

# Michael F. Armstrong

Oral History Interview  
with Michael F. Armstrong

*Interviewed by Jeffrey A. Kroessler  
on February 4, 2009*

*Interviewed by Jeffrey A. Kroessler & Larry E. Sullivan  
on February 24, 2009*

## Justice in New York: An Oral History

### 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

Michael F. Armstrong  
Chronology

1932	Born
1954	Graduated from Yale University with B.A.
1955	Served in the United States Air Force
1960	Graduated from Harvard Law School
1960	Associate, Cahill Gordon
1961	Admitted to the New York Bar
1962-1967	Assistant United States Attorney for the Southern District of New York; Chief of the Securities Fraud Unit, 1965-67; in 1967 prosecuted Florida industrialist Louis E. Wolfson and his business partner Elkin B. Gerbert for selling 690,000 unregistered shares of Continental Enterprises, a firm they controlled.
1968	Partner in Cahill Gordon Reindel
1970-1972	Chief Counsel to the Commission to Investigate Alleged Police Corruption under Whitman Knapp (Knapp Commission).
May 9, 1973	After Queens District Attorney Thomas J. Mackell resigned after his indictment for obstruction of a governmental investigation by a special grand jury empaneled by Assistant Attorney General Maurice H. Nadjari, Governor Rockefeller appointed Armstrong to the office; Armstrong declined to run for the office in the general election in November.
1974	Partner in Barrett Smith Shapiro & Simon, later to become Barrett Smith Shapiro Simon & Armstrong.
1974	Represented and arranged the surrender of fugitive radical Jane L. Alpert, who pleaded guilty in 1970 to conspiracy for her involvement in a series of bombings of government and corporate buildings in Manhattan in 1969 and then skipped bail before sentencing.
January 1986	Represented Donald Manes after the Queens Borough President's suicide attempt as the Parking Violations Bureau scandal became known.

- 1993 Partner in Kirkpatrick & Lockhart LLP
- 2002 Partner in Kronish Lieb Weiner & Hellman LLP
- June 2, 2005 Appointed Chairman of the Commission to Combat Police Corruption (created 1995 in the wake of the Mollen Commission);  
“The best formula for a corruption-free department is to have a tough, knowledgeable, hands-on police commissioner, and we have one now.”
- Jan. 8, 2007 Joined Howrey LLP as a partner in the firm’s new New York office after Kronish joined Cooley Godward.
- 2007 Supported Martin Tankleff’s bid for new trial/dismissal of charges
- April 2008 Appointed special advisor to Attorney General Andrew Cuomo for investigation of the New York State Police (Troopergate, the misuse of the State Police by Governor Elliot Spitzer).
- 2009 Partner at Lankler Carragher & Horwitz.
- 2012 Published *The Wished They Were Honest: the Knapp Commission and the New York City Police* (Columbia University Press).

## Michael F. Armstrong

February 4, 2009

Armstrong [discussing his writing a book] I wrote seven hundred typed pages, and publishers all said, kind of consistently, the writing wasn't that bad, it was all right, but it lacked a thread, which I had done deliberately. Because all these books that lawyers write, they're always about them. And I figured I'd write a book not about me, but about the things I've seen. I'm an observer of these crazy things. I was there to watch Alan Dershowitz lie his head off.

JK We'll edit that part out.

Armstrong No, you can keep it. And so, the result was a series of independent things that lacked a thread that was necessary. And I'm not a writer, but just so you know that I've already been involved in this kind of an effort in various ways, several times.

JK A lot of individuals in your situation, with your kind of career, do not have a sense of documenting or telling a story or having a narrative. For a lot of them, it's just, "I did this, it's an incident," and there isn't a reflective aspect to it. But you've obviously done some thinking about yourself and your career, as opposed to simply getting the job done from assignment to assignment.

Armstrong Yes.

JK One of the things I do is put a chronology together; it's a little sketchy in ways.

Armstrong Goodness gracious.

JK It seems you had a gap between Yale and Harvard, between law schools. You were in the military?

Armstrong I flew jets. Actually, it wasn't between Yale and Harvard. I pulled one of the real smart things. I was in ROTC, and I'm graduating from ROTC in 1954. I'm going to pilot training.

JK This is the Air Force?

Armstrong Yes. They scheduled me for a class that was, like, in November of the year, at a time, if I go to law school, I would come out at that time, and I'd have to wait a year, so I'd lose a year in law school. Well, a year at that time in your life is the most precious thing in the world, so I said, "Ah, I know what I'll do. I'll go to law school for one year. I'll get them to put off my entry date in the

Air Force until the end of that year, and then I can get one year in, and then I'll come back after." Well, number one, the year was a total waste. Total waste! I mean, I was not ready to go to school. I think I was in the top half of my class by about three, and I always wondered, "Who are those guys in the bottom half of the class?" But then, also, when I went in, they did away with the G.I. Bill of Rights. So, whereas I would have had the second two years paid for, it didn't get paid for. And thirdly, by the time I got out, they were granting early-outs, so if I got in in my regular time, I would have gotten out in time to go to law school. But, in any event, that's where the three years went, being a fly boy.

JK Those are not quiet years, I would take it.

Armstrong Oh, no. They were very quiet years. I mean, I went through training and then went down to San Antonio, Texas, and got a training job, and I would get my flying in by getting a buddy and going down to the flight line and getting a couple of planes and go up and shoot each other down all afternoon. It was great fun. But I didn't fire at anybody in anger or anything. The Korean War was over, got over when I was, when was that? It had started when I started in college. It just started in 1950 and the coach of the Yale football team, the varsity coach, a fellow by the name of Herman Hickman, who was three hundred pounds of All-American guard from Tennessee, he came out to the freshman field and he said to all of us out there, "I want all of you fine young boys who are not in ROTC today, to be in ROTC tomorrow. I do not want my football team in Korea!" So, we all went out and joined.

JK That's smart.

Armstrong Well, as it turns out, it was dumb because, as it turned out, they didn't draft students out of college. You see, we didn't know. In World War II, they cleaned out the colleges. Korea – who knows? Well, they never drafted out of college, so I didn't have to waste one-fifth of my education. But then I wouldn't have had a chance to fly jets, though.

JK You went from undergrad to graduate, controlling for the Air Force for a second, and immediately into the law. Was there any guiding factor that sent you into the law, or were you always determined that the law was going to be your career?

Armstrong Neither. It was kind of inertia. I kind of had a romantic notion about trial stuff, which, you know, you don't ever admit to anybody at that time. But kind of the idea of the Perry Mason type thing was fun, and I really didn't have any driving interest. My father had a little advertising business and I was always, I wrote my ninth grade vocational report on being in advertising. I thought I might go into advertising, I might do it. But then I kind of really got into it because there wasn't anything major, anything other pulling me. It had been, I don't know, and it was easy to do in those days.

JK Well, you didn't have the competition, you didn't have the LSATs.

Armstrong Well, you had the LSATs, but you didn't have the competition. I did well in high school. You know, well. But I wasn't the biggest anything. I mean, I was captain of the football team and I had good grades, up toward the top of the class. I was the lead in the junior play. I had the kinds of things you put on a resume, but I wasn't, didn't knock your socks off. In college, I did well, but not blindingly well by any means, I mean, by any means. I only applied to one college and law school. Harvard and Yale.

JK That's confidence. In these days, it would be arrogance.

Armstrong Yes. But that's the way, there really wasn't the kind of competition around that would lead you to think that there was any problem in doing that. And I don't know where everybody went, but anyway. I didn't have a driving impulse, but I kind of had a feeling I'd like to do that. And for reasons that I didn't really admit.

JK And, over the years, it seems that your impulse has been born out. You've got what you might call an affinity for the law.

Armstrong Yes, sure, sure. And an affinity for the kinds of things that, you know, the fun things in the law.

JK What are the fun things in the law?

Armstrong Well, taking the Knapp Commission, for instance. The Knapp Commission was, I understand, turned down by at least a couple of other guys. I think Peter Fleming turned it down, being counsel. I'm not sure, but I think he did. I never asked him. But people said, "You're crazy, and the only way you'll ever make anything out of this is to get the cops to talk, and cops don't talk," and it would waste a couple of years. So, doing things like that and taking the Queens D.A. job just for the period until the election, and announcing beforehand that I wasn't going to run. I did what I felt, I did what was fun, and I had fun.

JK It seems like your career started off in a fun way. You almost immediately went into the U.S. Attorney's office.

Armstrong Well, two years. I went to Cahill, Gordon, and I was an associate. I went to Cahill, Gordon in 1960, and in 1962, I went in the U.S. Attorney's Office, which was the rule then. I think it is now; you had to have two years someplace. So, I went in. You had to take a cut in pay to go in there, but at the two-year level, it wasn't quite as bad as it would have been had they been hiring out of law school, which they weren't. But the pay for the first year associate at Cahill,

Gordon then was \$6,500. Of course, dollars were less. An ice cream cone cost a nickel or a dime.

JK But still, it's not the big bucks that we associate with people going into firms right out of law school today.

Armstrong I think proportionately it's much bigger nowadays. But they made it, Cravath [Cravath Swaine & Moore] made it bigger. It was \$6,500 and then it went to \$7,200 right in that first year. And then right within one of those years, Cravath raised it to \$15,000 because their principle was, "We'll price everybody else out of the business." The problem was, everybody else went along. So, the opening rate became \$15,000, almost double, and then the race was on.

JK It's funny that you mention that, Cravath doubling the starting salary for associates, because several other people I've talked to have mentioned that as a defining moment in the legal profession in New York City and State. The idea that at one point there wasn't that big a difference going into the prosecutor's office, as opposed to the private sector. But at that moment, the private sector suddenly attracted an awful lot of people out of the public sector.

Armstrong That's interesting because it certainly did go up. I was already in and I was already planning to go out.

JK Why did you go into the U.S. Attorney's office, rather than stay in the private sector? Not everyone makes that choice. And as you said, is there fun in that?

Armstrong Well, the thought I had, which I'll just give to you as a thought, and I'm not sure whether there's anything you want to take down, but I think you're talking about defining moments. Our office, those pictures on the wall in there, was, first of all, all men in the criminal division. There were no women. And we were getting paid a substantial amount less than we could get paid outside. As result, in those days, the man was the bread winner in the house. Two-income families had not yet become a common thing, and so, everybody in that office either was married and had a family that they had to support, or was looking forward to doing so. And, as a result, they couldn't stay for very long. They had a three-year commitment, and most people did their commitment and left. So you were there for three years, four years at the most, and then you left. I stayed a little bit longer because I got one of the few positions, I just kind of eased into it, it wasn't because I was better than anyone else, but I was just in a position to become Chief of the Securities Fraud Unit, because I had been on a long case with someone else. What happened is that the office had no structure to it in the sense that you didn't have sub-bureau chiefs and people; you had a bunch of assistants, and they were in the Criminal Division and that was that. And you had one or two jobs, political jobs at the top, the U.S. Attorney and the Chief Assistant, and you had Chief of the Securities Fraud Unit, Chief of the Narcotics



Unit, who was permanently Bill Tendy, and Chief of the Organized Crime was Harold Baer. And that was about it. And the interesting thing to me is you didn't consider that you were in competition with the people with whom you served. You were there for three years. Everybody's there, everybody's buddies, and you weren't striving to become sub-chief in the Consumer Affairs Division or some goddamn thing. And I think that the result was a group of people who graduated during that time, the people who went through the office at that time, who, first of all, were very close friends, and who lacked any kind of ambitious competitiveness with each other. It made for a really excellent office and good friendships that lasted afterwards. Frankly, I think what happened was, I think they started letting women in. Sil Mollo used to say, "There aren't going to be any women in the Criminal Division while I'm around!" What he meant, and he said, "They're not tough enough." And "If you gotta to say 'shit' in front of a defendant every once in a while, and you can't do that in front of a woman." Well, he was so wrong. I came to conclude that when they started letting women in, some of whom are very good friends of mine, Sil was right! They should not have let them in the Criminal Division, but for the exact wrong reason! They were tougher than anybody! They had to kind of prove that they were, oh, boy, were they tough! Then, once you got a lot of women in and it became like anybody else, then they relaxed and now, I think, women and men are just about the same.

JK      The world did not end when women entered the office.

Armstrong      No. But what happened was, you started having people who could stay longer than three years, because a woman did not have the primary responsibility for a whole family. And at that time, two-family incomes began to come in, and the woman could stay. Either she was supporting herself, which was okay, or, she was married, in which case, there were two. But this is just my own little theory. And so, women started staying longer, and that caused men to stay longer, and they were facilitated by the fact that there were two-family incomes at the time. So, people were now staying five, six, seven, eight years, and still, they stay ten, twelve years now. Also, then the office got big, and so they started having chiefs of this and that, and sub-chiefs.

JK      It seemed like it was a rather intimate shop when you first joined, and you could actually get to know just about every other attorney in the office.

Armstrong      Oh, absolutely you knew every other attorney!

JK      And now that would be almost impossible.

Armstrong      Yes. How many do they have down there now?

JK      I don't know. It's over a hundred, I would guess.

Armstrong Oh, well over a hundred. We had about sixty, I think. But I think they might have two or three hundred.

JK It's enormous, isn't it?

Armstrong Yes. That's right.

JK What about Bob Morgenthau as the United States Attorney?

Armstrong I didn't see much of him when I was an assistant. I mean, what he did was he let us do our thing and he backed us up. And he backed us up well. One of the cases I had was the Louis Wolfson case.

JK Securities fraud.

Armstrong Yes. He was a financier and the indictment was a violation of Section 5, which is a sale of unregistered stock, which he maintained and maintained until his death, was a horrible miscarriage of justice. He may have been right. It was the first time that anyone had ever been prosecuted solely for violation of Section 5. But Wolfson had connections in very high places and used those connections to try and come through on a promise that he said he had had, I believe, from Clark Clifford, that he would get a hearing in Washington before the case was referred to New York for prosecution, and he never got that hearing. He was pressing for that while the Grand Jury was going on, and telling people, "Don't worry, this case is going back to Washington, and when it goes back to Washington," presumably, "it is going to be deep-sixed and it's going to be taken care of." Bob Morgenthau, at the time, got a telephone call from somebody that he didn't even tell me about until years later, from Bobby Kennedy, who had been Attorney General. And Wolfson was a big Democratic supporter, and ultimately, it was his connection with Abe Fortas that got Abe Fortas removed from the bench. It was our investigation that got the information about Abe Fortas that ultimately led to Abe Fortas being removed from the Supreme Court, and Wolfson was the connection. But Morgenthau came to me years later and said, "Hey, you know who called up on that case? Bob Kennedy." I said, "Really?" He said, "Sure." He just never told me. I mean, I'm running a Grand Jury investigation! If I continue to run the Grand Jury investigation, the Grand Jury is going to do what they have to do, and if he gets indicted, he gets indicted. If you're going to get the thing stopped, you've got to tell the Assistant. Bob just didn't tell me. Now, that kind of support for what you were doing and that kind of backing up of the people who were in the trenches was something that Bob was great at. He let us do our thing, and he took personal interest in some matters. I mean, he certainly took more interest in the Roy Cohn case, which was around at the time.

JK Several versions of it came through that office, I think.

Armstrong That's right.

JK If not this, let's try this.

Armstrong Yes. As I said to people who said they've got a vendetta against him, I said, "Well, who better to have a vendetta against?" But I don't think it was. I had nothing to do with that case, so I don't know.

JK How did you get to be head of the Securities Fraud Unit and, by the way, it must be awfully interesting these days for you, as a former head of Securities Fraud, to be looking around at what's been revealed in the last couple of weeks.

Armstrong Sure. Well, the Securities Fraud Unit at that time, consisted of, I think, six guys, maybe five. The first head of the Securities Fraud Unit really was Arthur Liman, and then Peter Morrison took over for him. I had been drafted to be on a lengthy securities fraud case as number two man to Shelly Elson. It was the Automatic Water case. It went five-and-a-half months before a jury. And Shelly was very nice to me. I was a rookie. I had had three or four cases before I was put on this case, and he gave me some witnesses to handle and he let me take a third of the summation. And he was a mentor, I mean, he really taught me. But I got done with that and I had a hell of a lot of experience. Then I got into another case because of that, and it was just a kind of a matter of Peter Morrison was head of the unit, and it was really just a matter of seniority, I think, that I was the most senior guy there. Paul Grand was in the unit and Larry Newman, the guy doing this history, and Tom Cahill.

JK Is Tom Cahill from the law firm that you were in?

Armstrong No, no, no. That's John Cahill who convicted Judge Manton back in whenever.

JK Who was just in the news, Judge Manton.

Armstrong Yes, what did he do?

JK His portrait.

Armstrong That's right. [Chief Judge] Charlie Brieant had him up there [on the wall of the federal courthouse in White Plains] to show, he's Chief Judge of the Second Circuit Court of Appeals and he was corrupted and he needed a special prosecutor, and they reached down to Cahill Gordon Reindel & Ohl, which was, of course, Cotton & Franklin. Cahill was one of the giants in the bar in those days. He gave special counsel a try, and then went back to being senior partner at Cahill Gordon. No, this was Tom Cahill, who subsequently was head of the State Liquor Authority. But I'm saying, we had a group of about five or six guys and we would take securities cases that would come in to us and handle

them ourselves and then farm some of them out. If we couldn't handle it, we'd get somebody, you know, one or two cases that would be handled by other assistants and just farm it out and see if they could take it. I am now the oldest living ex-Chief of the Securities Fraud Unit, because Arthur and Peter are both dead.

JK Was that a growth industry, securities fraud?

Armstrong Oh, and how! And how! Bob Morvillo has a great theory that he likes to espouse; he says that we created the market that we then plowed, to mix a metaphor. We were there in there, and Bob, he wasn't in the unit, but he handled big cases, since Morgenthau was really interested in going after white collar crime, and we did. We went out and we made criminal cases in areas where there hadn't been criminal cases before. We created a whole kind of an industry of prosecutors going after people for 10.b.5 violations and Section 5 violations and other things. Not just the normal run-of-the-mill boiler room people, but big people. Then having created this industry sort of, and an appetite for it in the prosecutors, we then all went out into private practice and defended the people who were subsequently indicted. Bob always says that our group really created the business, and then went out and defended it.

JK Not so ironic, really. You go where the business is.

Armstrong Sure. That's what I know. I think that's true.

JK Why did you decide to leave the U.S. Attorney's office at that point?

Armstrong Well, I'd been there five-and-half years.

JK Well, you've had a long career. Five-and-a-half years is a blip.

Armstrong When you're two-and-a-half years beyond the time you told your wife you were going to be there, and when you've got three small children and the pay becomes very important, economic reasons. I loved it. I would have stayed, prosecuting people for a long time, but I went back to Cahill and got paid a significant amount more. It was economic. As I say, that's what drove most people in those days. I stayed longer, kind of hanging by my fingernails, economically.

JK So, you decided to leave and go back to Cahill for economic reasons?

Armstrong Right. I went back as an associate and then a year or so after I went back there, I made partner and I was there for two years.

JK You had just returned to the private sector, happily earning a living after several years.

Armstrong Yes. I made partner there after a year or so, and then the Knapp Commission came along.

JK Well, that is the question. You could have said 'no.' Number one, how did they find you? Number two, after a couple of years in the private sector, it must have been enticing to remain there. And number three, it's a difficult position to accept. I mean, you can call it fun, but you also knew that this was not going to be an easy assignment.

Armstrong Frankly, for me, it was not a hard decision, it was intriguing. The idea, the fun. It was a challenge and it was, I don't know, I talked Joan into it. You see, I forget what I was being paid, but it was considerably less than what I was going to get, certainly, as a partner at Cahill. But it was sufficient. You know, you get to a certain point, and it's enough. The difference between what you're making and what you could be making in the private sector might have increased percentage-wise, but the amount you're making in the private sector was the amount you could use to buy a second car with, and I didn't need a second car. So, you could get by on what, I think the pay at that point was forty thousand dollars. And I don't know what I was getting as a partner, I forget, but it was certainly considerably more than that. But when it came along, how did I get it, you asked how did I get it.

JK And why you?

Armstrong When Frank Serpico made his charges, and he did, he made charges, and went to the *New York Times* and made charges that there was corruption in the Department, that he had witnessed, and that he had reported it, that the Department had not done anything about it.

JK And the *Times* printed this article in April of 1970, and by May, they are trying to put this Commission together. It's an awfully intense period.

Armstrong Well, the Mayor wanted to be President. And the Mayor, he wanted to scotch this right away. The first thing he did was appoint a Committee to look into this. The Committee consisted of the District Attorneys, the Commissioner of Investigation and somebody else. And right away, they got about three thousand complaints. I made the number up, it could be three hundred, but it was a lot. And here are these five guys with no staff, and jobs to do, and a table full of complaints. And not only that, they had a built-in conflict of interest. Because the District Attorneys were complicit with the cops in a lot of these things, maybe, and so, Lindsay then withdrew the mandate from them and appointed Whit Knapp as an independent, I don't know what you call him, special, not prosecutor, he was an independent whatever he was. Independent Commission. They set-up a commission by executive order, and backed it up with a City Council resolution that set-up this Commission, and they picked Whit as the Chairman, and then the Mayor picked the other Commission members. They

were Cyrus Vance, who had been Assistant Secretary of Defense and subsequently became Secretary of State; Frank Thomas, who had been counsel to [Vincent L.] Broderick when he was Police Commissioner, and subsequently, he was to become President of the Ford Foundation; Joe Montserrat, who was President at that time of the Board of Education; and Arnold Bauman, who was a prominent defense lawyer, who had been in executive positions in the U.S. Attorney's Office and the District Attorney's Office. And then they were given the job of selecting counsel. I had had a case with Bauman, so he knew me. And Frank Thomas and I had been in the U.S. Attorney's Office together, so he knew me. In their search, I don't know how they went about it, I never talked to Frank about this, but I've heard that they went around, asked people that people knew, would they take it, and a couple people said, "No," and then, through Frank and Arnold, they came to me and I said, "Yes."

JK Was it risky for you to have done that?

Armstrong Risky, do you mean, in a physical sense?

JK No, career-wise, risky among your colleagues and peers?

Armstrong I don't know. I didn't give it much thought. I mean, I was already a partner at Cahill Gordon. I felt kind of comfortable in that, and they would back me up. I would, of course, talk to my partners first. There was some thought if there was publicity, it wouldn't hurt the firm. They said they'd go along with it, so I took a leave of absence from the firm. So, I don't think it was very risky. I could always go back to Cahill Gordon, and, in fact, I did. I went back to Cahill Gordon, actually a year before I actually went back to Cahill Gordon because the hearings were over and there was no goddamn money to pay anybody. I went back to the firm and they supported me while I was taking the year, really, to write the report. We had a couple of people, again, it was a little coterie of people who worked on it, but I did actively and spent most of my time doing it, but I was being paid by the firm.

JK That's a question. Sometimes firms aren't thrilled when you decide to take a position outside, but it's interesting that they were supportive of this.

Armstrong Yes. Well, there was a particular partner there, Larry McKay, who was a litigator and a character and had a lot of weight in the firm, and he was behind it and I think he pushed it, and I remember his saying when we'd finished making our recommendations and we had, I may be mixing this up, but Whit got a call from Nelson Rockefeller after we made our recommendations, and our chief recommendation was the appointment by the Governor, actually by the Attorney General, but appointed by the Governor and it would have to be the Attorney General who would do it, of a special Attorney General to handle criminal justice matters in corruption in the criminal justice system, corruption prosecutor. And we never talked to Rockefeller before we did it. It was the typical inept political

way in which we operated, and we never talked to Rockefeller. And Rockefeller, who later said publicly the establishment of that Commission was the most important thing he'd done in his entire time, he calls up Whit Knapp and says, "I'd like to talk to you." So Whit and I go up to talk with the Governor at his office, and I figured it would be a "Hiya fella," and then he could say he talked to us. We spent three days with the Governor and with the Lieutenant Governor and with a couple of other people, hammering out the outlines of what this Knapp Commission was going to be. And Maurice Nadjari was picked to be the special prosecutor. It was offered to me and I turned it down. I said, "It's not appropriate. I made the recommendation to create the job." Besides which, I did want to get back to the private practice. Then, later on, there was a big ruckus with Nadjari, which I won't bother to get into, but it was a huge ruckus. In the course of it, Rockefeller, this is before Hugh Carey, all I remember is that Rockefeller wanted to appoint me to something, and I remember Larry McKay saying that he'd go back to his partners and his partners would have to say, all I remember is him saying, "You guys voted for him! I didn't! So you go tell him" that I couldn't do it or whatever it was. But back and forth, it was a thing with the firm, but by-and-large, it was McKay kind of making sure that I'd be all right.

JK     You jumped all the way to the end of the story, which is your making your recommendations and presenting them publicly, and in a sense, blind-siding Rockefeller in saying, "We want you to appoint a special prosecutor."

Armstrong     We didn't do it deliberately. It never occurred to us. We said, "Well, I think it would be a good idea to do this, so let's recommend it." We just weren't sophisticated in the protocol that should have been there, particularly since Lindsay and Rockefeller hated each other.

JK     Yes. You are truly walking on thin ice between two, in a highly charged political atmosphere.

Armstrong     Sure.

JK     And two very prominent Republican politicians.

Armstrong     We were innocence itself.

JK     Well, people say that there are cycles of police corruption, but there are also cycles of police corruption investigations, and there hadn't been one for...

Armstrong     Twenty years.

JK     For twenty years. And, what's interesting to me is that the previous one, which comes out of the bookmaker, Harry Gross in 1950. That was the previous bloodletting in the police department and the revelation of the kind of corruption, shaking down book-makers and the like. And what's surprising is that the kind of

corruption you're uncovering is not that much different from what was going on in the 1950s. It seems as though the culture of the police department had not been affected by the previous investigation.

Armstrong Well, as we were talking about this before, I think the culture was affected by us, where it hadn't been affected before, because there wasn't any systemic attempt to go at it systemically, before. And whereas people focused on convictions, you convicted people and sent them to jail, and Bill Phillips said that, on the corruption thing, it just made business better. Because he knew how to go about things, and people were scared, and he could move in, and afterwards, they'd relax and he could go in and make more money than before, in a particular area. But what we had brought out, I told you before, Frank Serpico had this statement which was, "Ten percent of the department is absolutely corrupt, ten percent is absolutely honest and the other eighty percent, they wish they were honest." And, what happened was, and the percentages are all off, but that eighty percent were called "grass-eaters" by Syd Cooper. Sydney Cooper was Serpico's mentor. He was a character. I mean, he looked like Kojak. He was burly; he was an artist and a poet as well as being as tough as nails. They said that when he was a sergeant, he'd steal a hot stove. And he himself said, "Thank God for the statute of limitations." So, he understood, but he was tough on corruption. He used to characterize people. He'd say, "There are grass-eaters and there are meat-eaters." Well, the grass-eaters, I think, got the chance to go straight. And Pat Murphy, who was the Police Commissioner at the time, was intent upon doing something about corruption, and the climate had changed so that now it was looked down upon, and it was looked down upon in the department. What happened was, the eighty percent, the grass-eaters, given a chance, they turned around and became honest. And for the first time, you had police officers testifying about other police officers. This blue wall of silence that supposedly existed, well, we found out that the only reason that police officers didn't talk is that nobody asked them. I mean, if you catch cops doing illegal things and then say, "Talk or go to jail," they'd talk, just like anybody else. We caught four of them, four of them came to our attention, one way or another, and they all talked.

Side 2

Armstrong [discussion of Bob Leuci] You know, we figured, if we blow it in our hearings, then the cases he can make won't be made, and he can go on now for a year-and-a-half. So, we gave him and [Nick] Scoppetta and two agents, over to the federal government, to John Mitchell, and they set-up an investigation.

JK We were talking about the cycles of reform, as well as the corruption.

Armstrong Oh, yes. I'm saying that I think that when our turn came, and the Mollen Commission came twenty years later, said this. They said that the lower level of corruption, the pervasive swamp of corruption that the police department was, had really been cleaned up. That they didn't find systemic corruption at a



level throughout the department. The way I would like to put it is that you could still be corrupt, but you have to lie about it. You didn't brag about it. When we were conducting our investigation, there were people that actually bragged about doing corrupt things that they didn't do because it was so much to be one of the boys. And it was such a given throughout the department, there was one cop that testified for us, we didn't catch, he came out of Channel 5 and then we got him. He was a black cop in an elite black unit that was totally corrupt. He said he went into a store once, there was a fire in a store, I mean, not a blazing inferno, but a fire in a store. The firemen and the cops showed up and shut the door and then everybody started stealing everything they could steal. He said, "I took a shirt and it wasn't even my size!" You know, that's the way you did things. We had some cops, incidentally, told us rather cynically, that if you want the real, the best anti-corruption measure you can make is to give the firemen skin-tight boots. Now, that's a cop talking about a fireman. But that attitude, I think, changed. And what also changed, though, at the same time, was our meat-eaters, our Bill Phillipses, our meat-eaters were cops who took money in order to allow criminals to do what they wanted to do unmolested. That's the basic part of it. There are a lot of other ways in which they took money, but they took money from crooks, so the crooks could do what they wanted to. By the time of the Mollen Commission, with the increased acceptance of drugs in the society in general, and with some drug culture, had become a much different thing. You now had meat-eaters who were in competition with the crooks. They had become crooks themselves.

JK      They were stealing from the bad guys; they were in the trade themselves.

Armstrong      Yes. And the people uncovered by the Mollen Commission were much worse than the worst people that we uncovered. They were crooks! I mean, real dangerous, nasty crooks. So, that ten percent had gotten worse. But they didn't find anybody. Of course, there's a few, but the old statement that used to be made by every supporter of the police department, "Well, there may be a few rotten apples in the barrel," and we found that the barrel was completely tainted. But now the rotten apple idea was more accurate. And since that time, I think, the inertia has taken over to the point where the Internal Affairs Bureau, which was not functioning well at the time of the Mollen Commission, is now functioning extremely well. And so, I think there was a change, is what I'm saying, and I think there has been a change, and I don't think they're going to find, there may be a scandal, but IAB now is pretty much on top of everything. When you read about corruption, you're reading about something that IAB is investigating. So, I think progress has been made considerably. Also, it has a great deal to do with the Commissioner. Leary, the Commissioner at the time of the Knapp Commission, was kind of a weird duck, political intrigues and all that kind of stuff. And he certainly wasn't doing anything to help the anti-corruption forces. And there were anti-corruption people in the department at the time. They had made a big case in the department and had it reversed because the Supreme Court changed its view on wiretaps. So, since there are taps involved in all those cases, they were out the window because the Supreme Court had changed. And Pat Murphy's heart was in

the right place, but frankly, I don't think he was a strong leader. Now, Ray Kelly, I think, is on top of things. I think Ray Kelly is an excellent police commissioner, and an excellent police commissioner who is intent upon seeing to it that there is no corruption in the department. That goes a long way, because you know the old concept of command accountability. You go down the line, and if there's corruption, you hold the supervisor responsible, and then he holds responsible the supervisor below him. It is now a situation, I think, where there is, of course, corruption, but I think IAB is pretty much on top of it.

JK It's unusual to have police officers implicated in protecting a gambling ring, a mob gambling ring, for example.

Armstrong Yes.

JK Whereas in those days, it was business.

Armstrong De rigueur. Right. I mean, nowadays, there are guys who might be tempted, but they're afraid to.

JK You have a lot to lose.

Armstrong Yes, you have a lot to lose. And also, I remember they used to play the last line of – in our hearings, there was a guy, Ed Droge, who was the second police officer that we had captured. Bill Phillips was the chief guy. Thirteen years in the department, and every minute of it corrupt. And proud of it. I mean, I remember I got in a philosophical discussion with him once about the eighty percent, and do they want to be honest, and he said, "Yes, I think they really want to be honest." You know, the pride. I said, "Look at your kids and have them take pride in the fact that you're a police officer, and isn't that enough? Wouldn't they rather have that?" He said, "Yeah, I think so." I said, "How about you?" And he started to go and say, "Yeah," and then he went, "hey." He had a smile and put his hands out. But Droge was a young cop who had gotten caught for not showing up on a minor narcotics case, not showing up in court.

JK To testify, you mean, as the arresting officer?

Armstrong Yes. Well, he wasn't going to be there anyway. He was going to California. He was going to be enrolled in UCLA, which is what he did. And he was going to California. So, he wasn't going to be at the hearing, anyway. And then the guy, a friend of the defendant came to him, and offered to pay him three hundred dollars not to be there. And so, he figured, "What the hell." He took the three hundred dollars. But then, when the guy got arrested, he told about this thing he'd had with the cop to us, and we sent a wire back, and we got a wire of Droge talking to the guy, this is before he went to California, talking to the guy and acknowledging the fact of the bribe and the whole bit. And then he left, and he left for California, and we really, frankly, didn't have the money to go get him. I

had a friend who was an associate at Cahill, a friend of mine who had been in the D.A.'s office, who happened to be working for Cahill on a case out there, and I called him up and I said, "Hey, will you do me a favor? Would you look this guy up? He's out there, staying at..." We knew where he was staying. "I'm going to send you a tape, and just play him the tape and tell him to call me." So, Joe Foley went out. He's a professional, so he knew how to do it. He went out and he got the guy. The guy had, that day he had paid his tuition for UCLA. He was going to stay there, he had a wife and kids, they were going to move out, and he wasn't going to be in court, anyway.

JK      He wanted to go straight. He wanted a different life.

Armstrong      He wanted to be a lawyer! He was going to go to UCLA. He was a young cop, who was a hero cop. I mean, he got decorated, but he was a kind of mild-mannered guy, and he wanted to – I remember I got on the phone with the guy and Foley had just played him the tape and he called me up and I said, "Look, as of right now, nobody knows about this but us. If you talk to us, we can make kind of a deal, and I think you better." He said, "When should I do something?" I said, "Well, I'd like you to come back tonight." He said, "Well, I don't have enough money to buy a round-trip ticket." I said, "Well." He said, "What you're telling me is I'm not going to need a round-trip ticket." I said, "No, you're not going to need a round-trip ticket." So, he came in that night and we debriefed him and we got him, and he testified for us as the other side, the honest, the grass-eater, the eighty percent, and there it was, in person. But the last question I asked him, I had prepared him, obviously, prepared him as you prepare a witness, but I didn't tell him that I was going to ask him this, and he had finished telling about all the things he had done, and I said, "Officer Droge, you were enrolled in UCLA, ready to take your wife and kids who were coming out, and you were hopefully going to embark upon a career and become an attorney, and that's all dead now because of a three hundred dollar bribe. Was it worth it?" And his voice broke and he said, "No way in the world." And they used to play that at the Police Academy.

JK      "No way in the world."

Armstrong      "No way in the world." P.S., what actually happened to him was, we got him immunity. In other words, he was not prosecuted and he went off and went to Yale, and he went into teaching, and he has been a prep school teacher for thirty years.

JK      Was that his only indiscretion?

Armstrong      Oh, no.

JK      No? He had the garden variety, on the pad, like everyone else?

Armstrong It's all in our report, what he testified, and what he testified to was just exactly the garden variety corruption. He testified that he remembered how he first got into it. I happen to remember that. He said he was a young, bright, eager cop, out late at night with some old "hair bag" who was out there with him, and a car comes whistling by, way over the speed limit, and screeches and kind of goes three or four or four or five blocks down the road, hits a telephone pole and comes to a stop against the telephone pole, and Ed ran the whole way. And he said when he got there, just as he arrived, the old guy pulls up in a car he had commandeered. He had stopped a guy, he didn't have to run. He got there and got out and the guy was drunk, and the car was not badly damaged. The guy takes out a ten dollar bill and he says, "Occifer, no harm, no foul." So, the cop says, "All right. Go on, take off" The guy gets back in the car and drives off and the cop took the ten dollar bill and stuck it in his pocket and took out five dollars and handed it to Ed. Ed said, "I looked at that five dollars and that was it. I was on my way down the primrose path." And what was he going to say to this guy, twenty year veteran? "Oh, no, sir. We don't do that kind of thing."

JK You can't do that.

Armstrong Well, you can, but --

JK It is very difficult.

Armstrong The slide into corruption that we witnessed in several ways, and the temptations of drugs. Syd Cooper used to have a great story that he told, just purely hypothetical. I mean, it's a story, but to try and explain that things are a little more complex than you think. He said, let's say you're a sergeant, and you've got a squad that works for you, and you've also got a confidential informant who is a member of organized crime. And this guy is, there's no way you can blow him. I mean no way. He's yours. You're the only guy who knows him. He gives you information. But there's no way you can tell what he tells you. And he comes and tells you that two nights from now, at three o'clock in the morning, in a deserted Brooklyn warehouse, there's going to be a truck, and the truck is going to have television sets or something in it, and a particular guy, Luigi Petrillo, who is an under-boss in the so-and-so family, is going to personally steal that truck at three o'clock. So, you go with your squad and you circle the place around, and there's a truck that looks like the one, and sure enough, three o'clock in the morning, out of the shadows, or through the shadows, so you can't identify him, comes a shadowy figure who jumps in the truck, drives off. And there's an exit that you didn't know about, so he scoots out the exit and gets away from you. Well, you climb in cars and sirens and everything and go after the guy. And five blocks away, there's the truck, still humming with door open and empty. I mean, there's nobody driving it. Then, you go down three blocks away, and there's Petrillo, walking down the street, at three o'clock in the morning in a deserted area of Brooklyn, he's walking down the street. You take him, you push him up against the wall, and he takes a thousand dollar bill out of his pocket and

says, 'Here, let me go.' So, what he's doing here is, he's offering you a thousand dollars to be honest, because the only way you're going to make that case is to put him back in the truck." That's the only way, because you can't give up your informant. So, what he's saying is, "Don't lie about me and put me back in the truck, and here's a thousand dollars to do your job." And Cooper used to say, "Oh, so, you're there? This is drug money, this is prostitution money that this bastard has gotten, and you've got a mortgage that's due and a sick child at home. It's not right, but you can see the temptation. Of course, I have a couple of cop friends who heard that story and one of them said, "I know what I'd do." I said, "What?" He said, "I'd take the thousand dollars and then I'd put him back in the truck." And another cop friend of mine said, "And you never know what might be in the truck!" Humor goes on. But the temptations that can arise, and that's a dramatic way to illustrate that fact.

JK     You had been in the Securities Fraud Bureau of the U.S. Attorney's Office. You had been around people who were fundamentally dishonest and ran scams, and you were investigating them. Your good investigative skills can transfer from one area to another. But were you surprised when you started looking into the NYPD? When you became counsel of the Knapp Commission, was there something that just, this isn't what I was imagining at all?

Armstrong     Quite the contrary. As people used to say, "Any kid on the street corner in Harlem can tell you what's going on." It's just a question of, well, Syd Cooper said, at first, he was sneeringly derisive of us, and then we got to know him and he would call me up and say, "Hey, cousin." He said, in a quote in the *New York Times* later on, when the Commission was done and had done its work, commenting on the Commission, "Before the Knapp Commission came along, in the police department, we used to discuss corruption with all the enthusiasm of a bunch of old ladies sitting around in a sewing circle talking about venereal disease." The point is, everybody knew what was happening, and nobody would admit that it was happening. You know, kind of just looked the other way. What we did is, we took the rotten fish and dropped it on the table and said, "All right, deal with it." But until then. Afterwards, I ran into cops who would say, "Ah, shit. You're just scratching the surface." People like to come across as though they know everything. But still, you got it enough so that you knew what was going on just from the anecdotal stuff. But then you talk to some of them, "Where did you hear that?" "I don't know where I heard it. I have a brother-in-law who is a cop." There was no evidence. And I remember, as a matter of fact, with a guy telling us that in the police department, in the Internal Affairs Bureau, Division, at that time, which was then not doing much, the comment that was overheard was about the Knapp Commission. "They're just like us. Just like us. They know what's going on and they can't do a Goddamn thing about it." And, as Paul said before, Paul Rooney, we got lucky, a couple of times. We got lucky with Phillips. We caught Phillips, and I don't know if you know that whole story, but that's a whole afternoon's saga. We had caught him and brought him back and it was in the office and Paul was going to be the bad guy and I was going to be the good guy.

He was there for about fifteen seconds, and Paul calls me on the phone and said, "He's talking. He's ready to talk." And I came into the office and I started giving him, you know, "You can't be a little bit pregnant, you can't be half over the fence." He said, "Look, Mr. Armstrong, I've been sitting where you're sitting. I've had people sitting where I'm sitting. I know what I got to do." And he went out the next day and make cases on four or five organized crime people, as a start. Now, once again, I've gotten off on a thing about Phillips, and I forgot what I was responding to. Oh, you said investigative techniques.

JK      Were you surprised at what you encountered? I was surprised at how many enemies came at you. I mean, in terms of the political arena. You had politicians who were either defending the police or attacking you for not being tough enough.

Armstrong      Yes.

JK      You had every police union from every rank going after you.

Armstrong      Police unions.

JK      And bringing court cases against you! I mean, you had to fight these actions just to keep the investigation going.

Armstrong      Yes.

JK      And you said you had not exactly a flush budget when you started.

Armstrong      No, we didn't have anything. I mean, we had enough to last about six months. July, we started in July, and we kind of got under way. We had a staff in a couple of months or so and we started looking around and we said, "All right, now what do we do?" I remember, we went and staked out a construction site on the thought that there was something, a total fiasco. It didn't do anything. And we had just a series of unsuccessful situations where it kind of built. But it was all haphazard. It was all haphazard. If you got lucky, you got lucky. And we had, well, then the big strike came. We were going along, and I remember it was, like, November, and we're looking to the end of the year, and a very shaky future beyond that. David Durk, he was Frank Serpico's sidekick. He had a thing about Bob Leuci, who was a detective in SIU, Special Investigations Unit, the Narcotics Unit of the detectives – elite, elite, elite. And Bob Leuci, according to Derek, had information about corruption that we should look into, and he had brought it around to us, and he was saying, "There's corruption on Pleasant Avenue." "Oh, yeah? No shit. Wow. That's terrific. Now, what else?" "Oh, that's all I know. There's corruption." We later found out from Leuci, is that what he was doing was using Durk to go around and see if he could find out what the various anti-corruption units were doing, and he would tell this bland, bullshit tale, and that was that. And he came to us, and Paul Rooney interviewed him and came back

with a report. "The guy's got nothing. Durk is trying to promote himself." Which he did all the time, and so, we didn't do anything about him. But then Durk was on a plane with Whit Knapp, going to Nantucket, I think, and they would fly up there together because they had places up there. And Whit Knapp kept being bothered by Durk who kept saying, "You've got talk to Leuci again. You've got to talk to Leuci." And Knapp finally came to me and said, "Look, will you talk to him again? I know he hasn't got anything, but talk to him again, just to get this guy off my neck." And so, I said, "All right, I'll talk to him." It was Friday, I think, and I got Scoppetta, and I said, "Nick, would you do me a favor and just spend a little time with this guy, Leuci, and see what he's doing, just so I can tell Knapp, so Knapp doesn't get..." And Nick said okay. Well, Scoppetta's wife was out-of-town and so instead of just a blow-off interview, which he would have done anyway, he would have interviewed him fine, and that was that, he had time on his hands. So, he went out to dinner, Scoppetta and Leuci. They got talking and they had a few drinks. Here were a couple of Italian guys, raised in foster homes. I'm not sure, but similar backgrounds with simpatico, and they got talking and talking, and Leuci just spilled out this whole thing about SIU, and how SIU was corrupt, from top to bottom. And this is serious. Narcotics. Scoppetta comes in the next Saturday morning to me and says, "We got it! We got it!" You know, here was the centerpiece of our hearing, Bob Leuci. We made arrangements to meet him again that night. We brought a tape recorder, and with his permission, we left the tape recorder on the coffee table in Nick's house, and we were there until one o'clock in the morning, recording all this stuff about this Captain Tange and how when Bob Leuci had come into the SIU unit, he had been drilled about what he would do if he had a fellow cop was corrupt, and he kept insisting he'd never turn him in. And he figured, "Shit, I lost the job because of that." They found out he got the job because of that. And he told about how he would put in illegal wire taps on organized crime guys, find out there was going to be a narcotics buy at a particular place, go in, take the stuff, take the money. A real bad scene. And he told us all about it. We started using him, sending him back to have a golf game with Tange, the captain, and do some various things. And then we came to the realization that this thing is just too good.

JK      It's not garden variety at this point.

Armstrong      Garden variety? But it's also narcotics. And it's organized crime, and it's something whereby this guy, Leuci, could work undercover on this thing for a year-and-a-half, maybe. Our hearings had to be in a few months, so, I went to the Commissioners and if there is a heaven and a hell and a purgatory, we all are going to get time off in purgatory for what we did, because we turned it over to the Justice Department, and called up John Mitchell, actually, and we turned not only Leuci, but Scoppetta and two investigators with him to continue the investigation with, not the idea that we would use it, unless somehow it got blown before our hearing. So, we lost. We were down. Then, at that point, the one thing that we had gotten, we didn't have anymore, and we were kind of looking around.

JK      So, you had the big score but you can't tell anyone.

Armstrong      Can't tell anyone. So, then, a few other things happened. The meat robbery – I don't know if you know about that one.

JK      Yes, I saw references to that.

Armstrong      And then we got Phillips.

JK      So, then you turned it over to, I guess, Whitney North Seymour's office. He was the U.S. Attorney in New York. Is that who took over that investigation, or was it run out of Washington?

Armstrong      Oh, no, no. The investigation was run by Scoppetta. He got some help from Washington, I believe, at that time. And then, later on, I think, Seymour might have gotten involved.

JK      He was the U.S. Attorney.

Armstrong      He was the U.S. Attorney. I forget the exact way it worked, but the *New York Times* had heard about it from Seymour and they blew the investigation.

JK      Oh. That's unfortunate.

Armstrong      Yes. But he did a lot while he was there. I mean, he did last, certainly after our hearing. But we had these things coming along. The meat thing.

JK      That was like the Keystone Cops.

Armstrong      Well, this guy, a postal inspector, Jim Donovan, and Ralph Nemick, two of our guys down there in the East Village. And what they're looking at, what they're supposed to be doing is going in the gay bars that used to be down in the West Village. They had these gay bars staying open well after hours, and you figure, "How can this happen if the cop knows it?" They were out there, kind of looking around to see what's going on, and at four o'clock in the morning, they look down a street and there's this Reardon Meat Packing place, and there's a cop car pulled up to the side of the car, and the cops are loading meat into the trunk of a car. So, Donovan figured, "Well, all right." They picked up the phone and called the local precinct. They said, "We've got a robbery going on here. There's a robbery of a meat packing plant down here." The guy says, "Oh, yeah?" The guy says, "The thing is, the guys that are doing the robbery are cops." The guy on the phone said, "Oh, yeah. We know about that," and hung up. Nothing happened. Donovan called up and still nothing happened! Then he calls Division and nothing happens, except more cops pull up and they get more meat in the car. They follow one of them and it leads to a police garage where it goes in



and it comes out with a private car of one of the cops with the meat. And finally, at eight o'clock in the morning, they get through to somebody at the borough level. They kept calling people to see what was happening. What they're interested in, is not so much what the illegal thing was going on, but how it is responded to by the police department. And the way it was responded to, is the whole blasted precinct didn't care, and then they sent some, and we got through to the borough. And now you've got cops all over the place, and those guys were indicted, I think, as a matter of fact. They conducted an investigation, the cops did. It was a good investigation, but without the informant, they didn't have a case, and I forget exactly why. But the cop cars were gone, and they got sawdust and things like that. But without the eyewitness, as far as somebody knowing what happened, they didn't have a case. And a few weeks went by and I went to see Bill Smith, who was the First Deputy Commissioner. They had been very dismissive of us all along, you know? Nice little boys.

JK Yes. Lindsay appointees.

Armstrong Yes. But very nice. Whit and I would meet with Pat Murphy and Bill Smith. We'd go to the Yale Club and have breakfast and we would fill them in. Nothing was happening, and we found, a marvelous way to effect a reform in the department was to say at one of those breakfasts that we were thinking of looking into that. Because then, of course, Pat would get hold of somebody and they would fix it. But I went into Bill Smith and I remember saying, "How's the investigation coming of the meat robbery?" And he said, "Well, we're stymied, we can't get anywhere without that anonymous informant who kept calling in and saying what he saw." I said, "Bill?" He said, "Yes?" I said, "That informant was an agent of ours." His jaw dropped. I must say, I took some pleasure in letting him know that we weren't completely inept after all. But still, even that wasn't the kind of thing that makes a blockbuster hearing. And then Phillips came along, and Phillips, along with the other adornments, Phillips made the centerpiece of the hearings.

JK And that's where we'll pick up next time. Because he is an enormous story, and it's been an hour-and-a-half and the tape will run out.

Armstrong You talk about, there's a whole bunch of stuff.

JK When we sit down again, I'd like to focus on the political context of the hearings, your interaction with the Lindsay crowd, and also, once you actually get into the hearings with, obviously the Phillips story and Serpico and the rest.

Armstrong Well, Serpico, you know, wasn't going to be part of the hearings at all.

JK I know. As I was doing the background for this, I was really surprised that there was such a dance going on through all of it.

Armstrong We just didn't think. You know, the Durk-Serpico story had been told, and our job wasn't to prosecute anybody or make any cases. Our job was to bring out on the table, and put the fish on the table, as I said. And we felt that our job, since we had done it, was to show the results of our investigation into what the department was like now. So, we held hearings to that effect. What had happened before, years before, with Frank had been involved in what he was involved in, was, we thought, secondary, now. But the Mayor was kind of accused of not being actively involved. Were we correct in being so fastidious? I don't know. I mean, I do know this. They had made the decision, the Commission made the decision that, look, we don't need to get into that phase of it, and ultimately, well, the way we got into it was that Durk went to [City Councilman and leader of the Queens Democratic organization] Matty Troy and got a front page story, accusing us of covering up for Lindsay. Well, by that time, I think everybody was kind of having fun with the hearings. Our job is to be credible, and if our credibility is undermined because people think we're covering up for John Lindsay, well, then, we better to see to it that we're credible, so let's have another set of hearings. So, we set-up the second set of hearings, which was different than the first because they were focused on the particular event. Interesting, not politics, but police politics. When we had our subpoena power, our subpoena power and the right to swear witnesses came from the City Council resolution, the original City Council resolution. As I said, after six months, we weren't asking the City Council for any money. All we were asking them for was the ability to go forward, using the money we had dug up and we still almost didn't get approved from the City Council that was police influenced and all that involved in it. So, they reluctantly renewed our mandate. Then July came, no way were we going to get the City Council to do anything, so the City Council resolution expired by its own terms. What that meant was that our public hearings, when we asked people to take an oath, we had no authority to ask them to take an oath because there was nothing to back it up. Now, we reasoned, and I think, even at our private hearings, we would call people in to testify, and they would solemnly take the oath, but we didn't have any authority after that time! Now, what we thought was that the Executive Order gave us the power to hold hearings. And since the Executive Order gave us the power to hold hearings, we thought that an argument could be made that inherent in holding hearings is the power to give an oath. So, our ability to give an oath stemmed from the Executive Order, so we didn't need the other thing. But, in any event, it still was a shaky, and they were seriously thinking about going after Jay Kreigel for inconsistent testimony, perjury, testifying one way in Executive Session and another in the Public Session. I remember calling up the Assistant when they were really driving towards it, saying, "Ah, I've got something to tell you. It may not be as strong a case as you think because." And then I told him about the fact that when we took his testimony, we were relying on the Executive Order, and ultimately they did not indict Jay.

JK He probably went out and had a beer on that news!

Armstrong     I always said I always thought he lied, and I admired him for it. Because what he did was, he covered up for his boss, if he lied. Because, did I tell Lindsay? How much did I tell Lindsay? That was the issue.

End

## Michael F. Armstrong

February 24, 2009

Armstrong We didn't plan to go into the Serpico – Durk incident because that had been covered already.

JK The *New York Times* had given that expose.

Armstrong And there had been other things about it. It was old news. And since we had pretty well come to the conclusion that Lindsay himself did not have a direct culpable role in it. He might have known about it. Kriegel probably lied.

JK Known about what? The extent of the corruption?

Armstrong No, no. The issue, the key issue, was that Frank Serpico and David Durk said that they came to Kriegel three times with stories about corruption. All of them agree that the first time they did not tell him that the corruption was being covered up, that the police weren't doing anything about it. And all of them agree that on the last time they did. They disagree about whether in the second time, Frank or David says that at that time, the police department was told about allegations about not just corruption, but the fact that it's being covered up. That was key, because of the timing of what was done, what the department did or did not do, and what the Mayor did or did not do. And frankly, when we look at it, there were people who had a recollection contrary to Frank's and David's, and I really don't know what happened. I think everybody is telling me the truth as they remember it. Except maybe Durk. But Durk was pressuring Frank so much that Frank may have, so, I don't know. I don't know. Then when Jay Kriegel testified, he testified in executive session, that he had passed on information to the Mayor about that time of the second meeting at some point, and in public testimony, he testified that he did not. So, it was contradictory testimony, and he could have been done for perjury if it weren't for certain facts. Like, perhaps we didn't have the power to issue the oath.

JK Other than that.

Armstrong Other than that, right. Well, we still could have gotten him, I think, because we had the power under the Executive Order. The Executive Order gave us the power to hold hearings, and under that power, we had the inherent power to do an oath. But I wouldn't want to go to a perjury case based on that. And we had originally thought number one, there was no way we were going to get further authorization anyway at that time, and number two, so what? The hearings as we planned them were our own witnesses taking the stand. Who cared?

JK It's peculiar to me, the whole attitude of the Lindsay Administration toward the Knapp Commission and the police corruption scandal. Because obviously, this is something that was endemic to the police force. It was not something that you could lay at the feet of John Lindsay. And obviously, he could place it at the feet of Wagner and going back to La Guardia, even. But why would the Lindsay Administration not be so aggressively supportive of the Knapp Commission? I got the feeling in looking at the records, that they kind of kept it at arm's length a little bit.

Armstrong I think a lot of politics, even personal politics, going on back then, between the Commissioner and Lindsay and a lot of things. Leary, who was a weird duck, and Lindsay. Leary came in in order to satisfy the need for a police commissioner who would go along with the Civilian Complaint Review Board, which was the big issue at that time. So, the personal relationships between them, I think, had a lot to do with it.

JK Is that accurate, that the Lindsay Administration didn't embrace the Knapp Commission, but they were a little bit embarrassed or uncomfortable with it?

Armstrong They set us up. What Lindsay did. You got a newspaper story, the front page of the newspaper is implying that Lindsay knew about it and didn't do anything about it. He sets up this group of the district attorneys and the commissioner of investigation to look into it. They get, like, five hundred or a thousand complaints on their desk, and they don't have a staff. They said, "We can't do this, besides which, we're conflicted because people might think that we're part of it." So, try again, John Lindsay. And John Lindsay says okay, now what I'm going to do is I'm going to appoint a commission. And he appointed Knapp. And I think when he set it up, he set it up with the idea, well, let's look into this. Because the people that he picked for commissioners were certainly no patsies. We had Cy Vance on there. Joe Monserrat, who was an experienced politician. Frank Thomas, who was not going to lie down for anybody. You know, the people that he picked were not pols who would back him up. But, as I think I told you, my suspicion has always been that he had wanted to get credit for setting up the anti-corruption commission, but he didn't want to get into this mess because it was just a political mess. The idea that the cops are corrupt is something that half the people in Queens and all the people in Staten Island think is unpatriotic to even mention it. All the people in the Bronx know it. I mean, it's like the Cubans in Florida? Who wants to get them mad, because you lose Florida, if you're a Presidential candidate, right? I mean, why we should still be, this is my own personal view, but why we should still be against Castro as the fruit of a tree that is now dead seems a little silly. But you've got people down there in Florida whose relatives were killed and whose land was taken. I mean, this Castro is a real bastard. And they know it, so that's a big enough voting block to have Florida go, and so the President doesn't do anything about it. One after the other after the other. I think the same thing here. I think Lindsay, he didn't want to antagonize the police, an enormous political force, one way or another.

JK He had already been defeated by them once, in the Police Review Board.

Armstrong In the Civilian Complaint Review Board, right. And that was a real issue. So, solution? He sets up a Commission, and we get going in July of 1970, and he only has the power to give us a certain amount of money, and that's enough to last for six or eight months or so. And then, he knows perfectly well that the City Council is not going to give us any more money at the end of the year. So, he will drive in there and fight for us. We will go down in flames. He will take credit for setting us up. And yet, we won't be around to have any real investigation. Now, that's my devious, conspiratorial mind. Since that time, I have said that to Jay Kriegel, and Jay Kriegel and I have become friends over the years. Kriegel kind of laughs and says, "You give us too much credit. We didn't think that far." So, I don't know what it was. A lot of times you sit and you figure out, you know, why didn't Hamlet kill his uncle? Well, maybe he just didn't get around to it. I think Lindsay was responding to the political pressures at the time. He set up the Commission. How enthusiastic he was about it, he certainly wasn't that enthusiastic. We went on our own. And then there was the incident at the end, I don't know whether I told you about it, when Murphy suspended Philips and Droge?

JK No, we left off, you were telling me about it off-tape, after we had finished.

Armstrong I can stick that in if you want.

JK Yes, the whole drama.

Armstrong It's out of order.

JK The whole drama came when you had Philips as your prize. You told me about the Nick Scoppetta and Bob Leuci escapade the last time.

Armstrong Yes. I mean, we had to. We made the decision to give them up because he was just too valuable in making drug cases. We found out that there was heavy corruption in the drug area, which we didn't really think. And Philips didn't even know! Philips came to us, when we were debriefing him he said, "Well, the drug area. You don't take it. That's dirty money." Says Philips!

JK And he was a dirty cop.

Armstrong Dirty! He, himself, he was called a 'super thief.' When I once had a philosophical conversation with him about Frank Serpico's notion that the eighty percent – ten percent corrupt, ten percent not corrupt, and eighty percent they wish they were not corrupt, and I got in to talk to Philips about that. "How do you think, would the average cop trade the respect that he can get from his kid for

doing his job for being honest, for a few bucks?” The whole idea. And he was going along with it! He said, “Yes, sure. The average guy, what he takes isn’t that much and he’d like to have the respect,” and all this kind of stuff. I said, “How about you?” He said, “Well.”

JK “I’ll take the cash.”

Armstrong Yes. “I’ll take the cash.” Well, there’s so much money. But Philips did not know, because he told us, that the SIU and those guys are clean. Then, he came to us half-way through the work for us one day and said that he had ridden with a guy who had just gotten out of SIU. And he said, “Hey, what I told you about all of that? Forget about it! Those guys are worse” And he then told us what we already knew from Leuci. But even he was under the impression that there was dirty money in narcotics and you shouldn’t touch it.

JK How did he come to you? How did Officer William Philips become the?

Armstrong Oh, my God! I haven’t told you this? Settle back, boys! It’s a long story.

JK But he was the heart of your investigation, ultimately.

Armstrong We caught him! I mean, what happened was, we had a Commission set-up, a bunch of our agents were ready to go, and we fumbled around and tried to get into this thing. We didn’t have any real plan. I mean, we divided the sections up and gave each lawyer who was there, Scoppetta and Obermeyer and Rooney, a section. One had narcotics, one had gambling, and we tried to look into various things. We tried to pick up the memo books from the guys in the Nineteenth Precinct on the East Side bars. It caused a huge raucous as a result of that. Almost caused a police strike, because they said, “Gestapo tactics,” and all this kind of stuff. That was my first experience on television, because we had said on the out-set, “No publicity until we finish.” But now, we sent our agents went down to the Nineteenth Precinct and picked up memo books of the guys getting off at twelve o’clock midnight, and they went crazy. The PBA goes crazy. The PBA said, “They have no reason to do this.” But we put in an affidavit saying why we thought there was probably corruption. They said it is unsupported, etcetera, and they’re going nuts, so it was a story. So, I got asked to be on television. Actually, three shows in one night, the first one being Gabe Pressman, he was then with Channel 4. I went down there and I was being made-up, you know, they made you up in the make-up room, and they had Gabe come in and he sits down next to me. I had never met him. He said, “Hi, how you doing?” I said, “Great.” He said, “You guys doing a great job.” He’s genuinely talking to me about what we had to do and all this kind of stuff. He said, “Those PBA – those guys are full of shit.” And I’m sitting there going, “Yes, yes,” while I’m being made-up. I mean, to me, Gabe Pressman had been a little green man

who went around and was fairly obnoxious on television, and now I find him to be a perfectly nice guy, and he's sitting there and we're talking.

JK      He's on your side?

Armstrong      Well, yes. He had something to do with it. I said, "Well, maybe it would be a good idea if we went over the questions you're going to ask me on television." He said, "Oh, don't worry about it. Just like we've been talking now, the same thing." I said, "Oh, okay."

JK      I hear the sand bag being pulled up.

Armstrong      Yes. I don't think even a conscious one. I think it was just the way he kind of, he says, "You go in, you get behind this podium. There's a little podium. You'll stand behind it, and I'll stand behind another one that's over, kind of catty-corner, facing you. And when the TV camera points to you and the little red light goes on, that means you're on television. I'll ask the questions, you answer them. No problem." I said, "Okay." So, I go in. I stand behind the podium and Pressman stands behind his and the announcer comes out and says, "Ladies and gentlemen, tonight we have with us the Counsel to the Knapp Commission in connection with the latest ruckus going on down at the Nineteenth Precinct. Gabe Pressman will ask the questions. Gabe!" And Pressman turns to me, the red light's on him, turns to me and says, "Mr. Armstrong, is it a fact that what you're doing down there is McCarthyism?" I was like, there's a red light looking at me, and, uh, yamma, yamma, yamma. What happened to my buddy over here? I stumbled through the thing as best I could. And on the way out, Pressman puts his hand on my shoulder and said, "You were great! You were terrific! You'll have to come down and do it again!" You know? Anyway, that's the stage we were at.

JK      Next time you'll wear body armor.

Armstrong      Well, no. I got to, by the time I got finished, I found out that there were guys in the press you could trust and there were guys in the press you couldn't trust. Pressman you could trust. I mean, if he said he wasn't going to say something, he wouldn't. Others, you know, not so. Our reports were leaked by people who had them on embargo. Stuff like that. But not Pressman. I liked him. Anyway, that's the kind of stuff we were doing. We went out to a construction site and tried to, and we didn't find anything. We were kind of feeling our way. And then we got our equipment, our surveillance equipment, the bug that we had. And the guy who made it for us was a little guy named Teddy Ratnoff. Teddy Ratnoff was a round, bald, greasy, horrible little man who Paul Rooney had known from the U.S. Attorney's Office as a guy who made electronic equipment, and he did. And he made really good electronic equipment, because we were looking at the CIA, every place. He had a little small pack, battery pack that we could put back here. By today's standards, of course, it's a dinosaur, but back then it was really good, and it would pick up the voices from quite some distance. So,



we bought our material from him, and then we set up a sting, a little thing that we thought, well, we'll send a couple agents with stuff into one of the hotel bars and picked up a prostitute. And so, what they'll do is they'll go back to the room with the prostitute and then reveal themselves, reveal themselves in the sense of showing, in a figurative sense, and threaten them with federal prosecution, and maybe then they will tell us about the corruption that they were doing. It's a very.

JK      Iffy scheme.

Armstrong      Blunderbuss kind of a scheme. We didn't know what else to do, and so we sent agents in and we did that a couple of times. Teddy Ratnoff was handling the equipment for us, and we succeeded in doing nothing. The one thing we did, we got phony IDs for agents, and to get it we got drivers licenses, it had to be out of town guys. We picked names out of the Chicago phone book. Well, one of the prostitutes calls a guy up out in Chicago and so, we had to clear him by telling them a lot more than security would have allowed us to tell the guy's wife what was happening. She gets a call from a prostitute in New York. So, Teddy looks at us and says, "You guys are going at this like a bunch of amateurs. You want a prostitute? I got a prostitute." And he had at that time, had a relationship with Xaviera Hollandar, and so, Xaviera Hollandar, she had with Robin Moore, to write a book about her and do all this kind of stuff. And to do that he had created bugs and cameras and everything in her establishment. And so, he had a good relationship with Xaviera and he said, "She's paying off, so I'll be the middle man." He did that, I forget what his original motivation was. I think it was to get us off of someone else that we were looking at, another prostitute. He didn't want us to do that, so he diverted us to Xaviera.

JK      This was the "Happy Hooker?"

Armstrong      Yes. She later became the "Happy Hooker." And she later, with her book, a pretty successful book. Ratnoff told us about one situation, I don't know if it's true, but he told us that he had a TV camera set-up in one of the rooms and in those days you did not tape stuff. He was broadcasting on a short thing to a hotel room across the way, where he was recording it there. And it somehow got screwed-up and went out on a commercial TV station in New Jersey. So, you had all these people in New Jersey wondering what was going on in Xaviera's place. Anyway, we then set-up a series of meets. Xaviera had three things going on. She was paying off a policeman, Bill Phillips, and she was paying him off on a pad. And she was also paying him to fix a lawsuit that she had, her boyfriend had, and also, there was another suit that, I'm a little foggy on this one, but the thought was to pay off a judge. And the judge was, he later became, he was a very tough judge down there. He later became famous when a Senator in a hearing described him as the best judge money can buy in the City of New York. But he was a powerful, big judge. And the thought was that he would get paid off. Phillips was supposedly able to do this. We sent an agent, we sent Ratnoff as our agent, because Ratnoff said, "Look, I'll make the payments." So,

he was making Xaviera's payments, anyway, and so, we just put a tape on. And we collected, using Ratnoff as our agent, we collected a slew of tapes about Phillips. We also had film because I made, with tape, I made a deal with Channel 13 and Channel 5 that if we, they had equipment, of course. We didn't have equipment. They would come along on some of our operations and take tapes of it and don't ask any questions. We take the tape, they don't get anything. When our hearings happened, then they could use all the outtakes at the time that we show whatever it is that we're going to show. That was the deal that I had with Channel 5 and Channel 13. So, we had pictures of Phillips taking an envelope right out in the street. We built up a lot of good stuff, and with Ratnoff, it was good. He was a weasly bastard. Now, we're going forward on all three of these fronts and then it came a day when they had a meeting in the lawyer's office who was the one who was supposedly the contact with the judge. And this lawyer, again, I'm blanking on his name, but I can get it for you, this lawyer was a guy I knew, a criminal lawyer from, you saw him around. As a prosecutor, I'd seen him around. He was setting it up, supposedly. When Ratnoff goes on a particular occasion to the apartment of this lawyer, the lawyer says to Phillips on that occasion, "Pat him down." And Phillips says, "He's all right." So, Ratnoff comes in and Phillips pats him down and finds some equipment and he says, "What's this? What's this?" And Ratnoff says, "It's a beeper. It's a beeper. Somebody calls, the signal goes out to the Empire State Building and I know to call in." Phillips says, he grabs him, brings him over to the phone and says, "Well, call up the Empire State Building and the Empire State Building better call back." [laughs]

JK      What a smart guy! That is a smart cop move! Even if it is on the other side.

Armstrong      But then he knew what was going on. He ripped his shirt off, revealed the pack and you saw what it really was, and he starts to, Ratnoff is sweating like a, because here Phillips is. Later I asked Phillips, I said, "Bill, if that had been a self-contained recorder, as opposed to a transmitter." He knew, a transmitter, he knew there were some people out there listening. I said, "But if that had been a self-contained recorder, what would you have done?" He said, "I would have thrown it out the window." Being perfectly clear that he would not have removed Ratnoff from it before he threw it out the thirteenth-story window. Now, he was only kidding, but who knows? And our agents were down there, Brian Brew and, I think, WhiteRalph Ferrente, were down there, a couple of IRS agents. They didn't have guns because working for us, they weren't allowed to wear their guns. So, they grabbed a cop who was giving a ticket to a peddler and said, "Come with us." Showed them their identification. They went running up stairs and they come running in just as Phillips is really about to let Ratnoff have it and said, "We're from the Knapp Commission." And then Phillips and Germaise, Irwin Germaise is the lawyer's name, Germaise looked at him and he said, "Is that equipment on the floor – does that belong to you?" says Brew. "No, no. It doesn't belong to us." He said, "Well, it's mine," and he picks it up, takes Ratnoff, scurries him out of the room, and leaves Phillips and Germaise alone.

Well, we let a day or two go by and there wasn't anything really we could do. We tried to figure things out. We thought, "We might as well pick up Phillips." I mean, it's over. Obviously, our pose is over. But we'll pick up Phillips." And we picked up Phillips. Germaise, meanwhile, packed up everything and went to Israel and has never come back.

JK That was a smart move, too.

Armstrong Oh yeah. But Phillips. Paul Rooney went up and picked him up and took him back down in the car. He picked him up at P.J. Clark's, which is where he used to hang out all the time. The phone booth at P.J. Clark's was his office, and he was at P.J. Clark's, I believe, having lunch with Rocky Graziano. It may not have been that day, but he's a buddy of Graziano's. And Brew and Parente, or Brew and Cipriani, went in and said, "Hi, remember us?" [laughs] And he looked at him and said, "Will you come down and talk to some of our people?" He said, "Okay." Phillips comes down and on the car on the way down he said, "Boy, you guys did one hell of a job. You guys are terrific. But that little bastard, Ratnoff. If I ever get him, I'm going to..." And he really, because Ratnoff betrayed him, and so, he was, ooh, he was going to get Ratnoff. We put him in a room. Might as well try the Mutt-and-Jeff stuff, good guy/bad guy. And so, Paul was going to scream at him and then I was going to come in and offer him a cigarette and what the hell. Well, Paul rings me in about thirty seconds and he says, "Hey, he's ready to go." I walk in and Paul says, "He's ready to go out there," right off the bat. Well, I start giving him the speech about, you know, you can't be a little bit pregnant, and half-way over the fence. He said, "Look, Mr. Armstrong. I've been sitting where you're sitting. I've had people sitting where I'm sitting. I know what I got to do." And he did. He went out the next day and had recordings on four or five organized crime members that we could make cases on. And then he worked with us for several months, a couple of months.

JK Undercover?

Armstrong Undercover, wearing a wire and going around and doing, and he was great. He always was trying to protect some of his, he wasn't comfortable going against cops, but that's what we wanted. He tried to steer us into organized crime guys, and he always did, and I don't know the degree to which, but we got enough. We got his going back, and we established a scam whereby he would go up to somebody in a precinct and say that he had this guy that wants to set-up a gambling thing and he wants to go, let's put him on the pad. How much is the pad, and he'd get the plainclothesman in that area to talk to him and set-up the pad with the guy, who actually was a real guy who happened to be in the can right now. And so, we set-up meetings with people and Phillips and various other people. There was one guy who had told him about having taken five thousand dollars, I think, to cover up an organized crime murder. Phillips went back to him and said, "Hey, remember that thing you told me about the murder that so-and-so did? I understand that they're dusting that off and they're going to come after it

again in the D.A.'s office. I think I can fix it. Now, tell me again. What was it all about?" And the guy tells the whole thing and we have it all on tape. And later on, the cop and the murder was re-opened.

JK      So, it really was, they really were going to re-open it, if he spills the beans.

Armstrong      Yes.

JK      Until he did.

Armstrong      Until he did.

JK      Were you worried at all about entrapment? I mean, what you just described.

Armstrong      I wasn't out to make cases. I didn't give a damn whether we made cases or not. I mean, I'd have trapped right and left. I don't care. Because what I was out to do was discover what is the truth about the patterns of corruption in the department at the time. If we made cases along the way, fine. If it was really serious, as we demonstrated with Bob Leuci, we gave it up completely, if it interfered with really serious law enforcement stuff. But I don't think that's entrapment, anyway. I mean, you go back on a guy that was, you're sending a guy back who has told you already about a criminal thing and asked him to repeat it and you get it on tape and that gives evidence against him, I don't think that's entrapment. I'm sure as a defense counsel, I would probably raise it. But entrapment, as I understand it, involves putting someone who would not have the proclivity to do a crime, in a position where he does the crime. You're entrapping.

LS      You're offering money to somebody to do something and he wouldn't have done it before.

Armstrong      Right. And he wouldn't have done it without your actions. This is just getting him to talk about something he'd already done.

JK      And setting up the gambling operation is simply tapping into the natural proclivities of the culture of the police department.

Armstrong      Yes. And the information you get, it's like any narcotics bust, an undercover narcotics bust. You go out and you set it up and the guy goes along with it. There's always a danger that a narcotics bust will go over the line, but I wasn't concerned. All we were concerned about was getting the pattern.

JK      You were investigating police corruption. You were not building cases for prosecution, right?

Armstrong      Absolutely.

JK And that's a crucial difference that gives you much more leeway in your investigation.

Armstrong Sure.

JK And you don't have to worry about tainted evidence.

Armstrong No, we're not going to do something that is going to result in tainted evidence in the sense of unreliable evidence. But we could even present unreliable evidence, as long as we identify it as being unreliable. In other words, we could, if we got a tape from somebody who we thought was a wise guy, and all this kind of stuff, as long as we presented it as coming from this guy, I would have no qualms about presenting it. Things don't come in neat little packages always. But for the most part, what we got was just testimony. We got people testifying and people testifying, people working undercover and taking tapes from people. And I didn't really care that they were moving very, very strongly in making cases. I think they made something like fifty indictments based on Phillips' testimony again. But then, of course, when Phillips himself got indicted on a double homicide, it shouldn't have made any difference to some of the cases. I mean, if he's got a wire and the guy's doing it, it shouldn't have made any difference, but they weren't about to have a guy that they considered to be a murderer, testifying as the state's witness against cops.

JK So, about that case. That seemed to be a turn-of-events that was quite unexpected in the fact that he had cooperated with you and helped reveal all the corruption didn't cut anything with his case. He went away for a really long time for those murders.

Armstrong He just got out. Thirty-three years.

JK Was that a justified prosecution? Did you feel that he had been set-up?

Armstrong No and no. A justified prosecution, absolutely. Did he do it? I don't think so.

JK You mean the evidence was there to prosecute, or suggestive evidence, but was he actually guilty of it?

Armstrong I don't know. I mean, John Keenan was head of the Homicide Bureau at the time, in Hogan's office. When I first got a call from Phillips, it was after the hearing. The hearings were all done and I got a call saying, "Hey, these bastards have got me down here and they say that I committed a double murder." Now, the murder involved a pimp who Phillips had shaken down, and he had told us about shaking him down. I always thought that was evidence to the fact that he didn't do it. But he might have been protecting his ass. Who knows? But the

murder happened. It was Christmas Eve about four or five years earlier. It's Christmas Eve and the killer sat a pimp, a seventeen-year-old prostitute and a john on a couch and killed the pimp and the prostitute, one bullet each. He put two bullets into Gonzalez, who was the john, and then left. The john stumbled out into the hall as the killer was getting on the elevator, and the killer looks at him and gets in the elevator. That's what happened. Some cop, seeing Phillips on TV, at Xaviera's location. The cop says, "Hey, this is right around the neighborhood of this prostitute," and he looked into it, got the file out. There was a drawing there. The drawing kind of looked like Phillips. It's not a very good drawing. I think it looks like a hundred other people as well, but it kind of looked like Phillips. And so, they then began to look into it. And when Phillips called me up to say that they called him down and were accusing him of it, I said, "Oh, shit. What is it?" I called up Scoppetta, who was one of the lawyers who was working for me, but who had worked in Hogan's office, and I said, "Nick, what's going on here? Are they setting him up or is it some incompetent guy going out?" He said, "Who's the assistant working on the case?" I said, "I don't know. Some guy named Keenan." Scoppetta said, "Oh, shit." He said, "It is not a set-up and it is not incompetence." Because John Keenan was, as F. Lee Bailey later described, "the best prosecutor in the country," maybe. I mean, certainly, he was one of them. So, John later – I mean, he's now one of my very best friends. I mean, we've gotten to be friends over the years, and John and I still argue about the case. I say Phillips didn't do it and he still thinks he did. Now, the first trial, I got Lee Bailey to defend him. And with Bailey defending and Keenan prosecuting.

JK      That's a show.

Armstrong      That was some show! There were people in the business, I mean, it wasn't something that *The Daily News* would necessarily know about. Well, they knew about this thing, but that aspect of it, the professional aspect of it, they wouldn't be so in tune to. But you had people coming from all over just to watch that trial. Because of the two guys in it. And the jury was hung. And if you believe Bailey, it was ten-to-two. If you believe Keenan, it was nine-to-three, but, in any event, for acquittal. So, it was, who knows? But anyway, I'm jumping around a bit. The answer to your question is, I don't think he did it for a variety of reasons, and since then there are some that, the most recent of which was that he kept maintaining his innocence when he was in jail, prison. He got turned down for parole four times, and the first time, the first time or two, he was maintaining his innocence, and then he changed. He said, "Yeah, I did it." He was talking to me on the phone and he said, "You don't get out of here unless you tell them that you did it." He said, "So, I said I did it! But then they asked me about the details. How the fuck do I know the details? I wasn't there."

JK      Yeah, that is the double-bind.

Armstrong      Yes. That's what he says to me. That to me is a very, he did two years extra that he didn't have to do if he really did it. And if he really said,

“Okay, yeah, I did it, I’m sorry. Here’s what I did. I walked in and I did this.” If he described it in a convincing way. But instead of that, he was like Teddy Kennedy taking responsibility for Chappaquiddick or Murdoch taking credit for this, “I’m sorry if I offended anybody.” It’s not a real, he never did. And they finally let him out. But I had asked him once early on. I said, “Hey Bill, let me ask you something. If you just killed two people and put two bullets into a third, and as you’re getting ready to get on an elevator and that third guy stumbles out into the hall, what would you do?” He said, “Are you shittin’ me? I’d plug that fucker right between the eyes.” And I always say that to John. I said, “There’s no way he would leave a live witness.” And John said, “Well, somebody did.” I said, “Yeah, somebody. But not Cool Hand Luke. Not this guy.” That’s what they called him in the prosecutor’s office, Cool Hand Luke. And he was. He would never have left a witness. But the one thing that made me really, the one aspect that kind of made me wonder later, two or three or four years after he had been convicted, I was with somebody at a dinner, someone who was a cop, and this cop had worked on the original investigation. He had talked to Gonzalez, who had told him something that had not appeared anywhere else. It didn’t come up anywhere else. Gonzalez told this cop, according to the cop, that the killer, as he looked at him, got on the elevator and said, “Merry Christmas.” Now, there are few people on this planet that can kill two people, put two bullets into a third, and then wish him a “Merry Christmas” as he’s getting onto an elevator. But Phillips is one of them. That is a Phillips line. “Merry Christmas, pal.” I can see. I can see him saying that. I mean, I’m not going to stop now, and the elevator’s here, I’ve got to get out of here. I’m not going to stop now, so you’re the beneficiary of my having to get out of here. Merry Christmas. I mean, that’s possible. But still, the picture they had of him that they showed to the jury, they showed the picture to the jury, but it was on a poster. And the rest of the poster had a description of the killer, and the description said, 5’9”, 155 pounds, Spanish and a pock-marked face.

## Side 2

Armstrong Because it couldn’t be authenticated. And so, I always said to John, “For Christ’s sake. Suppose the damn thing had said that the guy had one leg! Would it be fair not to have that go in, because that came from some place. Anyway, the jury didn’t see that. Oh, there’s lots of other, there were motions made afterwards that contained, some of the prostitutes recanted.

JK It sounds like it was a messy case, possibly payback to him.

Armstrong It wasn’t a payback for anybody because Keenan did it.

JK Yes. But someone brought it to him.

Armstrong The cops, yes. There’s one cop that, I mean, Phillips doesn’t agree with me. Phillips thinks it was all a big conspiracy and there’s one cop that he had, who is now dead, John Justy. Keenan tells me that Justy was a good cop, but

I don't know. I'm certainly more inclined to believe, if I'm going to take credibility, I'm going to believe John Keenan, who has not lied in his whole life. I mean, if he ever did, when he was thirteen years old, he confessed it to the priest and hasn't done it since.

LS            How many years did he do in prison?

Armstrong    Thirty-three.

LS            And he's out now?

Armstrong    Yes.

LS            Would he be willing to talk to us now?

Armstrong I don't know.

LS            I mean, we're not investigating, we're just interested in oral history.

Armstrong    Yes. He might. And they're making a movie out of it. These guys are making a movie about Phillips and about this whole thing. I mean, I can put you onto them if you want. They've got lots of material.

LS            Maybe he'd like to do something like this.

Armstrong    Well, Phillips maybe. He has spent hours and hours and hours. I spent hours. I spent a day with these guys, doing just what we're doing now, telling them what's going on. So, he had done that. But he's faded out of sight. He got out of jail and was really kind of very mysterious. He never gave me a number where I could reach him. Well, I could reach him through the guys doing the TV show.

LS            You have to try, don't you think?

JK            It's possible, yes. It would be an interesting conversation.

Armstrong    They've been working for three years now, because they were working while he was in the, they visited him up in the can.

LS            It would be this type of an interview; we'd put it in the archives for further research.

Armstrong    Yes. He and Ratnoff, getting back to his investigation, when we finally got down towards the end of it and we were approaching the hearings, along the way, I'm sorry, there's just so many anecdotes. I robbed the safe down at Cahill Gordon in order to pay off Xaviera on one occasion. Phillips was



working for us and he was working under-cover and he was still working with Germaines and Xaviera, and we were using Xaviera's money. Xaviera would pay and Phillips was on the other side now. Was it then? I guess it was before we caught Phillips. Sure. It was before we caught Phillips, and Xaviera just wasn't going to pay any more money, she told us. On a key meeting, and we really had to have the meeting, and Phillips said he wanted three thousand bucks. Three thousand bucks was a lot of money and we didn't have any money! So, I called up the counsel to the state investigation, the legislative investigative committee, a guy who later became District Attorney in Staten Island. But anyway, I talked to him and I told him about Phillips. This is why I'm getting mixed-up. I guess I told him later on, but he agreed to put up three thousand dollars that the State Committee was prepared to lose, but it was that day and he was going to send it down on an Allegheny Airlines thing and he was going to give it to the pilot, give an envelope to the pilot, we'd go out to Newark or La Guardia and meet the guy and get the money, and get it in time so he could give it to Ratnoff to give to Phillips. We went out there. Well, somehow, they decided at the last minute to send a courier instead of giving it to the pilot, so our guy didn't know that. He goes out and he's questioning the pilot. The pilot says, "What the hell are you talking about?" Our guy thinks the pilot has put the money in his pocket, and meanwhile, the courier is wending his way in from Newark. And we've got forty-five minutes before we have to have this meet. He calls in and says, "There's no money." So, I called a buddy of mine. I had been a partner at Cahill Gordon and a buddy of mine was the Office Manager. She ran the place. It was eight o'clock at night or something. I said, "Hey, can I borrow some money?" So, what she did is she went in the safe and got three thousand dollars of Cahill Gordon's money and sent it up to me and I gave that to Ratnoff and Ratnoff gave it to Phillips. And then the money came in, I knew it was coming, it came in and I put it back in the safe. But because of that guy, there was a little leak about Phillips, and the word got out.

LS      Because of the courier?

Armstrong      Not the courier so much, but the guy, the counsel to the guy. And, what he did was, he wanted to call Phillips as a witness, and so he sent a notice around to D.A.s, I don't know, but it alerted him, not to his name, but to the fact that we had somebody. And so, a guy named Joe Phillips was an assistant in Hogan's office, and Joe Phillips was a big, burly, Irishman who was a little bit, well, he didn't proceed with finesse, shall we say, as a rule. And he called me into his office and said, "Now, I understand that you've got an under-cover agent working out there. If you're talking about crimes in Manhattan, we have to pursue those crimes, so I want you to turn that agent over to us." I said, "No. I'm not going to." And he said, "Well, we'll subpoena you." "Subpoena me? Why, I will not honor the subpoena." So, we got into a little contretemps, and I said, "Look, if you want to try and hold in contempt the counsel to a mayoral commission that is looking into the question of, among other things, whether your office is involved in covering up corruption, you go right ahead. But I'm not doing anything." Then

we got into a conversation, “Oh, you guys, you think everybody’s corrupt” and all this. “Sure, there are a few rotten apples in the barrel,” and we started talking. Well, there was a guy sitting on the couch the whole time who was a guy from the super-secret bat cave, which was an anti-corruption outfit in the police department that was quite effective, and had been effective, and had made a big case that had been wiped out by the Supreme Court’s invalidating the kind of wire taps that they had used. But this was a small group that really was good, and the guy from there was sitting there, smoking his pipe and let’s say there are ninety-six precincts in the City of New York at this time, right? Joe Phillips says to me, “What? You think corruption is everywhere!” And he turns and he says, “Dick, how many bag men do you think, how many precinct bag men do you think there are in the City right now?” He takes the pipe out of his mouth and says, “Ninety-six.” And that was Dick Condon, who I then met. I met Dick Condon for the first time. Now, what he meant, incidentally, is far more subtle, as usual, with Condon, it’s more subtle than the headline gives you, to get your attention.

LS      And he became Police Commissioner.

Armstrong      Yes, he became Police Commissioner later on. He was Police Commissioner under Koch. He was the last Koch Police Commissioner. Condon, that doesn’t mean there are ninety-six captains on, ninety-six precinct commanders, by any means! But there’s a business opportunity out there for somebody, and either a cop or a civilian is going to say that he’s picking up for the captain. So, you’ve got a bag man out there, collecting for the captain, no matter whether he is or not. But I got to know Condon through that, and while I didn’t give Phillips anything, Joe Phillips, I didn’t turn anything over, I got to know Condon, and Condon started working with me on the case, just on his own. He put some wire taps in to help us out. So, we were working our case with him, and he came up with a tap. I remember he called me at home once and we were just about to have our hearings soon. We had transferred Phillips. He was in the 2-5, and we transferred him from there down to another precinct to try and drum up some trade from this precinct, and we’d come up with a hokey kind of thing, but we got him transferred. He was working down there and Condon calls me at home and says, “Mike, go out to a phone booth and call me and then I’ll call you back.” So, I went out to a phone booth. I guess he was calling from a safe phone. He called me and said, “They’re on to him. They got Phillips, they know him.” Because we got a wiretap that, they’d sent another cop to check Phillips out. He said, the tap said, “Hey, you know that guy that we said to check out?” He says, “Yeah.” “Think the worst.” The guy says, “Oh, shit.” He says, “Well, Bill, do they have” “Well, Harry, I don’t think we ought to talk on this phone.” So, we knew that Phillips was blown and it was just a few days before the hearings. Incidentally, we had brought Ratnoff back. Ratnoff had fled to England because he thought Phillips was going to kill him and he didn’t know Phillips had turned. And we wouldn’t tell him, because if we told him, it would be on *Life Magazine*’s cover. Ratnoff would call us up and say, “Hey, I just saw Phillips uptown. Send some people up.” I’d be sitting with Phillips, because he had turned. And, so,

finally, Ratnoff got so screwy that he left and went to London for the summer, but he was back. And Phillips, during the period of time, had calmed down about Ratnoff. We told him, we're going to have to tell Ratnoff that the hearings are up. He's doing the mechanical stuff on the tapes, and he's got to work on your tapes. It's two days from the hearings, and we're going to have to tell Ratnoff what the story is. And Phillips said, "Hey, I've given up on the idea of killing the bastard, but can you just let me make a threatening phone call?" He said, "All I want to do is get on the phone and say, 'Hey, you baldy headed little fuck, do you know who this is?'" We said, "No, no, no. You can't terrorize our equipment expert." But the cops knew about him, and if the cops knew, then organized crime people would know, as well. And we told him, "Gee, Bill, stay with your girlfriend. Don't go home." He said, "I've got to go home. My wife doesn't even know I did all this shit. So, I've got to talk to her before I get on television." And we said, "But Bill, we can't protect you. We don't have anybody with guns." He said, "I do. Look, those bastards take me out, I'll take a couple of them, too." It seemed to him, a satisfactory solution to the fact that he might get killed, the fact that he would take a couple of "bastards" with him at the same time.

LS Can we go back a little bit? What interested me, when you talk about the super-secret bat cave, and Condon.

Armstrong How did that survive?

LS Was this out of internal affairs? The point is, he's sitting there saying, to you, the ninety-six precincts are corrupt, and you have a Corruption Commission coming up, and so, why didn't he come up before, if he's running this? So, a little bit of the history of that would be interesting.

Armstrong Sure. And you know what? Condon is one of the people you ought to talk to. Condon, now, runs security for the school system. And he is one of the smartest and most knowledgeable people you're ever going to find.

LS He's been to our receptions.

Armstrong Oh, sure, sure, sure. He knows you guys. You had pockets in the department, the hierarchy of which generally was not involved in the corruption, I don't think, although some were, but just sort of overlooked it. Syd Cooper, for instance. Do you know Syd Cooper? Sydney Cooper was Frank Serpico's mentor. Sydney Cooper was bald, he looked like Kojak, he had a great sense of humor. He was really a character. He was ferocious on corruption. He was the head of IAD, and he was ferocious on corruption. The story was that when he was a Sergeant, he'd have taken a hot stove. And he, himself, used to say, "Thank God for the Statute of Limitations." He made no bones about it. But he was tough, and nobody, they worked for John Walsh. John Walsh was the first deputy under Leary, and Walsh was ferocious. But when we questioned Walsh, in our hearings, for instance, we asked him, we said, "Look, if you're doing an investigation, a

broad-scaled, corruption investigation of city employees and everything like this, and you find out that there's one cop involved, do you go and arrest that cop even though it's going to bust your investigation?" He said, "Yeah, I'd arrest the cop." In other words, organized crime, the whole bit, you blow the whole thing? "Yeah, that cop, you can't have a guy with a gun and a badge out there if he's corrupt," says Walsh. But Walsh is one of the guys that supposedly Serpico brought his information to. Did Walsh believe him? I don't know. I think you can look at Walsh's testimony and there's a mix there. You had Syd Cooper, Walsh had the bat cave, that's where Condon was, and Walsh ran the bat cave. And they did their own little thing. But Condon will tell you himself that the department as a whole was just tolerant of corruption. And the swamp of low level corruption that existed was something that the bat cave couldn't do anything about. I mean, what they could do was get a top level corruption case, maybe. And, as I say, they had one. I'm sure Condon will tell you about it. But it went right up to the Commissioner's office, before. So, it was, I mean, there was a complexity.

JK That's what you've said is the greatest achievement of the Knapp Commission, is that it changed the culture of the police department from being widespread corruption and tolerance of corruption, to one where it seems more the exception or more confined.

Armstrong Much more the exception.

JK It's not endemic throughout the ranks.

Armstrong The line I have used is that you can still be corrupt, but now you have to lie about it. You don't brag about it. In the old days, cops said they were doing corrupt things that they weren't even doing, just to be one of the boys, at a low level, so that the grass eaters, the low level corruption, Ed Droge told a story of, Ed Droge is the second witness that we got, and he was the complete contrast of Phillips. He was a young, idealistic hero cop kind of, who was leaving the department and happened to have a conversation with a guy, it was a drug case, a low level drug case, and it had been adjourned two or three times. And Droge was going to get out of the department, and he was going to Los Angeles to set-up an apartment out there and to go to UCLA. His ambition was to go to UCLA and bring his wife and several kids out there, and then go to law school and be a lawyer and all this. So, this guy comes up to him, this defendant, and offers to give him three hundred dollars or five hundred dollars not to show up at the next hearing because it might get dismissed if he doesn't show up. Well, he wasn't going to be there anyway! So, he said, "What the fuck?" So, he takes the three hundred dollars and then the guy gets caught. He figures a way to get himself out, and he comes to us and says, "I've got a dirty cop for you." And so, we had him call up Droge and confirm it, discuss it, and Droge did. He discussed it on the phone, the three hundred dollars and the whole bit. And then Droge goes to California.

JK Because he figures it's over?

Armstrong Well, in accordance with his normal plan. You know, he didn't know. He's talking to the guy and the guy, "I'm not going to be there. Fine. You gave me the three hundred bucks. That's fine. See ya around, have a nice life." And he goes to California. But we've got the tape. But we don't have the means to do anything about it, because I don't have the money to send somebody to California. But then, the guy that was an associate at Cahill, a guy named Joe Foley, was an assistant at Hogan's office that I knew. I said, "Joe," and he was still at Cahill and happened to be in Los Angeles. I called him up and I said, "Will you do me a favor? There's this guy, Ed Droge, out there. I know his address. I know where he lives. I want to send you a tape. I want you to go play him the tape and have him call me." And Joe Foley, who had experience, he went and he got, this was the day before Droge was going to put his money down on his UCLA thing, and he's in his apartment. Foley comes by and plays the tape for him, and Droge is just shattered. He said, "What am I supposed to do?" "You're supposed to call this guy up." So, he called me and I talked to him and he said, "What should I do?" I said, "Well, look, so far, the only people who know about it is me. And we can try and do stuff for you and help you out, but I think you better come back." He said, "When?" "Tonight." "Well, I don't have enough money for a round-trip ticket." And I didn't say anything, and he said, "What you're telling me is I don't need a round-trip ticket." I said, "No, you're not going to need a round-trip ticket." He came in that night, we debriefed him, and he told about the low level corruption, the stuff, and he told about his first time, a young, idealistic cop, he's out there, walking in Brooklyn somewhere with some old "hair bag" who has been around forever, and a car goes by and a drunk is driving it and the guy goes five or six blocks down and has a minor accident against a pole or something, and stopped. Well, Droge runs the whole way down. By the time he got down there, his partner had commandeered a passenger car and had ridden five or six blocks and he gets out and they talk to the guy and the guy says, "Listen, let me go. I had a couple of drinks. I just want to go home and don't bother me. Here." And he gave ten bucks to the old guy. And the guy says, "All right, get out of here," and takes the ten bucks and sticks it in his pocket. And then, as they're walking back, he takes five bucks out of his pocket and gives it to Ed. And Ed says to us, "I took that five bucks. And that was it. I was hooked. What was I supposed to say? I was supposed to tell this guy who has been on the job for fifteen years or something, and I'm a rookie, 'You shouldn't do that. That's naughty.'" So, that level of corruption, the Ed Droge's of the world. P.S., he testified for us ultimately, of course, ultimately we got him. He didn't have to do any time and he got into Yale. He went to Yale and he graduated and he's been a teacher for the last thirty years, in a prep school in upstate.

LS That type of corruption, like what you just said, that was a daily occurrence in Chicago. Everybody always had a ten or twenty dollar bill. I've seen so many people get out of drunk driving by giving out twenty dollar bills.

JK Those were the days.

LS I'm talking about the fifties, sixties.

Armstrong You know, it's not all black and white, but Condon himself will tell you that the atmosphere in the department at the time was one of, everybody knew about, but what Syd Cooper said. He said, he had once given a quote to the *New York Times*, of course, the story will always be quoted. He said, "Before the Knapp Commission came along, we used to discuss corruption in this department with all the enthusiasm of a bunch of old ladies talking about venereal disease." So, something that wasn't discussed was kind of, people knew it was there, but it was carefully kind of tip-toed around. They knew it was a big problem. You go up to Harlem, for crying out loud, and every kid on the street corner could tell you what's going on. And that attitude changed. I think we had a lot to do with it. I think Pat Murphy had a lot to do with it. He was the Police Commissioner at the time. I had my differences with Pat about some of the things. As a matter of fact, as I'm jumping around so horribly, I might as well jump to this. It's also a good story. Whit and I used to meet with Pat and his first deputy, Bill Smith, every once in a while for breakfast at the Yale Club. We would go in every couple months or every month, maybe, and we would just sit and chat and talk about things. We had a cordial relationship with Murphy once he came on. Because Leary quit just as we were getting going, and there was some question as to whether the Knapp Commission was even going to go forward at that point. Knapp said if we have a reform Commissioner, what do we need us for? We decided to go forward. But we had this relationship with Murphy. And we had just had one of our breakfast meetings and that day, or the next day after, in the afternoon newspapers, there used to be afternoon newspapers, you recall, the headline was 'Murphy Suspends Knapp Cops.' The hearing had taken place. Droge and Phillips were un-burdening themselves to the cops, to the feds and the cops, to make cases, and the hearings had just been over for a couple weeks or a week or so. And now Murphy suspends them without pay. Whit calls up Murphy and says, "We just had breakfast with you! You didn't say anything about this! I want to meet with you in Cy Vance's office this afternoon." It might have been the next morning, it was probably the next morning. So, we met the Commissioners in Cy Vance's office with Murphy, Bill, and Syd Cooper. Now, if you want to impress somebody, Cy Vance's office was the place to impress them. I mean, it's a corner office in the building right down, overlooking the Statue of Liberty. And Cy's desk is kind of back there, and magnificent windows, looking over the Harbor. And Murphy and the other two were sitting there and the whole Commission was there, with the exception of Frank Thomas, who was traveling. He was in Japan at the time, I think. But John Sprizzo had replaced Arnold Bauman. I don't know if you know John Sprizzo. He just passed away. John Sprizzo was three hundred pounds of the fastest talking Italian you'll ever see. Also, maybe the brightest man you'd ever meet in your life. He became a Federal Judge. He was a Federal Judge for fifteen years or so. And he just died. But Sprizzo was there, not a shy person. They sat down, Cy, Whit, me and the

Commissioners, and Whit started off by saying, "Pat, this is my fault. This whole thing is my fault because I trusted you." He said, "Let's get one thing straight, to begin with. Bill Phillips and Ed Droge told the absolute truth, and you know it and you know it." And he said, "Mike has prepared a press release saying that the Police Commissioner is not serious about fighting corruption, according to our Commission, and we're going to release that if you don't reverse this. I'm not asking you to give him a gun and a badge back. You don't have to do that. You've got to pay them until this thing is all settled, you've got to pay them." Murphy kind of hedged and said, "Well, it's very serious, police morale." Cy Vance weighed in with a beautiful, diplomatic, he was terrific. Sprizzo was blunt and direct and to the point. I said, "Gee, I've got to deal with the practicalities here. I've got these two guys, and they're supposed to be cooperating. And they're not going to cooperate if they're not getting paid. Phillips says, 'What am I supposed to do, go out and get a job?'" And Joe Montserrat, who was there, who was President of the Board of Education, brought the political thing into it. Everybody was having their thing to say, and Murphy sat there, really not looking bothered. He looked kind of, as though he had an ace up his sleeve. And when we were all done kind of, he played his ace. He said, "Well, Whit, I want you to know that I have discussed this whole thing with the Mayor, and the Mayor backs me on this one hundred percent." And Whit said, "Fine! Mike, add the Mayor's name to that Press Release!" He said, "If that's the way you want it." Oh, he just went bananas! So, they all left somewhat crestfallen and Montserrat gets on the phone with, I think, Kriegel or Aurelio and says, "Hey, I've got a runaway Commission on my hands here. These guys are going to say that the Mayor is not serious about police corruption." So, the headline was 'Murphy Backs Down.' And he agreed to pay.

JK If I could switch for a few minutes. You became the Queens D.A. after all this. How did this happen and why did you decide to do it? It was the world of Maurice Nadjari, which was a very uncomfortable situation for the City of New York for a time.

Armstrong I was partially responsible for that because I, after the Knapp Commission, I went back to Cahill, Gordon, where, as I said, I'd been a partner there. Our chief recommendation was the establishment of a special prosecutor, and our recommendation was a special prosecutor, under the A.G.'s office, to oversee corruption in the criminal justice system, not just cops, in the City of New York. We didn't discuss this with Rockefeller before we made the suggestion, so Rockefeller heard about it when our report was made public, and here we're calling upon the Governor to have the Attorney General appoint a special Commission. And our reasoning was, at that time, we wanted a place where people could go if they didn't trust the D.A.'s office, rightly or wrongly, and they wanted a place that could investigate things that might involve the D.A.'s offices. So, the presumption would be that corruption would still be handled by the District Attorneys, but you had to have (a) subpoena power; and (b) prosecution power. That was our recommendation. So, Whit gets a call from Rockefeller, and

he said, "Can you come up and talk to me? I want to talk to you about this recommendation you fellows made." He was in his New York office on 55<sup>th</sup> Street. Whit calls me up and we head up there, and we figure it's going to be, "Hiya, fella," so he can say he consulted with the Knapp Commission before he did what he did. Well, three days later we came to the conclusion that he was for real. We spent three solid days up there with Rockefeller and with Maurice Nadjari. Nadjari had done a piece on, it had something to do with the city, and he was an advisor. And Malcolm Wilson and two or three other people. We sat there in a room and hammered out what the final parameters of the special prosecutor's office was. They asked me to do it and I said, "No," because a couple reasons. I had to get back to work and also, it would not be seemly for us to make a recommendation for a position and then have me take the position. It looks a little, I mean, Cheney didn't seem to mind. It seems to me if you're on a committee to select people, you don't take it yourself. And Nadjari was pressing for a fuller office, a full-time office with full powers to go balls-to-the-wall and everything. Ultimately, Rockefeller opted for the full office and then he opted for, they asked me to do it and I said I wouldn't do it, and they he asked Nadjari to take the job. As far as anybody knew at that time, he was just perhaps an over-zealous prosecutor from Hogan's office. But no one knew, in my judgment, the excesses to which he would later go. But then, Nadjari proceeds with what he's doing, and one of the cases he makes is the case against Tom Mackell, who was a District Attorney in Queens County. He makes a case with knowledge of some kind of a Ponzi scheme that was going on that the guys in his office are actually victims of, including his son-in-law, who was in the office. Tommy Mackell, Tommy Mackell was wonderful. They were talking about him as possibly running for Governor. I mean, he had a professional quality Irish Tenor voice. He would go to gatherings and sing 'Danny Boy' and 'My Yiddish Mama' and 'O Solo Mio', covering all the major ethnic groups in Queens County. He was a great guy. A real old-style politician. He was accused of this by Nadjari. He subsequently had to resign, and it was up to Rockefeller to pick somebody to be the interim. Rockefeller, who I had experience with during these three days, he asked me to do it. I was a Democrat but he asked me to do it. As a matter of fact, he asked me to run. And I said, "No, I won't run, but I'll take it for less than a year because it sounds like fun." And I called up Frank Hogan and I asked if I could have John Keenan as my Chief Assistant. Keenan, I didn't know Keenan that well, but I had to have somebody to tell me how to run the goddamn office. I had five-and-a-half years in the Federal office, but I didn't know. And Keenan was the best. I said to him, "Look, I know Keenan's a Republican. But this county is now in a shambles, as far as law enforcement." The D.A. has been indicted. The Chief of the Grand Jury Bureau had just been convicted on an organized crime gun case, you know? The place is really thirsting for somebody different, and if we go in there, maybe John can run and be D.A. Or, if not, maybe we'll get ourselves a non-political D.A. because Rockefeller will back him." Anyway, that was a thought. A funny story is Keenan has a detective named Nick Cirillo. Nick Cirillo looked then like a central casting for an underboss, he has a scar on his cheek here. I think it comes from a tooth on the inside, but it looks great, and he is, Cirillo was Keenan's



right-hand man. And when John was approached by Hogan, because I would never approach John, Hogan said, "Maybe it's a good idea," and John starts to tell Cirillo about it, and Cirillo says, "What? You're going to work for that hump? You're going to work for that guy? You're crazy. Don't be ridiculous." He said, "Not only that, Nick, but," and Nick said, "Oh, no!" "I'm not going. No way I'm going!" And John says to him, "Nick, I don't drive." If you don't come, how am I going to get out there?" And so, Cirillo came out and, in a surly way, was one of the detectives out there. I'm sorry for wandering all over the place.

JK     You were in the middle of the Queens D.A. and how you had agreed to take it, and now you're the Queens D.A.

Armstrong     Yes. Cirillo came out reluctantly and I got him involved in an undercover situation. He was an under-cover guy for, what was that magazine? The girly magazine. *Playboy*. He was supposed to be a Playboy executive involving somebody or other. We sent him down to Washington and Philadelphia and gave him two or three thousand dollars, and he said, "John, I worked for you for fifteen years. I go all the way out to California and you give me fifty bucks. This guy gives me two or three thousand bucks right now?" He's beginning to warm up to me. But we got to kind of get to know each other. And then there was a death threat on me. Well, that happens every once in a while. And I had to send somebody out home to talk to my wife because the phone calls were coming home. And so, I sent Nick out and he went out with Vito, who was my driver.

JK     Nick and Vito?

Armstrong     Yes. Vito was the driver and he took Nick out there and he comes in and my daughter, DeeDee, my middle daughter was about twelve or thirteen at the time and Vito said, "DeeDee, this is Nick Cirillo." She said, "Nick Cirillo, my daddy says that you're the best policeman on the whole force."

Tape 2, Side 1

Armstrong     A lot of interesting things happened there.

JK     What was the morale like? You're walking into a place that has just been investigated by Nadjari. What's your portfolio there, for nine months as District Attorney?

Armstrong     Well, I walked in. I had a meeting, I guess the first thing, the Chief Assistant was named Ludwig. He was tall and they called him the Submarine Commander because he looked like a Submarine Commander. And he was very efficient and tall and imposing. And Mackell, I don't know what Mackell did with him but he just had him around. But this guy, when Rockefeller announced that I was going to be D.A. publicly, I called out there and I got this guy on the phone and I said, "Hi, you may have heard. I'd like to come out and just look the office

over.” He said, “We’ll send a car in for you.” I said, “No, no. That’s all right. I’ll just come out.” He said, “Well, we’ll have a special parking place for you.” I said, “Never mind.” He said, “We’ll assemble the whole office.” I said, “I’m not District Attorney yet. I’m just coming out and I’d like to know where the court house is. And so, I’ll come out and we’ll meet.” Fred Ludwig was his name. He said, “All right.” So, I go out and I meet with this guy and he is, first of all, he’s really hoping that somehow the new District Attorney will keep him as the Chief Assistant. And he’s there, trying to please me, and I’m trying to figure out what’s going on and he said, “Well, there’s one thing that we can do – one thing that we can handle right away.” I said, “What’s that?” He said, “Well, you can make a decision as to what color you want in the new limousine that the District Attorney is getting.” I said, “Limousine? I get a limousine?” The feds don’t have limousines. I said, “I get a limousine, really?” He said, “Yes, of course. You get a detective to drive it and you get a big limousine.” I said, “Oh, what do you mean by color?” He said, “It’s all picked out but the color has yet to be decided, and that should be your decision.” And he takes me over to the window and says, “If you get a green one, it’ll match my car.” I thought, “Holy shit.” I said, “Well, I’ll tell you what. I’m only going to be here,” and I had announced publicly that I was not going to run, so that was clear. I said, “I’m only going to be here for eight or nine months,” whatever it is. “Does the old limousine work?” He said, “Oh, yes, it works.” I said, “Fine.” I said, “I’m not going to use it to go back and forth to work and insofar as I need a limousine, that one ought to work fine, and why don’t we wait until the new District Attorney comes in, whoever he is, or she, because maybe I would pick a color that they didn’t like.”

JK      Very prudent.

Armstrong      So, he said, “Oh, all right. Fine.” So, we sat down and we talked and he was telling me about what the office was about. And I soon discovered, he was one of these guys that unfortunately, I know it’s terrible to say this, but he was one of these guys that, at least on that day, had a little bit of spiffle that went from his top lip to his bottom lip, like this, and I was fascinated. And also, he would, I’m kind of restless, not so much now because my legs aren’t so good, but I would get up and walk around. I would get up and sit down, get up and sit down. Every time I got up, he got up. And every time I sat down, he sat down. I finally, mischievously faked it once, you know. He got up half-way and I began to see what this guy is. So, we talked a while. I said, “Let’s go out to lunch.” I said, “Well, is there someplace?” Well, going out to lunch with the new District Attorney, this is heaven. He said, “Well, I know a marvelous German restaurant.” I said, “Okay, fine.” We go to the German restaurant and he introduces me to the owner of the place and says to him, “This is the new District Attorney.” We go and we sit down for lunch and the waiter comes over and said, “Do you want a drink?” Well, in those days, I would have a drink for lunch often. Well, I didn’t feel like one that day. Ludwig, who I heard had a little bit of a sauce problem, he said, when I said, “No, I don’t need a drink,” he said, “No, no, I won’t have a drink either.” “Well, what would you like?” And, for some crazy reason, I just

had an urge. I saw on the menu that there was corn beef hash with a poached egg. Now, corn beef hash with a poached egg in the best German restaurant, I mean, it doesn't fit. But I felt like it. So, I ordered corn beef hash. Any tiny chance that Fred Ludwig had, to keep his job, vanished when he ordered corn beef hash! He set-up a meeting of the whole office, once I was District Attorney. I came in and I met with the whole office and John wasn't aboard yet. Keenan wasn't aboard. I laid it out to them. I said, "This office does not enjoy the respect of other offices in the criminal justice system in this city. I am not accustomed to being associated with outfits that do not enjoy respect of their peers. But I want to make one thing clear." I had fired about four people. There was one guy I thought that was linked to organized crime. I weeded out four people. "I'm not going to fire everybody, because it would be very difficult to run this office if I fired everybody," I said. "And nobody else is going to be let-go for cause as of this time, so you all have your jobs. But there are certain things that are going to change right now. If anybody wants to continue to be active in politics, you can leave, because I don't want anybody in the office, you can belong to a club, you do this, but you can't be active in anyone's campaign, including my own if I should decide to run." So, I laid out kind of harsh things that we're going to run this place professionally and what-have-you. Then I brought Keenan out to tell me how to really do it. I later found out, I brought Keenan out and Karl Bornstein was the guy from the Bronx, I brought him out. We were known as the Army of Occupation. But you find out things, like, you go out there and you find out that the Criminal Court Bureau didn't have desks! I said, "Well, what do you do with the file cabinets?" We don't have file cabinets. They handled their cases from the court's docket. They would just get the thing and just hand it, they didn't even have a desk! So, the great reform that we made was we found a situation whereby we would have two guys to a desk. It was crowded, but we would get the desks! And we would get them a file cabinet.

LS      Prison-made desks, right?

Armstrong    Yes. And we'd get them a file cabinet so they could keep their own file of the cases that they're working on. Now, of course, that's the criminal court, lower misdemeanor and all that kind of stuff, but still. Things like that we found that needed. And it was a fun time.

JK      Why did you say that you were not going to run, that you would just do it for a nine-month period or whatever?

Armstrong    I really wasn't interested in getting involved in politics.

JK      And it is a political office.

Armstrong    Yes. I mean, this has nothing to do with your oral history, but I later toyed with changing my mind because of a, I was there for about a month or so and I saw what it was about, and I called up Matty Troy. Matty Troy was the

Democratic political leader in Queens County. And I said, "Look, you're going to be picking somebody to run in the election for this thing, and I must say, I'd like a non-political person." It seems to me that the political thing to do would be to get a non-political guy in here now, when the predecessor's been indicted and you've got two major indictments against people in the office. I think it's time for the Democratic Party here, and I'm a Democrat, to pick somebody who is non-political. And Matty Troy says, "Absolutely, absolutely. You couldn't be more right." He said, "I have several professors and several judges in mind that we're going to pick from them." I said, "Well, that's terrific." I said, "Let's have lunch next Thursday and I'll tell you some of the things that I think, what I've learned about the office that can help." Well, that next Wednesday, the Democrats caucused in his living room or wherever, and picked Nicky Ferraro as District Attorney in Queens County. Nicky Ferraro is a nice guy, but, a pol all the way.

JK And not exactly a distinguished legal mind, non-partisan.-

Armstrong Not non-partisan. I don't know. I can't knock him one way or another. His niece was Geraldine Ferraro. She was perfectly fine, and the best thing he did, I guess, was give her a job. I don't knock him at all, except that he was exactly the kind of guy, the political guy out of the club house, that Troy had said that he wasn't going to do. So, that got me a little pissed off, and I talked to John Keenan, and we talked to the head of the Conservative and Republican parties about maybe John running for District Attorney on those two lines. Now, with things being such a mess, it's a possibility, even with the heavy Democratic registration. And I called up Rockefeller and Rockefeller said, yes, of course, he would back it. So, we met with a guy named John Durante. John Durante was the Clerk in Queens County and also the Republican Leader, despite the fact that a court order had said that he was not allowed to do that. I mean, as Clerk, he wasn't allowed to be, but he was, anyway. Durante, we met with him and he said, "Fine, I'll back John. It sounds like a good choice." Then, it turns out that Durante had a deal with Matty Troy to make his daughter, Joan Durante, a judge. And Matty Troy finds out that John Keenan's going to run on the ticket, and that interferes with his idea of Ferraro making a real big, a runaway race. So, he tells Durante that if he makes a deal with Keenan, that it's off. It's off. So, his daughter isn't going to be a judge. The deal was off. So, Durante pulls out and says, "I'm sorry. I can't do it." And the Republicans nominate a guy who was a complete non-entity. So, at that point, I got pissed off and I talked to the leader of the Conservative and Liberal parties, with the notion that I would run on the Conservative and Liberal lines. Rockefeller agreed to back me. We had the thing set-up and it was an interesting thing. Well, the idea was also I'd run, Abe Beame was running.

JK And it might work.

Armstrong Well, I wasn't going to win, but what I would do, it was a lackluster year, but this kind of thing, you know, someone running on the Liberal

and Conservative lines, I could have had bumper stickers that said ‘Bill Buckley and Al Lowenstein don’t agree about anything except Mike Armstrong for D.A.’ It was fun. So, next time I go for Attorney General. Whit Knapp said to me, “Look, understand you’re giving up the law and going into politics. If you do that, that’s what you’re doing. And secondly, you run one substantial risk. You might win. And if you win, then you’re going to be D.A.” Anyway, I toyed with it for a while, and the other thing was that they thought, the D.A. in Brooklyn called me up, the guy who got in trouble later on, he called me up and said they thought they picked out Nicky Ferraro on an organized crime tap. So, I flew up to Maine and talked to Rockefeller about it and with everything and said, “Okay, I’ll think about it.” Then I found out I would have to move to Queens to run. I could serve as an appointee, but I couldn’t just run, and I’d have to move to run. And then it turns out that it was not Nicky Ferraro, and it absolutely, definitely was not Nicky Ferraro on the tape. So I decided not to, I wasn’t going to do it. And I held a press conference, and it was so much fun. I held a press conference and I said, “I decided and there’s been some talk around that I’m toying with the idea of running on the Liberal and Conservative lines as a Democrat appointed by a Republican.” Oh, Rockefeller would have backed me against the Republican. I said, “I’ve decided not to for personal reasons and reasons of political reality.” And one of the reporters said, “Well, what are the reasons of political reality.” That’s the one you duck, right? I’m going back to Westchester. I said, “Well, let me tell you. There’s this guy, Durante. He had a deal with Matty Troy for his daughter to become...” I’m sorry, I’m running on.

JK      You got to return to the law.

Armstrong      Return to the law, yes. The other thing I will tell you is I got a lot of overtures to run for public office when I was counsel to the Knapp Commission. I had a very high recognition, they told me. I’d walk down the street and I’d get some guy going, “Hey, Armstrong, booooo!” But people would know who I am. You know, I had my fifteen minutes. And it was a fairly intense fifteen minutes. I was on the ‘Today’ show, I was on the ‘Dick Cavett’ show for the whole show. I was going to be on the cover of *Newsweek*, and after twenty years of keeping the Chinese out of the U.N., they let them in in my week. At lunch one time with a reporter from *Newsweek*, and the guy started with, “Why don’t you run?” I was thirty-nine years old. “You run, you could be another Tom Dewey.” I said, “Look, I really am not interested in running for anything, but this is very heady stuff. I’ve never been involved in this kind of stuff. It’s very heady stuff. I could change my mind. So, I’m going to give you a quote. You’re authorized to use this quote if I decide to run for public office. Number one, I believe there’s a Mafia and it’s all full of Italians. Number two, I think it was a disgrace for the Irish to remain neutral in World War II. And number three, I sympathize with the Palestinians in the Middle East. If I ever decide to run or think about running, I will know that you’re out there, with this quote.

JK      And that will end it!

LS     That will end it, for sure.

JK     Well, thank you very much.

LS     Well, that's wonderful. We only got to 1973, though, so I hope we can have another session.

End

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