

The New York Times

Charles J. Hynes, Brooklyn D.A. in a Tumultuous Era, Dies at 83

By **Joseph P. Fried**

Jan. 30, 2019

Charles J. Hynes, who as Brooklyn district attorney for 24 years sent corrupt officials to jail and won praise for his approach to nonviolent drug cases, but who lost his bid for a seventh term in a swirl of controversies, died on Tuesday while on vacation in Deerfield Beach, Fla. He was 83.

His son Sean said a specific cause had not been determined. In the past Mr. Hynes had undergone heart surgery and been treated for leukemia, and he had been hospitalized again while he was in Florida. He died in the hospital.

Hearty, gregarious and blunt, Mr. Hynes was first elected Brooklyn district attorney in 1989 after his success as a special state prosecutor in a 1986 racial attack on three black men in Howard Beach, Queens. A gang of white teenagers chased one of the men, Michael Griffith, onto a highway, where he was struck and killed by a car.

The surviving victims and their lawyers said they distrusted the Queens district attorney's office and refused to cooperate with its investigation. Mario M. Cuomo, then the governor, appointed Mr. Hynes to take over the case, and he won manslaughter convictions against three of the main defendants.

The case brought Mr. Hynes more attention than he had received as New York City's fire commissioner, and as a special prosecutor for fraud in the nursing home industry and for corruption in the city's criminal justice system.

His achievements as district attorney included the conviction his fellow Democrat Clarence Norman Jr., the party's Brooklyn leader, on corruption charges that involved coercing judicial candidates to hire the party's favored campaign consultants.

Mr. Hynes also won the convictions of two State Supreme Court justices for taking bribes to fix cases. He successfully prosecuted a ring of funeral directors, who had plundered body parts and sold them for use in transplants and medical research. And he won case against an ultra-Orthodox rabbi on charges of kidnapping a boy from his nonreligious Jewish parents.

Mr. Hynes earned much praise for initiating a program in which nonviolent drug offenders were given opportunities for treatment instead of prison. And he set up a separate bureau to deal with domestic violence, an initiative inspired in part, he said, by his own upbringing in an abusive household. His supporters maintained that his office had contributed significantly to the sharp drop in crime in Brooklyn over his decades in office.

But Mr. Hynes lost the office in a landslide in 2013. He was unable to persuade voters that his accomplishments over six terms as district attorney outweighed more recent controversies over wrongful murder convictions and his handling of pedophilia cases among ultra-Orthodox Jews.

Mr. Hynes's office was accused of prosecutorial misconduct in three murder cases in which people had served up to two decades in prison despite being wrongfully convicted. There were also allegations that the office had been complicit with an unethical detective in obtaining questionable convictions in many other homicide cases.



Mr. Hynes, during a court break in November 1987, as the special state prosecutor in the racial attack on three black men in Howard Beach, Queens. John Sotomayor/The New York Times

Mr. Hynes denied that his office had engaged in misconduct. And he said in early 2013 that a conviction integrity unit he had formed would review all 40 to 50 homicide convictions — most of them occurring during his tenure — to which the detective, Louis Scarcella, had contributed.

A Painful Defeat

The integrity review still had a long way to go when Mr. Hynes was defeated by Kenneth P. Thompson, a former federal prosecutor, who had made the misconduct accusations a centerpiece of his campaign. Mr. Thompson also questioned whether Mr. Hynes could carry out a “truly independent” review of the cases worked on by Mr. Scarcella, who was accused of falsifying confessions and using the same crack-addicted prostitute as a witness in multiple cases.

By October 2016, when Mr. Thompson died of cancer at 50, the unit had expanded its review to more than 100 cases, including many not worked on by Mr. Scarcella and some involving lesser charges than homicide. The review had led to conviction reversals for more than 20 people.

In the child sex-abuse cases, victims' rights advocates had long expressed concern that Mr. Hynes was reluctant to pursue accusations against ultra-Orthodox Jews because their rabbis were some of his strongest political supporters.

Mr. Hynes denied this, saying he had prosecuted many such cases. But in response to the criticisms, he created a new program to reach out to the young ultra-Orthodox victims and their families. That effort, however, drew yet more criticism when, accompanying the program, his office set a new policy of not publicizing the names of ultra-Orthodox defendants, though it continued to publicly identify others charged in such cases.

Mr. Hynes responded that when he had publicized the names of ultra-Orthodox defendants in the past, it had often led to identification and intimidation of the young victims and their families, “and most of our cases fell apart.”

Still, he vowed that he would do more to crack down on any intimidation. But the damage was done: The controversy became more fodder for the Thompson campaign.

Mr. Hynes’s re-election loss was rare for an incumbent district attorney in New York City. Voters “just didn’t care what he had done in the past,” said Kenneth K. Fisher, a former City Council member who had known Mr. Hynes for decades. “They wanted to know what he would do for them now, and he didn’t have a great answer to that.”

Mr. Hynes told his disappointed supporters, “I’ve had a great, great run.”

In the case that paved the way for that run, Mr. Hynes, in a booming voice at the 1987 trial of the major Howard Beach defendants, evoked a “night of fists, fear, terror and hatred” in which the man who died on the highway was chased into a “chasm of death.”

Moments like that led to Mr. Hynes’s portrayal as the hero of an NBC television docudrama titled “Howard Beach: Making a Case for Murder” (Daniel J. Travanti played Mr. Hynes), and politicians spoke of him as a possible Democratic mayoral candidate in 1989.



Mr. Hynes in his downtown Brooklyn office in 2004. He earned much praise for initiating a program in which nonviolent drug offenders were given opportunities for treatment instead of prison. And he set up a separate bureau to deal with domestic violence, remembering his own painful upbringing.

Nicole Bengiveno/The New York Times

Though he did not lack ambition for higher office — he unsuccessfully sought the Democratic nomination for attorney general in 1978 and 1994 and for governor in 1998 — Mr. Hynes decided not to enter the mayoral race. He said he did not want to challenge David N. Dinkins, a fellow Democrat, who was running that year, successfully, to become the city's first black mayor. Instead, Mr. Hynes ran for Brooklyn district attorney.

Mr. Hynes suffered two big setbacks in his first term. In one case, a black teenager, Yusuf Hawkins, had been shot to death in the Bensonhurst section of Brooklyn when a group of bat-wielding young whites surrounded him. Seven people were charged with murder: the gunman and six who were accused of acting in concert with him.

The gunman was convicted of murder, but all the others were acquitted of that charge; some were found guilty of lesser charges and others were totally acquitted. Critics maintained that Mr. Hynes's office had handled the case incompetently. Mr. Hynes cited the fact that a defendant who had agreed to be a major prosecution witness had reneged.

Violence in Crown Heights

The second case stemmed from four days of violence in 1991 in the Crown Heights neighborhood, where bands of black youths attacked Hasidic residents after a car driven by a Hasidic man accidentally struck and killed a black child, Gavin Cato. Another Hasidic man, 29-year-old Yankel Rosenbaum, was fatally stabbed, and a teenager, who the police said possessed a bloodstained knife and whom the mortally wounded man identified, was arrested near the scene.

Despite what seemed a strong case, the defendant, Lemrick Nelson, was acquitted of all charges. A jury in a federal trial later found that he had committed the stabbing and convicted him of violating the victim's civil rights. A state commission concluded in 1993 that lapses by Mr. Hynes's office in gathering forensic evidence and in presenting inconsistent police testimony had contributed to the acquittal.

Mr. Hynes fired back with a 23-page rebuttal that called his office's work diligent and accused the commission of displaying "a misunderstanding of trial tactics."

In another prominent setback, in 2007, Mr. Hynes had to drop, in mid-trial, a murder case against a retired F.B.I. supervisor who had been accused of helping a Mafia informant commit four killings. An old tape recording emerged in which the main prosecution witness said that the agent had not been involved in the killings.

"I have my fans and my detractors, and I understand that," Mr. Hynes said in a 1994 interview with The New York Times. "It doesn't bother me to take the shots. I'm a big boy."

There were fans and detractors over his handling of capital punishment. Mr. Hynes had opposed the death penalty long before the state revived it in 1995. Mr. Hynes said the death penalty was of questionable morality and ineffective in preventing crime, and he criticized it while campaigning for governor in 1998.

But by then he had sought death sentences in five cases, the most by any district attorney in the state since capital punishment had been restored. He said at the time that he had been duty-bound to seek the penalty in appropriate cases while the law was on the books, but that "as someone running for governor, my responsibility

is to tell you the law is a sham.”



Mr. Hynes during a rally on the steps of Brooklyn Borough Hall in October 2013 as he campaigned as a Republican after losing in the Democratic primary. He was defeated handily, and told his disappointed supporters, “I’ve had a great, great run.” Todd Heisler/The New York Times

A 2004 court ruling made the 1995 law inoperable, with nobody having been executed.

Mr. Hynes won his fifth term in his first close race, finishing on top in the Democratic primary — which in heavily Democratic Brooklyn was usually tantamount to election to the office — by just four percentage points. He won his sixth term in 2009 without opposition in the Democratic primary or the general election.

When the voters rejected him four years later, they had to do it twice.

After Mr. Thompson defeated him in the Democratic primary, 55 to 45 percent, Mr. Hynes said he would accept the result and end his campaign. But he changed his mind and, angering many Democrats, ran hard in the general election as the candidate of the Republican and Conservative parties — only to be crushed: Mr. Thompson won more than 70 percent of the vote.

Following the election, city investigators concluded that Mr. Hynes had misused office funds to pay a campaign consultant, but federal prosecutors said there was not enough evidence to support criminal charges. In 2018, he acknowledged that he had erred in using office email during his campaign and agreed to pay a fine of \$40,000.

Governor Carey’s Choice

Charles Aiken Joseph Hynes — he took Joseph as his confirmation name and was called Joe by all who knew him — was born in Brooklyn on May 28, 1935. His father was “a drunk and a wife-beater,” he told The New York Times in 1990 in explaining why one of his first acts as district attorney was to establish a bureau dealing

exclusively with domestic violence.

“Often, the first thing I remember when I’m in a tough spot is my mother’s screams,” Mr. Hynes recounted in an autobiographical section of “Incident at Howard Beach: The Case for Murder,” a 1990 book he wrote with Bob Drury.

His mother, Jean Hynes, was a daughter of Irish Catholic immigrants who had landed in Boston; she became a real estate broker. (In the book, Mr. Hynes did not identify his father by name but wrote lovingly of his mother, “She never lost her deep compassion for those she called unlucky.”)

Mr. Hynes attended St. Ann’s Academy in Manhattan (now Archbishop Molloy High School in Queens) and earned bachelor’s and law degrees at St. John’s University. After a stint in the Marines and several years with the Legal Aid Society and in private practice, he became an assistant district attorney in Brooklyn in 1969, rising to first assistant.

In 1975, Gov. Hugh L. Carey chose him as a special prosecutor to pursue reports of widespread fraud in the nursing home business; the governor later expanded Mr. Hynes’s jurisdiction to all programs receiving Medicaid funds. By 1979, Mr. Hynes had reported 94 convictions.

In 1985, after stints as the city’s fire commissioner from 1980 to 1982 and in private practice, he was named the special prosecutor for corruption in New York City’s criminal justice system. He soon won the convictions of six 77th Precinct officers accused of extorting money and drugs from narcotics dealers and staging burglaries. But he and the Police Department publicly disputed responsibility for the longtime failure to apprehend an officer from another precinct who had been robbing drug dealers and selling cocaine.

Mr. Hynes married Patricia Pennisi, a registered nurse, in 1963. In addition to his son Sean, he is survived by his wife; their other children, Kevin and Patrick Hynes, Jeanne Cook and Lisa Kellachan; and 17 grandchildren. He lived in Brooklyn and Breezy Point in the Rockaways.

In addition to his book on Howard Beach, Mr. Hynes wrote a novel, “Triple Homicide” (2007), about police corruption.

In the Howard Beach book, Mr. Hynes wrote that he had “always found it difficult to rejoice over convictions.” But he added, “I’d dedicated my life to the belief that irrational human passion must be tamed by the law.”

Sam Roberts contributed reporting.

READ 1 COMMENT