you won't be!

Submitted by Anonymous (not verified) on Fri, 06/28/2013 - 11:45.

The author may in fact have the agenda you accuse him of but to my eyes it's not apparent in this article instead the writer's focus seem to be on a comparison of two prosecutors and their treatment of Orthodox offenders. Your ad hominem attacks do little to advance what should be a serious discourse on the issues raised in this troubling article.

Submitted by Jonathan (not verified) on Fri, 06/21/2013 - 10:42.

If the only way to prevent this perversion of justice is to get rid of Hynes, then so be it. Whatever it takes is justified, because in Brooklyn we no longer have rule of law, we have a dictatorship by law. In effect Hynes has committed a legal putsch against the residents of Brooklyn, making him in effect a legal tyrant. For how to get rid of such people, I recommend reading Thomas Jefferson, and what he wrote about the tree of liberty and the blood of tyrants.

Submitted by Anonymous (not verified) on Wed, 06/19/2013 - 15:25.

All this may be true, but Hynes will likely do everything in his power to put away the whistleblower for decades. He has unlimited resources. The defendant will have to plead guilty to something or risk going to jail for decades. (Once the defendant pleads guilty, the molester's family will have accomplished its goal--their relative will be off the hook.) This has already had a chilling effect on those who have risked so much to ferret the child molesters among us. What a disgrace.

Submitted by Rabbi nuchem rosenberg (not verified) on Wed, 06/19/2013 - 11:28.

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