

Donald Trump and the Central Park Five

As we breathe a collective sigh of relief at Donald Trump's departure from the White House, we gaze in horror at the detritus he left in his wake. By detritus I don't just mean the discarded trash and broken shards littering the US Capitol after the violent incursion by rioters on 6 January 2021. We must also pay heed to the erosion of democratic norms and violations of law over the four years of America's forty-fifth presidency.

Trump's ethical and legal transgressions are legion, ranging from campaign finance violations to subverting the US federal justice system. And while he bears undeniable moral responsibility for egging on those who stormed Capitol Hill, it is also arguable that he bears criminal liability for inciting what amounted to an insurrection against the seat of government power.

To anyone who has followed the career of Donald John Trump, none of this should come as a surprise. His was a lifetime of shady business dealings, personal immorality and appeals to crass populism for purposes of generating popularity with the masses.

His six corporate bankruptcies, serial infidelities and the allegations of sexual assault made against him – mostly quashed through hefty hush-money payments – paint an ugly picture of an unscrupulous predator in both the boardroom and bedroom.

The people who have fallen victim over the years to Trump's callous disregard for moral and legal propriety are legion. However, five innocent African-American boys – sentenced to unjust imprisonment under pressure from a baying crowd egged on by Donald Trump – surely suffered worst. Not even the multi-millions paid by the State of New York in compensation could restore those lost years.

The story begins with a horrific crime. A twenty-eight-year-old runner was raped and beaten as she jogged through Central Park on the night of 19 April 1989. Found naked, gagged and bound four hours later, Trisha Meili was taken to hospital where she was diagnosed with hypothermia, brain damage and severe haemorrhagic shock. Doctors estimated that she had lost more than half of her blood volume through internal and external bleeding. Her skull was fractured in multiple places and one eye was destroyed from the force of a blow. Not expected to survive, Meili was given last rites by the Catholic hospital chaplain.

Meili lingered between life and death for twelve days until she awoke from a coma. She then underwent many months of intensive rehabilitative therapy before regaining the ability to lead any semblance of a normal life. A brilliant economics student at prestigious Wellesley College, she was forced to give up a stellar career as an investment banker on Wall Street.

The near-murder of Meili was just one among a series of violent crimes committed by roving gangs of boys and young men in Central Park that night. Just after 9 pm, a cyclist was accosted by a gang of young men near the northern end of the park. Shortly afterwards, in the same area, a pedestrian was beaten unconscious and robbed. A taxicab was hit by a barrage of stones and when the driver left the vehicle to investigate, he was threatened by a group of teenagers. And four joggers were set upon at around 9:30 pm, leaving one of them seriously injured.

The NYPD responded to this surge of violence in and around Central Park by flooding the area with officers throughout the evening of 19 April. Around twenty Black and Hispanic teenagers were swept up in a dragnet cast around the area, including Raymond Santana and Kevin Richardson, both fourteen years of age.

The discovery of the injured Meili in the early hours of 20 April turbocharged the police investigation. Antron McCray and Yusef Salaam, both aged fifteen, and Korey Wise, who was sixteen years old, were picked up later that day after they were identified by police informants.

The public uproar was immediate and thunderous, aided and abetted by the local tabloids taking the 'If it bleeds, it leads' principle to a whole new low. 'Wolf Pack's Prey' bellowed the front page of the *New York Daily News*. '[Mayor] Koch calls them monsters' roared an article in the *New York Post*. 'If the eldest of that wolf pack were tried, convicted and hanged in Central Park' wrote syndicated columnist Pat Buchanan, 'and the 13- and 14-year-olds were stripped, horsewhipped and sent to prison, the park might soon be safe again for women.'

Detectives separated the suspects, browbeating each of them for over six hours without the benefit of legal counsel. While physical abuse by police investigators was never proven, fifteen-year-old Yusef Salaam later described how he could hear detectives beating Korey Wise in the adjacent interrogation room. 'You realise you'll be next,' Salaam was warned.

In view of these bullying tactics, it's no surprise that four of these children made videotaped confessions implicating themselves in some of the other crimes committed in Central Park that night. The fact the interrogations were not filmed, but the cameras only produced to record the four confessions, constitutes strong circumstantial evidence of police malpractice.

Even under vicious physical and emotional pressure from investigating officers, and despite no access to legal advice, it is noteworthy that all the boys denied assaulting Meili. Their versions of

events were also plagued by gross contradictions that should have rendered them incredible and impossible to accept.

Yet on 21 April, NYPD brass held a press conference to trumpet the arrests. They also declared their belief that Meili – described in anonymous terms as a ‘female jogger’ – had been sexually assaulted by a dozen ‘youths’. On this occasion police introduced the term ‘wilding’ – meaning a rampaging gang of young thugs – into the American lexicon. Despite police protocols that the identities of defendants younger than the age of sixteen should remain confidential, the names of the five were leaked to the media even before they were indicted.

Two semen samples collected by the NYPD forensics unit at the crime scene belonged, not to any of the boys, but to an unidentified male. Despite an extensive search of the area, police found no physical evidence implicating the five boys in the rape and assault of Meili.

After gaining access to legal counsel, all five boys recanted their confessions, claiming they had been coerced into admissions of guilt for crimes they did not commit. Yusef Salaam stated that his statement about being present at the rape of Meili was only made after police lied about finding fingerprints at the scene. He refused to sign what detectives claimed was the transcript of his purported statement.

Nevertheless, the Manhattan District Attorney decided to prosecute Santana, Richardson, McCray, Wise and Salaam on charges of second-degree attempted murder, first-degree rape, first-degree sodomy, first-degree sexual abuse and first-degree assault. The judge ruled that Yusef Salaam’s written statement would be admissible as evidence, despite never being signed.

On 25 June 1990, Anton McCray, Yusef Salaam and Raymond Santana were brought before Justice Thomas B. Galligan of the Criminal Court of the City of New York. In the NYC criminal justice system, judges

are assigned to preside over particular cases by lottery. Yet in the McCray/Salaam/Santana case the court administrator deviated from that procedure, choosing Galligan because he was a judge who was 'suited for it', as he was quoted in the *The New York Times* as having said.

The deviant selection of Justice Galligan as presiding judge raised a major red flag for the boys' legal teams, who expressed concerns over the judge's tough-on-crime public image. 'I don't think anyone has been acquitted in his court in the last two years,' said defence lawyer Colin Moore in that same *New York Times* article.

These concerns about judicial bias were borne out during the trial. From the get-go, Galligan's demeanour towards the boys' lawyers was exceedingly belligerent, in one instance degenerating into a screaming match in open court. Justice Galligan then instructed the jury to discount defence arguments about the failure of police to allow the boys' parents to be present during their interrogation. After ten days of deliberation, on 18 August 1990, the jury returned guilty verdicts on counts of rape, assault and robbery against McCray, Salaam and Santana.

While these three boys were tried as adults, they were sentenced as juveniles because they were younger than sixteen years of age. Justice Galligan accordingly set aside all convictions except rape and robbery, sentencing them for those crimes to a term of five to ten years.

The remaining two defendants, Kevin Richardson and Korey Wise, were tried separately from 22 October to 11 December 1990 in a court also presided over by Justice Galligan. After eleven days of deliberation, the jury returned verdicts of guilty against Richardson for attempted murder, rape, robbery and sodomy. Korey Wise was convicted of assault, sexual abuse and riot. The two boys received prison sentences of five to fifteen years.

Four of the five boys lodged appeals against their convictions and their sentences, all of which were denied by New York's appellate court system.

The case was closed – until the Manhattan District Attorney was informed in February 2002 that a convicted serial rapist named Mattias Reyes was claiming to be the one who assaulted Trisha Meili that night in Central Park. Reyes made this statement to a guard in the prison where he was serving a sentence of life imprisonment for a series of rapes, assaults and murder he committed over the summer of 1989.

During his trial for these crimes in 1991, DNA evidence had played a key role in securing guilty verdicts against Reyes. Accordingly, the Manhattan District Attorney asked the FBI forensic lab to compare DNA from Reyes with DNA evidence collected at the Meili crime scene. In May 2002, the FBI concluded that these two DNA samples were a definitive match.

On receipt of the FBI forensics report, Mattias Reyes was brought from prison to the Manhattan District Attorney's office where he was interviewed about his claim of perpetrating the Trisha Meili rape. He also provided hair, skin and blood samples for further forensic analysis and signed consent forms that gave investigators access to his prison file and mail.

After an exhaustive investigation, Manhattan District Attorney Robert Morgenthau concluded that the five boys – now adults in their twenties – had been wrongly convicted. To his credit, he had the moral courage to right this egregious wrong. On 5 December 2002, Morgenthau submitted an 'Affirmation in response to motion to vacate judgement of conviction' to the Supreme Court of New York that detailed the reasons why he felt a miscarriage of justice had occurred.

Morgenthau informed the court that the account of events given by Mattias Reyes was consistent with the independent investigation conducted by the District Attorney's office. He also noted there was no evidence that Reyes was personally acquainted with any of the five defendants who were charged and convicted in the Trisha Meili case at the time those crimes were committed.

As to Reyes' motive for coming forth with a confession so long after the rape and assault against Trisha Meili, Morgenthau related that Reyes decided to confess because of a chance encounter with Korey Wise in the Auburn Correctional Facility. The way Reyes told it was that when he learned Wise had been incarcerated for the attack on the Central Park jogger, Trisha Meili, he felt guilty. Reyes explained that he'd always been treated well in prison, despite the violent nature of his crimes. He was already sentenced to a lengthy prison term so, what the heck – if confessing would give Wise a break, he was prepared to do it. In his confession tape, obtained by the *New York Daily News*, Reyes was reported to have said, 'At first I was afraid, but at the end of the day I felt it was definitely the right thing to do.'

Despite his confession, Reyes could not be convicted of the Central Park Jogger rape and assault because of the statute of limitations. He remains in prison for a series of other violent crimes against women.

These improprieties by police, prosecutors and the presiding judge generated one of most notorious judicial travesties in recent times. The four youngest boys – Anton McCray, Yusef Salaam, Kevin Richardson and Raymond Santana – served between six and seven years in juvenile detention. Korey Wise, who was sixteen years old at the time of his arrest, spent eleven-and-a-half years in New York's adult prison system. All for crimes they did not commit.

It is not the purpose of this article to present a blow-by-blow account of the prosecution of the Central Park Five, as the boys and their case came to be known in media parlance. Numerous books, many long-form journalism pieces and an outstanding film by documentarian Ken Burns have told this story in all its disgraceful detail.

Instead, I want to focus on the actions of Donald Trump, then a New York real-estate developer, who whipped up lynch-mob public passions and brought pressure to bear on police and prosecutors to bulldoze civil rights protections for the sake of criminal convictions.

In 1989, Trump was already something of a public figure, having raised his profile through a series of flashy business deals and a ghost-written best-seller entitled *The Art of the Deal*. When the story of the assault on Meili hit the news, Trump leapt into action – straight into the gutter. He spent close to US\$100,000 on purchasing full-page advertisements in four major New York daily newspapers under headlines such as ‘Bring back the death penalty. Bring back our police!’

Above Trump’s flamboyant signature, the advertisement declared: ‘I want to hate these muggers and murderers. They should be forced to suffer and, when they kill, they should be executed for their crimes. They must serve as examples so that others will think long and hard before committing a crime or act of violence.’

The newspaper advertisements generated precisely the type of publicity Trump was seeking. A slew of media appearances followed. When asked during a CNN interview whether he was fomenting hate, Trump doubled down, declaring that, ‘Maybe hate is what we need if we’re going to get something done.’

Some analysts believe that Trump’s exploitation of the Meili case to generate populist publicity was an early indication of his political ambitions. Others argue that his actions had more to do with boosting

sales of *The Art of the Deal*. Regardless of motive, it is beyond dispute that Trump's pronouncements played a major role in inflaming public passions against the boys who were being prosecuted for such heinous crimes.

In June 2019, the twentieth anniversary of the Central Park Five trials, President Trump was asked whether he might wish to apologise to the men who now stood exonerated after years of unjust imprisonment. With his typical 'never explain, never apologise' narcissistic bluster, he refused. 'They admitted their guilt,' Trump declared, hinting that he thought New York never should have paid US\$41 million in compensation to those five wrongly incarcerated men.

Trump's dismissive arrogance was bad enough, but when his behaviour in 1989 is compared to the Capitol Hill riot of January 2021, the similarities are stark and self-evident. In both instances, Donald Trump used incendiary rhetoric to inflame public passions with destructive results. In the case of the Central Park Five, innocent boys were sent to prison without just cause. Even prodigious monetary compensation from the State of New York, which amounted roughly to US\$1 million per year of imprisonment for each man, cannot restore that lost time.

Fast forward to 6 January 2021, when a petulant Trump gave a hellfire and brimstone address to thousands of his embittered followers who assembled in Washington to protest Joe Biden's victory at the polls two months earlier. 'The election was stolen,' Trump declared to his acolytes. He used belligerent imagery to urge his followers to 'fight harder' against 'bad people' in order to 'take back our country'.

Trump's defenders point out that he explicitly urged his followers to 'peacefully and patriotically make your voices heard' at the US Capitol. But that single sentence is of little consequence when weighed against

the litany of incendiary remarks about ‘election theft by radical-left Democrats’ made throughout the eleven-thousand-word speech. The alliterative slogan ‘Stop the steal’ became Trump’s mantra. It was no surprise those words were chanted later that day by rioters as they desecrated the United States Capitol building.

The demagogic words of Trump in 1989 helped to destroy the civil rights of five innocent boys. But his rabble-rousing rhetoric in 2021 incited an assault, not just against the constitutional rights of particular individuals, but against the very foundations of the American republic.

For his sins, Trump must endure the ignominy of being the only official in American history to be twice impeached. The US Senate voted that the second Trump impeachment was constitutional, despite the fact that he was out of office due to the end of his presidential term.

Article I, Section III of the US Constitution empowers the Senate to disqualify anyone impeached and convicted from holding an ‘office of honor, trust or profit under the United States’. Those voting in favour of impeachment argued that this clause should have been invoked to nullify another Trump tilt at the presidency in 2024.

There is little doubt that arguments among legal scholars over the constitutionality of Trump’s second impeachment will rage for years to come. I prefer to think of it in terms of kismet.

Thirty-one years ago, Donald Trump played the demagogue to a city gripped by fear over rising rates of crime and a particularly savage sexual assault. The five teenage boys who spent years in prison for crimes they did not commit were just collateral damage in Trump’s quest for popularity. He paid no price for the reckless rhetoric, steeped in dog-whistle racism, he spewed. Until now.

For the second time, Senate Democrats were unable to muster the two-thirds majority of the sixty-six votes required to convict Donald

Trump in impeachment, even when the ballots of seven Republican defectors were counted in the equation. Yet despite the failure of this second impeachment to deliver legal justice, it does afford a measure of cosmic justice.

The ugly narcissism of Donald Trump renders him hypersensitive to any slight, or blight on his public persona. His thin-skinned intolerance of all criticism, both direct or implied, is the stuff of which nightmares are made. Yet, he now goes into the history books as the only American public official ever to be doubly impeached. How that must rankle.

Of course, the stigma he will forever endure surely falls short of the just deserts that rightly should be his. But as we make our way through the world as it really is, not as we'd like it to be, it will have to do.

Bernard Marin AM

22 March 2021