

# Washington Post's Richard Cohen comes to the defense of Linda Fairstein, overseer of the Central Park Five prosecution

Kate Randall  
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Ava DuVernay's *When They See Us*, a limited series now streaming on Netflix, has focused renewed attention on the case of the Central Park Five, five young black and Latino men who were framed for the assault, rape and attempted murder of Trisha Meili, a 28-year-old white investment banker, in Manhattan on April 19, 1989. The five men were eventually exonerated of their crimes after another man came forward.

The series has cast light not only on this gross miscarriage of justice, but on the actions of Linda Fairstein, who as head of the NYPD's Sex Crimes Unit at the time took the lead in the prosecution. *Washington Post* columnist Richard Cohen has chosen to take up Fairstein's cause, penning an opinion piece in the newspaper's July 1 edition headlined, "A mob is on the loose and it's after Linda Fairstein."

DuVernay's series has reached an audience of more than 23 million. It has struck a nerve among broad layers of the population, who rightly see in it not only the railroading of the Central Park Five, but the abuses meted out by police, prosecutors, judges and prison authorities on a daily basis against those caught up in the clutches of the American criminal justice system.

Cohen's outrage over Fairstein's victimization relates to the former prosecutor's fall from grace over her role in the interrogation and prosecution of the Central Park Five, whose convictions led to prison terms of from six to 14 years. After *When They See Us* aired on May 31, Fairstein, a successful crime novelist after her stint as a prosecutor, was dropped by Dutton, her publisher. She was also obliged to resign from a number of prominent boards. According to Cohen, before these misfortunes Fairstein "had plenty of

reasons to feel good about herself."

Before we take as good coin Cohen's declaration that Fairstein is the victim of a "mob on the loose" we need to examine what actually happened some three decades ago, as well whether a columnist with Cohen's record is in any way qualified to make such a claim.

It must be recalled that Cohen, along with other "liberal" commentators and Democratic Party operatives, gushed over US Secretary of State Colin Powell's infamous February 4, 2003 presentation of lies at the United Nations that formed the justification for the Iraq War, which have subsequently been thoroughly repudiated. Cohen wrote at the time:

"The evidence he presented to the United Nations—some of it circumstantial, some of it absolutely bone-chilling in its detail—had to prove to anyone that Iraq not only hasn't accounted for its weapons of mass destruction but without a doubt still retains them. ...

"It was the totality of the material and the fact that Powell himself had presented it. In this case, the messenger may have been more important than the message. This time, the finger-pointer was the man who, heretofore, had been accused of what in the Bush administration is a virtual slander: prudence. Here was a reasonable man making a reasonable case."

This expert at sniffing out the "truth," and slavish worshipper of a military figure like Powell, would now have us believe that the "reasonable woman" Linda Fairstein is making a strong case in objecting to her depiction in the Netflix series as an "overzealous prosecutor and a bigot" (*Wall Street Journal*).

For the record, DuVernay says that she tried to speak with Fairstein about the case, but that Fairstein placed unreasonable demands on any dialogue with her,

including control over the script, and DuVernay didn't pursue it further. But, as Cohen purports in his column to provide "some facts" about the Central Park, let us provide some of our own.

*When They See Us* shows in graphic detail how the five youth were interviewed for a minimum of seven hours before their confessions were videotaped April 21. Some were held longer—without breaks, food or drink. They were screamed at and bashed against walls. Chairs were thrown and the teenagers were promised that if they cooperated they would go home. Some of them were kept awake as long as two days. Fairstein says she did not initially take the lead in the interrogations and only became involved on the second day.

But it was specifically after Meili was found battered in the park that pressure increased on police and prosecutors to find the attackers, and Fairstein seized the lead. Sarah Burns, who unlike Mr. Cohen has studied the case meticulously, writes in her 2011 book, *The Central Park Five: A Chronicle of a City Wilding*, that Fairstein "learned of the horrific rape at 9:00 a.m. and immediately sprang into action." A rabid press would demand "justice" for Meili and for the NYPD to find the perpetrators at all costs and punish them.

Another of Cohen's arguments is that "others feel it is not the Central Park Five who got railroaded, but Fairstein." His chief exhibit is the "panel of experts" commissioned by Raymond Kelly, the New York police commissioner in 2002 when Matias Reyes, who was serving time as a convicted serial rapist, came forward saying that he had raped a woman in Central Park on the night of April 19, 1989, and that he had acted alone.

In 2002, New York District Attorney Robert M. Morgenthau appointed a different team to investigate Reyes' claims and the DNA evidence linking him to the crime. Based in large part on "troubling discrepancies" in the boys' confessions, Morgenthau recommended vacating the convictions of the Central Park Five on all charges, not only for the rape and assault of Meili, but for other crimes committed that night, including robbery and assault, to which the youth had confessed.

But Cohen chooses to side with the NYPD-commissioned panel that attempted to whitewash the role of the detectives and prosecutors in the Central

Park Five case in the wake of the vacated sentences.

This "panel of experts," which included a former police officer and the deputy commissioner for legal affairs, concluded, in direct contradiction to the DA's investigation, "that the most likely scenario for the events of April 19, 1989, was that the defendants came upon the jogger and subjected her to some kind of attack, albeit with sexual overtones, that they inflicted upon other victims in the park that night."

The NYPD panel also found that there had been "no misconduct in the 1989 investigation of the Central Park jogger case."

*When They See Us* director Ava DuVernay said in an interview that the story she brought to the screen was "not all about [Fairstein]. She is part of a system that's not broken, it was built to be this way. It was built to oppress; it was built to control." It is this exposure of the corrupt police and prosecutorial system that has Cohen up in arms, not the supposed scapegoating of Fairstein.

Cohen has not chosen to defend Fairstein out of ignorance. Liberals in the orbit of the Democratic Party, like Cohen, are fearful that the series' renewed focus on the NYPD's brutal mistreatment of the Central Park Five will cause workers and young people to question not just the authorities' conduct in this case, but the entire class system that punishes the working class at the hands of the ruling elite.



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