

Pace Law Review

Volume 16

Issue 2 *Winter 1996*

Tribute--Vincent L. Broderick

Article 4

January 1996

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Recommended Citation

Robert Morganthau, *On Vincent Broderick*, 16 Pace L. Rev. 197 (1996)

Available at: <http://digitalcommons.pace.edu/plr/vol16/iss2/4>

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On Vincent Broderick

Robert Morgenthau*

I first met Vincent Broderick in 1948, when we were both Veterans who had graduated law school and were starting our professional careers in New York City. I came to learn that he had been a Captain in a Field Artillery Unit overseas. Observing his thick glasses, I wondered how he had qualified for combat duty. It was not until later that I discovered that he had persuaded a friendly doctor to certify that he had passed the eye examination. This was, undoubtedly, the only time Vincent Broderick was involved in a fraud, but a little matter of bad eyesight was not going to keep him from serving his country. And I have not heard of any reported victims of friendly fire.

When I was appointed United States Attorney, for the Southern District of New York, one of my first acts was to ask Vincent Broderick to be the Southern District's Chief Assistant United States Attorney. He was a fine trial lawyer. He also tried and won convictions in two important and sensitive espionage cases, *United States v. Drummond* and *United States v. Soblen*. He tried a case of fraud, perjury and false statements against officers of Washington Heights Savings & Loan Association, a case that received fairly wide news coverage. Defense counsel asserted in summation that the case was brought by the United States Attorney and the FBI to further their political careers. To this, Broderick said to the jury "if you believe that for a moment, then you should acquit." The jury reached a guilty verdict in less than an hour.

He was also a great teacher and role model for young assistants. His door was always open for discussion and advice.

His partners in the United States Attorney's Office came to learn that he had a subtle, sometimes wicked, sense of humor. A surprise birthday party was planned for Sil Mollo, the long-time chief of the Criminal Division, and it was necessary to keep Sil occupied for ten or fifteen minutes so that the refresh-

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ments could be set up and the assistants could gather. Vincent volunteered for decoy duty. He went in and picked a fight with Sil, saying that a defense lawyer, whom Sil did not trust, had told him that there had been an illegal search in a pending case and that he - Vincent - was going to instruct the assistant to consent to a dismissal of the case. Sil told him that he could not do that without getting the boss' approval, and that if Vincent was insistent on doing it, they would have to see Morgenthau. Broderick finally said, "Let's go see Morgenthau." As they walked out, the assistants were gathered to sing "Happy Birthday" to Sil.

Vincent Broderick held strong views about equal justice and about discrimination against minorities. In the *Drummond* case, in which the defendant was a black sailor, Broderick was urged by his co-counsel to use a peremptory challenge against a black juror. Broderick refused to do it, saying it was unconstitutional to strike a juror solely on the basis of race. In taking this view, he was twenty-five years ahead of *Batson*.

After being appointed Police Commissioner in 1965, he asked an extremely talented thirty-one-year-old African-American Assistant United States Attorney to join him as Deputy Commissioner for Legal Affairs. As Frank Thomas said to me recently, that was an unusual move for a Police Commissioner and sent a strong message to the Department about the Commissioner's views on discrimination.

Those of us who knew him in the United States Attorney's Office remember his quiet strength, his integrity, and his innate decency. We also remember that throughout his career he was fortunate to have a wonderful wife, Sally, and six great children. They were supportive of him, and he returned their affection and support.