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Public corruption and other crimes! What punishment for Sheldon Silver? Judge to decide 7/13

Editor: As an author of academic books and journal articles analyzing the malfunction of child welfare agencies and family courts, I chose to write to U.S. District Court Judge Valerie Caproni. I asked the judge to impose the most stringent sentence on former assembly speaker Sheldon Silver at his sentencing next month for public corruption. What prompted me was that Silver's harmful actions extend well beyond his public corruption crimes. He used his influential power to obstruct justice in a criminal investigation into 96 counts of child abuse while the case was pending before a grand jury in Brooklyn.

I am very familiar with this case, having spoken to all the participants extensively, and having co-authored, along with an attorney, a journal article and book chapter on this case.

It was in the year of 2000 and a Bobov Chasidic rabbi and tutor, Rabbi Solomon Hafner, was accused of repeatedly tugging the private parts of a hearing-impaired eight-year-old boy while tutoring the child. The case was placed before the grand jury and proceeding normally when suddenly it took an odd turn. Rabbi Dovid Cohen, who was the head rabbi at the Brooklyn headquartered Ohel Children's Home and Family Services, in response to being threatened by the Bobov community for having suggested to the parents of the abuse victim that they go to the Brooklyn District Attorney, initiated an ad hoc rabbinic court. He called upon his close friend Rabbi Faivel Cohen to rally the rabbis to help. The rabbinic panel, which consisted of five rabbis, spanned a wide geographic region encompassing both upstate and downstate. It took place in the synagogue of Rabbi Dovid Feinstein, a neighbor and supporter of Sheldon Silver. Feinstein had been known as the "legislature's rabbi"—a man whose rabbinic authority was sought on new bills that might be at variance with Jewish law. It was Feinstein who headed up this rabbinic panel. The rabbis on the panel made no bones about their role in relation to the official proceedings unfolding before the grand jury. The purpose of the beit din was, simply put, to persuade the D.A. to decide the case without the benefit of legal process. One of the panel's rabbis told me and my co-author that even as he approached other rabbis to urge them to join the panel, he warned them that if the

rabbis did not intervene, “this [case] is going to stay by the D.A. until the D.A.’s decision.” The panel rabbis considered such a result unacceptable, and worked at a pace in assembling this court that would be described to my co-author and myself as an “emergency.”

This victim’s family members were troubled by this tribunal, describing it as a “mock beit din” where the rabbis leaked to the community their intent to vindicate the defendant even before they issued their verdict. Key medical witnesses who had examined the child were not permitted by the rabbinic court to testify in support of the victim. Nor were the victim’s family members allowed to question the witnesses staunchly defending the man accused of torturing their child. The tribunal consisted of days of relentless questioning of the eight-year-old victim and even upbraiding the therapist who believed the child’s reports of abuse. The child never veered from his account of what happened. Yet at the end of the trial, the rabbis drew up a letter of recantation for the victim’s parents to sign with proper notarization. When the victim’s parents adamantly refused, the Ohel rabbi who initiated this court drew up a public letter of apology to the defendant to help clear his name.

Armed with this public letter of apology from Ohel’s rabbi along with a written decree of the rabbinic court exonerating the defendant, members of the rabbinic panel went to the D.A. The D.A., however, refused to meet with the rabbis as the case was pending before a grand jury and it would have constituted an ethical breach to do so.

As a result, the rabbis reached out to Silver who called the Brooklyn D.A.— and then everything changed. The D.A. who was so adamant about not meeting with the rabbis suddenly heard their renditions. Within a short time, the D.A. yanked the case from the grand jury, preventing the jurors from a verdict. The D.A. went even further and specifically asked the rabbis not to publicize their own verdict until the case would be officially dropped so that it would not look like the D.A. “bent under pressure” from the rabbis. Aided by the power of Silver, the defendant went free; the victim and his family were run out of town.

When I wrote up the litany of injustices in this Brooklyn case in the academic literature, I received a pro Humanitate Literary Award from the North American Resource Center for Child Welfare. The plaque commends my co-author and myself for our “intellectual integrity and moral courage.” I have taken these words to heart. I bring forth this horrid case of obstruction of justice to show that the web of power spun by Silver has caused more than monetary harm to the residents of New York State. He has emboldened child abusers and threatened the safety and well-being of innocent children. He deserves no less than the most stringent form of sentencing.

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