

Federal Monitor Has A Nuanced View Of Police, Justice Here

BY RICHARD STEIER | AUGUST 19, 2013

Those looking to pigeonhole Peter Zimroth, who was named last week as the Federal monitor who will oversee the NYPD's stop-and-frisk program as part of U.S. District Judge Shira Scheindlin's remedy for her finding that it had been operated unconstitutionally, would have a difficult time doing so.

The veteran attorney's two most-notable tenures in government service came for two particularly strong champions of the NYPD, the late Mayor Ed Koch and longtime Manhattan District Attorney Robert M. Morgenthau. (He actually worked for Mr. Morgenthau when he was U.S. Attorney for the Southern District of New York in addition to his later stint at the DA's Office, where he rose to become Chief Assistant DA.)

Repped Serpico Ally

Not long after leaving the U.S. Attorney's Office in 1970, he represented Sgt. David Durk during his testimony before the Knapp Commission investigating police corruption. Along with his better-known colleague Frank Serpico, Mr. Durk, who died last year, became a pariah among many cops for exposing the systemic wrongdoing that reached to the department's highest levels, but he is remembered now as a brave crusader who ended the era in which certain types of corruption were deemed acceptable within the NYPD.

One particularly relevant part of Mr. Zimroth's biography given the complexities of the stop-and-frisk case—involving a program that even its critics generally consider worthwhile when it's done following constitutional guidelines—is his authorship of a 1974 book, "Perversions of Justice," about the Panther 21 trial several years earlier. The defendants in that case, all of whom were members of or connected to the Black Panthers, were acquitted

of a series of crimes including a plot to bomb several major city department stores.

Mr. Zimroth had frequently attended the trial while teaching at New York University Law School. He said in an interview with this newspaper shortly after becoming Mr. Koch's Corporation Counsel in 1987 that he decided to write the book because of his interest "in the judicial process, the litigation process, and what happens when it is forced to deal with issues that are much larger than simple guilt or innocence. My conclusion was that the process was abused. I thought that the evidence was very substantial in pointing to the guilt of some of the people who were charged, and their acquittal was caused because of what the prosecutor was trying to do in the case beyond guilt or innocence. You can't put a movement on trial."

Willing to Shake Things Up

He said during that interview, "I'm not afraid to walk into a situation and shake it up if I think it's necessary."

He told the New York Times at about that same time that "I really feel very strongly about using the law as an instrument for social good. That's why I became a lawyer."

Last week, he said in an interview with that paper that his nearly three years as the city's top lawyer during the Koch administration had imbued him with "tremendous respect for the Police Department, not just the department in the abstract but for the people who serve the city and protect us." He added, though, "at the same time I have always believed that effective law enforcement is very important—it's crucial—but so is the need for law-enforcement officials to act within the law and the Constitution."