IT RUNS IN THE FAMILY
Celebrated crimebuster Robert Morgenthau still remembers where he comes from

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It Runs
In the Family

BY Eytan Kobre
PHOTOS Meir Holtovskiy
He was 90 when he left his three-and-a-half-decade career as Manhattan's longest-serving DA, building the agency into a legal powerhouse that prosecuted some of New York's highest-profile criminal cases. But Robert Morgenthau is much more than a high-profile crime-buster. He's the third link in a family of public servants dedicated to helping their Jewish brethren and leaving their mark on the history of the last century.
ven at age 93, and only three years into his retirement as Manhattan District Attorney, Robert M. Morgenthau is a name that gets instant recognition from New Yorkers. But there are really two Morgenthau. There’s the gang-busting, headline-garnering chief prosecutor in America’s highest profile city, who was so iconic a figure that the lead character on a long-running entertainment show was modeled after him — with the part being played by a frum Jew from Monsey.

But there’s another Bob Morgenthau, scion of a storied political family, witness to many of the pivotal events of the last century, and devoted son and grandson of equally devoted public servants and Jewish philanthropists. It’s the desire to get to know this second, lesser-known Morgenthau that brings me this fine spring day to the offices of Wachtell, Lipton, Rosen & Katz, a law firm well ensconced in the stratosphere of the New York legal establishment, where Morgenthau is now on the roster.

His three-and-a-half-decade career as Manhattan District Attorney was itself a capstone to an already eventful life, full of things like running twice for governor of New York, a position his great-uncle — Herbert Lehmann — held for four terms; serving as a deputy mayor of New York under John Lindsay; and serving for eight years as the United States Attorney for New York’s Southern District, the plum post in the nation’s federal legal system. For anyone else, all of these things would be reason enough for celebrity, but in a life as colorful as Bob Morgenthau’s they appear almost as mere footnotes to his bio.

As Manhattan’s longest-serving DA, he built the agency into a legal powerhouse, with a staff of over 500 lawyers — alumni include a current Supreme Court justice, the current and a former New York governor, and dozens of sitting federal and state judges — and a budget of more than $80 million. During his tenure, Morgenthau’s office prosecuted many of the most famous cases of the day, including a record-breaking verdict against international bank BCCI for fraud and money-laundering with the resulting fines topping $800 million, the breakup of the Gambino crime family’s control of New York’s garment industry, and the saga of Bernie Goetz’s vigilante shooting of four assailants on a New York subway car.

Mr. Morgenthau came to his post as DA in 1974, and went on to win nine consecutive elections, the last one at age 86 (because, he said, “I’m too old to retire”), with 99% of the vote. That Soviet-style percentage is a bit deceptive, though; he fought off a fierce challenge in the Democratic primary, winning only 59%. He finally stepped down in 2009, noting drily that he’d “recently figured [he’d] served 25 years beyond the normal retirement age.” Did I just say Bob Morgenthau is retired? Scratch that. Although his “of counsel” status at the Wachtell firm seems to imply he’s on a reduced schedule, this man clearly doesn’t know the meaning of
“retired,” and his cluttered office is proof positive of that. Just in the course of our short time together, he breaks to field work-related calls from Charles Rangel and William vanden Heuvel, two legendary names in New York politics. Perhaps Mr. Morgenthau is afraid to take even a short break from the action because, as his older brother told him when he left the DA’s office, “It’s a bad time to be looking for a job.”

Friends in High Places  Nowadays, American Jews are so well integrated into the country’s political and legal establishment that fully one-third of the Supreme Court is Jewish and the president’s chief of staff is actually a shomer Shabbos. But it wasn’t always that way, which is what makes the Morgenthau story so unusual.
The Morgenthau tradition of public service began with Robert's grandfather, Henry Sr., who served under President Woodrow Wilson as United States Ambassador to the Ottoman Empire in the World War I era. Born into a wealthy family that emigrated from Mannheim, Germany to these shores in 1866, Henry was the ninth child of twelve—he, too, was one of twelve. "I'm related to most everyone in New York," Robert deadpans.

Henry Sr. made his own fortune here in real estate, and became a major financial supporter of Wilson. Passed over for positions he deeply desired as Wilson's campaign finance chairman and later, a cabinet post, he grudgingly accepted the posting to Constantinople.

When the Turks began massacring Armenians in 1915, Morgenthau had found his cause. His protests to the Wilson administration and Ottoman leaders alike were rebuffed, but he helped form the Committee on Armenian Atrocities, which raised the astonishing sum of $100 million—equivalent to $1 billion today—in aid to the beleaguered Armenians.

But Mr. Morgenthau would rather focus on his grandfather's good works of a Jewish nature. "When he was ambassador to Turkey, he went—not as part of his official duties—to Palestine in 1914, and found many Jews starving. He came back to his office and sent a cable to Jacob Schiff [famed German-Jewish financier], asking him to raise money for the starving Jews of Palestine. The effort netted $80,000 in gold, and then he got the Navy to launch the USS North Carolina to take his son-in-law, Maurice Wertheim, over to Palestine to turn that gold over to the struggling settlers." This effort was the forerunner of the Joint Distribution Committee.

Henry Sr.'s support for the fledgling settlement in Palestine came despite his being a leading member of the Reform movement, which, at that time, was firmly anti-Zionist. "He believed that what you actually did to help others is what mattered. He wasn't a Zionist because he felt that America had been very good to us, and so he didn't want to discuss another homeland, but he was very supportive of Palestine. "Another thing about him," Mr. Morgenthau continues, "is that he never forgot where he came from. He came over not speaking a word of English, and worked his way through law school by teaching night school for immigrants. Although he never told anybody this, he had 32 relatives he was supporting on a regular basis. I got a letter from someone, telling me that when her grandmother came over as an 11-year-old from a Displaced Persons camp, she was told 'If the people who are supposed to meet you don't, call Uncle Henry.' They didn't show up, so Henry, age 85, went down and took her to his house."

Metamorphosis Although Henry Sr.'s impassioned advocacy for the Armenian people ended in futility, decades later his son, Henry Jr., would succeed in championing his own people's cause in their time of crisis. Henry Jr. actually started out in agriculture, tilling the soil of the family farm located not far from FDR's estate at Hyde Park, New York, which resulted in a lifelong friendship with the future president. Mr. Morgenthau picks up the story line from there: "When Roosevelt became president, he
chose Henry Wallace of Iowa as Agriculture Secretary over my father, but Dad got the consolation prize of becoming head of the Federal Farm Board, where he was instrumental in saving thousands of farms by getting the banks to make loans to farmers. Until recently, I’d meet people from, say, North Carolina, who’d tell me ‘Your father saved my family from going under.'”

When Roosevelt fired Undersecretary of the Treasury Dean Acheson, Henry Jr. was appointed to take his place, and when Treasury Secretary William Woodin died soon thereafter, Henry Jr. moved into that important post. Although that was never his ambition, it put Henry Morgenthau in the right place at the right time to intercede for his Jewish brethren.

Henry Morgenthau came aboard as America was in the throes of the Great Depression, which FDR was committed to fighting based on the standard Keynesian economic playbook, with its belief in massive deficit spending. Morgenthau opposed that approach, and pushed, instead, for a balanced budget based on spending cuts coupled with tax hikes. Rather than having the government go deeply into debt to finance the war effort, he relied on the marketing of War Bonds for that purpose.

Morgenthau also parted ways with FDR on some aspects of the latter’s crowning political achievement, the New Deal. He accepted the creation of agencies such as Public Works Administration and Civilian Conservation Corps, because they were temporary measures in a time of economic crisis, but he opposed the $2 billion veterans’ bonus that Congress passed in 1936, and fought to ensure that Social Security benefits would be funded by payroll taxes rather than the general budget.

As critical as Secretary Morgenthau was of the American war effort as a whole, in Orthodox Jewish circles his name is most closely identified with rescue efforts on behalf of the millions of Jews trapped in Nazi
Europe. In the book *A Fire In His Soul* — a biography of the legendary activist Irving Bunim, authored by his son, the recently departed Amos Bunim — Bunim describes Henry Morgenthau's slow metamorphosis from an emotionally detached bureaucrat to a valuable, highly-placed asset to the Vaad Hatzalah in its frantic race to save every Jew possible.

A turning point in Morgenthau's attitude toward rescue came, according to Bunim, in a meeting he granted in early 1943 to a delegation comprised of Rav Aharon Kotler *ztz"l*, Rav Avrohom Kalmanowitz *ztz"l*, and Irving Bunim *ztz"l*. Moved by their emotional plea, Morgenthau reached for the telephone and called Secretary of State Cordell Hull. Informed that Hull was unavailable, Morgenthau responded, “Tell Mr. Hull that I am waiting at the telephone for an answer. I want a meeting with the President concerning the Nazi murder of the Jews in Europe.” Just a few minutes later, he received a message from Hull claiming that “very delicate negotiations with Germany” were underway, and that such a meeting would jeopardize them.

The Secretary’s response was swift in coming: “Tell Mr. Hull that this is the first time ... that I have ever asked the President for a meeting on a personal matter, regarding my relationship with my people. If I do not get the meeting as requested, my resignation will be on Mr. Roosevelt’s desk in the morning.” The meeting with FDR was granted, and although, as Bunim writes, it “accomplished no immediate changes in Allied policy ... it established Morgenthau as a major Washington contact who would prove to be enormously helpful during and after the war ... [He] became an effective champion for the Vaad....”

In contrast to Amos Bunim's account of the Secretary's initial apathy, however, Robert Morgenthau says that “starting in ’37-’38, my father started going to temple on the High Holidays, because he wanted people to know he was Jewish. Around that time, he began watching what was going on with the Jews of Europe and was very concerned about it. I'll always remember that we went to France and Switzerland, because he wanted to speak to the American ambassadors to get a direct report of what was going on. We were in a Swiss city on the Rhine, and my brother
wanted to cross the bridge into Germany to see the Black Forest. My father said to him, ‘Why would you want to do that?’ And my brother answered, ‘To be able to say I set foot in Germany,’ but my father’s response was ‘You’ll never want to set foot in Germany and you’ll never want to say you did.’"

This much is clear: Mr. Morgenthau tried on numerous occasions to move FDR to action on various rescue plans, to no avail. In 1938, for example, he approached Roosevelt with a plan to have the United States take over French and British Guiana in exchange for canceling France and Britain’s old World War 1-era loans, and use those territories as a refuge for Jews fleeing Nazi-controlled Europe. FDR flatly rejected the idea. In another instance, Morgenthau told his boss that the Romanian government was prepared to send 70,000 Jews in Transnistria to a safe haven, and use those territories as a refuge for Jews fleeing Nazi-controlled Europe. FDR told him to refer the matter to the State Department where it met a dead end.

Mr. Morgenthau succeeded in helping to bring about the creation, in January of 1944, of the War Refugee Board (WRB), an American governmental agency with a mandate to help rescue European Jews. It was the WRB that sent the noble Swedish diplomat Raoul Wallenberg to Budapest to stop the deportation of Hungarian Jews, and paid for his operation there. Some estimate that as many as 200,000 Jews were saved due, in part, to the various efforts of the WRB, although its own director, John Peple, later rued the fact that it was all “too little, too late.”

The exact role Mr. Morgenthau played in the creation of the WRB, however, is more complex. Standard histories of the era state only that he submitted a Treasury Department report to the president on the State Department’s efforts to stymie rescue efforts and even to block American embassies from reporting to Washington about Nazi atrocities against the Jews, and urged the president to set up an apparatus to focus on rescue work.

But Holocaust historians Drs. David Wyman and Rafael Medoff claim that there’s more to the story. Their research revealed the critical role played by Josiah DuBois, a young attorney at the Treasury who, risking his nascent career, surreptitiously obtained documentation of the State Department’s obstruction of rescue efforts and authored an explosive memorandum with an equally incendiary title: “Report to the Secretary on the Acquiescence of This Government in the Murder of the Jews.” According to Wyman, when Morgenthau balked at taking the report to the president, DuBois threatened that he “would resign, call a press conference in Washington, and rip the lid off the entire State Department refugee scandal.” That had its intended effect, and on January 16, 1944, after changing its title to “Personal Report to the President,” Secretary Morgenthau presented DuBois’s report to Roosevelt in the Oval Office. One week later, the WRB came into being.

Whatever the actual genesis of the WRB may have been, Robert Morgenthau notes bitterly that, “One of the first things Truman did after becoming president was to abolish the Board, and when my father wrote to him to protest this, he responded that ‘The war is over, so for what do we need a War Refugee Board?’ This was just one year after the war had ended and Europe lay in ruins.”

This wasn’t the only time Morgenthau and Truman butted heads over the fate of Jewish survivors. The Treasury Secretary had arranged for visitors’ visas to be issued in August of 1944 to 982 refugees, the great majority of them Jewish, which enabled them to be brought over from Italy and resettled at Fort Ontario in Oswego, New York. Although, says Mr. Morgenthau, it was his father who was the prime mover in this effort, he put Secretary of the Interior Harold Ickes out front as the official sponsor of the effort.

For this he earned the ire of Harry Truman, who, while still in the United States Senate, called for Morgenthau to be impeached for issuing visitors’ visas knowing full well that these “visitors” would be visiting these shores permanently.
With Harry Truman’s assumption of the presidency upon FDR’s death in mid-1945, Henry Morgenthau realized his time of influence was up and promptly resigned his office. Not one to rest on his laurels, however, he threw himself into Jewish-oriented philanthropy, becoming chairman of the United Jewish Appeal and first president of the Israel Bonds organization.

**Anchors Aweigh** While the senior Morgenthau was helping orchestrate the war effort in Washington, son Robert couldn’t even enlist, because he hadn’t graduated college. But one day, he was driving down the West Side...
He spent the next four hours treading water in the Mediterranean without a lifejacket — it was then that he decided to devote his life to public service, if he survived.

Highway when an announcement came over the radio that those with three years of college could sign up for the Navy. So he pulled over at 30th Street and the Hudson River, where the USS Prairie State was stationed, went right in and signed up. “They wouldn’t take me,” he muses, “until I got my parents’ consent, because I wasn’t 21.”

One year later, he was on a destroyer in the Boston Navy Yard, when the frantic report crackled over the radio: “Japan is bombing Pearl Harbor. This is not a drill! Japan is bombing Pearl Harbor. This is not a drill!” Soon thereafter, he was transferred to a destroyer in the North Atlantic, the USS Lansdale, on which, at the tender age of 22, he served as the executive officer and navigator. In all, Robert spent four- and-a-half years in the Navy, where he came face to face with death on several occasions.

First, the Lansdale was sunk by a torpedo dropped by a Nazi warplane off Cape Bengut in Algeria. He spent the next four hours treading water in the Mediterranean without a lifejacket — it was then that he decided to devote his life to public service, if he survived — but that was far preferable to the fate of the servicemen on a nearby ship, the Paul Hamilton, which went down the same night with 580 men aboard — and no survivors.

Later, while serving as executive officer on the Pacific-based USS Harry Bauer destroyer, the ship survived 17 Japanese kamikaze attacks. Only two of these were actual hits, with the other 15 planes being shot out of the sky. “In one case, we thought we’d shot the kamikaze down, but it skidded into the ship and made a substantial hole. We got a bomb disposal expert from one of the aircraft carriers to come over and look at it. He said not to worry, it’s either the engine or the undercarriage, but not a bomb, and based on that advice we went all the way down to Leyte in the Philippines for repairs.

“But when we vacated the ship, it was discovered that there was a huge, 550-pound bomb aboard sitting against the bulkhead of the forward fire room. The striker had hit the detonator, but thankfully, the detonator was a dud. Every man on that ship got the Presidential Unit Citation, a distinction that was bestowed on only about 21 destroyers out of 600 in the Navy. The ship that relieved us was the Callahan, and it wasn’t quite as lucky. It took a 250-pound bomb aboard, which detonated, and the ship blew up, the last destroyer to be sunk in World War II.”

Know Who You Are Robert enrolled in Yale Law School in February 1946; among his more famous classmates were Byron ‘Whizzer’ White, later a United States Supreme Court justice; Cyrus Vance Sr., Jimmy Carter’s Secretary of State, whose son Cyrus, Jr. succeeded Morgenthau as Manhattan DA in 2009; and Nicholas Katzenbach, United States Attorney General under Lyndon Johnson.

After Yale, Morgenthau headed for private practice, joining the corporate law firm of Patterson Belknap, where he had another close call with tragedy.

“My boss there was Robert P. Patterson, a former federal judge and assistant Secretary of War during my father’s time. I hit it off with him, and he’d take me with him wherever he traveled.

“We were representing US Steel before the Supreme Court, and he asked me to prepare a draft brief, but then he got a call to go to a client in Buffalo. He said to me ‘Bob, why don’t you come with me to Buffalo?’ to which I replied, ‘I can’t go to Buffalo and still get that draft ready for you,’ so I stayed behind.

On Patterson’s return American Airlines flight into Newark, the plane went down in a driving snowstorm, with no survivors. It was a pilot’s option, meaning the pilot could decide on his own whether it was safe to fly or not, and he decided to fly because it was his birthday and he wanted to get home. He got home, alright.”

After twelve years in private practice, Mr. Morgenthau decided the time had come to make good on his wartime promise to work for the benefit of the public. He accepted an appointment by an old friend, President John F. Kennedy, to serve as United States Attorney for New York’s high-profile Southern District, where, in his eight-year tenure, he prosecuted numerous city and federal officials. With Republican Richard Nixon’s move to the White House in 1968, Morgenthau’s time as US Attorney came to an end; after another short stint in the private sector, the Manhattan DA’s office beckoned, and the rest really is history.

Over a career as long as Morgenthau’s,
there must have been disappointments aplenty. When I ask him to name some, the curt response is “I never look back.” When I ask if his failure to convict Mafia boss John Gotti, even after multiple trials, qualifies, he shoots back, “Well, the Feds finally got him,” although it’s well-known that he felt “the Feds” withheld from him evidence he could have used to get his man.

As for his successes, despite his office’s many high-profile convictions of mobsters like Gotti and white-collar wrongdoers like Dennis Kozlowski, CEO of Tyco Corporation, Mr. Morgenthau is proudest of those cases that can have an enduring societal impact. He cites, as an example, the Kimes case in which he won an unprecedented murder conviction against a mother-son team of confidence artists, although the victim’s body was never found nor were there any witnesses to the crime. That, he says, showed would-be criminals that disposing of a body doesn’t guarantee they’ll get away with their crime. The same goes for his prosecution of Anthony Marshall for stealing from his mother—the heiress Brooke Astor—which, he says, “sent a message all over the country: you can’t steal from your elders.”

But Bob Morgenthau has always sought other ways, too, to make his mark in society, one of which is his chairmanship of Manhattan’s Museum of Jewish Heritage. “Ed Koch asked me to be co-chair of the commission to study what would be an appropriate Holocaust memorial. And I got involved for two reasons: One, quite frankly, I thought my father would want me to, and beyond that, I thought it was important. My view is that if you’re going to understand Israel, you’ve got to understand the Holocaust, and to me, one of the most important issues out there is the protection of Israel.

“I told Koch I’d take it on two conditions: One, that I have nothing to do with fundraising, and two, that I have nothing to do with the architecture; as far as I was concerned, it could be housed in a Quonset hut. I didn’t realize how wrong I’d be on both counts.... But I don’t regret it. It’s amazing how many people don’t have a clue about what happened during the Holocaust, so we want to bring as many people in from as many walks of life as possible. That’s why we have an arrangement whereby all students of Catholic parochial schools visit the Museum at least once during their school careers. I was down there last week, and this group of high school kids came in there from Lincoln, Nebraska, so this was not a Jewish group. But they came to study the Holocaust, and this trip was not subsidized, they all paid their own way.”

As Robert Morgenthau talks, I take a few long moments to visually wander across the office’s history-laden walls; a personal note from FDR to his father here, a portrait of his boyhood sailboat racing partner, John F. Kennedy, there. And listening intently as he shares a century’s worth of memories, one discerns a few recurrent themes: commitment to the public welfare, doing what his father would have wanted, and remembering his roots.

“You’ve got to know where you came from,” he says. “I finally disobeyed my father’s orders about not visiting Germany, when I took two Police Athletic League teams [he’s chairman of the League, which sponsors activities for underprivileged youth] over to the Soviet Union in 1991. And since we’d be flying over Germany on the way back home, I decided to stop in Mannheim, where my grandfather was born. I figured that it would only be 36 hours there, so my father couldn’t be too upset about that.

“So we visited the old synagogue that was destroyed on Kristallnacht, and the old graveyard, and the place where we thought my grandfather was born. I had with me my wife, my oldest grandson, and my youngest son, and as we were leaving to go to Frankfurt, 40 kilometers away, the porter—who was putting our bags into the back of the cab—said to me with a straight face, ‘Well, I guess you’ll be flying El Al.’ I turned to my son and grandson and said, ‘You better know who you are, because they know who you are.’

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