

A 15-year-old lad, questioned through the dead of night by relays of police, is a ready victim of the inquisition We cannot believe that a lad of tender years is a match for the police in such a contest. He needs counsel and support if he is not to become the victim first of fear, then of panic. He needs someone on whom to lean lest the overpowering presence of the law, as he knows it, crush him.

— U.S. Supreme Court decision, 1948, in *Haley v. Ohio*, a case in which a black boy falsely confessed to murder

WOLF PACK

The Press and the Central Park Jogger

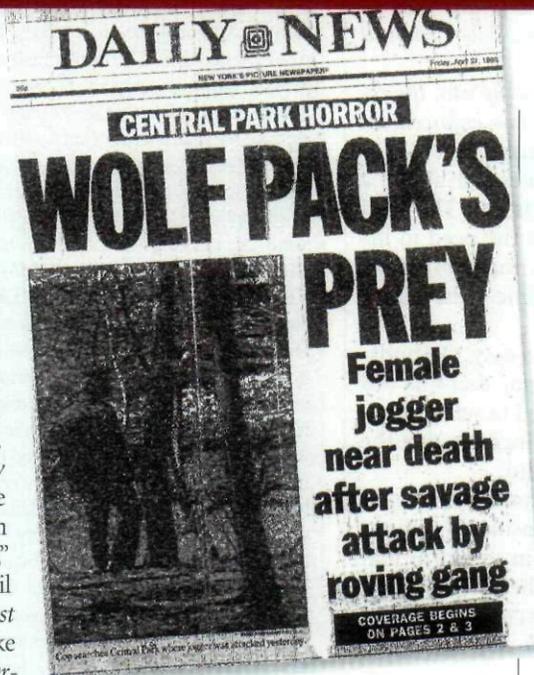
BY LYNNELL HANCOCK

The crime thundered across the airwaves and onto the newsstands. On April 19, 1989, a young, white investment banker, jogging in Central Park, was bludgeoned, raped, and left to die. The police soon charged a marauding group of Harlem teens with gang rape. The tabloid headlines pumped fear into horror. **WOLF PACK'S PREY**, announced the *New York Daily News*, in its first of many page-one stories. "Wilding — the newest term for terror in a city that lives in fear," announced the *New York Post* on April 22. "Wilding" was defined by the *Post* writers as a phenomenon not unlike the violent raves in *A Clockwork Orange* — "packs of bloodthirsty teens from the tenements, bursting with boredom and rage, roam the streets getting kicks from an evening of ultra-violence."

In his April 23, 1989, piece in the *Post*, A SAVAGE DISEASE, Pete Hamill, the celebrated city columnist, painted a menacing backdrop that would color the coverage to come:

They were coming downtown from a world of crack, welfare, guns, knives, indifference and ignorance. They were coming from a land with no fathers . . . They were coming from the anarchic province of the poor.

And driven by a collective fury, brimming with the rippling energies of youth, their minds teeming with the violent images of the streets and the



movies, they had only one goal: to smash, hurt, rob, stomp, rape. The enemies were rich. The enemies were white.

City editors pitched in and drafted a powerful story line on the order of "Heroic Woman vs. Feral Beast." David Krajicek, who covered the rape as police bureau chief for the *Daily News*, recalls that reporters were under tremendous pressure to stay true to the top-down narrative. And in the competitive frenzy surrounding the story, that narrative took on a life of its own, ultimately slashing the city into two angry parts — white and black, Wall Street and Harlem, law-abiding adults and barbaric youth. There was little room for nuance. The image of savage kids rampag-

ing through the city's streets was branded into the national consciousness. The boys, some oversized and awkward, others wiry and defiant, became easy targets to mock, easy to degrade as animals, to dismiss as other people's children. Almost every member of the white-dominated press accepted without much question that mindless black and Latino adolescents could go from wreaking violent havoc in the park that night to carrying out a vicious gang rape.

"The story was like a centrifuge," says Jim Dwyer, a *New York Newsday* columnist at the time, now a reporter for *The New York Times*. "Everyone was pinned into a position — the press, the police, the prosecution — and no one could press the stop button." Caught in the dizzying force were five teens, aged fourteen, fifteen, and sixteen, who had confessed in some detail to the brutal crime after up to thirty hours of interrogation. Soon after, all five recanted, claiming they were tricked and coerced by the police. But few people listened. No physical evidence linked the boys to the scene. All five were convicted as rapists and sent to prison.

But thirteen years later, as the year 2002 wound down, Manhattan's district attorney, Robert Morgenthau, was forced to consider whether the criminal justice system had made some kind of mistake.

Which leaves the press to consider its part in the drama.

What re-opened the case and all its old wounds was another confession, this one backed up by DNA tests. Semen found in-

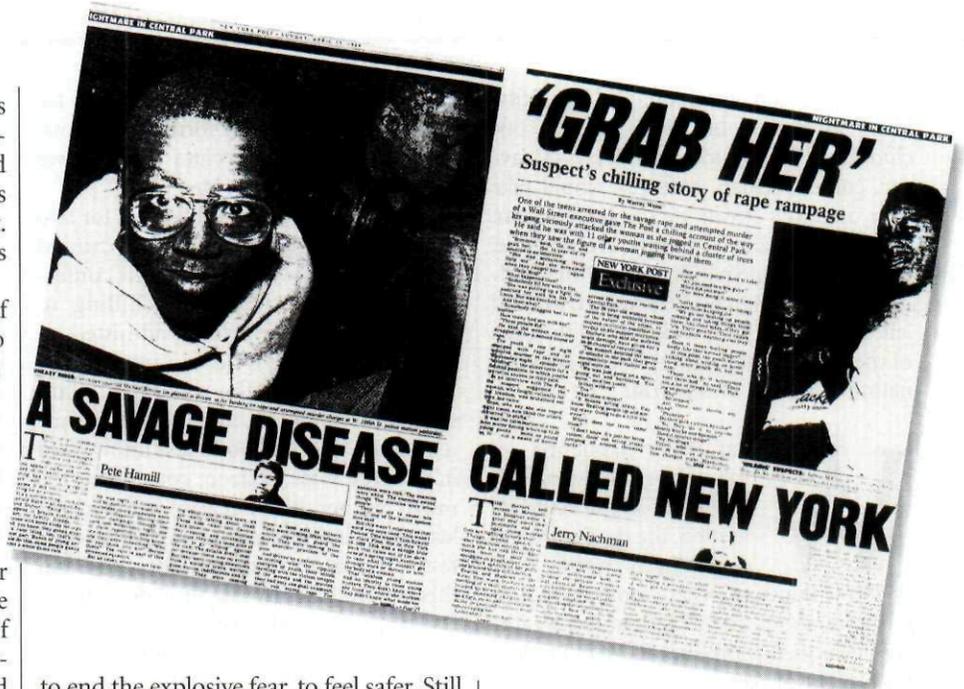
side the victim and on her sock had always been explained as belonging to a sixth mystery member of the young gang. It turned out to belong to a man named Matias Reyes, a thirty-one-year-old serial rapist. Reyes had a brutal record; he was infamous for gouging out the eyes of his victims.

In prison for a murder and a series of rapes, Reyes confessed in January 2002 to beating and raping the jogger in 1989, all alone. The kids, now young men who have all served their prison sentences, did not know him.

The news sent many in the media into a maelstrom of unresolved questions. Had the press lost its traditional, healthy sense of skepticism in the horror of the moment? How much did an innate mistrust of teenagers, especially groups of black and Latino youths, play into the coverage? Was this case unique, or did it bend future coverage of juveniles?

As it turns out, some journalists and city officials, prompted by the Central Park Jogger case, had been meeting informally and considering such questions for years. The Group, as the informal salon came to be called, met first in the living room of Gerry Migliore, former public affairs director for the city's department of probation, amid the turmoil swirling around the jogger case. It was an unusual gathering. There were reporters from the four main city papers (including the late *New York Newsday*), papers usually in heated competition with each other. About a dozen journalists and city government officials talked, raged, and even cried as they hashed out personal and professional conflicts. "It got very emotional," says Anne Murray, police bureau chief for the *New York Post* at the time, now a private investigator. Murray attended because she was conflicted about how the editors had played the original story. "I knew the coverage would be very different if the victim weren't white." The ad hoc group met several times in 1989, then continued sporadically during the next decade, topping out at forty invitation-only guests, and settling into a core of ten.

The Group met once again on November 14, after Reyes's startling confession, to discuss the implications of the news. "Some were incredulous that they could have missed something," says Migliore. Some in The Group said they had realized, in retrospect, that they had subconsciously wanted the teens to be guilty —



to end the explosive fear, to feel safer. Still others conceded that they had never regarded the suspects as teenagers. (The boys' ages, in fact, had rarely been a focus in press reports.) "I was really surprised, in reading recent accounts, to learn that the defendants were only fourteen, fifteen, and sixteen at the time," says *Newsday's* Sheryl McCarthy, one of the few African-American journalists who covered the case for the mainstream press. "I'm overwhelmed with sadness that, collectively, they lost more than forty years of their lives for something they apparently didn't do."

Looking back at the story, Migliore remains struck by the tremendous pressure on reporters "to follow editors into the abyss." Yet in 1989 the abyss, in many ways, was New York itself. Crime was climbing to an all-time high of 2,000 homicides a year. In 1986 a group of bat-wielding white men from Howard Beach, in Queens, chased a young black man onto the Belt Parkway, where he was struck by a car and killed. A little over a year later, a Queens cop named Edward Byrne was murdered assassination-style as he guarded a drug-trial witness. The shooters were set to be sentenced as the jogger case was unfolding. In August of 1989, thirty white teens from Bensonhurst, Brooklyn, surrounded four black youths who had wandered into their Italian-American neighborhood to buy a used car. One of the boys shot sixteen-year-old Yusef Hawkins dead. Many thought, even expected, that black teens would seek revenge.

At the same time, middle-class white people were slowly moving back to midtown and reclaiming the symbol of the city, Central Park. Fear that ghetto crime could spoil this sanctuary struck a powerful chord, especially among the rich and the elected. Donald Trump, the real-estate magnate, would spend \$85,000 on full-page ads calling for the death penalty in the jogger case: "They should be forced to suffer . . ." Trump opined. "I want them to be afraid." Mayor Ed Koch was often quoted calling the arrested boys "monsters" and complaining that juvenile laws were too soft. Pete Hamill, looking back now, remembers a city on edge, maybe over the brink. "Aside from the savagery of the rape and the beating itself, there was a sense that the city was unraveling," he says. "That young people fueled by crack and rage, and armed with guns, were out of control."

Steven Drizin, who recently reviewed the confession tapes as supervising attorney at Northwestern University's Children and Family Justice Center, said the city's high-pitched lust for prosecution fed by the media exposure made it next to impossible for these boys to get a fair trial. And the reach of the Central Park jogger story, he observes, was long, well beyond its time and place. The case set the stage for the reinstatement of New York's death penalty. The papers ran demographic stories like the *Daily News's* MORE CUBS FOR CITY'S WOLFPACK, warning of growing numbers of bellicose adolescents. Within a

A dozen journalists and city officials talked, raged, and even cried as they hashed out personal and professional conflicts raised by the case.

few years, influential political scientists like Princeton's John DiIulio would conclude that "teen superpredators" — savage, godless, urban youth — would take over the city's streets by the millennium. As a rage against juvenile crime grew, nearly every state passed laws by the mid-nineties allowing children to be tried and jailed as adults. "We ended up with some of the most damaging juvenile laws in our nation's history," says Drizin.

What really happened on the night of April 19, 1989? For all the acute attention, the details are still surprisingly murky. We do know that somewhere around 9 P.M., a group of about thirty Harlem teens gathered near the Schomburg Plaza in Harlem for a night of havoc in Central Park. The gang took off, harassing and assaulting joggers and cyclists. After 10 P.M., five teens were collared at 102nd Street and Central Park West, including Raymond Santana and Kevin Richardson. Sometime after midnight, the police got word of the brutal rape of the investment banker. The next day, Antron McCray, Yusef Salaam,

and Kharey Wise were all brought in for questioning. Reporters formed a chaotic scrum outside the precinct as detectives pressed the suspects inside.

Most of the boys had been up for two days when the prosecutor finally turned on the videotape to capture their confessions. And the tapes are chilling to watch. Santana, fourteen, admitted to "grabbing the lady's tits" as another boy "was smackin' her; he was sayin', 'Shut up, bitch!'" McCray, fifteen, said he simulated sex "so everybody just know I did it." Kharey Wise, sixteen, considered the most vulnerable because of serious learning disabilities, was the last to confess. "This is my first rape," he said, "and this is gonna be my last time doin' it."

The press saw the confessions and concluded that the boys were guilty beyond a doubt. Juvenile experts watching the tapes now, however, see disturbing inconsistencies. Although the details they provide about the muggings of other victims that night are in harmony, the boys' descriptions of the rape are conflicting stories. They identify different places, different times for events, and have different descriptions of the crime scene, says Drizin.

One suspect keeps changing his story, clearly to please the prosecutor. "First, he said the jogger was punched. Then, with prompting, it was a rock. Then, with prompting, it was a brick," says Drizin.

The tapes are the end result of a long, unrecorded police interrogation, an ordeal designed to break down a suspect's will. Kevin Richardson's mother claimed officers cursed at her son, saying, "You know you fucked her." Wise complained that he was left alone with a detective who screamed and slapped him and promised he could go home if he confessed. The trial judge dismissed these arguments, allowing the tapes to be presented as evidence.

Without the confessions, the prosecution had no case. None of the boys had a record of violent arrests. None was linked by DNA to semen or to any other evidence found at the bloody scene, a fact that raised eyebrows. "It is often said that teenage boys can't make a peanut butter and jelly sandwich without leaving evidence," Drizin says. "The victim lost three-quarters of her blood, and there was not a drop on these boys. Not a drop. It's difficult to fathom."

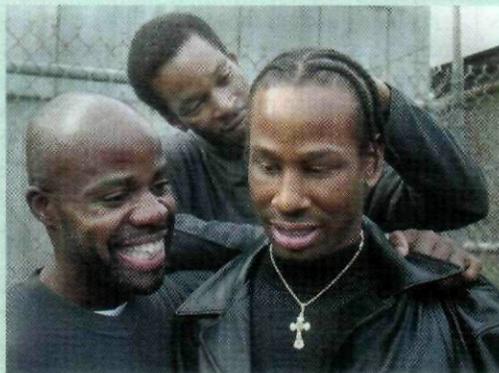
The press paid scant attention to holes

FALSE CONFESSIONS: HOW THEY HAPPEN

In October, Governor George Ryan of Illinois pardoned four young men, three of them shown in the photo to the right. They who had been convicted as teenagers of raping and murdering a twenty-three-year-old Chicago medical student in 1986. After the *Chicago Tribune* cast doubt on the boys' confessions, new DNA evidence pointed to two other men. This and other recent cases show how old-fashioned, skeptical reporting can sometimes find holes in juvenile confessions.

In July 1998, an eleven-year-old girl was found beaten and sexually brutalized in the rubble of her Chicago neighborhood. The death of little Ryan Harris would have likely disappeared in the clip-morgue of violent deaths in poor neighborhoods but for the detectives' surprising arrest. Two neighborhood boys confessed to the police that they killed Ryan for her bicycle. At seven and eight years old, they were the youngest children in U.S. history to be charged with first-degree murder.

The story became national news overnight. Readers and reporters were shocked, but few questioned how these



NOT GUILTY: Omar Saunders, Larry Ollins, and Calvin Ollins learn that DNA tests will free them.

skinny little boys could be capable of such a heinous crime. The first glimmer of doubt arose when the children appeared in court. "I think we were all expecting to see demon children — Damiens — based on the police description," says Maurice Possley, a *Chicago Tribune* reporter. Then in walked "these little squirts," who were so small they couldn't see over the juvenile court bench. One weighed fifty pounds. The other suffered from a debilitating speech defect.

Lawyers from Northwestern University's

Children and Family Justice Center sent "talking points" around to reporters, informing them of the youths' vulnerability, their inability to understand the law, or to muster criminal intent. Suspicions aroused, Possley asked to see the transcripts of the police interrogation. That's when the case against the little boys began to unravel. Four detectives spoke to the boys separately; some held their hands, others fed them Happy Meals. The parents said they were unaware their children were considered suspects. The boys' stories kept changing. They said they hit Ryan with a rock, but medical records indicated she was killed by something much bigger. The police interpreted their inconsistencies as signs of guilt. Possley understood them as proof that young children are highly suggestible. "The first thing a seven-year-old wants to do is to tell the man what he wants to hear," says Possley.

The *Chicago Tribune* dissected the transcripts, profiled the parents, and avoided treating the suspects as adults in print, even though they were being treated as adults in the courts. Finally, DNA evidence turned

in the prosecution's case, riveted, instead, by the horrifying but factually messy tapes. "We had the confessions. They were turning each other in," remembers Richard Rosen, former city editor of the *Daily News*. "The feeling was that the suspects had something to do with it."

Yet toward the end of the first trial, a few reporters were beginning to question the script. When he entered the courtroom in July of 1990, recalls Dwyer, "I remember I had in my head these guys were guilty." Then the testimony of a detective set off alarms: "I was skeptical because he was saying that the confessions were all in the kids' voices." But they were not. The written statement signed by Raymond Santana began: "On April 19, 1989, at approximately 20:30 hours, I was at the Taft Projects in the vicinity of E. 113th & Madison Avenue . . . We started walking uphill through a path going westbound in the park when we observed a male/female couple." Dwyer knew enough about kids to know that no fourteen-year-old talked like this.

But all five boys were convicted in State Supreme Court of various combinations of rape, sodomy, sexual abuse, riot, and assault. Sixteen-year-old Kevin Richardson

was found guilty of the most serious charge of attempted murder, mostly because the jury falsely believed that two hairs found on his clothes were from the jogger. (The prosecution's expert witness testified that it was impossible to say the hairs were the jogger's, because the science of hair identification was so inexact in 1989. Still, in her closing arguments, the lead prosecutor, Elizabeth Lederer, said unequivocally that the hairs found on Kevin "matched" with those of the victim.) At his September 1990 sentencing hearing, Yusef Salaam, fifteen, said, "I look upon this legal lynching as a test by my God, Allah." The *Post* mocked the boy's adolescent bravado with the headline: SALAAM BALONEY. But more than a decade later, the teenager looks like a soothsayer: "Sooner or later," he added at the sentencing hearing, "the truth will come out."

Once the new evidence came to light, District Attorney Morgenthau was forced to review the case video by video, transcript by transcript. Internal pressure was fierce to maintain the guilty verdicts. Several prosecutors and police detectives whose reputations were launched by the Central Park convictions recently aired competing

theories in the press, theories that place the boys squarely at the rape scene. The sex crimes prosecutor Linda Fairstein posited in *The New Yorker* and the *Daily News* that either the teens beat and dragged the woman into the woods where Reyes came along and raped her, or Reyes raped the woman first, leaving her bludgeoned body for the boys to further assault.

On December 5, Morgenthau argued in State Supreme Court that all the verdicts should be set aside, based on the new confession, the new DNA evidence, and "troubling discrepancies" in the videotaped confessions. On December 19, the court agreed, leaving the door open for the defendants to launch a civil suit for their years lost behind bars.

If a crime like the rape of the Central Park jogger occurred today, would the coverage be different? Former *News* editor Rosen, now the New York editor at Bloomberg News, believes it would. "There would be more skepticism about police procedures," he says. "We know more about DNA evidence, about false confessions, about juvenile issues. And New York is a different place."

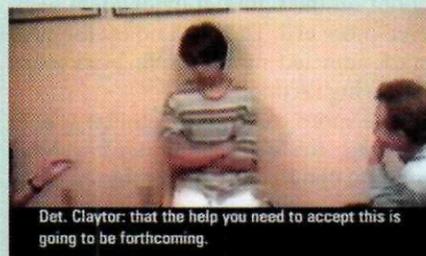
the police case on its head. Lab results of semen found at the scene matched that of a man in jail for the sexual assault of three other young girls. (It was also determined that the boys were not physically mature enough to even produce semen.) Damaged and shaken, the boys were exonerated.

Citing these cases and others, legal advocates around the nation are pushing to require police to videotape entire interrogations, not just the final confessions. Only two states, Alaska and Minnesota, require this. In most cases, the tapes would prove the police were conducting fair and lawful investigations. But not in all cases.

Court TV's powerful *Interrogation of Michael Crowe*, aired first in April 2001, demonstrates the importance of full, taped disclosure. In 1998, twelve-year-old Stephanie Crowe was stabbed to death in her bedroom in Escondido, California. The police decided that her fourteen-year-old brother Michael seemed suspiciously sullen after the murder. Detectives developed a theory that Michael, fueled by videogame-induced rage and sibling jealousy, killed his sister. Officers brought him in for questioning to prove it.

Fortunately for Michael's defense, Escondido police routinely videotape their juvenile interrogations. The Court TV producers acquired those tapes, weaving

them together with interviews with his family, his defense attorney, a homicide detective, and experts on false confessions. Frame by frame, the film presents a damning portrait of the overwhelming psychological power police can bring to



MICHAEL CROWE: "It's going to be a lie"

bear against a distraught and vulnerable young boy. His sister was dead. He was living away from his parents in a home for abused children. And now the police were accusing him of the unthinkable.

Michael protested his innocence at least eighty times, crying, wondering why the police kept telling him he stabbed his sister. Detectives let Michael know they did not believe him, suggesting that he stabbed Stephanie but might not remember doing it. Then, they began to deceive him. Detectives claimed they had an

avalanche of blood and hair evidence against Michael — which did not exist. "The eleventh hour is rapidly approaching," Detective Chris McDonough told the boy. "All the evidence is going to be in. We put a rush on some things that, quite frankly, is going to bury you, my friend."

After two days and eight hours of grilling, Michael began to believe the cops. Maybe he did kill his sister, and simply could not remember. Just as he was convinced his situation was hopeless, detectives offered him two paths: he could talk and get help, or he could refuse to talk and go to jail. "I would rather die than go to jail," Michael cried. At that point, Michael started spinning the tale he thought the cops wanted to hear. "It's going to be a lie," he began. "I did it because you said I did."

When the session was over, the police arrested Michael for first-degree murder. One year later, DNA evidence linked a mentally ill ex-con to Stephanie's death. A Superior Court judge threw out Michael's confession on the basis that it was psychologically coerced. Prosecutors were forced to drop their case against him.

False confessions happen, especially when children are involved. A vigilant press must keep smart watch.

— L.H.

That may be so. In any event, there are journalistic lessons from the Central Park jogger case on a number of subjects:

■ FALSE CONFESSIONS

In 1989 reporters did not readily consider the possibility of false confessions. Why would anyone confess in such detail, in front of their parents no less, to a crime they did not commit? Yet experts say this bizarre phenomenon is as old as the Salem witch trials. An odd logic takes hold when someone is cornered and believes that shooting himself in the foot is the best escape. (See page 40.)

Police questioning is designed to be intimidating. It represents the force of the law bearing down with all its power. Deception and trickery are standard, and legal. The interrogator will claim a friend has already implicated the suspect, for example, or cite nonexistent evidence. Juveniles, meanwhile, are considered most susceptible to changing their stories to appease their questioners. "A good cop," says the former *Daily News* bureau chief Krajicek, "can get a fifteen-year-old to say basically anything he wants."

■ UNPROTECTIVE PARENTS

Most of the Harlem boys were accompanied by parents, so many reporters believed coercion was a moot point. Not so, say juvenile crime experts. Often parents are just as intimidated and uninformed about risks their kids face as the juveniles, according to Monica Drinane, attorney-in-charge at New York City's Legal Aid Society. Contrary to expectations, parents rarely stop interrogations and ask for a lawyer.

Sometimes parents unwittingly add the weight of their own authority to that of the police. Antron McCray's father says he threw a chair across the room because his son kept insisting he was innocent. "I said to Antron, 'Tell them what they want to hear,'" he told the *New York Post*, "'otherwise you're not going home.'" That's when the fifteen-year-old confessed to holding the jogger's arms while others raped her.

■ RACIAL CODE WORDS

The jogger case planted "wilding" into the English lexicon, a term that came to define the inhumanity of these kids. But it was never clear where it came from — the kids, the police, or the media ozone. "The word seemed to come out of the ether," remembers Krajicek, a former professor at Columbia's journalism school and author of *Scooped: Media Miss Real Stories on*

Crime while Chasing Sex, Sleaze and Celebrities. "It took on a life of its own."

Meanwhile, at the same time the first Central Park jogger trial was going on, thirty white teens in Bensonhurst, Brooklyn, cornered sixteen-year-old Yusef Hawkins near a used-car lot and shot him dead. *New York Newsday* referred to those arrested as "white young men." The *Daily News* called them "a gang of thirty white teens." The city's leaders were equally subdued. Mayor Koch painted the killing as "an enormous tragedy."

■ STUBBORN STEREOTYPES

The *New York Times* and *New York Newsday* each wrote profile pieces in the wake of the arrests. The results defied Hamill's predictions. Instead of street thugs, reporters found that most of these kids attended decent schools and lived in stable homes with two working parents. Sheryl McCarthy and Nina Bernstein of *New York Newsday* wrote that Salaam attended Catholic school and was described as "not aggressive, very easy-going," by his math tutor. Santana's schoolmates at his alternative program said he was "his own person, a straight-up guy" who liked to draw. Antron McCray's father was a mechanic, his mother a day-care worker. His Little League sponsor said he was a "very shy, very respectable kid."

But oddly enough, the details of these kids' nonviolent existences did little to derail conventional wisdom. Those who believed the boys were rapists saw these details as horrifying. Instead of casting doubt on their guilt, it made them seem even more evil. They had no excuses. No crack-addicted mothers. No blackboard jungle high schools.

The more common treatment was to disparage the suspects. In a *Daily News* column, Bob Herbert, one of the few black reporters covering the case, made fun of both the boys' appearance and their lack of cash during the first trial. Herbert, now a columnist for the *Times*, caricatured them as "teenage mutants." He described sixteen-year-old McCray as a "wimpish pipsqueak" in June of 1990. He pointed out that Salaam wore two pistachio-colored socks and Santana, by then fifteen, apparently could afford neither bail nor a sports jacket. In his December 9, 2002, *New York Times* column, Herbert called the original jogger case coverage "racist" and "way, way over the top." He cast blame on the authorities, on the violent climate, and on a "dopey defense strategy," yet did not detail his personal contribution as a compliant reporter.

Journalism remains a subjective craft. Editors may be more skeptical of authority today, but they do not all believe the Harlem boys were railroaded by a frenzied press and a zealous prosecution. The *Daily News*, which first published the Matias Reyes confession, followed its own scoop with a series of stories that played down its importance. One piece quoted anonymous medical examiners as saying the injuries to the jogger were far too extensive for one man to have acted alone. Another quoted one of the detectives defending the investigation, claiming that cops working in separate groups could not have pulled off multiple false confessions. "It's clear to me that for the most part the police bent over backwards to insure they followed proper juvenile procedures," says Barbara Ross, who covers Manhattan criminal court for the *Daily News*. Ross was poring through 4,600 pages of the pre-trial hearings, preparing a story as Morgenthau was deciding whether to set aside the convictions. "It's hard to believe these confessions are not real," she says.

Jim Dwyer at the *Times* was coming to a different conclusion by reading 15,000 pages of the same documents. He broke the story on October 5 that Reyes had raped a woman two days earlier in the same area of the park, a case that had gone unreported to the defense in 1989. He also reported that the Harlem boys had consistently maintained their innocence in jail even though it cost them earlier parole chances. (Parole boards are lenient to convicts who show remorse.) His coverage helped shape an October 16 *Times* editorial that argued: "The hysteria that surrounded the case may have contributed to a grave injustice."

Both Ross and Dwyer would agree that the media can no longer ignore the importance of understanding juveniles and the policies that govern them in this changing world. More children are standing trial in adult courtrooms now than at any time in our nation's history. This requires a vigilant press to report from behind the interrogation doors, to inform beyond the shrill screams for revenge. Because the wolf pack, now as in 1989, can be the media. ■

LynNell Hancock, a former reporter for The Village Voice, the Daily News, and Newsweek, teaches journalism at Columbia. She is the author of Hands to Work: the Stories of Three Families Racing the Welfare Clock, out in paperback this month.

Copyright of Columbia Journalism Review is the property of Columbia Journalism Review and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.