

Norman Finkelstein comments:

One year ago today (14 February 2019), all charges against me were in fact or effect dropped. I held back publicly announcing the favorable disposition of my cases as I was pursuing legal remedies to right the wrongs done me and Dr. Baldeo. In the account below I recall the sequence of events that led to my arrests and trial. Regrettably, matrimonial vulture-lawyers Allyson Burger and Michael Chetkof have not yet been disbarred. I would want to use this occasion to thank with all my heart everyone who supported me during this wrenching ordeal.

1. In the early 1990s, I came to know Rudolph Baldeo, who was a student of mine at Hunter College (City University of New York). An indigent immigrant from Guyana, Baldeo would come to embody the American Dream as he ascended the ladder of success, from a warehouse shipping clerk (when he was my student) to a respected pediatrician. (Not one to forget his roots, Dr. Baldeo travels several weeks each year to remote areas around the globe so as to provide free medical care to needy children.)
2. I eventually became a mentor, close friend, and—somewhat reluctantly—intimate confidante to both Dr. Baldeo and his spouse Azimoon Baldeo. I was the default mediator and arbiter at difficult points in their marriage. I was also the godfather to their second child.
3. Their marriage gradually fell apart and Azimoon sued for divorce in 2016. I did not take sides, I was not partisan, as, from my personal observation and conversation, each spouse bore an aliquot part of responsibility for the breakdown. My one and only objective was to facilitate a fair and equitable settlement so as to make the divorce as painless or, at any rate, least toxic as possible. It was my opinion then—and still is —that both Dr. Baldeo and his wife would have been amenable to a fair and equitable division of the marital assets. I myself did everything humanly possible, repeatedly meeting the lawyers on both sides, begging and beseeching them, to achieve a mutually acceptable settlement. Alas, that didn't come to pass.
4. In effect Dr. Baldeo fell victim to a shakedown hatched by his spouse's matrimonial attorneys, Allyson Burger and Michael Chetkof.
5. The shakedown of Dr. Baldeo by attorneys Chetkof and Burger unfolded in two interlocking phases: *frame-up* and *blackmail*. I would want to stress before continuing that I was witness to all the events narrated below. Although not physically present in the courtroom as I was a potential witness, I was in the courthouse every day of the proceedings and perused the *entire* court record.
6. Playing on insidious stereotypes, attorney Burger repeatedly shouted in the courthouse in Dr. Baldeo's presence, "Be careful! He's got an order of protection against him!" (Baldeo is dark-skinned and part Muslim.) She simultaneously concocted the obscene tale that Baldeo had inflicted "countless" acts of "unspeakable violence" on Azimoon. I knew for certain that her hell-black portrait of Baldeo was false, as Azimoon did not hold back *any* details of her personal life—however intimate, however

mortifying—from me. We used to speak at length sometimes twice per week. She would often convey that I was her only confidante, the one person who listened to her. That Azimoon harbored grievances: of that, there's no doubt. But that Baldeo was a chronic wife-beater: that's sheer fantasy. Burger repeatedly alleged in Court papers that Baldeo's record of "countless" acts of "unspeakable violence" had been copiously "documented." However, when the occasion arose during the trial to provide this documentation—police records, medical records, eyewitness affidavits, counseling records—Burger fell mute: *She could not adduce a single document in a single instance of these alleged "countless" acts of "unspeakable violence."*

7. It is an incontrovertible fact that attorney Burger willfully, consciously and maliciously defamed Dr. Baldeo to extort the savings he had accumulated by the sweat of his brow.

8. Michael Chetkof presided over the blackmail phase of the shakedown. He exploited incorrect entries in the couple's joint 2015 tax return in order to blackmail Dr. Baldeo into submission. Baldeo consulted a tax attorney, who informed him (in my presence) that he incurred no legal culpability apart from "negligence," which could easily be rectified by amending the return. But Chetkof and Burger instructed Azimoon not to cooperate (she pretended to ignorance of the return's contents during the trial, even as she was professionally a banker). Although Baldeo's legal exposure was minimal, opposing attorneys sought to terrorize him with the dire prospect of jail time and loss of his medical license. Burger stated to Baldeo's lawyers in his presence, "Tell your client that if he shows up in Court on Monday, he's going to jail." Chetkof told me, "Your friend would be stupid not to sign the stipulation, he'll end up in jail." When I replied that was blackmail, Chetkof said: "I do what's best for my client." I was later informed by a highly respected Nassau County criminal lawyer that weaponizing tax returns was the "dirty little secret" of matrimonial court. Baldeo's attorneys advised him that, even if legal incidents were probably remote, he should not chance jeopardizing his hard-earned medical license.

9. Between the frame-up on the one hand, and the blackmail on the other, compounded by steeply escalating attorneys' fees—more than \$10,000 per day during the trial, as the "money-earning spouse" had to foot the bill of *both* sets of lawyers—Dr. Baldeo was effectively coerced into signing a stipulation (settlement) that left him bereft of his accumulated life savings. Indeed, he was only able to read bits of the stipulation as all the parties to the case, anxious to leave for summer vacation, hovered over him like vultures eyeing a prey, and hectored him into signing despite his pleas that he hadn't even read the document. It proved, upon his subsequent inspection, to contain additional hidden prejudicial clauses and monetary calculations.

10. It deserves special notice that attorney Burger justified in Court papers enlisting the professional services of her senior partner, attorney Chetkof, on the grounds that she was in need of his physical protection against me. It cannot be gainsaid Burger's colorful imagination as, *first*, if Burger felt endangered, why did she voluntarily sequester herself in a room with me—door shut, no Court officials present, Burger visibly beaming—at the

tail-end of the divorce proceedings to discuss settlement terms?; and *second*, I made for a most unprepossessing physical assailant at the ripe age of 65, while Chetkof made for a most unprepossessing bodyguard at the even riper age of 83 years.

11. It also deserves special notice that, in her various representations to the assistant district attorney and arresting officers, attorney Burger purported that I had been barred from the courtroom by the judge and expelled from the courthouse on account of my unruly behavior. It can easily be ascertained that these allegations of Burger were, to put it charitably, flights of fancy: they never happened, or even came close to happening; she fabricated these demonstrable, damnable, and defamatory lies out of whole cloth. There was one and only one occasion when I raised my voice in the courthouse. During negotiations in the courthouse conference room, Chetkof stated to me in front of four witnesses (three lawyers and Dr. Baldeo's Father) that new attorney fees would come to "\$50,000." I was prepared to persuade Baldeo to accept this figure. However, when Chetkof returned from lunch, he abruptly jacked up the figure to "\$80,000." I was livid at his egregious bad faith and called him a *goniff* (Yiddish for thief).

12. If I wasn't present in the courtroom during the trial, it was not because the judge had expelled me but, on the contrary, because I was a potential witness; far from being expelled from the courthouse, I was sitting on the bench in the courthouse hallway every day from the first to the last of the trial proceedings. It gives pause, the effrontery of Burger as she shamelessly and shamefully lied to officers of the law in order to secure my arrest on trumped-up charges.

13. The stipulation was signed on 4 August 2017. It contained one onerous clause after another, based on one falsehood after another. Dr. Baldeo was manifestly shattered. That night, en route home from his hospital, Baldeo telephoned me. Crying unconsolably, he let out a primal scream: "*I lost everything.*" I respected Baldeo too much to patronize him with saccharine clichés: it was true—he *did* lose everything. He was, however, in a state of mind that, truly, I dreaded he might veer the vehicle off the road, taking his life. I therefore made a solemn pledge to him: I would do everything within my power and the constraints of the law to right this egregious wrong. At bare minimum, I could make known what happened so Baldeo wouldn't grieve in the shadows of statistical oblivion—yet another victim of matrimonial vulture-lawyers who belong behind bars (see [Marriage Story](#)). His traumatizing ordeal would be, if not legally vindicated, at any rate publicly validated.

14. I am a person of my word; even were I so inclined, I, constitutionally, couldn't abandon Dr. Baldeo. I therefore proceeded to act on my vow: right the wrong if I could, publicize it if I couldn't; always acting within the bounds of the law. Not because Baldeo was my friend—his wife Azimoon was also my friend—but because he had been egregiously wronged.

15. I posted on my personal website in serial form a stringent and painstaking but also searing and emotive account of the legal travesty that had unfolded before my eyes. I

emailed attorneys Burger and Chetkof in advance a draft of each of the successive postings so as to elicit their feedback on the factual points. I enjoy a public reputation for punctilious forensic scholarship; if mistakes had crept into my postings—if I had deviated even a jot from the truth—I wanted to avail them the opportunity to enter corrections. I also hoped (against hope) that they would come to see the error of their ways and cooperate with Dr. Baldeo (the case was under appeal) to achieve a fair and equitable settlement.

16. I was at pains in my emails to emphasize that, *if attorneys Burger and Chetkof found them an annoyance, all they needed do was to notify me and I would immediately cease writing them.*

17. Attorneys Burger and Chetkof also had at their disposal the ready option of simply deleting each of my emails manually or filtering all of them automatically to trash. I happen to be a public figure. I receive a steady stream of hostile and more often than not downright nasty emails: it comes with the turf. For example, a professor at Rensselaer Polytechnic Institute named David Goldenberg has sent me the past several weeks abusive emails on a virtually daily basis. It would never even occur to me, however, that I should report him to the police, let alone demand his arrest—except of course if he presented a direct threat to my physical safety—as I could just press the delete key. This is America: you don't get to silence someone because you don't like what they have to say; a fortiori, if what's being said is true, and you know it's true—indeed, you seek to silence the person *because* you know it to be true.

18. Attorneys Burger and Chetkof couldn't sue me for defamation, as they knew to be true every transaction I described in my postings. Determined nonetheless to stop my dissemination of the factual record in a public venue, they reverted to their standard operating procedure: *blackmail*. On 10 August 2017, Chetkof wrote Dr. Baldeo's attorneys explicitly threatening to open "Pandora's Box" and destroy "Dr. Baldeo Personally and Professionally" if I didn't desist from my resolve to publicly expose the miscarriage of justice. This flagrant blackmail ultimatum, cast in chilling print on the official letterhead of Chetkof's law firm, constituted a brazen assault on my First Amendment right: *either I gagged myself or Chetkof would wreck Dr. Baldeo "Personally and Professionally."* (It was later revealed during my own trial that the Bar Association had already censured Chetkof in 2011.)

19. Undaunted and undeterred by the blackmail threat, I persisted in exposing the sordid and squalid strong-arm tactics deployed by attorneys Burger and Chetkof. On 5 September 2017, I distributed informational leaflets in a parking lot near their law office. Per usual, I provided them beforehand with ample notice of my planned action, and urged them to correct any errors in my leaflet.

20. As I commenced leafletting on 5 September, two police officers, PO Matos and PO Edwards, appeared almost immediately on the scene, followed a short while later by Sgt. Petito. They ordered me to desist from the exercise of my Constitutional right, held me in

their custody, and stated that attorney Chetkof was on the phone with the District Attorney. After approximately 40 minutes, I was informed by Sgt. Petito that, by order of the District Attorney, I was to cease all contact with the law office. It was—and still is—cause for perplexity why the District Attorney issued this order after consulting with Chetkof at length but never bothering to hear my side.

21. On 5 September 2017, I also received a letter from attorney Chetkof—the *very first* direct communication from him—demanding that I cease and desist from emailing the law office. In my reply (dated 5 September 2017) I wrote in part:

- 1) *I am in receipt of your “cease and desist” letter;*
- 2) *The first sentence is illiterate (did Allyson Burger write the letter?);*
- 3) *I already repeatedly informed you that I would cease communication with recipients of my emails upon request;*
- 4) *I already repeatedly informed you that I would correct factual errors in my postings. To date, you have yet to identify a single “patently false and knowingly made-up” statement.*
- 5) *If my “threats are...violative of the law,” you should take me to court;*
- 6) *If I have engaged in “defamatory behavior,” you should take me to court;*
- 7) *I do not make “threats” —I always act on my word;*
- 8) *If my statements are “vile,” that's because your actions are vile: to quote Diego Rivera, “I paint what I see.”*

This will be my last formal communication with your law firm. (If any member of the law firm wants to contact me privately, I will be receptive and respect their privacy.)

22. Not knowing whether this severe curtailment of my First Amendment rights was legally binding, I contacted the ACLU. It advised me to include at the head of each email an “opt-out” clause, so as to provide recipients with the option of receiving or not receiving my emails. I was careful to include at the head of each subsequent email this option:

Note: I am writing each of you in your private capacity and not as members of a law firm. If you want me to remove you from this ListServe, just email me and I will immediately oblige. (This formulation was recommended and approved by the ACLU to protect this writer from future claims of online harassment.)

23. The documentary record shows that Chief Warren Thurer, Criminal Complaint Unit, Office of the District Attorney, was in steady correspondence with attorney Burger, who forwarded Thurer *all* my emails. Detective Kevin Madden reported that as of 5 September, “*ADA Thurer stated at this time there is no cause for arrest, however, requests to have Finkelstein advised to cease and desist any further contact*” (emphasis added). *But if “no cause for arrest” existed just before my arrest, then the contents of my emails could not have constituted “cause for arrest.”* Nonetheless, Thurer saw fit to advise Burger and attorney Chetkof to send me a cease and desist order. But if my correspondence did not constitute “cause for arrest,” why didn't Thurer simply advise them to filter-delete my emails or otherwise ignore them? That's presumably what

Thurer would have recommended if, say, complainants were fervently “pro-choice” and received even graphic images of aborted fetuses from a “pro-life” organization. It ensues that, legally, I couldn't have been guilty of violating a cease and desist order as, by Thurer's own admission, the order lacked legal validity—there was “no cause” for it.

24. According to the documentary record, on 6 September a *new* ADA, Alexander d'Orchimont, Office of the Nassau County District Attorney, was assigned to the case replacing Thurer, who had stated just the day before, and after having read all my emails, that “there is no cause for arrest.” It was d'Orchimont who decided to order my arrest. (Attorney Burger would later coyly address him in correspondence by the diminutive of his Christian name: “Dear Alex.”) On that same day, 6 September, at 11:30 p.m., two police officers appeared at my apartment door to arrest me. After being led out of my apartment and into the street in handcuffs and transported all the way from Coney Island in Brooklyn, New York, to Hempstead, Long Island, in the dead of night, I was held handcuffed to a pipe for fully five hours (from 1:00 am to 6:00 am), as one of the arresting officers, Detective Madden, couldn't figure out how to fit his report in the space provided on the computer program. I was then locked up, transported to the courthouse, and arraigned.

25. I was arrested a second time on 9 October 2017 and again at 11:30 p.m. The charge this time was that I had breached Burger's order of protection by emailing a matrimonial lawyer named Byron Divins. The facts are these. I did not know and had never met Divins. The generic email Divins received was sent by me to all matrimonial lawyers in Nassau County. I received on 19 September a belligerent, nasty personal reply from Divins who, it turned out and unbeknownst to me, was a personal friend of attorney Burger. I responded in the conditional to Divins: “*If*, as you allege, my statements are ‘defamatory’ and ‘misguided,’ [*then*] tell your ‘dear friend’ . . . to sue me” (emphases added). Far from instructing, let alone urging, Divins to contact Burger, I was parsing the internal logic of his email, to wit: if *A* was true (*my statements are “defamatory” and “misguided”*), then *B* would appear to follow (*tell your “dear friend” to sue me*). I was rhetorically stating that I did not fear a defamation lawsuit as perusal of the trial record would show that every statement of mine was demonstrably true and therefore could not legally be construed as defamatory.

26. Attorney Divins' email to me also contained disgusting, slanderous references to Dr. Baldeo: “He fashions himself a ‘Dr.’ whats [sic] the matter, he can't speak for himself without crying.” Baldeo came to this country a penniless immigrant. He gained his medical degree by dint of a steel-trap mind and iron discipline, not a silver spoon. The aspersion cast on his bona fides by Divins was contemptible. It causes me to shudder, shiver, and shake each time I revisit this email. I was present throughout the divorce proceedings. Never once did Baldeo shed a tear in public, or for that matter privately in my presence. Indeed, he demonstrated Herculean self-composure in the face of a torrent of both defamatory allegations of spousal battery (which jeopardized his medical license) and blatant blackmail threats by attorneys Burger and Chetkof.

27. I fully honored Divins' request, "Do not contact me again." Once having acknowledged receipt of his "Do not contact" email, I never again wrote him or had any other contact with him. It is cause for wonder, then, why he requested and the Court obligingly issued him an order of protection on 9 October 2017, *fully 20 days after all contact between Divins and I had ceased*. It is also cause for wonder why Burger and Chetkof didn't themselves send me a "Do not contact" email, which is what I had explicitly requested and which, as in the case of Divins, I would have certainly agreed to.

28. I was scheduled to appear in Court for my first arrest on the morning of 10 October 2017. Was it sheer happenstance that I was arrested for allegedly violating the order of protection *the night before my scheduled court appearance*, making it impossible for me to appear in Court? Judging by the documentary record, it appears not to have been a coincidence. *First*, Burger was aware that I was scheduled to appear in Court on 10 October. She wrote Chief Brian Lee, Office of the District Attorney, Nassau County, on 19 September, and ADA d'Orchimont on 3 October, that I "was due to appear back in Court on October 10th." *Second*, on 3 October, Detective Kevin Madden wrote Burger, "The email to Mr Divins is a violation and Mr Finkelstein will be arrested. Need to get a statement from Mr Divins. He just wasn't available on my days of work. Going to try and meet him tomorrow." On that same date (3 October), Divins wrote Madden, "I'm available tomorrow and Thursday. Let's coordinate," and Madden replied on that same date (3 October), "Tomorrow is good. Before 3:30 or after 6." In other words, the deposition was scheduled to be taken from Divins on 4 October. However, it was taken not on 4 October but instead *fully five days later* on 9 October at 5:30 p.m., and the arrest was made at 11:30 p.m., the night before my scheduled court appearance. Just a coincidence—or malicious calculation?

29. The second arrest on 9 October is not one I will *ever* forget. It came just a few short weeks after my first arrest. When the arresting officers (including Detective Madden) showed up at my apartment, I was gripped by panic and terror. I stared down the long corridor beyond them and contemplated making a run for it. I honestly didn't believe that I—a senior citizen accustomed to the creature comforts of a middle-class professor and writer—could endure being put through the system a second time: the humiliating public spectacle as I was escorted in handcuffs by two police officers out of my sixth floor apartment down the stairs into the patrol car; the protracted, forlorn ride to Nassau County in the dead of night; the multiple frigid, barren jail cells, the foul, stale sandwich called our meal; the handcuffed inmate-passengers tumbling over each other in the steel-plated paddy wagon without shock absorbers; the maddeningly-long, purposeless wait (except as psychological torture) in the paddy wagon outside the courthouse; the jam-packed holding cell, everyone a palpable 40 years younger than me.

30. I had turned in early the night of 9 October as I agonized over my court appearance the next day (I didn't yet have a lawyer). Although my mind wasn't fully lucid when answering the door, a thought flashed through my mind when the officers ordered me to dress. I remembered Gandhi saying that the most powerful word in the English language was *No!* I decided then and there not to resist but also not to cooperate. I wanted the world to see what was happening: I was being effectively kidnapped at midnight so as to silence me; it's the sort of thing you would expect to happen in North Korea, not New York City. As I was dragged out of my apartment, I was wearing only my boxer shorts; *nothing* else. When we reached the destination in Nassau County, I asked to make my one phone call to my lawyer. The officers denied me this right. I then remembered Gandhi's exhortation, "Do not cooperate with Evil." I decided to close my

eyes and go limp. Several officers rushed into my cell and threw me into the air and onto the ground, as one officer put it, “like a sack of potatoes.” I was then taken to a hospital for a psychological assessment. The examining psychologist pronounced me fully normal. Put in a snarling rage by the psychologist’s positive evaluation, the officers crudely and cruelly mocked her Hispanic accent. I was then shoved into a wheelchair and raced out of the hospital where the officers flipped the chair, sending me aloft into the air and then crashing onto the asphalt pavement of the parking lot, after which I was tossed “like a sack of potatoes” into the backseat of the patrol car. When I was finally arraigned, the Judge set my bond at \$10,000, ordered yet another mortifying psychiatric test, renewed Burger and Chetkof’s orders of protection, and issued a new order of protection on behalf of Byron Divins, who I was forbidden to approach even as I had never met him and couldn’t identify him if he were standing right smack in front of me. I was already locked away in my orange jumpsuit and lace-less orange sneakers when bond was posted by Dr. Baldeo’s son.

31. All the charges in this nightmarish second arrest were subsequently dropped: the District Attorney’s office conceded that it had no case against me.

32. My trial lasted 15 tormenting months. Every few weeks I had to go on a three-hour trek on public transportation (I do not drive) from Brooklyn, New York, to Hempstead, Long Island, only to hear the ADA say “Not Ready,” and the Judge to say, “Pick a date,” and then go on the three hour journey back home. My life came to a virtual standstill as I concentrated day in and day out on preparing my defense. Along the way I had to pay out tens of thousands of dollars in legal costs.

33. Although the charges were in fact or effect eventually dropped (I received an adjournment in contemplation of dismissal (ACD) on the first arrest), attorneys Burger and Chetkof did achieve their objective. My attorneys advised me not to speak on any matter relating to my case until the trial was over. I was silenced, stripped of my First Amendment rights by the machinations of Burger and Chetkof in apparent connivance with the DA’s office.

34. Do I have any regrets? None. Had I stayed silent during Dr. Baldeo’s crucifixion, I could not have lived with myself. My cowardice would have haunted me the remainder of my earthly days. My conscience is now clear. I broke no laws. It was attorneys Burger and Chetkof who slandered and blackmailed Dr. Baldeo, who reduced an honorable man to ruin. I was a witness. I then bore witness. Even in the bleakest moments, when my name was dragged through the mud and my fate weighed in the balance, my soul was *my* witness. I was wholly lacking in pecuniary or other material motive: I sought only to serve Justice by telling the Truth.

