

A letter to the Democrat....Comments please:

“I ACCUSE” *

To the Editor:

It was with interest that I read Mr. Robbins’s article of Oct. 1st (“Franklin: Cop broke dept’s rules”). In reading this article, I am reminded of the affair of Captain Alfred Dreyfus, a French army officer. In 1894, Captain Dreyfus, who was Jewish, was tried for treason for allegedly passing military secrets to the German army. After a trial bereft of procedural errors, submission of manufactured evidence and false testimony, Dreyfus was convicted and sentenced to life imprisonment on Devil’s Island. Just before deportation, Dreyfus was “cashiered”; a formal, public degradation ceremony where his marks of rank and service awards were ripped from his uniform, and his saber broken.

Through the efforts of French writer Emile Zola, particular in an open letter to the French president (which was published under the title “J’accuse” or “I accuse”), the public became aware of how the French High Command framed Dreyfus, and how anti-Semitism and injustice were extant in French society. The “Dreyfus Affair” reached “scandal” magnitude, the case was reopened, and Dreyfus exonerated. In 1906, he returned to active military duty, serving his country through World War I.

And so we move some 100 years later to the very similar situation faced by Police Officer Hatim “Tim” Wahba, a patrolman of Egyptian descent in the Franklin Township Police Department. In 2004, upon the retirement of Chief Mangini, the Franklin Township Committee (with current “TC” members Tarshis and McGeary on board) deemed Officer Wahba proficient enough to promote him to the rank of “Officer in Charge”, a position that he held until the end of 2005. At that time, Officer Wahba challenged the intentions of the “TC” to bestow police powers on a civilian (and then elevate that civilian to the rank of Chief of Police) by citing New Jersey statutes and recent court rulings that prohibited what was being considered. It was only when the Attorney General’s Office and the NJ Chief’s of Police Association weighed in on the side of Officer Wahba did the Township Committee settle on the rank of “Director of Public Safety”. Regrettably, Officer Wahba had “sabotaged “ the plans of the Township Committee; the damage had been done. Officer Wahba was removed from office and demoted in rank. But revenge is a dish best served cold.

In May 2007, the township sought disciplinary action against Officer Wahba for violations of department rules and regulations. The matter was brought before the State of New Jersey Public Employment Relations Commission (PERC), who, on June 27, 2008, ruled as follows:

“The manner in which the Township carried out the investigation and their fact finding were biased and tainted in order to manufacture charges. Just cause or cause requires fairness, due process, and even-handedness in order to produce a result that is credible and unbiased.”

The key phrase in the PERC ruling is “...to manufacture charges”. PERC also ruled that Officer Wahba, was “singled out” and “selectively investigated”. Why? Should one presume that the persistent actions of the Township Committee against this police officer are biased, racial or otherwise? Is any other police officer in the FTPD under investigation? Factually, none of the other officers in the department are of Middle-Eastern decent.

This premise of bias on the part of the “TC” is supported by the experience of the attorney chosen to represent them in this matter, one John J. O’Reilly, Esq. In June 2008, Mr. O’Reilly, while representing a large and well know package delivery company against an employee, argued before Superior Court to claim that the package delivery company had “just cause” to discharge an employee. The Court ruled that Mr. O’Reilly’s position was (and I quote) “**an aberration**”. So, in order to build their case, the “TC” hires the guy most adept at false character assassination, and not the guy with astute legal experience grounded in fairness and due process.

Surely, if you place anyone under a microscope, you will find chinks in their armor. Take, for instance, former Mayor Larry Remaly. It is no secret that our former Mayor obtained tires for his own personal use through Franklin’s participation in the State’s purchasing program. Although he claims he “paid the tax” on this purchase, the fact is that our Mayor used his position to advantageously obtain items for his own personal use at prices far below retail. One begs to ask why all residents of Franklin cannot avail themselves of this “municipal service”? Or how about the “business use” of his accessory building, which stands in direct violation to the deed restriction memorialized by the Franklin Board of Adjustment, and specifically prohibits any activity other than “personal”? And of course, can we forget the complete demolition and rebuilding of the house, from the foundation up that lies on the “postage stamp” lot in the historic hamlet of Quakertown? Never once went before the Municipal Land Use Board for any variances? Just let any other resident try to pull off this magic act, particularly in Quakertown.

I am not saying that the Township Committee does not have the right to discipline municipal employees for infractions that are supported by clear and convincing evidence. What I object to is the creation of false evidence and clear bias, like the “Dreyfus Affair“, to assert disciplinary action against any employee. Surely, like Dreyfus, the “conviction” of Officer

Wahba is already a foregone conclusion, and we are just going through the motions to trick the public into believing that he is getting a “fair” trial. The TC members are no doubt falling over each other to see who will be first to “cashier” him. By the Grace of God, Officer Wahba will ultimately be exonerated. Then, we will put the show on the other foot, and see how it fits.

Yours sincerely,

George Burdick