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Q&A: Robert Morgenthau on immigration, quality-of-life crimes

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(Reuters) - Robert Morgenthau stepped down as Manhattan district attorney in 2009 after 35 years in office and many more in government service before that, including as Southern District U.S. attorney during the Kennedy and Johnson administrations and as a naval officer during World War II.

But at age 96, he's still not quite ready for retirement.

The legendary prosecutor heads into his office daily at Wachtell Lipton Rosen & Katz, where he is of counsel. And he is very involved in one hot button presidential election issue: undocumented immigrants.

Morgenthau is one of the founding board members of the Immigrant Justice Corps. Reuters sat down with the former district attorney last week to chat about the group's work, the environment New York prosecutors are now facing and other things that are occupying his thoughts these days.

He still dips more than a toe in city affairs. When we met at his office, Morgenthau had just returned from lunch with Brooklyn District Attorney Kenneth Thompson.

Questions and answers have been edited for clarity and brevity.

**REUTERS:** You're on the board of a two-year-old organization called the Immigrant Justice Corps. Who else is involved and what is the group's mission?

**MORGENTHAU:** There are four founding board members: Robert Katzmann, chief judge of the U.S. Court of Appeals for the 2nd Circuit, Deborah Winshel, former president of the Robin Hood Foundation (a poverty-fighting organization), Bill Zabel (of law firm Schulte Roth & Zabel) and me. We've hired 70 lawyers from the (law school) classes of '14 and '15.

We represent as many undocumented aliens as we can. We've represented several thousand already. We advise them on how to respond to questions, represent them in immigration court, help them fill out forms when they want asylum and generally advise them of what they can do if they want to stay in this country.

If they're not represented, the prognosis for staying is very bad. We're helping to unify families. The parents are here, let the children stay; when the children are here, let the parents stay. We've got to make a program for when people graduate from college or grad school. They're valuable resources. The H-2A (visa) program, which is for farm labor, has to be expanded.

**REUTERS:** You recently spoke out about the U.S. deporting immigrants from Honduras, many women with children. Why?

**MORGENTHAU:** They're fleeing Central America crime and poverty. Instead of spending a lot of money trying to return them, we should be supporting things like the Peace Corps and DEA (the Drug Enforcement Agency), and trying to cut down on the gangs and criminal activities.

REUTERS: Doesn't sound like you agree very much with Republican presidential candidate Donald Trump, who is campaigning on a promise to build a wall on the Mexican border and deport 11 million undocumented immigrants. What do you think of his candidacy?

MORGENTHAU: I've got a policy on never commenting on candidates for political office. I've done that for 50 years.

REUTERS: You must have had to deal with Trump over the years.

MORGENTHAU: He's been a major supporter of the (Police Athletic League, of which Morgenthau is longtime chair). He gives us a lot of money. He raises money for us.

REUTERS: Okay, back to your work. You tried to protect undocumented immigrants as DA, too.

MORGENTHAU: What we said is, if an undocumented alien reported a crime, they would not be turned over to federal authorities for deportation. We prosecuted a number of people (falsely) holding themselves out as (immigration) lawyers. I had lunch with Ken Thompson today. They set up an (immigration fraud) unit to look at those cases.

REUTERS: Why are you focused on immigration?

MORGENTHAU: One of the reasons I'm spending time on immigration is my grandfather came here as an immigrant (in 1866). Only about five years ago, I learned he landed here, at 10 years old with three sub-teen brothers. Under "calling" on the manifest, each one said "farmer."

The doors were open. He got into City College six years later.

His father told him he had to drop out at the end of the first year and help support the family. He dropped out and went to work in a law office and then applied to Columbia Law School without ever graduating college.

The opportunities were there for young people. It's payback time. I feel an obligation to try to see that young people coming here now have the same opportunities my grandfather did.

REUTERS: Cyrus Vance, your successor as Manhattan D.A., recently announced, with the backing of Mayor Bill de Blasio, that his office would no longer prosecute low-level crimes like public urination or littering. What's your view on that?

MORGENTHAU: It's got to be thought about carefully. Walking with an open can of beer is not a crime that usually leads to others. Sometimes there are political demonstrators exercising their right to protest and we shouldn't have mass arrests, which clog up the systems.

But turnstile jumpers could be suspects in other cases. That's how we solved a murder case, the owner of a dry-cleaning establishment killed at 5 o'clock in the morning. There were no witnesses. The police found a palm print. We wouldn't have solved that case if it hadn't been for the turnstile jumping.

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