

Arline B. Epstein

August 19, 2013

Honorable F. Dana Winslow
Supreme Court, Nassau County
100 Supreme Court Drive
Mineola, NY 11501

Your Honor:

I am the mother of Michael Epstein, referred to as "Witness 25" in the Nassau County District Attorney's "Conviction Integrity Review" of the Jesse Friedman case (the "Report.") My name, statement, and documents are mentioned many times in the Report.

After reading the Report I felt mystified and dismayed. Based on my direct experience with how the Review Team treated me and my evidence, I have to conclude that this is not an impartial, balanced Report.

I am writing this not to quibble about minor details. My intention here comes from my adamant desire to get as close as possible to the truth of what happened in this case.

When our son Mike told my husband and me last fall -- to our shock -- that he had *not* been molested by the Friedmans, I immediately immersed myself in the case. I poured over my dozens of contemporaneous notes from 1987-89; spoke to psychologist Dr. David Pelcovitz, who had treated our son during those years; sought out new research done by the filmmakers of "Capturing the Friedmans;" called and wrote to several parents I had known whose children had testified against Arnold or Jesse or both; and met with Jesse Friedman to hear what he had to say. Then, I came forward to present my evidence to the Review Team.

I did not enter into this endeavor casually. When I came forward I was not motivated by personal gain, other than the benefit of supporting our son and of knowing that I was acting responsibly. On the contrary, I realized early on that I would probably lose friendships I had with the other mothers in our former "Friedman lunch group," and that has in fact happened. As a private person, I often felt I was putting myself into a painful, vulnerable position. Suddenly I became "Google-able," and our 25-year-old "family secret" (though now revealed as false) became very public. Despite all this, I was determined do whatever needed to be done, as I will continue to do.

The DA's Report ignores, discounts, and mischaracterizes much of my evidence. In fact, only *one-fifth* of my notes are included. Many of the missing notes contain information that weakens or undermines the Report's arguments.

As an example, I have two notes that show occasions when police interviewed children for many hours in one sitting. In referring to one of these notes, the Report withholds the most important information it contains: that the child in question had been interviewed for *five hours*. Another of my notes from a conversation with the mother of complainant “Barry Doe,” after Detective Merriweather had interviewed her son, told of a *seven hour* session with a child that had not produced any accusation. This note was omitted from the Report entirely.

One of the foundational claims of the Report is that children were not subjected to these multi-hour interviews (“Nor, Detective Jones said, was any child ‘ever interviewed for four hours at one sitting.’” Page 69).

It is shocking that the DA would choose to entirely exclude these two notes that directly undermine an essential premise of her review.

Further, the DA relies on a recent interview by the Review Team with Detective Merriweather (who is mentioned 27 times in the DA’s report as having procured many of the most extreme accounts of abuse), to support the Report’s claim that detectives did not subject children to multi-hour interviews:

Nor, [Merriweather] said, did detectives have time to “linger” with children and coax favorable testimony from them, because the case grew so rapidly, and included so many potential victims. (pg. 67)

It is equally remarkable that the DA would choose to exclude a note that directly contradicts the claim of the Detective on whom she relies to make her argument.

Though the DA repeatedly stresses in the Report that it is a difficult task to reconstruct the events of the case given the passage of 25 years, she overlooks or excludes most of this first hand primary source material that comes from a mother who, with her son, was deeply involved in the case. It is worth noting that at the time I had – like virtually everyone in Great Neck -- been convinced of the Friedmans’ guilt, so my contemporaneous notes were not biased by any desire to discredit the police or their techniques. In the flood of accusations and hysteria, I was just writing down what I was told by police and others.

The Report also discredits me as a witness. In particular, it portrays me as a kind of puppet of “the filmmakers,” implying that I was manipulated into my views by someone else, ignoring the emotional and intellectual evolution that naturally resulted (before I even met the filmmakers) from *my son’s thoughtful disclosure to me that he had not been abused by the Friedmans*.

The DA even implies that my documents were edited or crafted for me by the filmmakers, as if my open dialogue with them as part of my own discovery process is something for which I should be chastised.

I will not here go into the details of how the Report also mischaracterizes my son Michael’s statements, discounting his relevance for a catalogue of reasons

(because “he did not become a complainant;” because “his allegations did not affect Jesse’s decision to plead guilty;” because documents “can be explained in any number of ways,” or have “no certain interpretation,” or have “no evidentiary value.”)

I will say generally that the DA works hard to discredit my son – a high level engineer at a major software company, with an impeccable educational and professional record -- rather than viewing him as a unique resource in this kind of investigation because he:

- took dozens of classes in the Friedman house,
- was aggressively interviewed more than once by police,
- confirms their use of leading questions and bullying tactics including threatening that he “would incline towards homosexuality if he failed to [disclose abuse]” (pg. 127)
- states that he was not abused in any way,
- sat alongside two major Complainants in the very classes in which abuse was alleged,
- states that the Complainants were never abused in his presence despite their claims that such abuse took place in plain view of the rest of the class, directly contradicting many of the most important charges in the case including sodomies,
- was falsely named by those Complainants as a victim of abuse,
- sat alongside other non-complainants whom the two Complainants also falsely named as victims,
- in 1988 made a drawing of his own class, showing the name and seating location of each other student (provided to the DA for her review), allowing the Review Team to compare witness testimony from the very classes in which only some children had alleged abuse.

While I have noticed scores of errors and misrepresentations in the Report, I have focused here on approximately 30 material errors relating specifically to the documents I provided or statements I made. These are outlined in the enclosure.

In closing, I would like to point out that I know Jesse Friedman’s lawyer has asked the Court to grant him access to documents the DA has been highly reluctant to share. One of the things I have noticed in my discussions with other mothers and community members about this case is how little is actually known about the statements allegedly made by the children. Some Great Neck mothers to this day have no clear idea what charges were attributed to their children, and how those charges affected the case; they don’t have copies of the statements recorded by detectives, and they don’t know how those statements were translated into charges in the case. I believe many of the complainants themselves do not know how they were used in the case.

Complainant Barry Doe, who attended the Friedman classes with my son, and whose parents had until recently been friends of ours for years, said in an interview:

I can't honestly tell you what other things I might have said at that time. And it's a little scary. I mean it's a little scary to think about what exactly happened in 1986, because I can tell you, as God is my witness, and on my two children's lives, I was never raped or sodomized.

The young man's use of the word "scary" illustrates the damaging impact of the continued secrecy in this case. The best hope for clarifying things for these families is for you to lift the veil and allow Jesse Friedman's lawyer to finally and for the first time ever have a chance to test the validity of these statements in the light of day.

My son and I approached the DA in good faith, in the hope that our statements and materials could inform a legitimate process of seeking clarity and justice. I learned first hand from the biased manner in which our participation was handled, that the DA did not undertake a fair conviction review and that her Report is riddled with misinformation. Allowing access to the key documents, so they can be evaluated outside of the confines of the very district attorney's office in which the case was originally prosecuted, is essential to the pursuit of justice.

I am very grateful for this opportunity to express my views to you.

Sincerely yours,

Arline B. Epstein

Arline Epstein Bio

Arline Boyer Epstein grew up near Chicago and graduated from Smith College. She received a Master's degree in Russian literature and continued her graduate studies at Stanford University. She has worked in the USSR on a US Information Agency cultural exchange, served as disaster relief coordinator for the American Council of Voluntary Agencies for Foreign Service in New York City, taught Russian at the Military Language School in Taiwan, and worked in programming and systems for Chase Manhattan Bank in Hong Kong and New York. Since retiring she has been engaged in a wide range of volunteer work and travel. She and her husband Joel have one son and live in Connecticut.