

William L. Murphy

Oral History Interview
with William L. Murphy

Interviewed by Jeffrey A. Kroessler
on February 6, 2007
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Preface

President Jeremy Travis initiated *Justice in New York: An Oral History* in 2006. Based in the Lloyd Sealy Library, the project was made possible through a generous grant from Jules B. Kroll, President of the John Jay College of Criminal Justice Foundation. The goal was to interview criminal justice leaders – district attorneys, police commissioners and members of the department, elected officials, defense attorneys, and advocates, individuals concerned with the workings of the system.

Each interview is recorded on cassette tapes and/or a digital recorder. The original is deposited in Special Collections in the library. Each transcript is bound and the volume is cataloged and placed on the shelves. A digital copy is available through the library's web site, as are selected audio clips from the interviews (<http://www.lib.jjay.cuny.edu/>).

Oral history is a problematic endeavor. The interview is only as good as the questions asked and the willingness of the interview subject to be open and honest. Some remain guarded, others become expansive. Sometimes memory fails, and details, names and dates are confused. Some individuals have their own set story, and an oral history will add little that is new or especially insightful. Other individuals use the interview as an opportunity to sum up a career; on occasion that means gliding over unpleasant or difficult details. Our purpose was to allow each individual to tell his or her story. In each case, the final transcript has been approved by the interview subject.

Even with those caveats, what emerges from these interviews is more than a collection of personal reminiscences. The interviews shed light on controversies and policy decisions of a particular historical moment. At times, the interviews verge on the philosophical, as with discussion of capital punishment, race relations, or the decriminalization of controlled substances. Always, the interviews contribute to our understanding of the many facets of the criminal justice system – law enforcement, prosecution, incarceration, prisoner re-entry, and electoral politics – and reveal how New York has changed over the decades, as have social and cultural attitudes.

Justice in New York: An Oral History stretches across more than half a century, from the 1950s to the 2010s. Those years saw an unprecedented rise in social unrest and violent crime in the city, and then an equally dramatic drop in crime and disorder. If the interviews have an overarching theme, it is how the city – the police, courts, elected officials, and advocates – addressed and, yes, overcame those challenges. These men and women were actors in that drama, and their narratives stand on their own. The truth or mendacity of the story is for the reader to assess.

Chief Librarian Larry E. Sullivan guided this project from the start and participated in several interviews. Interim Chief Librarian Bonnie Nelson oversaw the creation of a new website for *Criminal Justice in New York*, a portal for the oral histories, trial transcripts, images and documents from Special Collections, and other resources. Special Collections librarian Ellen Belcher, cataloging librarian Marlene Kandel, and emerging technologies librarian Robin Davis contributed to the success of this project.

Jeffrey A. Kroessler
2013

William L. Murphy
Chronology

- June 25, 1944 Born in Chicago; family returned to Staten Island when he was an infant.
- 1966 Graduated from Fordham University
- 1969 Graduated from Harvard Law School
- 1969 Became assistant district attorney in Manhattan under Frank Hogan
- 1976 Became chief assistant district on Staten Island under Thomas R. Sullivan
- Nov. 1982 Named Acting District Attorney of Staten Island by Gov. Cuomo after Thomas Sullivan was elected to a judgeship; appointed District Attorney on March 10, 1983.
- Nov. 11, 1982 John Cassiliano, Sanitation Supervisor at the Brookfield landfill on Staten Island, was convicted of accepting bribes to permit the illegal dumping of toxic waste at the municipal facility. He was sentenced to 1-3 years. The Sanitation Department fired him the day before he was to retire. Cassiliano sued when he lost his pension. In December 1984 the New York State Court of Appeals upheld a lower court decision that the city could not deny him his pension since he was a veteran and was therefore entitled to additional protections. The city filed suit against the companies whose waste was dumped in municipal landfills without their knowledge. Even so, the companies – more than 100 of them – settled with the city for \$30.4 million in 1992.
- Nov. 8, 1983 Elected Staten Island D.A.
- 1984 Supported change in the insanity defense so prosecution need not prove defendant's sanity; defendant must prove mental incapacity
- 1985 Investigation of Borough President Ralph Lamberti
- 1987 Reelected as Dem-Con over Republican Peter G. Smith
- 1988 President of the New York State District Attorneys Association

- 1988 Prosecuted Andre Rand, a drifter, for kidnapping and murder of a 12 year old girl with Down Syndrome whose body was found on the grounds of the former Willowbrook State School.
- Jan. 1994 Murder of witness Valerie Vassell by assassins hired by swindler Michael Burnett from the Brooklyn House of Detention. Burnett was prosecuted in the federal court in Brooklyn. Vassell had refused protection, and the case figured in Murphy's reelection campaign in 1995.
- Sept. 1995 New York State reinstates the death penalty.
- Nov. 1995 Reelected with 66% of the vote (41,998) over borough president Guy Molinari (34%, 21,605).
- 1998 President of National Association of District Attorneys
- Nov. 1999 Reelected with 62% of the vote over Republican Catherine DiDomenico
- March 10, 2003 Ronnell Wilson murdered two undercover detectives during a gun-buy operation. DA Murphy prosecuted under the state's death penalty statute. When the state's statute was ruled unconstitutional, Murphy's successor Dan Donovan handed the case over to federal authorities. Wilson was convicted in federal court and sentenced to death.
- 2003 Retired as Staten Island D.A.
- June 11, 2010 Passed away.

William L. Murphy

February 6, 2007

JK If you could just identify yourself.

Murphy My name is William L. Murphy. And I am the former district attorney of Richmond County. I was a public prosecutor, first in the Manhattan DA's Office from 1969 through 1975. I became the chief assistant DA on Staten Island in 1976, served in that capacity until the end of 1982. I was then the acting DA for a couple of months, and on March 10, 1983, Governor Cuomo appointed me district attorney. I ran for office in 1983 and then again in 1987, 1991, 1995 and 1999. I retired on December 31, 2003.

JK Now, with each of the other district attorneys I might not ask this question. But here on Staten Island, I always feel it necessary to ask this question. Are you a native Staten Islander?

Murphy I'm not.

JK You're not?

Murphy No.

JK You're an import?

Murphy So to speak. My mother and father were both native Staten Islanders. My father was assigned during the Second World War to Chicago. My mother went to visit him and I wanted to be near her when I was born.

JK So you were born in Chicago.

Murphy I was born in Chicago.

JK But your parents were Staten Islanders.

Murphy Yes.

JK And they were going to come back here.

Murphy Without doubt. And I was back before my first birthday.

JK But still, in your obituary, the *Advance* will say, "He came here at an early age."

Murphy “A long-time Staten Islander.”

JK Long-time Staten Islander but not exactly a native. It’s the one thing I noticed, talking with elected officials on Staten Island, that there are very deep roots and a deep commitment to the borough here. I don’t feel the same kind of thing in other places.

Murphy That is, without doubt, the truth. And it applies in the world of criminal justice probably even stronger than in other aspects of government and its institutions.

JK About your schooling, were you intent on entering law when you went to college, or is that something that evolved as you were in your studies?

Murphy When I went to college, I didn’t have any idea about going to law school. But given the studies that I pursued in college, political philosophy, I became more and more interested in law. And then in terms of the thereafter, for about 25 years my father served as a grand juror here in Richmond County. In those days, they had what they called a Blue Ribbon Grand Jury. So his service repeated every 18 months, and during the course of his service on the grand jury I became interested in what he could tell us about what he was doing. I became intrigued by the criminal justice process and with the person of the district attorney, who very much impressed my father and caused me to look into with a bit of interest the world of criminal prosecution. I was fortunate when I went to law school that there was a course in prosecution. I took it, and that made me even more interested. When it came time for job hunting, I applied and, fortunately, landed a job under the legendary Frank Hogan in New York County.

JK Were you the first in your family to go to college?

Murphy No. My father had his master’s. My mother got a bachelor’s degree and went to law school for a year.

JK Your mother did?

Murphy Yes.

JK That’s rather unusual.

Murphy Yes.

JK Here in New York?

Murphy Yes. My dad went through Fordham, began the family tradition of going to Fordham. My mother went to Hunter College and Fordham Law School.

JK Oh. And then you went to Fordham also?

Murphy I went to Fordham undergraduate and Harvard Law School.

JK Was there any question that you would go anywhere but Fordham?

Murphy Yes.

JK Really?

Murphy Yes. There really was and it came down to money. I'm the oldest of six and so, with the prospect of six kids facing college and six tuitions banging one another in rather rapid order after me, the availability of scholarship made it problematic whether I was going to go to Fordham or not. The day I had to decide I told my father I really wanted to go to Fordham, but I did not want to go to the place that offered me money. And before we actually sent out the acceptance at Fordham, a scholarship from Fordham came in the mail. So it made it a little bit easier.

JK That is a timely coincidence. So your studies at Fordham were concentrated in political science and political philosophy.

Murphy Yes.

JK At what point did you decide going to law school was inevitable or desirable?

Murphy Probably in my junior year.

JK And how did you go to Harvard?

Murphy It was, by reputation, the best law school in the country, and I was accepted so I accepted them.

JK That's amazing. Must have been a bit of a culture shock going to Harvard from Fordham.

Murphy It was. It really was. All through my schooling, I had been with people just like myself and I found that there was a lot bigger world when I got up to Cambridge. But it was, that was part of a great education.

JK It must have been that Fordham, more so then than today, must have been a very Catholic institution. I mean, today you have people going to Fordham who are not necessarily Catholic. But I would imagine when you were there it was a more established Catholic tradition.

Murphy When I started it was, but Vatican II came in the middle of my studies at Fordham. And almost instantly, Fordham changed.

JK And you could feel it while you were on campus?

Murphy Oh, without doubt.

JK That was what, '64?

Murphy '66. I got out.

JK And you graduated in '66.

Murphy Yes.

JK And went right into law school.

Murphy Yes.

JK How did you pay for law school?

Murphy My parents paid for it.

JK They did?

Murphy Yes.

JK Proud that their son got into Harvard or?

Murphy No, no. They were able to manage with, I guess at that time we had four of us either late in high school or in college, and they were able to manage before the last two came along. Somewhere along the line, they committed themselves to putting each of us through at least the bachelor's and then a second degree, if we wanted one. I didn't have any debts when I came out of law school.

JK A lucky man.

Murphy Very lucky man, compared with the youngsters that I left behind in the office when I retired.

JK It's a different set of circumstances now.

Murphy We did a survey of the debts that were owed and I think the average was \$50,000.

JK The average. It takes a while to repay that. The culture of a Harvard law education doesn't seem to focus on public service as much as private sector law. I mean, going into, you said you were drawn immediately into being a prosecutor from the time you were in Harvard, but much of the study at Harvard you seemed to focus on other aspects of the law.

Murphy Well, someone once told me, I toyed with the idea of becoming a tax lawyer, somebody said, "That is so close to being a criminal lawyer, that you get doing it, you can't imagine how close it is." And seeing what I see today, the truth of that statement is even more poignant.

JK So you finished law school in?

Murphy '69.

JK And went right into Frank Hogan's office.

Murphy Yes.

JK Did you apply to any of the other New York DA's Office?

Murphy I applied to the Richmond County DA's Office. I had been an intern in that office between my second and third year. I was the first summer intern the office ever had. I had to explain what an intern was to the DA when I volunteered to do it.

JK You approached them?

Murphy Yes.

JK That must have been quite a shock to them.

Murphy I was at a dinner. A number of my relatives were heavily involved in Staten Island politics and I was at a dinner. And the DA was there and happened to be at the table I was at. I just broached the subject to him. "I'm going to get free help?" he asked. I said, "Yes, that's the idea, and I learn something." So having completed the internship, I applied to Staten Island DA's Office. And Mr. Braisted sent back a nice note saying he didn't have the budget to support a line for what were then called criminal law investigators, people who had graduated from law school but had not yet passed the bar, and his budget would not allow for it. He said, "But I'll write a letter on your behalf to Mr. Hogan. So why don't you apply to Mr. Hogan's office?" I did and had a couple of good interviews with people who then became bosses of mine and friends of mine. It was a very thrilling experience. Right after the internship was completed, Kathy and I got married and I interviewed with Mr. Hogan around Christmas time. And by that time, Kathy was pregnant so it was very good to get hired.

JK You didn't have any desire to go into the private sector, to go into corporate law?

Murphy I did not.

JK None at all?

Murphy I did not, no. My dad was a corporate executive. A fellow who came in and became his boss was a Harvard Law School graduate, had been with one of the big white shoe firms in Manhattan. I had a couple of chats with him and it just didn't appeal to me at all. Didn't appeal to me at all.

JK In speaking with other district attorneys, Dan Donovan said the same thing; Joe Hynes said the same thing, that they just had no interest in that kind of law, that this is the kind of law that they were drawn to do. It strikes me that there are almost two different kinds of people who go into the law. There are the people who want the money end of it, the corporate law, the money end of it, and then there are others who want to be where the action is.

Murphy I think it's money and people that are the distinguishing things, not necessarily the action. I think it's people and trying to resolve people problems. And that's your whole area of your public service law. The area of criminal prosecution is one where you deal with people under the worst circumstances and try to make peace within the community. That, I think, doesn't necessarily involve action. It involves notoriety. And people are paying attention to what you do in the public prosecutor's office. But I think that the concerns are the people concerns.

JK How did you find the office of Mr. District Attorney? Your impressions of Frank Hogan himself. Now, this is towards the end of his life.

Murphy Yes. He died while I was still in the office.

JK I've been reading a biography of Frank Hogan, just by the way. So when I found that out you had been in his office, I was especially interested.

Murphy Well, it was, it was wonderful. As a person, you really didn't have that many dealings with Mr. Hogan himself. But those occasions where I did have dealings with him were just very instructive and things, events, happenings that affected my life thereafter, affected how I made decisions, affected how I listened to other people for advice. When I first started and before I was admitted to the bar, I was in the Complaint Bureau, and one of the things we did in the Complaint Bureau was take complaints from ordinary citizens, just walk in off the street. And there was a great guy who was kind of the traffic cop, a guy named Jack Mallon. And he'd remember whom he gave the last one to the day before and had

a, you know, rotation that was in his mind. None of us knew who was getting the next case. And he brought a nun into me.

JK A nun?

Murphy And she had a complaint. Somebody had swindled, not a great amount of money, but for a nun it was enough to cause her to come to the DA's Office. So I took the information and I sat there and I was pondering what I was going to do, because there were a lot of different things I could do or I could just say, "This is a civil matter and we're not going to get involved." But I was sitting there because it was just a very different circumstance from any I had had up till that point. And as I was cogitating, the phone rang. And it was, "Bill, this is Mr. Hogan. You will help Sister so and so. Won't you?" "Yes, sir!" Quick lesson in the power of the district attorney. Many options disappeared.

JK And only one remained.

Murphy Rather rapidly. And then there was a Christmas party we went to. This was the first time that Kathy was going to get to meet Mr. Hogan. We were in his office. I don't think it was the whole office. I think they did it a couple of bureaus at a time.

JK It's a big office.

Murphy It was, but even though my class in Hogan's office had broken the hundred barrier, there had been a maximum of about 90 assistant DA's and my class took it over the hundred number. Maybe they were all invited. I really don't remember. But we were there and had drinks and things to nibble on. And Hogan came over and started chatting with me. And I said, "Mr. Hogan, I want you to meet my wife." And Hogan had been nibbling on a cookie. And he wiped his hands on his trousers and shook Kathy's hand. It made an impression on her; it made an impression on me. As aloof as he might have been pictured, you know, the esteem in which he was held came right down to his being a normal Irish guy. And then, well, those are two of the stories I remember about him as a person. For the first several months we were there, they had an office rule you had to work on Saturday mornings. So it was a five-and-a-half-day week.

JK Were you living on Staten Island at the time?

Murphy Yes. And it wasn't a bad commute. I've always lived on the North Shore and could take a bus to the ferry and either walk up or, if it was a day like today, take the subway or a bus up to the office. But on this Saturday morning, one particular Saturday morning, I was doing some work. I don't even remember what it was but I went out to go to the men's room. And walking down the hall in his stocking feet was Frank Hogan. Stocking feet. And he gets to be more normal every time I see him.

JK When you joined that office, it was a very, very difficult time in the City of New York. It was the Lindsay Administration, and that was when crime rates seemed to be increasing. It was when racial tensions were getting more and more acute.

Murphy And Vietnam was on. They were building the World Trade Center and the workers at the World Trade Center were constantly fighting with the protestors to the Vietnam War. Yeah. It was a real tough time. You know, the Panther 21 trial took place. It was really intense. And interestingly, I don't know when it became part of the ethics of prosecution in New York State, but we, as public prosecutors, were told we shouldn't participate in the political process by endorsing people or the like. And so Hogan wouldn't endorse anybody. But with the tough times that we were having, he did manage to give Lindsay a photo op on the steps of City Hall.

JK Oh, you're not endorsing him. It's just that we both happen to be here with.

Murphy Lindsay could use it as he saw fit. And it turned out that it was pretty helpful in his reelection.

JK You said you began in the Complaint Bureau. Where did you move in the Manhattan DA's Office?

Murphy Okay, my next assignment was to the Indictment Bureau, which generally was an assignment for about six to nine months.

JK Did everyone go through this or is this?

Murphy Pretty much everyone did. The people who went to the Rackets Bureau or the Frauds Bureau bypassed the Indictment Bureau. The people who went to the Homicide Bureau generally went through the Indictment Bureau first, then basically the only bureaus in the office. But the assignment to the Indictment Bureau was, you know, pretty much set; the maximum was nine months.

JK What did you do? What is the Indictment Bureau?

Murphy We'd present the cases to the grand jury. Cases other than the major investigations into organized crime and the like, which was done by the Rackets Bureau and major fraud cases were done by the Frauds Bureau. Homicide cases were done by the Homicide Bureau. But the other cases, the run of the mill robberies, drug cases, rapes and the like, were what we presented to the grand jury.

JK And was your responsibility to draw up the indictment?

Murphy Yes, as an assistant, you would interview a witness, present the witnesses to the grand jury and take the determination by the grand jury and then prepare whatever documents were appropriate, whether it was an indictment, whether it was a case sent back to the criminal court or a dismissal. And then you'd write up the facts and submit the whole packet of material to the bureau chief in the Indictment Bureau, who would read every blessed one of these things and then would pass them on for filing wherever. The bureau chief had just become the bureau chief, probably the same day that I went to the Indictment Bureau. His predecessor retired from the office. What had happened, just to step back, was between the time I started, which was August of '69, and December of '69, the lid came off legal salaries on Wall Street and elsewhere. So lawyers' salaries went through the roof, including young, almost lawyers who had graduated with me in my year. And the DA's office salaries never followed the market salaries. So all of a sudden, just from being behind my classmates, now I was way behind, as was everybody else. And the bureau chiefs, the top bureau chiefs, were making like \$20,000 a year. And the guy who was in charge of the Indictment Bureau just saw a gravy train outside. He had been there for a long time. And so he left and a fellow who had been his deputy took over as indictment bureau chief. But he never got a deputy. What he arranged with Mr. Hogan was to get two Supreme Court trial assistants, or three, on a rotating basis, one each month to come in and be the deputy bureau chief. By September of 1970, I guess it was probably by June of '70, those guys started taking vacations and they weren't available. And the bureau chief really needed somebody. So he asked me to stay. I had taken a liking to the Indictment Bureau, I guess in part because of my father's experience in the grand jury. And I stayed in the Indictment Bureau until September of 1971. So I stayed there a year and a half. In September of '71 I went to the Criminal Court Bureau where I tried misdemeanor cases and did preliminary hearings in felony cases.

JK Were you actually going into court and trying the cases yourself?

Murphy Yes.

JK At that time, were you offering plea bargains for most of the cases?

Murphy Oh, sure.

JK Even then?

Murphy Yes, sure.

JK I understand, without plea bargains, the system doesn't work.

Murphy Not at all. Not at all.

JK Do you remember your first case?

Murphy First case I tried? Yes, took court time from the beginning of the selection of the jury to the verdict—54 minutes. It was a shoplifting case. We picked a jury of six, I called one witness. I introduced one piece of evidence. Defendant didn't take the stand. We summed up. The jury went out and the door didn't even close as they went to the jury room. Fifty-four minutes. Court time. Now, there were breaks to let the jurors go to the bathroom or whatever. And when the judge went to prepare his charge or put together his charge, there were a couple minutes. So it probably took two hours, you know, in total time, but actual court time of 54 minutes.

JK That's shorter than the shortest baseball game on record, I think.

Murphy Without doubt.

JK I assume you won more cases than you lost when you were—

Murphy I did. I didn't try many cases. I found out almost immediately that I didn't like trying cases. And I didn't like trying cases because of the administrative aspects of a trial, not because of stage fright or anything like that or not wanting to try cases. But arranging to have witnesses available when the court wanted them there was just, we didn't have any help at all, nobody back in an office to take phone calls. And you go to court and you say, "We're ready for trial and we'll be here tomorrow morning." And you get back to your office and you find out that the witness whom you sent a subpoena to said, "You know, I'm going on vacation tonight." And then you have to go and get out of it and get put in line and, you know, you're not going to get an excuse the next time. That drove me nuts, the inability to just administratively handle what was going on.

JK It's like stage managing.

Murphy Yes, it certainly is. And it came a point in time when, in that office, we got what were called trial preparation assistants who could come and sit with you in a court. Now, you were assigned to a part and you picked up cases, you know, for trial off the trial calendar. But this person would take, like, the afternoon when you went to trial, that person would go and would make phone calls and make the arrangements. Well, then the budget crisis, which started in about '73, took him away from us.

JK The fiscal crisis really begins in '75. But if you look at the budgets in all the agencies, really, by the end of the Lindsay years, they're beginning to cut back really severely in a lot of places. We don't remember that they also cut back on the police and they canceled police classes and the district attorney's office.

Murphy Yes, without doubt.

JK And it's not as if crime is going down at that time.

Murphy No. In fact, drugs were becoming much more prevalent. When I came over to Staten Island in '76, looking at what was a trend in indictments, it was for house burglaries, because people who live on Staten Island generally work off Staten Island and the houses were left empty during the day. So house burglaries predominated. But in very short order, after we got our fiscal house in order, then drugs became the most plentiful in terms of the number of indictments. And then following hard on the heel of drugs was crack cocaine, which, of course, is drugs, but it brought with it a whole other world, because it brought with it the world of violence, and violence and drugs. We then lived for a good part of the '80s through crack cocaine and the violence it brought with it. And there was no declination in the other crimes that were committed even here on Staten Island. That's one of the things that probably surprised me the most where the change from New York County to Richmond County was that, although we're a much smaller place and seemingly peaceful community, we were not without our crimes. Now, they're not crimes that would be noted around the rest of the city, not ones that would make the nightly television reports. But they were as big on Staten Island as they would have been in any other community in the country. And we were burdened with them. When I came to Staten Island, I was the thirteenth assistant DA on a line. There were two part-time assistants, one of whom handled all our appeals. He was the last part-time assistant DA in the city of New York. He didn't stay in the office very long after I got there. He went on and became a civil court judge. But we still had part-timers. The DA's salary here on Staten Island was far behind the other four counties in the city. Fortunately, we had John Marchi, who was chairman of the Senate Finance Committee and who was a friend of Tom Sullivan's, who was my predecessor. And a little chat between Sullivan and Marchi resulted in a law being changed so that the five DAs in the city were to make, instead of the same as a Supreme Court justice, not less than a Supreme Court justice. So for a number of years, the DAs in the city were paid more than the Supreme Court justices. But Staten Island, I was surprised because when I left it, I had kind of a Pollyannaish view that this was going to be nice, soft job.

JK Compared to Manhattan where you have everything from, as you said, the Panther 21 and riots in the Tombs and all sorts of craziness going on in the city. And here you, "Oh, I'll go home to little old Staten Island." Why did you leave the Manhattan DA's Office? How did it come about that you came home?

Murphy Well, along my career, I got up to the criminal court. And then I went to the Supreme Court Bureau but I was only there for a couple of months when the Special Narcotics Courts of the City of New York were founded. And the guy, Frank Rogers, who headed up the Special Narcotics Prosecutor's Office, he was the one who had first interviewed me for Hogan's office and he knew that I had the experience in the Indictment Bureau. He was going to be working with a

citywide grand jury, as well as with New York County grand juries, and he needed somebody to supervise that. So he asked me to come with him when that operation first started. So I'm one of the founding fathers of the Special Narcotics Prosecutor's Office. In fact, we went to a reunion a couple of years ago and they recognized those of us who were there from that original group. But while I was in the Special Narcotics Prosecutor's Office, I prosecuted a character named Jesse Gray Jr., who was the son of the Harlem Rent Strike leader, Jesse Gray. I had a couple of major investigations, which involved wiretaps. But while we were going along smoothly, the chief of the indictment bureau, the guy who had been the chief when I first went there, decided he was going to leave the office. And he left and Mr. Hogan appointed Sam Yagur, Max Yagur's son from the Woodstock days, as chief of the Indictment Bureau. But Yagur came out of the Rackets Bureau and he came only with the promise from Hogan that he could have a deputy who knew something about the Indictment Bureau. So I got assigned as the deputy bureau chief in the Indictment Bureau, and I went back to the Indictment Bureau in, I guess, '74.

JK It sounds as though you were intimately involved in the nuts and bolts of how the office functioned. That is, getting indictments and getting cases and moving cases forward, as opposed to the policy or the grandstanding in court or anything. Really, the nuts and bolts.

Murphy Yes, that's absolutely right. Then what happened was when Morgenthau won in 1974, Sam Yagur had left the Indictment Bureau. And [Richard] Kuh, who was the interim between Hogan and Morgenthau—Kuh had appointed me bureau chief in June of '74.

JK Of the Indictment—

Murphy Of the Indictment Bureau. At about the same time, Kuh appointed Ron Goldstock head of the Rackets Bureau. Goldstock and I had been law school classmates at Harvard. Goldstock was, I think, younger than I, so he became the youngest bureau chief. But when Morgenthau came in in the beginning of '75, he asked for the help of the National District Attorneys Association. And they brought in a team of prosecutors from across the country to evaluate the office and its operations. The plan was for them to be around for about a week, to make a visit to each bureau and to compile everything into a report to Morgenthau. Well, after the second day their plan wasn't working too well. They had stopped in my office and I, by virtue of what I was doing, I had to kind of know what everybody else was doing. So they spent the rest of the week not visiting everybody else, but in my office. I explained to them how the office operated. And that's the report that they gave to Morgenthau. Then I was chief of the Indictment Bureau and we had a case that was a God-awful case. Part of it occurred on Staten Island and part of it occurred in Manhattan. The victim was a Staten Islander, and I didn't like this case from the minute it came through the

door. So I called the chief assistant DA on Staten Island and I asked if I could meet with him and I tried to sell him the case. And he was smarter than I was.

JK He had the same gut feeling, I guess.

Murphy He said, "I'm not going to take it." So we had a great chat about this case and all the legal aspects and why I was there. And about three weeks later I got a call from him. He said, "Bill, Mr. Braisted is retiring at the end of this year. I'm going to run for district attorney and if I win, I'd like you to be my chief assistant. So that's how I came to Staten Island.

JK This was Tom Sullivan?

Murphy Tom Sullivan. I got that importuning in about April of '75. He says, "Now, you can't let anybody know about this." In June of '75, three guys had been convicted for killing two New York City police officers. The police officers were [Joseph A.] Piagentini and [Waverly M.] Jones and the three guys who were convicted were [Herman] Bell, [Anthony] Bottom, and [Albert] Washington. At the time of their sentencing, they were strip searched and found to be in possession of all kinds of prison contraband, explosive devices, knives and the like – and these were guys who just killed two New York City police officers – were sentenced to consecutive life terms for having done that. A couple of them had killed police officers elsewhere in the country. They were part of the Black Liberation Army. I had nothing to do with the prosecution of the case. But I was assigned to do the investigation, and that was after Sullivan asked me. I knew that I had the end of 1975 to work towards and, man, we called hundreds of people into the grand jury. Finally, in October, I told Sullivan. I says, listen, I'm not going to be able to finish this thing, and I've got to tell Hogan, I've got to tell Morgenthau that I'm leaving, because I've got to hand it over to somebody else. So that's how I told Morgenthau that I was leaving, at a lunch in a Chinese restaurant.

JK How did you manage to finish the investigation?

Murphy I didn't. It was finished without anything significant happening, probably in March of '76. The work of the Indictment Bureau Chief and his deputy, if he had a deputy, was to read all of the submissions by the assistant DAs. And we were doing probably 8,000 presentations a year. So that was 8,000 files you really had to go through. And you had to go through them basically as they came in to you. You couldn't put off reading one, because there had to be filings with all the time constraints and the like. So the Indictment Bureau Chief's job was a very, very time consuming job. I spent hours. I would bring home stacks of files and read them in the room in our apartment that I set aside as an office. And then, to be assigned this investigation on top of it, I was kind of relieved to be leaving Manhattan under those circumstances.

JK At that time, you're not exactly getting more help at the Manhattan DA's Office.

Murphy Absolutely none at all.

JK And the case load is increasing and—

Murphy And we had manual typewriters, no word processors. Nobody ever dreamed of having anything like that. The constraints on us were tremendous. And all the paperwork. You know, the stuff that there's now, probably cutting it at least by a third, because you've got computers on which you could store a lot of the information.

Side 2

JK It's a completely different world.

Murphy Without doubt. Without doubt.

JK Rotary phones, I would guess. No answering machines when you arrived.

Murphy No. Absolutely, none at all, and no secretaries.

JK No secretaries.

Murphy There was a bureau secretary, and basically, she was the bureau chief's secretary so we didn't get to use her, you know, as line assistants.

JK It's so funny. It's almost like doing criminal justice on the cheap in a way.

Murphy Oh, without a doubt, because nobody serving in the city administration or the state administrations that at least was in a position to help us had any idea what was going on. The DAs themselves, you know, were trained as lawyers. And all of a sudden you have to become a real businessman to manage the budgets. Tom Sullivan had been in the DA's Office, came in shortly after Braisted started in '56, and he was there till about '63. He came back in probably '72, and during the interim period, he practiced law and ran his family's private security business. Tom Sullivan was born in and lived in the house right next door to this house.

JK As I said, small town Staten Island.

Murphy And the Braisted family law firm—John died a couple of years ago—the Braisted family law firm has the office in the building directly behind this house. So we got a little piece of Island history right here in three houses.

JK I'm sorry. I don't know. Was Tom Sullivan a Democrat?

Murphy Yes. Braisted was a Democrat. Sullivan was a Democrat, and I was a Democrat. Braisted had been a state senator when he ran for election in '55. So despite the big Republican wins that year, Braisted won in the DA's office. Loads of Republicans got elected that year.

JK Yeah. So you came to little old Staten Island again.

Murphy So I come to little old Staten Island.

JK Your commute was better.

Murphy It certainly was. Certainly was. I just had to get to the ferry. I didn't have to travel on it. But at that time, the office was in the county courthouse in St. George. We had a suite of offices. As I said, there were 13 assistants. I guess it was Tom who started having assistants actually assigned to the criminal court operation in Stapleton. Up until Tom came in, those assistants assigned down there were headquartered in St. George. The court didn't meet every day. Assistants were able to try cases, both in Supreme Court and criminal court. Criminal court was kind of where people broke into the business. And there was no real heavy lifting in the criminal court. But we ran out of space in the courthouse. We assigned people down there, basically started the Criminal Court Bureau in 1976. I assigned people down there. Then one of the first things that happened after I got over here was there was a group studying automation, computers to assist us in record keeping and basically keeping track of the files and what happened to cases and the like. As I later learned, it was kind of spearheaded by legislators who were always frustrated that they couldn't get answers from DAs about how many cases they had, what happened to them and why was this one disposed of this way and this one disposed of this way. The kinds of things that intrigue people who have no idea what's going on within the criminal justice system, but who are concerned only about statistics.

JK And that assumes there's a statistician on staff at the DA's Office who's doing nothing but keeping tabs on the disposition.

Murphy Yes. And after they concocted this idea to put it all on computers, then you had to have somebody who knew how to work with a computer and have those other skills so they could make the appropriate data entry. The proposal was to work with some big mainframe computers. You know, just heavy, heavy equipment. I saw some IBM computers, which were not as up to date in 19—probably '77—as computers that I had seen years before. When I was made Eagle Scout, the opportunity came up for me to visit a company in Manhattan. And I went to Metropolitan Life Insurance Company and they had rooms full of huge computers. But they were, as big as they were, they were sleek. They were silent; the rooms were air-conditioned. So that's what I figured we were going to get into

when I was looking at these ones for the prosecutors. But they were willing to spend some money but not as much as Met Life to do it.

JK Met Life is the private sector. You're relying on legislative largesse.

Murphy Yes. In order to set up this AJIS system, and I don't remember what the acronym means, except for Justice Information System is the JIS, but I don't remember what the A is. But I went to meeting after meeting after meeting with people from the mayor's office and with a group that was contracted to do this. They were looking to be able to record the disposition of each and every police charge. So if the police arrested somebody for 86 different things, then the case went to the DA's Office and we drew up the complaint, which contained three of them; those other 83 counts were just gone. These guys wanted to know what happened to each one of them. So it made the possibility of use of the computer so overwhelming that I think we just shut this group down and said we've got to come up with our own idea how to do this stuff.

JK And it's also unnecessary, knowing what happened to all the other counts because it's almost beyond your purview, what happens to, what the cops charge them with and what you finally indict them for.

Murphy But my first introduction to that was fighting with a state agency, which was headed up by a guy who was a detective in the New York City Police Department, who thought that was what criminal justice statistics was all about, and the nerve of these DAs to let go of any 83 our charges. So it was a war. A war! That I fought. I mean, it affected the DA's Office that I was in. It affected everybody else. But I fought this war.

JK This is on two fronts. One is that you're fighting a war over what statistics you were going to collect and analyze. And the other is the computerization, introducing computers into the office at the same time.

Murphy Yes. Yes.

JK To do what? That's not what you signed on to do.

Murphy It was certainly nothing in which I had any special competence. I learned a lot because I'd go to these meetings and I'd listen to people. I'd never make decisions or try to slant things in certain ways until I thought I had a grasp of all of it. But it was frustrating. It was really frustrating because the people who were putting together this program had no idea about the criminal justice system. And they wouldn't take the time to learn about it. They wouldn't, they couldn't understand that we couldn't explain or didn't care to explain what happened to that count of spitting on the sidewalk when the guy was indicted for murder in the second degree. It made no sense to them, and their approach made no sense to me. So we wound up ultimately designing computers for each of the offices in the

city. And when I left many years later, we still couldn't crank out statistics the way people thought they were going to do it in 1976.

JK But it was the world of promise, of computers being able to change—

Murphy Yes. And the only one who got a Promis System up and running was Morgenthau. The others had their own versions, but Promis was Morgenthau's acronym. And a lot of people who had worked on the AJIS thing with me became the Promis people. Because it was Morgenthau; he told them what he wanted and that's all he wanted. He wanted to be able to take the top count and the indictment and relate it to a name and then see what happened with it. He didn't care whether confessions had been suppressed or physical evidence had been suppressed. There are so many variables in the process that if you waste your time trying to measure them, you accomplish nothing.

JK Yes. You spend all the time measuring what you're supposed to be doing and you can't.

Murphy Yeah, you can't do anything. And that's basically what I concluded for Sullivan. I said, "Tom, this just isn't going to work. It's going to have the ability to provide us with information that we'll never use because we don't want to use it."

JK What information did you need? As you're trying to design a system, a computer system or a statistics system?

Murphy Oh, I needed to know whether we were losing trials because there wasn't evidence, or because the assistants needed training, or because witnesses didn't show up. Those were basically the three main kinds of faults that you'd look for. I would look at the computer results to see whether office policy was being followed kind of across the board, and if it wasn't being followed, were exceptions noted? And then the authorization for those exceptions, because we had a pretty firm plea policy, and I didn't want it to fall by the wayside just because I had kids who hadn't been there during the days when we were trying to work this thing up. You know, you come into an environment, you don't understand it, you don't like it, so you don't do it. No, we didn't ever want that to happen. So that's what I was looking for. I remember going to several city council budget hearings where there was one particular city councilman who would always ask for these statistics. And my answer was, "Who do you think is going to count them?" And he didn't have an answer. I said, "If you want somebody to count statistics, give me the money to hire that person or those persons. I can't do it with the personnel I have." And he'd get so frustrated. It became an annual thing, my war with the nameless councilman.

JK Now, Staten Island, when you came back and joined the District Attorney's Office as the chief assistant district attorney here on Staten Island—in '76?

Murphy Yes.

JK Beginning of '76. Staten Island at that time is remarkably different than Staten Island when you left office in 2003. The nature of the population, the nature of the crimes, the way the office functions, all of that. How would you describe the criminal justice environment, so to speak, on Staten Island when you arrived? I mean, you're coming from a very intense situation in Manhattan, and now you're coming to Staten Island. Did it feel as though you certainly stepped in molasses or what?

Murphy Well, Tom and I took our oaths of office probably two days before we were going to take office, and on January 1, 1976, at 10 o'clock in the morning my phone rang. It was a man who identified himself to my wife, who answered the phone, as Art Carney. Now, people, having partied the night before, to hear from Art Carney at 10 o'clock the next day, this was not real funny. Art didn't get a warm reception from my wife. He called back.

JK You mean it really was Art Carney?

Murphy He called back. "This is Sergeant Art Carney. We have a homicide." This is 10 hours after I'd become chief assistant DA. And I get the opportunity because the call from the police was to get someone from the DA's Office to the homicide scene. That role had traditionally been the chief assistant and/or the Supreme Court trial assistant. I had never been to a homicide scene in my life. And I hadn't the faintest idea of what I was supposed to do at a homicide scene. And it was right in my neighborhood. It was not more than five minutes away from where we lived at the time.

JK Where were you living?

Murphy We were living in an apartment in Brighton Heights over by Intermediate School 61. The homicide was on Brighton Avenue, just off Jersey Street. I hastily got dressed and I called one of the trial assistants. And I said, "Tony, I'm going to go there but I haven't the faintest idea what I'm supposed to do. Will you help me?" "Sure, I'll meet you there." So I got there. It had snowed that night and there was a body in a lot and snow covered the body. And everybody's sort of doing a dance around the body, not wanting to make footprints in the snow and kind of bewildered, at least with the veteran homicides detectives. Everybody was kind of bewildered by what they had found. And the trial assistant showed up and kind of took charge. Then the ME came and I saw some things that I then became used to seeing when I responded to homicide scenes. But the point of the story being, and the point that was made several times

by Tom Sullivan, you know, “We didn’t have homicides on Staten Island until Murphy showed up.” And thereafter, for the rest of the month of January of 1976 there was a gang—apparently a gang of people who were going to various business establishments, including restaurants, shops—one was a dress factory—and robbing everybody inside. People on Staten Island would go to restaurants and if masked men came in, they’d drop their rings and jewelry into glasses of water that were on the tables in the hope that these characters wouldn’t find them, because they were just taking everything from everybody. And they hit probably 10 places. These were all with guns and it was a pretty scary situation. Finally was a break in that case and we got a couple of the actors who had actually pulled the robberies, used the guns, and then using information from others and from them, we found two guys who had done the hiring of these guys to do the robberies, and they’d picked out the places. That was the first trial that I had on Staten Island. Later in September of that year I tried that case.

JK So you’re back into the courtroom again.

Murphy And so I was back into the courtroom. They pled guilty while the jury was out. So I had baptism by fire on Staten Island with the violence. It took a couple of months for me to kind of get in the swing of things under a calmer environment. But then what I found out was that house burglaries were plentiful. I was presenting most of the cases to the grand jury, virtually all of them, and drafting the indictments and filing the papers. I think that was one of the things that got Tom interested in me, the experience that I had had in the grand jury, because when Braisted was the DA, he would present all the cases personally to the grand jury. That was how my father got such an impression of Braisted and how the prosecutor behaved and what kind of a dignified person he was. Braisted really impressed my father and my father wasn’t very easily impressed. That certainly led me in the path of looking at this business and wanting to get into it. But the exposure to Staten Island fast led me to find out that my neighbors up and down the island had very wrong impressions about what was actually going on. It seemed as though any crime that was worthwhile reporting on was something that took place on the north shore. But beginning around 1976, crime started happening on the south shore, and when we looked into those crimes, we were always met with the notion that somebody from Mariners Harbor had gotten out to Tottenville or Prince’s Bay, broken into a house and taken the loot. When I tried to paint the picture of how that would happen, since the youngsters from Mariners Harbor who were the ones looked at for doing these things, would have had to take a bus, carry these televisions and VCRs out of the house, get on the bus again and go back to Mariners Harbor – made no sense. And a number of arrests of locals, you know, neighbor’s kids and the like were arrested. Then we started finding that the proceeds of those burglaries were sold off to get money to buy drugs. Whoa! Drugs on the south shore of Staten Island; you’ve got to be kidding.

JK The south shore of Staten Island's white, the north shore of Staten Island is less white.

Murphy Yes.

JK And you're coming up against a—

Murphy Culture of denial. Without a doubt. And selective ignorance. What I determined over the next several years was that we had to ask where do the kids get the money to buy the drugs? Well, it's not from the swag. The other way was what I then called "Ten-dollar parenting." Parents both working, which was a phenomenon that started in the late '70s and early '80s, would give a kid \$10 to, you know, get a McDonald's for dinner, you know, after they do their homework. Well, if a kid decides that he's only going to have a single hamburger and a Coke, by the end of the week, the change from the 10 for every day can parlay a lot of mischief. And the money from either the swag or from the parents was going to buy drugs. Over the years, there were a couple of major drug operations out there. We never had the mother lode of drugs on Staten Island. The drugs always came to us in manageable quantities, manageable by an individual and his resources. But the sources were generally from Manhattan or Pennsylvania. Pennsylvania was for pot. Manhattan was for coke and the little bit of heroin that was still around in those days. Then crack came. Crack had the more general distribution but we never found huge crack operations on Staten Island. We found people who could be part of a huge operation but we never had huge cases. I remember only one that we worked on with the Special Narcotics Prosecutor's Office in which they had wiretaps. And I remember going into Manhattan to read the applications because the applications had to come from me. But they were prepared by the assistants in the Special Narcotics Prosecutor's Office. Our older daughter was taking flute lessons somewhere in Manhattan on Saturday morning. So I would take her to her flute lessons. I'd go down to the Special Narcotics Prosecutor's Office and read these wiretap applications. And that went on for a couple of months. But that was a big operation and it was all South Shore.

JK This was when you were district attorney?

Murphy When I was DA.

JK And having to do it yourself. It's not like you could send your assistant to read these things.

Murphy Oh, no. No, no. Wiretaps, you have to sign off on them yourself and you make yourself civilly liable to a huge fine if you screw around with wiretaps. Wiretaps are pretty valuable investigative tools, but only if used right. And over the years, we developed quite an expertise in doing wires. I've never had a wiretap application or prosecution based on a wiretap that was unsuccessful.

JK It's interesting because Frank Hogan had quite a reputation for using wiretaps in many of his investigations.

Murphy And I had only been involved in two wiretap investigations when I was working in the Manhattan DA's Office, and both were when I worked with the Special Narcotics Prosecutor's Office. In fact, the first wiretap I worked on, I became a typist, not only the legal expert, putting this thing together. But the cops would feed me information and I'd type it on a manual typewriter with carbon paper. One night, we were there for, the day was fully 24 hours, and I kept saying to these guys, "I have to go home. I've got a wife and two kids at home." They just plied me with beer and we kept going. That case resulted in the seizure of 23 pounds of heroin. And the code word in the lingo that the police understood was laundry. So if a guy was coming with laundry, that meant he was coming with drugs. This is once the wire's up and operating. So on the night that they go to execute search and arrest warrants, they see one guy on the street and he's carrying a bag. And what's in it but laundry?

JK Laundry?

Murphy Laundry.

JK Not laundry. Laundry.

Murphy And then they got into the apartment that was the real subject in the investigation and they couldn't find anything. And somebody got the bright idea, knock down whatever the wall substance was, probably plasterboard. They knocked it down and they found 23 pounds of heroin. But the wiretaps are valued things if they're used correctly. They are as intrusive an act of government as you could possibly imagine. I've listened to the conversations that were recorded, and the things that people never expected anybody would hear are there. Once you've done one and done it right, you realize that there are reasons why government power should be limited.

JK When you came from Manhattan to the Staten Island office in '76, did you feel it was your mandate as chief assistant district attorney to modernize the office here or to institute more aggressive or state of the art practices, to bring some of your Manhattan DA Office experiences and upgrade what was here?

Murphy No, I think my mandate at the outset was to make sure the cases that resulted in the indictment were prosecutable cases. And the reason why the other things that you mentioned, the other aspects of running an office were not part of that mandate was the space limitations. We really didn't have enough space to do any of those other kinds of things. We couldn't have put a computer in that office under any circumstances. So in 1978 we moved out of the courthouse to a private office building just across the street on Richmond Terrace. That gave us two floors of space. It was wonderful.

JK Is that the one where it is now?

Murphy No, no. Then in 2002, I guess, no, we were in Stuyvesant Place for 9/11. I guess it was the late '90s when we moved into the building where it is now. But when we moved to Richmond Terrace we had all this space. You know, there's the sociological rule that if you have space, you're going to find something to fill it. We were able to build what we call a wire room, which was a tech room for the detectives so that they could conduct wiretap investigations. That was one of the things that I wanted to do and I thought we could do. And I met opposition from the head of our own detective squad. But of course, Sullivan had brought him in so there was no getting rid of him. I complained about him all the time, but he stayed on board until I got elected. And so he stood in my way of doing a lot of things that I wanted done, and he did it despite my protestations to him and to Tom. That was their business. I was just following Tom's orders. But what we did when we moved was create bureaus to make operations more efficient and to recognize a trend in the world of prosecution towards specialization. I created the Supreme Court Bureau, which separated the operations from investigations.

JK What would the Supreme Court Bureau do?

Murphy They tried cases. They tried cases across the board. They tried homicide cases. They tried drug cases, when we started. Then not too long after that we had the crack epidemic. We created the Narcotics unit, which made sense because the number of undercover officers who had to come in and see different assistant DAs with civilians walking around was too dangerous for them. So we worked out an office space which had access to a stairway through which the undercovers could come and they would not be part of the public traffic at all. We had an Investigations Bureau, which handled the more intense investigations, some organized crime. As I said, we weren't doing wiretaps right away, but bank frauds, major frauds of other kinds requiring time in the office and conversing with the people about what happened and examining documents, rather than being part of the trial calendar where your time was spent getting back and forth to court and contacting witnesses and the like. So it's just a different kind of doing a part of the same business. As we got space, we were able to become a little bit more efficient. Just before Tom left the office at the end of '82, we had just gotten a computer. In '82 he was the only one who knew how to operate it. He spent hours on that computer, which was good for me because I was intent on being the DA. And I figured if I got the phone calls that he used to get, I was going to learn something. And I did. I learned a lot by basically letting him work with the computer. He just had a knack for that kind of thing.

JK Why did he leave?

Murphy He was elected Justice of the Supreme Court.

JK I know he was elected to the Supreme Court. But why did he decide to make that change himself at that stage?

Murphy I think he had gotten what satisfaction he could out of being the DA, and he did not like elections. Although his father had been the Democratic county chairman on Staten Island, and Tom always had very intense help in the elections he ran, he just didn't like them. At least the judge thing gave him a few more years in between standing for election.

JK Some people have that, "I love running for office" approach and other people just don't want any part of it. They love doing the job but what you have to do to get elected is not what they enjoy in the least. Where would you put yourself?

Murphy I loved running for office.

JK You did?

Murphy I hated raising money, but I loved running for office. I really feel that the public prosecutor owes something to the people who elected him. And you better know what they want in order to fulfill their expectations, and the only way to do that is to talk to them, and the only opportunity you get to talk to them is when you run. I learned an awful lot more about Staten Island and its wants and its directions by running for office than by sitting in an office and running the prosecutor's office.

JK You ran as the interim in '82.

Murphy Yes. I ran five times and was elected five times.

JK And you had never run for anything and now in 1983—

Murphy Well, I ran for office when I was in college. As I said, my family had some political connections. My folks weren't politically active, but there was something of it in my blood.

JK One would say that it might have to do with your family heritage going back to Ireland, but we won't dare make such gross generalizations.

Murphy Following Sullivan, I can join in the generalization.

JK So how did it come about that you were named to succeed Tom Sullivan? Was there ever any doubt?

Murphy Yes, there was lots of doubt. A lot of competitors put their names in. I don't know what convinced Cuomo to name me, but I'm glad he did.

JK Yes, I think it was a very astute on-the-merits choice on his part. He could have made it a blatantly political appointment.

Murphy He could have, and among the choices he had were some real political people.

JK Here on the Island. And he decided to go with the chief assistant. I know when Richard Brown, Judge Brown became the district attorney, that that was very much a political choice that he made, a very good one, as it turns out. So you found yourself as the interim district attorney and the appointed DA, and you decide that it's a good seat to have so you decided to run for office.

Murphy Yes.

JK Was there any dispute from the Island Democratic Committee on this?

Murphy No.

JK Once you were there, it was yours?

Murphy Having an aunt who was on the Democratic County Committee always helped. I asked Aunt Rose [Hylan] to help me.

JK What was it like running for office for the first time?

Murphy It was strange and it was frightening. I had never been involved in a political campaign before.

JK That's right. You're a district attorney. You're not allowed to go near any of these things.

Murphy Yes. There were a lot of assistants who helped Hogan run the last time he ran. But all the campaign was in Manhattan and I was on Staten Island. I had two young kids and I was spending a lot of hours working on office business, and I just didn't have time to help Mr. Hogan out. And nobody ever said it was expected of you. But [William] Vanden Huevel ran against him and gave him a real tough race. The end result was, you know, Hogan won hands down. But it was a tough political race and the people who helped Hogan out did a good job. But when I started running, I had no idea who was going to run against me. It turned out to be a guy who had no prosecutorial experience, who didn't want to run. One day after a debate, he said to me, "You look like you're enjoying this." I said, "I am." He didn't reply but his body language sure said, "I'd rather be anywhere but doing this."

JK It would seem that the Republicans would have gone after this position aggressively.

Murphy Oh, they had gone after it aggressively. Braisted's last race was against the guy who was the Republican leader on Staten Island, who then became a Supreme Court Justice after he lost to Braisted in his last race. Tom's first race was against the guy who was an alumnus of the Hogan office in the Rackets Bureau. He had an extensive investigative background and he knew a bunch of things about mobsters on Staten Island and basically said the office had done nothing about them. Well, after I got here I found out the mobsters lived here but by and large, their criminal activity was off the island. You know, they put a contract on a guy in Brooklyn, which is probably where he snubbed them in the first place, so that the guy was here on Staten Island. It wasn't until we started wiretapping we found out the extent of their hometown activities.

JK We could stop here and I could come back another time.

Murphy That's fine.

JK Because I think this is a natural break because you're elected to office. Then we can spend an hour and a half talking about you in office and the rest.

Murphy I made some notes that I thought I might refer to and I made a copy for you. So as you look at these things it might spark some conversation, some further conversation. This is the way I gave speeches. I'd make an outline. I know what I want to say. I just want to know what the topics are that I've got to address.

JK There's a lot we have to cover. And so we'll do that.

Murphy If it's going the way you want it to go, I'm happy to participate.

End

William L. Murphy

February 20, 2008

JK We left off where you were elected District Attorney. Now the office is yours. So, the question is, as you enter the office, what do you see as the immediate needs or the immediate challenges that you're facing?

Murphy I was unhappy with the way cases were handled at the felony level in terms of supervision. We had a growing number of indictments, and clearly supervision has to be at a level closer to the day-to-day work. It couldn't be done from as far away as the D.A. And even the chief assistant was losing touch with what was going on, and so I conceived of forming the Supreme Court Bureau, which basically provided the day-to-day management and supervision of the cases being tried in the Supreme Court. Ultimately, the creation of that Bureau led to the opportunity for the D.A. and the chief assistant to shed the role of presentation cases to the grand jury. When I was the Chief Assistant D.A., I took over from the D.A. the presentation of cases to the grand jury. Until I came in, the D.A. himself had been the one presenting cases to the grand jury. I took over that role and by the time the Supreme Court Bureau got straightened out in terms of trying cases, it became clear to me that it would be a helpful move to have what we called vertical prosecution. That is, the assistant who presented the case to the grand jury would then, if there were an indictment, handle the prosecution of the case. And so, by having the Supreme Court Bureau, we were able to administer both the grand jury and the trial calendar in a day-to-day fashion where the chief assistant and the D.A. would have supervisory capabilities, but didn't have to pay attention to the nitty-gritty of day-to-day operations, of two very significant aspects of the prosecution in the more serious cases.

JK I can't imagine the District Attorney himself presenting every case to the grand jury.

Murphy John Braisted did. And I know that for a fact because my father was a grand juror during all the years that Braisted served.

JK And then you did, as the Chief Assistant District Attorney, perform the same function.

Murphy Yes.

JK And what, in that experience, said, "This isn't going to work"?

Murphy The number of cases that we were getting. My coming in in 1982 coincided with the explosion of drug cases, and that explosion kept getting bigger. First we went from marijuana to heroin, and then to cocaine and

ultimately to crack. And the number of indictments just expanded almost geometrically. I just couldn't do it all myself. So, we spread the work through the assistants, and that gave them the opportunity to learn a lot of things. Grand jury practice, the D.A. in the grand jury acts as judge, prosecutor, and the doer of justice, and you get to handle all facets of the criminal justice system at the grand jury stage. You can't be an advocate in the grand jury. You simply present the evidence and there are no arguments. You know, you don't open and close. It's what comes out of the witness's mouth that determines what the grand jury acts on, and they really don't have any other influence like some articulate statement by the prosecutor or by a defense attorney. And issues of what goes into evidence and how it goes into evidence are resolved by the person who is putting the thing in evidence. So, the Assistant D.A. at the grand jury stage acts as judge. If a grand juror wants to ask a question, they're entitled to ask questions. But if they ask a question that's improper or seeks an improper answer, that has to be excluded from the record. And so, you get to learn pretty quickly rules of evidence and the kinds of aspects of evidence, presentation, that are acceptable or not. It's a good training tool for openly trying cases. And so, the concept of vertical prosecution, which the formation of the Supreme Court Bureau allowed us to do, was part of the training process, so, that assistant D.A.'s could handle what they were expected to handle, and the Chief of the Supreme Court Bureau would assign cases that he knew assistants could handle and wouldn't move them on until they were capable of handling something more complex or more difficult.

JK Was this how it was done in Frank Hogan's office, or did you develop this procedure for the Staten Island office?

Murphy Interestingly, when Morgenthau took over in Manhattan, I was Chief of the Indictment Bureau. I was asked by Morgenthau to re-design the office and when I did that, the organization chart that I presented to the bureau chiefs and then to Mr. Morgenthau eliminated the Indictment Bureau and created vertical prosecution, which concept is still in place in the Manhattan D.A.'s office. So, it was something I worked on in Manhattan, but we just didn't have the need for it on Staten Island when I came here. But with the expansion of work, clearly that was the way to go. Ultimately, it's still in place.

JK So, you saw, as one of your immediate needs, the creation of the Supreme Court Bureau?

Murphy Yes.

JK And introducing vertical prosecution, as you called it. What were the other changes, or what were your other immediate tasks when you became District Attorney?

Murphy Well, the exodus of assistants, which had begun when Tom Sullivan left the office, continued after my election. And so, right from the minute

I became the acting D.A., I was looking to fill spots in the office, so I had to do an awful lot of recruiting.

JK From the start?

Murphy Right from the start.

JK And this is when you're acting? And then before you're actually elected, you have to also recruit and tell people, "Well, I'm recruiting you, but I'm up for election and who knows."

Murphy Yes.

JK I don't know if I would take a job under those circumstances.

Murphy That was a tough time.

JK Where were you getting these applicants, or were they coming to you?

Murphy Mainly people would send in resumes. And we'd interview them, and if there were no openings at the moment, or no anticipated openings, we'd just hold the interviews and in the event of an opening, we'd call people in and ask them if they were still interested.

JK Were these largely young men? Were they young women, also?

Murphy Yes, they were young women.

JK From the start?

Murphy Yes. One of the first significant appointments that I made was to Chief of the Appeals Bureau. When Tom Sullivan became a Judge, he took the Appeals Bureau Chief with him as his law secretary, which left me high-and-dry. We had had an assistant D.A. who left while Tom was still the D.A. He had a brilliant wife who was, at the time, working for the state in various capacities. Among others, she worked for the Chief Judge of the State, Lawrence Cook.

JK She was an attorney?

Murphy She was an attorney. One day she sent me a letter, and it was probably one of the happiest days of my early elected career. She fit like a glove into the Appeals Bureau, and she was there until I left.

JK Who was this?

Murphy Karen McGee.

JK Was it a coincidence, do you think, that she applied?

Murphy Well, they lived on Staten Island, they were aware of what was going on, and I guess they wanted to start a family because I think their son was born probably within a year of her coming over to the office. I don't know if that would have happened had she stayed working for the state, with her husband working on Staten Island. She was one of the brightest people I've ever met, and an absolute asset to the office. She wasn't the first woman that we had. Tom had hired the first woman early on in his career as D.A. And then there were a number that I hired early in my career, and a lot of them stayed for a long time. And because the number of women in the profession was growing, a lot of them got opportunities that they wouldn't have had, had they come into the business when I did. When I went to law school, probably ten percent of my class were women.

JK It sounds like prosecution is a man's business, at least when you started.

Murphy Without a doubt. When I was in the Manhattan D.A.'s office, I think there were five women out of a hundred assistants, which was even a smaller percentage than were in my law school class. But the times changed really rapidly. I think most law schools are now more than fifty percent women. I don't remember what the percentage was when I left the office, but it was significant. I had a couple of women bureau chiefs when I left; three out of seven bureaus, I think, had women as bureau chiefs. In my recruiting efforts, I was exposed to things I had never been exposed to before. People who were going to have families were going to be absent from the office for a period of time, and so, I had to take that into account. We didn't have a lot to play with in the office.

JK You had a very small office, and the budget hadn't really increased, even though crime and other responsibilities are growing.

Murphy Without a doubt. We had a budget crisis in 1975, and there were huge cuts, and those cuts stayed around a long time before they got built-up to something a little bit more manageable. But we never quite caught up to our brethren, budget-wise.

JK You mean the other D.A.'s.

Murphy The other D.A.s in the city. Among other things, among the ways that people increased their budgets was to get federal grants. And there was just no way that Staten Island was going to qualify for any federal grants. The jurisdiction was too small. And the grant application review process had people looking at the jurisdiction, so we were too small. But then, the funding source was the City of New York, and the City of New York was already getting loads of money! But it was going to the other D.A.'s, and so we had to look to the city to fund anything that we wanted specially.

JK Well, if you look at what's going on in East New York and compare it to what's happening in Stapleton, obviously they're going to put their resources in East New York.

Murphy Without a doubt. The first year or two that I was the elected D.A., the Board of Estimate was still in existence in the City, and the first time that I had to deal with the Board of Estimate, I was making no headway whatsoever, so they were deliberating the D.A.'s budgets this one night, so all the D.A.s were there. This was really the first time I got to see all the D.A.s together, and I remember standing in the hallway outside the Council chambers and asking each of the D.A.s to give up fifty thousand dollars of whatever they were going to get out of this allocation and give it to me. I'd get two hundred thousand, they wouldn't be cut much at all, they wouldn't miss it. But two hundred thousand was going to make me a wealthy man.

JK Two more assistants and then some!

Murphy And they did it!

JK Really?!

Murphy They did it! I got fifty grand from each of the D.A.s. The City Council didn't have to worry about anything. The numbers remained the same.

JK That's very clever.

Murphy So, when the Board of Estimate was disbanded, I lost a great tool.

JK You're not the only one who mourns the loss of the Board of Estimate sometimes. You only had to make deals with five people instead of 51.

Murphy That's it!

JK You had the same Chief Assistant D.A. for your entire tenure?

Murphy Yes. I had talked to Dave Lehr when he was leaving the office to go into private practice during Tom Sullivan's term in office, and I told David that if I ever became D.A., I would ask him to be my Chief Assistant. He seemed very willing to do that, and during the period of time between that conversation and the time I ultimately did ask him to become the Chief Assistant, we had had a number of other conversations, all of which wound up confirming his continuing interest in the job. When I took over after Sullivan left for the first two-and-a-half months, I was the Acting D.A. and I couldn't ask an attorney to come out of his lucrative practice to join me, and so I operated without a chief assistant until the middle of March of 1983. That slowed down the process of moving things along,

as I wanted to do. But once they let Dave come on board, then I was free and open to do a lot more things because I had the second level of office supervision, closer to the day-to-day work, not having to worry about the small minutiae. I didn't have to worry about it. I could leave that to David, and ultimately, when we brought on the Chief of the Supreme Court Bureau he was handling some of the real minutiae of moving cases through the criminal justice process. And all of those things were just put off for six or eight weeks before we could start them. But once we started them, we really never stopped. We were always looking for ways to improve how the office operated, and in the first instance, I learned about things that were being done in other offices by participating in the New York State District Attorneys Association, where, in conversations with other people, or just listening to them make presentations, I found out about some very interesting aspects of running an office, and then of running a smaller office, because if I would meet with the other D.A.s in the City of New York, they all had hundreds of assistants. But if I would talk to the D.A. in Elmira, I'd learn something more about an office more comparable to us. And the D.A. in, I guess, Monroe County, with about the same population as Richmond County, had the same number of Assistant D.A.s. The D.A. in Monroe County was always a friend. In fact, the year after I was president of the State District Attorneys Association, he was the president. We would talk about common administrative problems and office structure problems, and oftentimes we were able to feed on one another so that many of the thought processes that went into the development of the Richmond County D.A.'s Office, the source of them were other D.A.s in the state. And having learned from my fellows of the state made sense to me, that if I looked around the country, maybe I'd even find some different twists. In the late 1980s, I became involved with the National D.A.s Association. Ultimately, I wound up as President of State District Attorneys Association in 1988 and the National Association in 1996, and I continued to learn from my fellow D.A.s around the country until the day I left office.

JK It's interesting, the state D.A.s getting together because you're all dealing with the same laws of the State of New York. You still have city and there are local ordinances obviously, but for the most part, the big stuff is the state statutes.

Murphy And the state D.A.s have a specific legislative group that puts together suggested changes in the law, and then goes and espouses those changes by making appearances in the legislature. And that was one of the main things that I did in the early days of my career as the District Attorney. The last case I tried in the Supreme Court was a case involving a landfill supervisor here on Staten Island, but he was a landfill supervisor for the entire city, accepting bribes to allow the dumping of some very, very hazardous materials in the largest landfill in the world, here on Staten Island. When we looked at the crimes he was committing, among the more serious were the dumping activities. But they weren't illegal, because the way the environmental conservation law of the state was driven, it was more geared to the very scientific composition of what was going into the landfill or what was being dumped somewhere, and that made the

prosecution of cases by a local District Attorney something they wouldn't be interested in, because you'd have to get involved with experts and you'd have to get involved with expenses for laboratory work.

JK No one had the scientific staff in the D.A.'s office, in other words.

Murphy Yes. So, I was frustrated in doing this investigation, and ultimately, the prosecution, by not being able to address what the guy was actually doing. But he had a motive for doing what he was doing, and that is, he was taking money from people to allow them to get rid of these wastes. And so, I prosecuted him for bribery.

JK He could have been accepting bribes to deposit old sofas and it wouldn't have mattered.

Murphy Right. So, having gone through that prosecution, the first law I worked on was a revision of the environmental conservation law, and that was a crusade that I did, basically, myself. I had the blessing of the State D.A.'s Association to do it and ultimately, we succeeded in re-writing the environmental conservation law so it was friendly to the prosecutor. It looked like a penal law statute, not an ECL statute. It used terms that were familiar to somebody who had been using the penal law for years, and concepts that were right out of the penal law. While it hasn't been used that often, it's there and can be used, and it can be used with much greater ease than the ECL could have been.

JK So, this is so that you don't have to prove the chemical composition of what is put in the landfill, you can use a generic name? How did it change, exactly?

Murphy That's basically the way it changed. Because the way this entire investigation started was there was a company in Connecticut that was producing plating waste and they needed to get rid of it. So, what they did was they hired truckers who would put this stuff in their trucks, but these guys were not only picking up plating waste, they were stopping at another factory and picking up whatever stuff they had that could go, you know, in a liquid and just mix up in these trucks, and then they were dumping them. When they found out that they weren't really welcome neighbors dumping where they were dumping, they had a great way of getting rid of these wastes. They would drive along the highways in Connecticut and New York and just open a cock on the truck and let the stuff drip out. And so, this came to light with an excessive number of cars that were getting splashed with this stuff and their paint getting eaten away. And that's how the investigation got started.

JK But it's hard to find a pattern of cars because you would think it's just me and my car, "What is this?" But if you have a pattern of it, that's even harder to find.

Murphy Yes. And when you mix plating waste from this place along with whatever waste comes out of here or whatever waste comes out of here, the chemical composition of what's in there – you can say this is plating waste, this is 'b' and this is 'c', but who knows, riding along in a truck. This stuff together, you have no idea what the chemical composition is. And so, to have a law which is dependent on proving what it was that came out of the truck, as opposed to something that shouldn't come out of the truck just because of where it came from. Basically, that's what the change in the environmental conservation law did, to make it easier to punish the crime of dumping with a minimal level of proof of what it was that was dumped.

JK Was this your first foray into dealing with the legislature?

Murphy Yes. And then, shortly after that, I was asked about the insanity defense. There had been a number of cases of great notoriety in the state, where the defendant's use of the insanity defense was decried in journals and in newspapers, and the public just didn't understand it. And for a while it looked like the legislature was going to collapse to this public pressure to do away with the insanity defense. I was part of a small group that looked into this, and we decided, as a small group of prosecutors, we decided that we had to have an insanity defense in order to have a just society, but I suggested that the use of the insanity defense as a defense, where the people have to prove beyond a reasonable doubt that the defendant was sane, was the wrong way to approach it. Since the success of the insanity defense was sort of a benefit to the defendant, I suggested that we change the law to make it an affirmative defense, which meant that the defendant had to prove, by a preponderance of the evidence, that he was insane, changing the burden of proof and on whom it led. At the time the Codes Committee of the Assembly was blocking it, and one week I was up in Albany working on legislative matters for the Association and I was staying in a hotel, and at the end of the day, I went down to the bar in the hotel and I ran into the Chairman of the Codes Committee, and over a drink, I talked to him about why they were holding this thing up. And I made my argument to him, and when we parted, he said, "Murph, it's because of you we're bringing this up," and they brought it to the floor and it passed.

JK There's a lot to be said for the informal communication of information and opinion, as opposed to relying only on the formal structure.

Murphy Precisely. And all this was part of doing stuff that was part of the Association's legislative approach. The same was true of bias crimes. For years, New York State had no hate crime law, and when I was President of the Association, Governor Cuomo asked me if I would try to get the District Attorneys Association to change their mind about hate crimes because the Association had stood in the way of hate crime legislation for years.

JK That's unusual, for the D.A.s to stand in the way of another weapon for their arsenal.

Murphy Well, it was perceived that this would be the first statute where motive was part of the prosecution. On the other hand, the situations that gave rise to the call for hate crimes legislation were proliferating and if they weren't proliferating as much as some people thought, they were being reported more often. I convinced the Executive Committee of the Association to have the Association change its position. We did, and then we crafted the statute that's in effect today.

JK It's funny that you brought up the insanity defense, because of that horrible case just the other day in Manhattan, where the mental patient hacked to death the psychiatrist, and there are discussions of how the insanity defense will be put into play in this. And the same with Kendra's Law, when this person who had been in and out of mental institutions and had a dossier six inches thick, was convicted on the basis that he knew what he was doing at the time. Do you see that that this has made us less sympathetic toward people who do have mental illness?

Murphy No, I don't.

JK Or willingness to prosecute them?

Murphy I think it has made the instances where it's raised far more credible because the burden is on the defendant, and he can't just 'wing it' by going after the prosecution's case. You know, you have to have something of substance there yourself. I think it's worked, at least in terms of public opinion. Now, I don't remember exactly when that statute was passed, but it's got to be in effect twenty years. And in the past twenty years, I haven't heard the outcry that there was before this was passed. I haven't heard the outcry to do away with the insanity defense.

JK No. There's no argument about that.

Murphy And that was why I proposed that approach, so we could save the insanity defense. But I don't think an awful lot of severely mentally ill people and people who qualify to use the insanity defense are getting punished and not treated. I just don't think it happens.

JK Well, Mr. Morgenthau is looking for ways to find that this man who killed the psychiatrist had planned it and knew what he was doing at the time, so they're looking to prosecute him; I guess if his defense can prove that he was insane, then that's how the law works.

Murphy That's the way it works, yes. And that puts the parties in their rightful position. For me to be prosecuting somebody and trying to prove that he's sane, is – you know, you wind up almost making counter arguments.

JK You have to prove that he's guilty of the crime and that he's sane, which is quite a burden, or was, before this change.

Murphy Yes.

JK It occurred to me that when you became District Attorney was also a time that we as a society and in New York City, New York State, became much more tough on crime, that there was a societal shift away from trying to understand the causes of crime to being tough on crime and tough on criminals, and you came into office at about the time this shift was taking place, after a very long period of worsening criminality.

Murphy That which started it were the Rockefeller Drug Laws, which occurred just before I left the Manhattan D.A.'s office. And that was in response to the proliferation of drugs. What we found out early on was that the drugs didn't go away. And indeed, ten years after the Rockefeller Drug Laws, we were dealing with crack and the numbers that came out of that scourge were much greater than heroin had ever been. So, the Rockefeller Drug Laws, simply because they were on the books, didn't work.

JK But we did result in a good many people who used drugs and sold drugs being sentenced to.

Murphy Excessive periods of time.

JK We could say excessive periods of time. And the result was that Mario Cuomo built a great number of prisons during his time in office.

Murphy Without doubt. Without doubt.

JK And that was the result of, on the one hand, we have a new 'tough on crime' attitude, and on the other hand, we have these Rockefeller drug laws that are snaring more people in their nets.

Murphy Well, there was a facility built on Staten Island for the drug abuse, I don't know what the acronym is, DACC, Drug Abuse something, and as we got tougher on crime, that became a state prison and is still a state prison.

JK So, it began as treatment, and now the treatment is incarceration.

Murphy Yes. And what was a low level security operation under DACC, the buildings weren't substantial. One layer of wood, you're out of the place if you wanted to get out. But now it's a full-fledged state prison.

JK In the 1970s, marijuana was spreading throughout society. I was doing research, and the Nassau Bar Association came without a couple of votes of supporting the decriminalization of marijuana. That was the attitude of the mid-1970s, which was, why don't we legalize marijuana? And the Nassau County Bar was very close to embracing that. I'm just wondering what your thoughts are on the decriminalization of drugs or whether we might be better off with drugs being legalized and taking it out of the criminal arena.

Murphy I think that's been tried in a number of places in this country, and I don't think that's worked, either. And I think the drug that probably convinces me the most is crack, because to the extent that people under the influence of heroin needed money to buy heroin, they'd have to wake up from their comas in order to do it, and then they were noticeably under the influence of something when they had heroin in them, so they were almost an advertisement for, "Watch out for me because I may hit you over the head and take your money." So, they were kind of obvious. But crack was taken up by people who wouldn't have used drugs but for the almost instantaneous addiction to crack! And when they needed money, just as part of their ordinary lives, they'd steal money. And so, to get a drug that was so instantaneously, had such an instantaneous effect on your behavior, and most of the behavior was geared towards getting money to get your next dose, that the notion of legalizing it would cede all control of those people. And I just don't see the social efficacy in that approach. Now, do you do it drug-by-drug? It's difficult to do that. You know, we face the issue today in the erratic driving of somebody down the highway. None of the traditional tests for alcohol show that the guy is under the influence of something else, and if something else, what else?

JK There's no test for Ecstasy, for example?

Murphy Right. And so, how you conduct the prosecution of somebody for driving under the influence of drugs, it's almost an impossible task. And so, to be selective about what substance you're using doesn't seem to be doable to me, at all. And therefore, you wind up with claims of unfairness because in this case you did it, and in this case you didn't, although you had a little bit to go on, depending on the case you go ahead, and you didn't have anything to go on in the other one. So, I never really saw the social worth in legalizing it. I think that when it comes to marijuana, dealing with it the way the state decided to, huge amounts were prosecutable, and the others, personal use stuff, we sweep under the table, march on to something else. I don't see any problem with that approach, basically making a ticketable offense, as opposed to an arrest offense.

JK The common perception of crack and cocaine is that there's a racial component to it, that crack was more prevalent in the black communities and the

lower-class black communities, and crack didn't penetrate the white, middle-class or white working-class as much. In your experience with crack cases coming into your office, did you see a racial component to the people arrested?

Murphy Oh, yes. But that was not because of the behavior of the populous; that was because of the behavior of the cops.

JK That's a different variable. So, it's not a random sampling that is arrested?

Murphy Not at all.

JK It is a select sample.

Murphy How the cops are deployed. And where there's a concentration of people.

Side 2

Murphy The guys who were looking for money to buy drugs were only using it to buy crack, and if you're in a project, you're probably either black or Hispanic, so there's more cops, more people, more arrests of blacks. So yeah, I saw the difference, but that wasn't a realistic difference in terms of the community use, because a random arrest of a kid or a couple of kids out on the South Shore of Staten Island was bound to turn up crack.

JK Really?

Murphy Yes. But it wasn't going to be seven or eight people, it was going to be one or two people.

JK And there's no question that you need a larger police force in a housing project neighborhood than you do in a neighborhood of single-family, owner-occupied houses.

Murphy Right. So, the first thing Giuliani did was disband the Housing Police.

JK Yes. Make it one big force.

Murphy And all those special approaches that worked in the housing projects were gone. A real misstep.

JK It didn't occur to me that they would throw out the baby with the bath water on this one. That when they merged, that they wouldn't incorporate best practices, but rather, they would just do a top-down, this is the way the NYPD operates, that's that.

Murphy But there were operational aspects of the Housing Police that were better for that environment than the NYPD's approach. And by-and-large, the assignment before the Housing Police was disbanded, was a voluntary one. You wanted to be a Housing cop, and it might have been because you didn't think you could make it in the NYPD. But going in the Housing Authority, you knew that there were limitations on the movement of the people you were dealing with. You would probably become more familiar with most of the people you were dealing with, and therefore, you could handle things in a way that if this guy did this to that guy, then these two guys were involved because they're always together. You know? You get a sense for the community you're dealing with far easier than NYPD's city-wide approach. NYPD does a fine job. The Housing Police should have been left alone.

JK Talking about the legislative changes that affected the prosecutor's office, the greatest one had to be the re-establishment of the Death Penalty in New York in 1995. Would you care to comment on how you were involved in that? How you testified, if you did? And what your thoughts on it would be?

Murphy I never testified, but when I would make a presentation on the Death Penalty, I had no problem with imposing the Death Penalty in an appropriate case. Early on in my career, I'd been opposed to the Death Penalty, but then came the situation involving a guy named Lemuel Smith, who was serving two life terms in I think Sing Sing, and he killed a prison guard. I said, what more can we do? How do you respond to this guy? I said the only appropriate response is having the Death Penalty available, because we can't put a guy in a place and he decides he doesn't like one of the prison guards, and he kills her! Because if he's going to stay there the rest of his life, he's going to have a lot of prison guards he can kill if he doesn't like them, and there's no reason for him to like them. So, I changed my mind and I came up with an idea of the kind of heinous crime that could be committed. When the legislation was being debated, my favorite phrase was, make sure, by defining or however else you're sure of something in the world of law, make sure that it's constitutionally cumbersome enough to pass appellate scrutiny. And if you look at each time the Death Penalty has been knocked down, they've had to go, not to the statute and decide there's something defective with the statute, but to the Constitution and link the statute with the Constitution, and it always comes up short. And I don't know whether it's because people aren't thinking through it enough. Some of the constitutional interpretations that have resulted in the knocking down of the Death Penalty in the State of New York seem to be so esoteric that the public would never understand them. The most recent one being one of the prime examples. The jury was basically put in a position where it could make no choice, and somehow that's constitutionally infirm. I suppose it is, but I'd never argue it if I were on the other side. I don't think anyone would have come up with the argument. But not only should it be a heinous crime that qualifies, but it also has to be constitutionally cumbersome enough. I think we've probably reached the limit for the State of New York on that. I think if we take all the statutes which have questions that

knocked down the Death Penalty, we should probably be able to craft one that'll survive appellate review, at least in the State of New York. Now, it may be that the next attack is on the pain and suffering of the person getting a needle injected into them, which whatever the substance is, that looks like it's going to be the next avenue of attack.

JK That's already under-way in some of the western states, that challenge, that it's too painful.

Murphy I don't know. I've never watched one.

JK Neither have I.

Murphy Under the law as we had it for a while in the state, I had four cases that I considered the Death Penalty on. In three of those cases, I decided against the Death Penalty. Two of them were because of the mental history of the defendant. One of them was because I didn't think we had a strong enough case.

JK You had a strong enough case to convict him, but you didn't know that it was a strong enough case for the Death Penalty?

Murphy I didn't think we had a strong case on either. And ultimately, he was acquitted. So, I was glad we weren't in the Death Penalty arena. And in the last one, it was the murderer of the two cops. And that one I sought the Death Penalty on. That one was pending trial when the statute was knocked down for the last time.

JK You didn't have any question at all in that case?

Murphy No. I mean, I took my time in making a decision, and I listened to an awful lot of people who tried to persuade me against it. And when I say I listened to them, I really listened to them. But that was a case that the crime was heinous, the background of the defendants was only the slightest bit 'iffy' in terms of mental capacity. I thought that the best place to air it out would be before a jury. And it got to the Federal Court.

JK After New York rescinded the Death Penalty?

Murphy District Attorney Dan Donovan gave it to the Feds.

JK Right. And happily, I would imagine. Not that he didn't get to prosecute it, but that the Death Penalty was still in effect with the Federal Court. 'Happily' was the wrong word.

Murphy Yes. This is a tough subject. There's nothing happy about it. It was an alternative. He was not unhappy to give it to the Feds. But the legislative

things took up a good bit of my time. All the ones that I worked on personally wound up coming out the right way, as far as I was concerned. There were a lot of other legislative successes that the state D.A.s had. I don't know where we could go to catalog them, but the thing that I always looked for in casting my vote was whether it was going to raise false hopes to the populous, that somebody was going to be prosecuted or prosecuted for a certain act that really was limited to the situation that gave rise to the thought that this should exist in the first place. Is there an incident so unique that it will never be repeated again? Then there's no sense having a law for it, that kind of thing. When I couldn't make one of the state D.A.'s meeting on legislation, I always had a representative there, and my representative was the chief of my appeals bureau, Karen McGee, and she and I would have conferences about what was pending and I would voice my opinion and she would voice her own opinion based on her legal analysis, and cast my vote as I asked her to. But we, as an office, participated in that process whenever we could. One of my assistants who was in charge of my Sex Crimes Unit and then became the Bureau Chief for the sex crimes operation, drafted the stalking law that's now in effect in the state, and got that passed. Stalking is something that happens day in and day out. The criminal incidences are really frightening when you're a victim or an intended victim. That seems to be a worthwhile one. I gave her free reign with that, and she did a damn good job getting that passed. Those are the ones that come to mind as the ones to which our office was pretty heavily involved because of my own personal involvement or someone on my staff who had decided to carry the ball.

JK It's surprising that being the District Attorney involved so much more than simply deciding what crimes to prosecute, what actions to prosecute, and prosecuting them. It seems as though you're involved in an awful lot more in terms of actually trying to define what the law is and how the law should be crafted.

Murphy Without doubt. Because once the law is on the books, the public has a right to ask you whether you prosecuted anybody for that, and if not, why not? Rather than face questions which are impossible to answer, it would be better to not have the law if you're never going to use it. One of the things that can always be asked at one of these sessions, "Wait a minute. If we get this thing, what are we going to do with it? Simply sit and look like dummies when someone asks the question?" You better be ready with a good answer. And therefore, if you can't conceive of a situation where you're going to have a good answer, don't have the law! We've got plenty of laws, and you can always find something if you really need to. You don't have to have the law. The reason why laws are on the books are, in part, to give notice to somebody, to express society's feelings about a certain subject. And you can do that under a lot of circumstances with an approach that doesn't need a new law. We don't always need a new law when there is a crime that just catches our attention. Although, unfortunately, for a lot of people, particularly in the legislature, they think their job is to make laws. So, they sit around and write laws. But if you look at the percentages that they get

passed, and just start keeping statistics on that stuff, all of a sudden you find a law that they can't give out the statistics.

JK But that's the law because there was this one case, and now we have a law on the books and no one has ever used it because it was the one. I'm always wary when I see legislators stand up after a newsworthy event and say they're introducing legislation for X. And I think, and that's this week. Next week there'll be another one, and do we really need this?

Murphy I remember as a kid, growing up, one of the New York City papers had a cartoon. It was in every day. 'There Oughta be a Law.' Some guys took it to heart!

JK Yes! Ultimately, you are elected and re-elected and re-elected. This is a political office. You are a Democrat. Were all of your assistant D.A.s Democrats?

Murphy No.

JK Were they all Staten Islanders?

Murphy Not all of them. Most of them. I tried to keep them on Staten Island because in due course, every one of them had to spend a week in rotation on twenty-four hour call, which meant that if there was a homicide at three o'clock in the morning, they'd get called out to it. If I had somebody living in Suffolk County, they couldn't possibly get in here in timely enough fashion. On the other hand, I had a long-time assistant who is still there, who lives in Brooklyn Heights. And it's a little bit more reasonable in the middle of the night to get from Brooklyn Heights to Staten Island. In fact, he can probably get to some parts of Staten Island quicker than somebody living on Staten Island can get to them, coming over the bridge. And I also tried to get assistants from Staten Island because I wanted my assistants to be part of my voice in the community and go places like schools and civic groups and make presentations, and it was always easier to say "I'm a Staten Islander" when they started out with their remarks. It at least made the people they were talking to feel more comfortable. You're not talking to some guy that just swung in here off the rooftop. I know over the years, I think we got some pretty good people from Staten Island. I didn't go out looking for Ivy League graduates. Number one, they weren't looking here. I would much rather have somebody who was interested and could express his interest in some articulate way to me about why he wanted to be in my office. That was always one of the most important aspects of recruiting.

JK How big was the office when you took over? And how big was it when you left? Because the population of Staten Island is growing by a hundred thousand, two hundred thousand during this time.

Murphy I was the thirteenth assistant when I started as Chief Assistant D.A. in 1976. When I took over there were in the low thirties. When I left, we were down to about forty-four. The high was fifty-two.

JK Fifty-two Assistant District Attorneys?

Murphy Yes.

JK You must have had a sense, was this a percentage appropriate to Staten Island, or did Staten Island have fewer Assistant District Attorneys, even on a percentage basis compared to Brooklyn and Queens?

Murphy We had enough to handle what we were handling. If we got more grants to go into other areas, I always asked for additional assistance. I wouldn't start a project where I didn't have the bodies to put in there. Obviously, it was not get a new assistant, plug them into the grant; you take somebody who can handle it, you put him in the grant and you train the new guy to do the regular stuff and then if he's ready when some grant comes along, you can plug him in there. I mixed and matched the assistants, depending on their experience and talents rather than on when they came into the office and whether it coincided with a grant. The unfortunate aspect of staffing by grants is that ultimately, grants run out. And I never wanted to be in the position of having to let people go. And so, I would scrounge for dollars and cents to keep people on board regardless of whether the original funding source ran out. But I also wouldn't apply for grants just to staff the office. I just thought that was bad, fiscally, and ultimately, bad for the individuals that were caught up in it. When I came over in 1975, I left the Manhattan D.A.'s office, and it was so big, and I was dealing with junior members of the staff, and they weren't letting them go. The ones who got let go were someone who was there a couple years and weren't making it, weren't going to go anywhere in the office. So, Morgenthau was letting go three and four year people. So, it never impacted on me or the operations that I had. But when I came over here, Sullivan had lost a flock of Assistant D.A.s.

JK During the fiscal crisis?

Murphy Yes. And they were guys who just never saw it coming. It was awful. What I walked into in the beginning of 1976, was the very end of the bloodletting. But all of these guys showed up as defense attorneys, and they didn't know their ass from their elbow, how to be defense attorneys. And you had to feel sorry for them. They just didn't have a chance to build up any experience before they had to make money doing something. It was terrible. So, I was very leery of grants. I always have been. One day, I'm making a presentation to the City Council on a budget hearing, the City Council, this was the third year in a row where they were harping on improving statistics in D.A. offices by doing programs here and there, and they kept calling them initiatives. And when it came my time to speak, "Members of the City Council, I hate the word 'initiative.'" I

said, "Let me tell you about initiatives. First of all, you shouldn't be talking about them at all." I said, "When we get federal grants, they're supposed to operate in our offices with a view towards being an initiative so that you folks pick up the cost and take it away from the feds and institutionalize it for us. So, we've already got situations where we're working on initiatives. But none of us has seen you pick them up. So, now you're talking about your own initiatives. What happens when you get tired of that initiative, and you're not worried about this problem? Are you going to let it lapse? That's no way to operate any kind of office, much less the prosecutor's office!" And they all sat there, because I was really scolding them.

JK When, in fact, you should be a supplicant.

Murphy I was doing my part doing that, too. Sometimes you've just got to tell people what the real world is about. Just because somebody is a legislator and might be bright and have talents for doing it, doesn't mean that they know what's going on in the real world. So, in addition to kind of the extra-curricular of working on the legislation, you have to become a businessman to know where your money is coming from, know where your expenses are at, and be able to control to the extent you can, how it's spent, so that if an emergency arises, you've got the where-with-all to handle it. And that was a constant battle because from year to year, you never knew in advance what was happening, nobody ever forecasted it for you.

JK Do you mean in terms of what the City Council would be doing, budget-wise?

Murphy Well, the Mayor is the one who proposes it. And in the early days of my being Chief Assistant, we were, as other city agencies were, required to submit our suggested budget to the Mayor, and that would be taken into account as the Mayor put his together. But once Giuliani came along, that practice ceased. The Mayor made-up his own budget proposal without talking to us. Every mayoral agency was asked to submit its budget proposal, but we weren't. And therein, we lost a good bit of control of how we would run our offices. And what happened in exchange was that extra monies given to the Police Department, and the Police Department started setting priorities on fighting crime. How. What.

JK How did that change? It might be appropriate to ask you how you would characterize your relationship with the Police Department on Staten Island, working with them, or having conflicts with them, or were you in partnership? And I know it's a long period of time, from the 1980s up to Giuliani.

Murphy It depends mostly on the personalities. There were commanding officers of the police department on Staten Island, and I mean the commanding officer and the people in charge of the detectives and people in charge of various aspects of the Police Department, the top commanders. There were borough

commanders who would cooperate to the nth degree, would listen to everything that we said and would ask us for our opinions on various steps they wanted to take.

JK What would be an example of that?

Murphy There was a terrible homicide one night at a pizza parlor, just up Forest Avenue from here. In fact, two of the guys fleeing fled on Morrison Avenue, across Bement Avenue. I think in the long run, only two were prosecuted and there were probably four involved. The police had an idea who the two who weren't prosecuted were, and they wanted to make an arrest. I brought the borough commander in. I said, "You can't do it." I said, "We're not going to draw a complaint based on the evidence you tell me you have because you don't have enough evidence for me to get a conviction." And I said, "I think that'll be an embarrassment to you. It's going to make it more difficult for me to prosecute the two guys we've got and we have evidence on." And in probably the ballsiest move any borough commander ever made, he agreed with me. He didn't lock up these two guys. That was only possible because I could talk to him. There were other commanders who would go just the opposite way of what I recommended or somebody from my staff recommended. There were other commanders who would tell the police officers under them that they were not to talk to assistant D.A.s or the D.A. unless they were subpoenaed to appear before the Grand Jury or at a trial.

JK Wait a minute. You're not on the same team?

Murphy That was told to me by a detective who received that order, in one of our regular daily meetings, where I was finding out what was going on. Because this guy wouldn't talk to me. By and large, the relations were good. They were always better with the guys at the bottom of the totem pole because they were treated with dignity and respect.

JK You mean the beat cops?

Murphy When I was in the Manhattan D.A.'s office, and it may be a product of the times. You know, in the late 1960s and early 1970s, because the Vietnam War was in progress, there was an animosity between young lawyers and cops, and young lawyers were told to have a chip on their shoulders with respect to the cops, take everything they tell you with a grain of salt, and be wary of the dropsy cases. There were a whole bunch of watch words, and we all had them for all the cops we were supposed to deal with. By the time I got over here, I had met enough cops and dealt with enough cops, that I knew which ones I'd have to watch out for. But by and large, they were trustworthy and you could ask them what happened to a case and get a straight shoot on it. I rarely had a situation where I had to say that I doubted somebody. To the best of my knowledge, we

never prosecuted a cop out here for perjury. In Manhattan, I did it personally a couple of times. I got cops to confess to perjury to me.

JK You mean on the stand?

Murphy Yes. But by and large, the relationships were cordial, they were not so overly friendly that I couldn't smack somebody if he had to be smacked. We indicted our share of cops, but we never did it in a way that would cause embarrassment to the Police Department or to other police officers. Take care of the bad guys. Get them out of circulation and move on. But particularly with Giuliani, they got their head and it was clear that in the eyes of the Mayor and his cadre of advisors, what the police did was the most important aspect of law enforcement in the City of New York. And they did it regardless of the impact on any other agency. If the police went out to a round-up without forewarning us, I'd have one assistant on duty in the complaint room with one clerk. How am I going to handle fifty new arrests? But it happened regularly. Especially crack raids.

JK Why wouldn't they tell you that they want to do a mass arrest?

Murphy For fear that I'd have a press conference before they'd accomplish what they wanted to accomplish.

JK "I want to announce that the cops are going to raid a crack den."

Murphy Or just did. Yes.

JK Going back to the borough commander, why would he have his men not speak to you?

Murphy Because he was afraid his authority was being undermined, that if he wanted to call the shots, why should the D.A. have anything to say about it?

JK And this was during the Giuliani Administration?

Murphy Yes.

JK It's another side to the law and order focus.

Murphy Yes.

JK We are about to run out of tape in about three or four minutes.

Murphy I'd like the opportunity to organize my thoughts so we can wrap it up in another session.

JK Okay. There are a lot of specifics that I would like to ask you about. For example, the very celebrated re-election run against Guy Molinari, for example, which must have been very entertaining; specific cases on Staten Island involving race relations or police brutality and the like. And I would like to go into detail on some of those, so I'll do a bit of research and give you some head's up about what I would be interested in. And you should let me know what issues you want to bring up, also.

Murphy Okay. Well, thank you very much.

End

William L. Murphy

March 20, 2008

Murphy We had several non-traditional programs that we started in the office. I had been the first intern the office ever had back when I was in law school.

JK As I recall you thrust yourself upon the office.

Murphy And we cultivated that internship program into a for-credit program with a couple of the local law schools. I actually convinced some law professors that if they had assistants, or students from their classes work with us they would get such a valuable experience that they merited getting school credit for it, and that went on for a number of years before the professors moved on or into different areas. In fact most of them became administrators in law schools and didn't have the direct contact with the students. That's why there was a demise in that arrangement. But it was very helpful to us not only providing assistance to the assistant DAs but also opening the eyes of law students. We used it as a recruiting tool, and eventually had a number of students who had been introduced to the office that way come and work for us.

JK What schools were these?

Murphy Fordham, New York Law, and I think we had one or two from Brooklyn Law. But it was an interesting approach and I thought it worked out very nicely for everybody concerned.

JK I mean if the students get internships at Park Avenue law firms they could surely get internships at district attorney's offices and see another aspect of the law. It takes a special kind of law student who wants to go into public service law as opposed to private sector law.

Murphy No doubt about it. And then I think the whole idea of it came from when I was in law school. I actually had a course in prosecution. There aren't many of them to be found in law schools today. There weren't even then. Harvard had a course in prosecution, so I prosecuted cases while I was in law school. First case I prosecuted was possession of a loaded gun on the streets of Boston, and it certainly was valuable for me. So I kind of concocted it and lobbied for it and it worked. But like all good things they fade away over time.

JK It takes someone to have an interest in keeping it going.

Murphy Yeah, and in large measure that was the professors, because they related to me and they related to the students. I was enthusiastic about doing it and while I was chief assistant I could certainly do it, but administering something like that as the DA would have been difficult. But my becoming DA kind of coincided with the departure of these professors from daily student contact activities. But it was a program that worked for a number of years and I think benefited the office and the people of Staten Island. By the time that program ran out we were in the throes of the beginnings of the crack epidemic in the City of New York and it was clear that the Rockefeller Drug Laws having been in effect for a number of years had no impact whatsoever on a number of drug crimes being committed. The volume of drugs on the streets of Staten Island and the sort of coincidental increases in crime because of the drug situation and I looked around for some way to address those problems, and low and behold the program that my wife was in in the public schools inspired me to look towards prevention as a good approach to the drug problems that we had. So for years we used a prevention approach to the drug problem and it had to do with working with the schools, providing lecturers, providing opportunities for youngsters to visit the courthouse and see drug prosecutions and to listen and hear at sentencing proceedings how no one benefited from the situation. If there was a crime victim involved, the crime victim made his statement, then the defendant always portrayed his own situation and how desperate it got in increments.

JK This is for adolescents or children?

Murphy The courtroom experience was adolescents, although we did bring kids into the courts we didn't bring them in with the specific design to scare them.

JK But adolescents need scaring.

Murphy And many in the group that came through encountered neighbors in the courtroom, and that had an impact. Staten Island being Staten Island.

JK A small town.

Murphy Small town, and when you see somebody who lives on the same street as you standing there handcuffed, you kind of learn certain things.

JK When you mentioned the crack epidemic and that crime exploded as a result of the crack epidemic, was that because of arrests for sale, possession of crack or for crimes by people who were using crack?

Murphy Both.

JK What kind of crimes are we talking about here?

Murphy Violent crimes to get money to buy crack. Crack was so instantaneously addictive that you needed it on a regular basis, and it got to the point where some people had to have it every hour or two and that cost money.

JK Yes. And if you're in a lower class situation you don't have ready access to funds.

Murphy Ten dollar parenting, which I think I described to you earlier, did not work with crack. Because ten dollar parenting, which grew to twenty dollar parenting was limited to once a day or once every other day use of whatever the money was going to; with crack you needed the money several times a day every day in order to feed that addiction.

JK So, you saw an uptick not only in drug arrests, I mean just pure drug arrests, but also in violent crimes that were a result of this crack epidemic.

Murphy Yeah, and it was violent crimes. Back in the fifties, sixties and early seventies the crime of choice on Staten Island was burglaries. We have basically private homes on Staten Island and during the day with both parents starting to work and the kids away for a number of hours at school homes were empty and somebody would break into a home and get away with, you know, whatever he could haul away without much difficulty. But crack changed the nature of the basic criminal problems on Staten Island because these characters didn't have the time to waste to look for something that would generate money or to look for something, or to look for money in a house. If they had to get something that would generate money it would delay the opportunity to use the drugs, so the crime changed to interpersonal crime which more often than not required some violence, either the threat of violence or actual violence because the natural thinking is that if people are out and about they've got money. The crack epidemic on Staten Island made Staten Island grow up and be much more like the rest of the metropolitan area.

JK You said that the Rockefeller Drug Laws had no impact on this. How is that possible?

Murphy Well, people didn't stop and think. With this addictive quality of the drug they didn't stop and think about the consequences of it at all. They just went and took the drugs and went out and found money to be able to take them again. And it was the nature of the substance rather than the provisions of law on the books that was the ready reference point. The Rockefeller Drug Laws had the effect with the drugs for which they were designed of driving the drugs off the streets, driving drug traffic, especially on Staten Island, behind closed doors so that only someone with whom you were familiar would be involved in a drug transaction in your presence because the consequences were pretty rough. Relying on friends to keep secrets was something that worked for a good long while on Staten Island. So the reference point was avoiding the consequence of laws as

opposed to simply feeding a drug habit, and that made for a very different way of looking at things from a community perspective and from the law enforcement perspective on the community activity.

JK There's been movement to repeal the Rockefeller Drug Laws. Have you been following that? Have you been expressing your opinion on outright repeal of these laws or modification?

Murphy I think they have to be modified. I have thought that for a long time, and I voiced that in DA circles, but I never saw a proposal to modify the laws that I could support. Because any modification was give a little here, take back a little here. Who was the state senator, there was a state senator who was one of the champions of the Rockefeller Drug Laws but then he became one of its opponents.

JK I know Warren Anderson switched sides. So did John Dunne.

Murphy John Dunne. I had a number of conversations with John Dunne but even his proposals didn't.

JK He's been very active and vocal in attempting to reform the Rockefeller Drug Laws.

Murphy Yeah. And I tried to buy into his proposals, but as I said he was being very much the politician and much less a philosopher.

JK I'll tell him that when I interview him in a couple weeks. One of the other questions is the matter of organized crime, which many people say is rather disorganized, but did you have any cases engaging organized crime here on Staten Island? Did you have any issues with their presence here, or was it rather invisible?

Murphy When I came over here in '76 it was just after John Gotti had committed his first homicide on Staten Island. It was his first homicide and it happened to be on Staten Island.

JK Did we put up a plaque?

Murphy And I came over with that knowledge and John Gotti wasn't nearly at the height of his career. I just watched it after that. But Paul Castellano was living here; he was reputed to be the head of one of the families in the city. The local paper used to publish annually mug shots of people on Staten Island reputed to be members of the Mob, so there was kind of a common understanding within the community that the Mob was out here. Now what the photos in *The Advance* portrayed were pictures of people who were bookies and people who collected money and I don't think either *The Advance* or its readership appreciated the

economics of what gambling and the Mob do together. So while they would publish these things probably three-quarters of the readers would say they're just, you know, looking to write a story about something, saying these guys are involved with organized crime. They never went the couple of steps further to say, well the money from these gambling operations is used for the purposes of drugs or it's used to buy an interest in a restaurant, then they get control over it, they skim the money off the top and run a legitimate business into the ground because they have no interest in staying with it, they just want to milk it as quickly as they can and get as much as they can. They don't care about the consequences of their actions. The realization that organized crime had a presence that was doing that came to me pretty quickly. But as one looked at organized criminal activities it was easy to conclude that there wasn't a lot of organized crime, criminal activity, on Staten Island. It was a bedroom community, that the real bad stuff was happening off Staten Island. After I became DA we started looking into what was going on in Staten Island and we did a number of wiretap investigations which showed us the extent of organized crime activity on Staten Island and who was involved, and there were a lot of surprises, a lot of surprises to people who were living on Staten Island when their neighbors got locked up and were accused of extortion and very serious crimes.

JK Were these crimes they were committing on Staten Island?

Murphy Yes.

JK Toward Staten Islanders?

Murphy Yeah.

JK Because one of the common assumptions was that they would live here but conduct their business elsewhere.

Murphy And in large measure that was the case for a long time, but our wiretaps showed that there was a lot more going on on Staten Island, dealing with Staten Island, than anyone would ever have believed.

JK Largely gambling?

Murphy Gambling was the way we got into a lot of the wires, but of course if you start listening to phone conversations you get conversations about all kinds of things. Or if two people are going to meet as a result of an agreement made on a telephone and you go watch the meeting then you have the opportunity to see who else is joining them and where they're going and maybe even what they're doing. And each investigation had those aspects, where we found out about things, places that appeared to be legitimate which became gathering places, and we learned that those places were for example the places where people settled on their bets and the guys who walked out with the most money were the wiseguys.

So organized crime has a presence on Staten Island, has an active presence on Staten Island. We put a dent in it. We took the big guys down a couple of times. While they weren't people that the big city media had ever named on anything, they were well known on Staten Island and they were all known as powerful people. A guy named Anthony Graziano was in everything, and his daughter married a guy whose family was in a restaurant business and they got into everything, those two kids. They're both in federal jail now.

JK Great career move, ending up in federal jail, which is how a lot of the stories end up.

Murphy Yeah, but you know, they had colorful lives in the sense that they were, there's a lot of notoriety about restaurants that they owned and it didn't seem to upset Staten Islanders the way John Gotti ultimately did, you know, people didn't get concerned about Gotti. I always told them he started out here.

JK Just about every year I count on Joe Hynes long about Super Bowl Sunday busting a Mob gambling ring right before Super Bowl Sunday and then having him have a press conference saying how it out to be legalized. Did you ever have any discussions about legalized gambling or the idea that the state should just legalize this and be done with it?

Murphy No, because I saw the end result of gambling activities and some of the heartache that it caused when the proceeds of gambling are used to purchase a legitimate business and that business is run into the ground without the complicity of the owner, without the understanding of the owner. You know, they start out with a ten thousand dollar investment that saves the guy from going under and all of a sudden the entrepreneur is put in a position of being a salaried employee and the Mob is never going to take any less, so as they jack up their take, they start taking it off the top and the poor guy who started the business, got it up to the point where somebody might want to buy it, gets run out of business. It's not just he or she that's hurt, it's their family, it's the people with whom they have done business. There are some widespread effects of gambling that take a little bit of analysis before you can reach the conclusion that we don't have any stake in it.

JK But that's because the gambling activity itself is illegal. What if gambling on sports events was legal and controlled by the state? Wouldn't that put the Mob out of business?

Murphy Gambling isn't illegal. It's the promotion of gambling, the making of a profit from gambling that's illegal. Up until 1967 the law was gambling is illegal, so if I had a bet with you that was illegal. And people were called known gamblers who the cops knew were gamblers. A guy walks into a barbershop and places a bet. He committed a crime. That isn't the case now. It's the guy in the barbershop who takes the money and then passes it on who's promoting the

gambling and the notion that the state would somehow get involved in promoting gambling brings the same evils back. It isn't just gambling.

JK Is it mostly sports bets or is it regular casino gambling?

Murphy No, the prevalent gambling activity on Staten Island is sports betting.

JK Yeah, it's much more prevalent than people think, especially with March Madness. During your career on Staten Island, did you have any dominant prosecutions that you felt made a particular dent in the operations of organized crime here?

Murphy Oh, yeah, a number of them. Anthony Graziano was one.

JK What do you actually nail him on? Extortion, gambling?

Murphy I don't remember which we got Graziano on ultimately. There was a multifaceted, it started with gambling but I don't remember what he ultimately went down on. I guess the last one that we worked on was one involving the waterfront and that ultimately resulted in a federal prosecution, and Peter Gotti went down on that. A guy named Rid Skolow, that had a lot of political implications. Anytime you get into organized crime mixing up with governmental activities you got a big thing, and when you can take it down it's important for the community. There were a couple of other characters who came along, tried to be hotshots and, you know, their name was big until they got involved in giving orders that were followed and didn't have any authorization to give the orders, so their activities were curtailed not only by the efforts of law enforcement but also kind of an internal disciplinary action on the part of organized crime. It's been a long time since I looked at any list of organized crime people that we dealt with so I'm just at a loss.

JK It was just if there was any one particular incident that stuck in your head. You mentioned Graziano and that we covered because then I can go back and do—look into it in other ways. The difficulty is that *The Staten Island Advance* is the paper that covers all of this exclusively and it's not as readily available, especially in back issues as other newspapers are now. What was your relationship with *The Advance* as a prosecutor, as a political candidate? Did they support you? Were they critical on any occasions? Joe Hynes mentioned he doesn't have a lot of affection for *The Daily News*, that he and *The Daily News* had some rough edges. But on Staten Island that is really a key question—the relationship of any political leader or elected official with *The Advance*.

Murphy *The Advance* endorsed me every time I ran, but they fought me every step along the way with what they wanted me to do and what they wanted me to do was to blow my horn every time we did anything. It seemed to me they

did not like assigning a reporter to cover what was going on in the Supreme Court on Staten Island. They couldn't cover the criminal court because the volume of what was going on down there was just mind boggling, so the second source of news about crime on Staten Island became the Supreme Court. When I came over here there was a reporter assigned to the Supreme Court and there were times when he would look for a story rather than simply report on something that went on in the court. He and I used to chat regularly and they kind of yanked him back and there must have been ten to fifteen stories that never saw the light of day. Wasn't his fault but I called the editors, "I don't know what you're going to do with a new reporter, I'm not going to talk to him, I'm not going to give him stories that are going nowhere, that's just a waste of his time and my time." I said, "I got other things I can be doing." But they wanted to be spoon-fed. And I didn't perceive that as my role. If they picked up something and wanted to ask a question about it generally I had no problem with talking about it but certainly it wasn't my role to feed them news.

JK It was enough to prosecute the cases, you didn't have to write the press release for them.

Murphy And so I didn't, and that drove them nuts. They wrote a wonderful editorial when I stepped down but they had to put in a paragraph about didn't always do things the way they wanted me to.

JK Was there any one initiative of yours that particularly got under the editors' crawls there?

Murphy No. No, generally things that I did press releases on and press opportunities on were favorably received. One of the things that I mentioned before, our prevention efforts. One of the things that we did was, and I think had mentioned to you the last time, that I was down at Union Station in Washington, D.C. and I talked to the guy who dealt with the regulations that says what you could do with seized money or forfeited money, and I convinced them that the training of prosecutors was a lawful use of that money. But he also said that it could be used for prevention purposes. I used to take bad guys money, and kind of give it back to good guys. One of the things that I did was I did an annual calendar contest for kids in grammar school which focused on prevention of violence, prevention of drug use, alcohol abuse, cigarettes even crept in there towards the end just because it's the same pathology. You know, you can address a number of problems the same way. We were spending between forty and fifty thousand dollars a year on the calendar, but the kids loved it. The crime started going down and there were kids that we spoke to seven or eight years after they had participated in the contest and they remembered it; they remembered how they got the ideas to do it and what it is they were trying to achieve. It was a really good program that the whole community picked up on. People used to, you know, around the end of the year they used to call—when's the calendar coming?

JK Did you target special neighborhoods in Staten Island or was this was borough wide?

Murphy Borough wide, borough wide. Then there were three winners and they were prominently placed in the, you know, we had an award ceremony at the end of it and everybody got into it. It was a fun thing to do with I think positive results.

JK It's funny to think of the District Attorney's office as being focused on crime prevention as opposed to strictly prosecution.

Murphy I never was under the impression I was going to put myself out of business.

JK I would say not, that's fair. There's always something they hadn't thought of.

Murphy Cain and Abel came a long time before I did.

JK Well, one of the cases I found was a murder of a witness, Valerie Vassell, which was a truly remarkable set of circumstances in many ways. I'm just wondering if you wanted to comment on that, because it was a case that entered in your re-election campaigns and it seemed to have a life in the political discussion of the District Attorney's office.

Murphy Well, it entered into the campaigns because people on my opponent's side lied about the facts of the case and by the time anybody decided to listen to me and an explanation of what happened the tale had a life of its own. What happened was, Valerie Vassell was a bank employee who helped facilitate the theft of money from the bank and ultimately the thefts were uncovered and they guy who committed them was arrested. This is a guy who had probably the best luck of any criminal in the United States for the proceeding fifty years. Every time he was locked up somebody in law enforcement adopted him, whether it was the Manhattan's DA's office in one case, whether it was the Senate committee or other Congressional committees, this guy was the darling informant of an awful lot of people and as a consequence got pretty brazen about his activities, figured he could get out from under anything.

JK Michael Burnett.

Murphy Michael Burnett. Well, then he ran into Mario Mattei when he pulled this bank stuff here on Staten Island. There was no way that Mario Mattei was going to be cowed by any claims of good character or long time co-operator with government.

JK Who's Mario?

Murphy Mario was the chief of my investigations bureau. He's still in the office. I think he still holds that title. Mario is about the hardest nosed prosecutor I've ever met, thorough, could see things almost instantaneously that nobody else could come up with if they studied it for a year. He just had a sense of what was going on just from a cursory glance at it. It's an amazing talent. And he fought Burnett's every effort to get out. But then it became clear from the exchange of legal papers in the case who the witnesses were going to be, or at least who some of the witnesses were going to be, and one of them was Valerie Vassell. When we revealed her name, discussed with her relocation, her safety and how we could provide it, she declined every suggestion we had, whether it was moving her, whether it was temporary relocation, whether it was going to live with a relative, everything we suggested she declined to do.

Side 2

Murphy To eliminate her as a witness. They were out, she was out, they watched her activities. One day she went to have dinner with her mother and they broke into the house and killed her. It was her choice. We were as clear as we could be informing her what the dangers were and the limited alternatives we had to protecting her. She declined.

JK Did you think it was a realistic threat against her?

Murphy Oh, yeah. Because Burnett had a track record. There are different ways of escaping the criminal justice process, not always do you have to become an informant, if you can eliminate a witness along the line. Then that obnoxious behavior no criminal really wants to engage in but does for self-advantage. Burnett didn't hesitate to do that, and we knew he had a reputation for intimidating witnesses.

JK Did that destroy your case against him?

Murphy No, we were going ahead with it, and God got him before we did; he died in prison.

JK Oh. There is a God.

Murphy I never prayed for His intervention.

JK It is a tragic criminal tale. She was the witness. Was she involved with him?

Murphy Yeah, she was complicit. Because she got some money for setting up some paperwork, but not to the point where she deserved the death penalty.

JK No. But this case figured mightily in your re-election campaign against Guy Molinari.

Murphy Well, it figured mightily because I kept having to repeat the facts of the case. There was no denying she was dead and no denying that I wasn't going to be able to resurrect her, so I just explained to people that we had offered her help and she declined. You know, you sit there and contemplate it, you can't force people to help themselves or succumb to your offer to help.

JK But it must have been a difficult re-election. I'm sure that was the most difficult re-election campaign you faced. Were you surprised when the Borough President decided to go for your office?

Murphy Well, we were kind of down to the last week or so before the Republicans had to pick somebody. It started out in January with the rumor being that the Surrogate was going to run against me. He played with that for several weeks. Then there were a couple of other lawyers who floated their names, but they didn't float them for very long, and the Republicans were kind of out of willing candidates. On the day after Mother's Day in 1995 I got a call from an *Advance* political reporter and she said, "Do you know who's running against you?" I said, "No." She told me, "Guy Molinari." I said, "That's interesting. What does he think qualifies him to do that?" She went on, listed his qualifications so to speak. When I hung up the phone with her I called my wife and I said, "Guess who's running against me?" She said, "Who?" I said, "Guy Molinari." She said, "He needs a good beating. Let's give it to him."

JK You've got to love her.

Murphy And so we did.

JK But that was the only race he ever lost in his whole career. Looking at it from the outside when that was announced, I'm living in Queens and I see this happening and I thought, "Oh, my God, Molinari's a shoe in." I'm sure that was the approach he had and everyone else. Did you feel that you were an underdog or had an uphill battle in this?

Murphy Oh, yeah, and I portrayed myself that way until Election Day.

JK You assumed that he was, you let him be the frontrunner in every. Did you have debates?

Murphy Yeah.

JK What were those like?

Murphy He didn't know what he was talking about. He always had some wild eyed idea that for a dozen reasons made no sense within the criminal justice system, within the constitutional framework of the criminal justice system. He would just shoot things out of his mouth without any basis for them, and when pressed he couldn't come up with one. He was deft at changing the topic but never answering the question. He's articulate, so he could make himself sound good. But the first headline, first press release he had in the campaign was that crime was up on Staten Island. And then five months later crime was down. So, I simply asked if he was blaming me for crime being up, isn't he going to credit me for crime being down. And he couldn't answer it. And he wouldn't answer it. But I would ask the questions that if the ordinary citizen would seriously ask them of themselves they would see that he was running for the wrong office.

JK Indeed he was. And were you surprised by your margin of victory?

Murphy Yeah.

JK It was much wider than I had ever imagined.

Murphy It was about on target with my polling. There are severe restrictions on release of polling results and the like so we never talked about my poll except within the very small circle of close campaign advisors. And we wondered about the efficacy of that poll, but we had used this polling group once before and they were right on target, and I had no reason to think that they were wrong on this one. And they really were right on target. So, I had that in my mind when I went down to the gathering for the election returns. But I was still surprised, as close to two to one as it could be.

JK Yeah, and as your wife said he needs a good beating.

Murphy Yeah. Yes, that's absolutely true.

JK I guess in every elected official's life there's one campaign that really puts him to the test, and that seems to have been yours.

Murphy Yeah, and I didn't stray from message. I didn't play to him. I had a guy who became a very good friend who had worked on every one of Guy's campaigns up till that one, and he was outraged that Guy was running. He came in and we sat in that little room right out there and he said, "I'm going to tell you everything that Guy Molinari is going to do in the course of this campaign." He wasn't working on the campaign and therefore spying, he was just telling me from experience and he was right on every one of the counts. We were set for everything that Guy was going to do because of that information. And some of it was outrageous. You wouldn't think of this in advance if your life depended on it. My political life certainly depended on it and I never dreamed that some of this stuff was going to happen, but it did. There was one ad and it was Valerie Vassell

related, where Valerie Vassell's picture was on one page and mine was on another and I had a smiling face. It was outrageous. I told *The Times* editorial board about it and they asked me to send them a copy and I did. That absolutely turned them around, absolutely turned them around. They never told me that but I could tell that the interview hadn't gone as well as I wanted it to but once they got that thing there was no doubt who they were backing.

JK Yeah, I saw the endorsement in the back files of *The Times*. It must have been a gratifying win, ratifying your entire career so to speak.

Murphy Yeah, it was. That's exactly what it was. And then it gave me the opportunity to lead the nation's prosecutors, because the following June I became the president-elect, soon after that, it was July, I became the president of the National DA's. And there was one thing that I neglected to tell you about, that experience. One of the topics that bothered America's prosecutors, from the minute I joined the National DA's I heard about this. It was in situations where there were allegations of police brutality or police officers operating under color of law impinging on the civil rights of citizens and the topic was a concern to the National DA's because there were places in the country where whenever one of these incidents took place somebody would suggest that the victim's family go to the Feds because the local prosecutor wouldn't do anything about it. And it never gave the local prosecutor any breathing room to do an investigation because the federal presence was so imminent and perceived to be so much more powerful.

JK Especially in civil rights cases; in the post-civil rights era climate there's a rush of presumption that this is a violation and that you can't get justice on the local level but you need to bring in the Feds.

Murphy So for years we talked about what we were going to do about it. We started off with kind of a public relations campaign saying, you know, we can handle it and if we can't then the Feds have jurisdiction, we'll hand it over to them. That didn't prevent it from happening or stop the calls for federal intervention in many instances. So, when I became president of the National DA's I told the Association that one of the things that I was going to do during my presidency was address this issue with the Justice Department, and I went right to the top. I went to Janet Reno and I said, "You were a local DA, here's the problem." And she said, "We should do something about it." I said, "Well, here I am, a one man committee, have somebody call me." So, somebody from the civil rights division called me. I explained what the problem was. I explained how I thought it should be worked out, and this woman said, "Oh, this politics too big for me, I've got to go somewhere else." So, she put me in touch with a guy who had been around the civil rights division for his career in the Justice Department, and he suggested that I start out with Zach Carter who was the US Attorney in the Eastern District, which was the U.S. Attorney's Office that would intervene if something happened on Staten Island. I had known Zach when he was an assistant in Brooklyn. So, I met with Zach. We had informally been kind of doing this

thing the way I thought it should be done and the way Zach thought it should be done. So what we had to do was kind of set out and formalize the way Murphy and Carter handled things. When Zach got finished with his work he had to pass it on and he passed it on to this guy in the civil right division who had spent his career there, and he and I sat down for hours on end and negotiated a Memorandum of Understanding between the Justice Department and the National DA's Association. And then at the annual meeting of the Association in Wyoming – this was my last meeting, I was stepping down – Janet Reno and I signed the Memorandum of Understanding. A review by someone of my tenure as president of the Association remarked that my legacy as president of the National DA's Association was marked by this Memorandum of Understanding. I have no idea whether it's still in effect, there having been a couple of attorneys general since Janet, but it served the purposes of a clear understanding among all the parties with these color of law cases and police brutality cases. Operating under the Murphy-Carter thing which was the predecessor to the Memorandum of Understanding, Carter never saw reason to step in on any case that we began an investigation on, never superseded us, supplanted us, or took a case away from us. We investigated fully each and every one of them and we presented the cases fully to the grand jury.

JK There is always a temptation, and in fact it's one of the first things that shows up in the press, are voices calling for this has to be a federal case, we have to take it out of the hands of the local authorities. You're saying that this Memorandum of Understanding kept that at arms length with certain procedures that would protect the rights of the local DA to prosecute and investigate.

Murphy And took advantage of what the Feds could offer without superseding. If there was some expert witness on a particular topic that was available, they were made or would be made available to the local prosecutor to assist in the local prosecutor's investigation. And if the local prosecutor saw right away that he or she wasn't going to be able to successfully conduct the investigation, could hand it over to the federal prosecutor without ever appearing to be inept. The federal prosecutor isn't an elected official, the local prosecutor is, and that creates a great deal of tension because the actions of the non-elected person can cost the other person his job. And of course that was at the heart of the NDAA concerns and it's a legitimate concern.

JK Especially because it's a great opportunity for grandstanding and the headlines appear but the corrections are buried. Can you describe for me a scenario where it would be appropriate for the federal prosecutor, the U.S. Attorney to take over an investigation? I mean can you imagine a scenario where something happens and your reaction as District Attorney is, this has to go to the U.S. Attorney?

Murphy It might be that the Feds have a relationship with some witness in the whole thing, doesn't have to be a principle witness, or with some prior history

that would allow much easier communication than I could ever have. The State of New York has the most asinine immunity statute when it comes to the grand jury in the country. A witness who testifies and gives evidence in a grand jury receives full and complete transactional immunity, cannot be prosecuted for or on account of any matter, transaction or thing about which he testifies. So for me to think that I can get someone to give a confession to the grand jury does me no good, because if I put him in and he testifies and just mentions the matter being investigated he's got immunity. So, there are times when the situation would prohibit me from calling somebody who's an obvious witness while it doesn't happen to the federal prosecutor. And that is something that poses its ugly head not only in this kind of situation but in a lot more because of the stupidity of our statute. But I've been fighting that for eons.

JK And it doesn't have any sign that it will be immediately rectified.

Murphy No, it's blocked by the police.

JK What's their interest in having that blocked, having that situation of immunity?

Murphy Because if you want to call me and find out why I beat the guy I get immunity.

JK Oh right.

Murphy That's it. One year I almost had the PBA president, I almost convinced him. And if he had gone, both houses of the state legislature were ready to do it but he called the shots. When I was looking at this thing, I'm looking at probably more opportunities for me to give the case to the federal prosecutor but I wanted to be in the position where I called the shot so that I would get the first opportunity to explain that it's the stupid law that prevents me from getting to the truth of this case and therefore I have to give it to the Feds.

JK Is it that if a police officer testifies at a grand jury he gets immunity, or anyone?

Murphy Anyone. I'll give you the worst-case scenario that I ever saw. A lady living in Queens named McFarland and one day she's the victim of a homicide. The daughter in the family says her father did it and everybody buys the story, case goes to a grand jury in Queens, the daughter testified very graphically how the father did the murder and the father gets sentenced to life for killing his wife. Years later, the daughter confesses. Something about her testimony kind of corroborates her confession. The father's free, she can't be prosecuted.

JK Because she testified at the grand jury.

Murphy People against Marilyn McFarland, outrageous result. Outrageous.

JK Sounds like it's ready made for a Law and Order episode.

Murphy They've touched on it once or twice.

JK You retired and your chief assistant Dave Lehr ran for the office and lost to Dan Donovan the Republican candidate. Did you think that race was a reflection on you and your running of the District Attorney's office? Did you feel repudiated in any way by the way it turned out?

Murphy Well, that was certainly the direction in which Donovan took it. I think the race was eminently winnable by David, but he ran the worst campaign I've ever seen.

JK I interviewed him and I interviewed Dan Donovan at the college while I was there and their performances were night and day in terms of their persona and their presentation. But Dan Donovan did bring up the witness protection program over and over again as one of the cornerstones of his campaign. Did you feel that this was a reflection on you?

Murphy I had applied for witness protection money for years and never got it. The opportunity to use it or the situation in which it would be used were very few and far between in my experience, and the situation with Vassell on which that whole witness protection was, you can have all the witness protection programs you want, if people don't want to get involved what are you going to do with them, lock them up? You know, there's dreams and there's dreams.

JK How would you assess your tenure as District Attorney? What do you consider to be what you would like to be most remembered for or most honored for?

Murphy I think until I read the article in the paper yesterday the population of Staten Island continued to grow in a crazy way straight up during the twenty-one years I served as prosecutor. I think that people have plenty of choices as to where to live and don't consciously chose to go to a community that they think is crime ridden and doomed to failure in a lot of other ways. So I think that by assessing what's going on in any way of when you're looking to make a house I always take into account things like crime, education, and I think that the continued willingness of people from elsewhere to come and live here was due in part, I would never say in whole, in part to what we did in the DA's office.

JK There was the reputation of Staten Island as being the safest borough, even during the tough years of the fiscal crisis and the crack epidemic.

Murphy I think that the willingness of the citizens of Staten Island to elect me and then re-elect me four times was a mark of approval of the things I was doing and how I was doing. When I came to Staten Island the phone calls I got as chief assistant DA were heavily weighed to complaints by victims and witnesses as to how they were treated, usually by people in the DA's office. I made that my top priority, the way people were treated. I made that my top priority during my entire tenure as DA. In fact, I used to tell people during the interview process if I ever get a phone call complaining about you it's presumptively true and you're presumptively gone. So how people were treated improved and I think that lasted the entire time I was there. I know I never got a call as DA where someone complained about how they were treated by somebody in my office. Now, there were intermediary steps because of the bureau system that might have had to deal with these things but they were dealt with, if they happened they were dealt with and never got to me. And I would say that's the highlight.

JK Anything else you would like to add, anything I've forgotten to ask you about?

Murphy No, I think I covered pretty much everything and I think I covered it the way I wanted it to be covered.

JK Okay, well then we'll shut it off here. Thank you very much.

Murphy Well, thank you very much.

End

William L. Murphy

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