

EDITORIAL:

CITY OF SHAME

SUBJECT:

DEMANDING AN INDEPENDENT IMPARTIAL INQUIRY INTO THE CASE OF POLICE OFFICER GARY MOSKOWITZ

Gary Moskowitz was a member of the New York City police department for nine years. Many of us in the Jewish community came to know Gary personally through his many works in law enforcement, his dedicated volunteer work with the poor, his outreach youth work, and through his teaching of martial arts.

Gary became quite known to the general public as he was one of the first orthodox Jewish police officers in the NYPD. He proudly wore his kipa (skullcap) on patrol in and out of uniform. For those who have seen Gary in action in the mid-town area where he patrolled for years knew what a kiddush Hashem (honor) he was doing for all of us. Gary often would receive calls for assistance at his home. From the most simplistic matters to the more serious problems he never turned anyone down and always found time to help. Gary has been a wonderful role model for our youth and a source of pride and inspiration for the rest of us. He has been the subject of numerous newspaper, radio and television interviews and he lectures and writes professionally about his work in the streets of New York.

Many older members of the Jewish community still remember what the police uniform meant to them while they lived in Europe where the police would either participate or turn their backs during a pogrom (organized attack on the Jewish community). So when the Jewish community is privileged to see one of their own working as a police officer it serves as a sign relief and comfort of knowing that they are safe.

At one time an orthodox Jewish police officer couldn't function in the New York City Police dept. and perhaps still cannot. The Jewish Community Relations Council in NY began a campaign to try and recruit orthodox Jewish police officers over 10 years ago with assurances from the police hierarchy that the officers would be able to have shabbat (Sabbath) and Jewish religious holidays off.

Gary became a police officer Jan. 1982 and he was actually a pilot project in the police department. It was very important to the Jewish community that we have dedicated young strong Jewish men and women serving as NYC police officers for they would be more sensitive to the needs of the Jewish community as they already have the shared educational and cultural background.

However from the very onset of Gary's application into the NYC police department he was plagued by virulent anti-semitism which manifested itself a series of prolonged investigations, questions

of dual loyalty to the United States and to the NYPD, improper assignments, being denied promotional opportunities, being subject to numerous disciplinary complaints which for the same infractions other officers weren't subjected to, his personal locker broken into and having it scrawled with nazi swastikas and other anti-Jewish epitaphs, and worst of all subjected to physical and emotional harassment from fellow cops and supervisors.

Gary made numerous complaints over the years to various Jewish leaders to see if these problems could be resolved quietly. Almost all these so called Jewish leaders were only able to tell him that if he made his complaint public it would "Rock the boat" and that the "nice" relationship the Jewish community councils enjoys with the police administration could be damaged.

The reality is that anti-semitism is virtually institutionalized in the NYPD just as is racism is. Our Jewish leadership is afraid to confront police officials because they live in fear that they will receive a negative reaction. Many of them were told over the years by police officials that if they complain publicly it will create more anti-semitism for them in and outside the police department. This is inconceivable for the Jewish community to tolerate this form of behavior in the 1990s in this country in view of our historical problems with anti-semitism.

Gary has witnessed horrible cases against other members of the Jewish community on many levels by the police department. Some of these instances range from falsely and illegally suppressing bias criminal cases for political reasons to Jewish people being arrested improperly and falsely imprisoned to not being able to receive kosher food in jail to outright brutality. Each and every time Gary has spoken out to his superiors protesting these kinds of behaviors it continued creating a hostile environment for himself. He was told many times by his superiors that they would find a way to get him off the force and that "Jews don't belong here with us, and that he should Go to Israel".

Gary finally decided to file a complaint with the human rights department of the NYPD in May of 1988 which unfortunately employs other police officers. The officers told him that if he puts this complaint in writing his career would be over. No supervisor would ever permit an officer to work for them after the officer filed a complaint against the police department for it would be political suicide. Furthermore an officer would be subjected to more intense problems where fellow officers would be afraid of working with him and the officer would be eternally persecuted for his complaint which the police department sees as a complaint which would embarrass them which is the ultimate crime unforgivable with the top brass.

Gary then appealed to Rabbi Alvin Kass, the NYPD chaplain and who is the Conservative Rabbi for the Mid-wood Jewish Center. Rabbi Kass had been helpful earlier in Gary's career when Gary was ordered every so often to work on the shabbat but now Rabbi Kass claimed there was little he could do but he would try. Enclosed is the letter sent to Rabbi Kass by Gary in July of 1988 seeking his intervention and relief where Gary was trying to transfer out of his precinct to an assignment he was more than qualified for and/or to a place he wouldn't continually be harassed and assigned menial tasks.

This harassment of Gary and to many members of the Jewish community went on quietly until the police department finally seized a vicious moment to persecute, prosecute, suspend, and finally terminate Gary from his career as a police officer.

Over Gary's entire period as one of New York's finest no citizen has ever made a complaint against him for improper behavior or brutality until Sept. of 1989.

A complaint was initiated against Gary in retaliation of Gary's bringing a criminal complaint of harassment and for reporting criminal activity at the prestigious firm of Goldman, Sachs, and Company which was alleged to him by a former employee of the company. This all became public in various publications because of the people involved from Wall street.

A woman who Gary knew personally from his synagogue was being sexually harassed and abused by her former boss and came to Gary for help. Like hundreds of other times throughout his career Gary got involved. He called the alleged perpetrator Lewis Eisenberg who was married at the time and senior partner at the billion dollar brokerage firm Goldman Sachs, and Company. Gary told him to leave this woman alone or a complaint would be lodged against him at his firm or with the police department. This man became hostile and threatened Gary that it wasn't his business and that he would have Gary "taken care of" if this complaint became public. Eisenberg continued to threaten Gary that he would fabricate false charges against him calling for his dismissal in the police department if Eisenberg got into trouble with his firm. Eisenberg did get into trouble for having a sexual relationship with an underling that he directly supervised and for his continued harassment of her. He was forced to resign in disgrace amid this growing scandal.

Upon information Gary received, this sexual harassment complaint was only part of a larger picture which had criminal overtones which other partners in the company were involved with. Gary immediately notified his superiors and the Organized Crime Control Bureau of

the NYPD in June of 1989 and informed them of what was alleged to him by the victimized woman Kathy Abraham, Eisenberg's former administrative assistant who was later fired from her job. This notification regarding alleged prostitution and other criminal activity was obligatory on Gary's part as a New York City Police officer. Instead of the police investigating his complaint they chose for political and obvious economic motives to once again suppress another complaint for fear of reprisals. However by Gary reporting this information officially it became public record embarrassing the company involved and later embarrassing the NYPD as well for failing to investigate the complaint. Shortly after, the partner Eisenberg leveled a series of corruptive charges against Gary creating an intense investigation of Gary where he was followed around on and off duty.

Gary soon realized that his problem with the NYPD became more severe after he was physically stopped and searched while in uniform in public by the internal affairs division. They later tried to claim Gary was carrying illegal monies from personal business he was conducting. The only thing they found Gary carrying on his way back to his precinct was his Contracts Law Book which he studies on his breaks. This all occurred as a direct result of Gary's reporting a criminal complaint against Lewis Eisenberg and his former company. The police internal affairs investigation of Gary was now in full gear. Because Gary didn't do anything wrong regarding this case they were unable to substantiate or prove any wrong doing on his part other than Eisenberg's complaint against Gary. However the police became so hostile and desperate to rid themselves of his Jewish presence they finally decided to trump up charges against Gary by falsely accusing him of misrepresenting himself as an orthodox Jew. The Police internal affairs division at one point claimed that Gary needed Saturdays off to work another job. This was a contemptible charge as every one who knows Gary knows he attends weekly services at the Young Israel of Kew Gardens hills. The next charge that was leveled at him was that he patronized kosher restaurants without due cause. Gary claimed that he needed to eat kosher food so when he was not working in and around an area where kosher food was available he requested and was granted to go off his post during his lunch break and eat in a kosher restaurant with which is in keeping with the patrol guide. The police investigators accused Gary of not really being Kosher as he only made this request to associate with "Other Jews in the Diamond district for personal business opportunities". They based their brilliant talmudic logic on the fact that they once observed Gary drinking a diet coke in a non-kosher diner. The list goes on and on. There were many other situations Gary was continuously being put in

whereby he was being falsely accused of various violations which usually implied and questioned his loyalty as an officer as opposed to his loyalty being a Jew. At one point other officers were falsely accusing Gary himself for working for the Internal affairs division which most cops hate as Internal affairs are known to be used politically to hurt cops who speak out on issues or when supervisors don't get along with individual officers. It became so bad that a few times Gary was physically attacked by other police officers on the job where they stripped open his shirt searching for a hidden tape recorder wire and all they found were the strings of his tzitzit (religious article worn under the shirt).

Gary subsequently filed formal charges against the NYPD with the Equal Employment Opportunity Commission (EEOC) of the NYS and Federal rights commission. Unfortunately due to the high volume of cases they receive it could take years to conclude their investigation into Gary's civil rights violations of religious discrimination which since filing incensed the NYPD.

Gary was brought to an administrative department hearing later where the NYPD held hearings against Gary for over a four week period perhaps the longest hearing held against any cop in the history of the NYPD. These hearings are prosecuted and judged strictly by police personnel. So much for a fair trial. The police department offered to make a deal with Gary that if he would plea bargain to just harassing Lewis Eisenberg all the other charges against him would be dropped and he would be able to keep his job and return to full duty. Gary blatantly refused this as Gary originally made a complaint of harassment and aggravated harassment against Lewis Eisenberg and only then did Lewis Eisenberg maliciously counter-claim Gary's complaint weeks later.

Even before the administrative hearing many of the charges filed against Gary were dismissed because they were so ludicrous. However the main charges which the police department was able to base their unjust termination of Gary was on the charges regarding Eisenberg and Goldman Sachs who were then defending themselves in a multi-million dollar sexual harassment complaint over the woman Eisenberg was harassing. Gary was then the main potential witness against Eisenberg and his former firm in this civil suit and yet the police hearing officer couldn't or wouldn't make the distinction of how important it was for Goldman Sachs to ruin Gary's credibility as a witness in addition to Eisenberg's personal vindictiveness and malicious prosecution towards Gary. At the administrative hearing Gary's main witness Kathy Abraham testified at length of Eisenberg's consistent sexual abuse of her, how he threatened to fire her if she didn't submit to his sexual advances and how he offered her

and others at numerous times money and financial benefits if she would perform sexual favors for his fellow partners at Goldman Sachs and for the company's business clients. As Gary questioned this witness further regarding other alleged illegal activities at the company the hearing officer refused to allow this questioning claiming that this involved a collateral case. Kathy Abraham also testified at length of how Eisenberg continued to threaten and fabricate charges against Gary.

To the relief of Eisenberg and his former firm, Kathy Abraham's sexual harassment suit has been since settled out of court with the firm Goldman, Sachs and Co. paying Kathy Abraham hundreds of thousands of dollars to discontinue her case, drop all her charges against Eisenberg and to silence her regarding all she knows about Eisenberg and the company.

The police department's prosecutor and hearing officer knew of Gary's complaint against them with the Equal rights commission (EEOC) regarding his suit for religious discrimination. The entire episode was a mockery of justice.

Gary has since filed a retaliatory action with the EEOC against the NYPD for wrongly dismissing him and has filed an article 78 legal proceeding in New York State Supreme Court against the NYPD to overturn the malicious decision against him where the evidence was overwhelmingly in Gary's favor. Also Gary has filed civil charges against Lewis Eisenberg and his former employment Goldman Sachs, for malicious prosecution, abuse of process, harassment, defamation of character, invasion of privacy and a host of other torts.

Both the Jewish and secular community should be outraged that our police department could act in this manner where they could blatantly try to silence many corruptive practices against the Jewish community by falsely accusing Gary of the age old accusation of dual loyalty and then trying to justify their persecutory actions through other false complaints. The bias record speaks for itself. The interrogations of Gary, (where some of the tapes that were made of it were supposedly accidentally erased or lost) the hearings, the judges' decision and most importantly the fogel letter - Gary's tedious answer to the judge's discriminating decision is public record.

We call on Mayor David Dinkins and NYPD Commissioner Lee Brown to assign an outside investigative body to review Gary's entire case and to make these results public to give the Jewish community a sense of fairness that it truly deserves. If a man like Gary who as an orthodox Jewish cop and a representative of our community had continuous trouble in his employment as an officer because he was a

Jew then this is a cause of grave concern for our community.

The NYPD in its refusal to investigate the allegations of prostitution and other illegalities implies a coverup to protect the firm of Goldman, Sachs, and Company. It is no coincident that family and/or friends of the management committee of the firm holds important appointed positions in this city's administration.

We are demanding an OUTSIDE IMPARTIAL INQUIRY to the behavior of the NYPD in this case with subpoena power of other NYPD officials. We want the true facts to speak for themselves. It is difficult for us to believe that a man like Gary who has received national and international acclaim for his community service work and who was a cop that the NYPD's own police academy hung up a newspaper article in the halls of the academy praising Gary where they told their new recruits that this is an officer to emulate that he was guilty of any wrong doing. In fact Mayor Dinkins himself has met Gary personally on a few occasions when Gary use to work with black and hispanic youth gangs. Gary testified at a hearing that the then Manhattan borough president held about how to stem the tide of violence with our youth. Gary testified on his own time and made known his ideas on forming his then popular ideas of the Student Community Outreach Unit Team (SCOUT). The Mayor himself wrote a beautiful letter to the former Police Commissioner Ben Ward praising Gary for his work as a police officer and for his volunteer activities in helping the elderly poor of our city and in assisting to ameliorate tensions between both Jewish and other ethnic and racial groups. The letter called on the commissioner to utilize Gary's energy and talents in a more significant and appropriate manner.

We urge members of the community that this is a truly Jewish issue which could affect all of us in our representation in the NYPD which translates whether we obtain adequate police service or not. It is no secret that the police department utilizes two sets of operational rules when dealing with our community and with neighboring communities. We must not be intimidated by any government agency especially those who represent law enforcement agencies.

The police department should allow the issue of anti-semitism to come out. Instead of being embarrassed and trying to hide it they should confront it and try to put an end to it instead of letting it fester. However the NYPD will not cooperate with out the Jewish community asserting itself in a more positive responsible manner. The Jewish community is still being hampered with the age old fears of believing more anti-semitism will occur if we go public.

Most cops are good honest citizens who truly want to help their fellow citizens only their efforts are hampered continuously by political and economic considerations of the police hierarchy. Again we call on the police commissioner and the Mayor to reinstate Officer Gary Moskowitz.