

Battle on Corruption Carries Jersey Crusader to Bench

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NEWARK, N.J.—The politicians of New Jersey never have quite figured out what it was that hit them.

They never have been able to get a fix on this crusader, this phantom out of the lower East Side of New York who came across the Hudson River eight years ago and became the scourge of their lavishly profitable and superbly coordinated system of public corruption.

It was eight years ago that the Justice Department installed the young (then-29) lawyer in the U.S. attorney's office in New Jersey. He was then, as now, an intense young man whose smile always seemed somehow out of synchronization with his words, for it seemed to appear at the oddest times when the words were anything but funny.

In those eight years, Herbert Jay Stern, all six feet and 160 pounds of him, with that strange smile and with his propensity for memorizing the testimony of even



HERBERT JAY STERN
... U.S. attorney

the most minor witness in a case, seems to have locked up about half of New Jersey.

That is, of course, not true. Instead, he has indicted whole city administrations and organizations—like that of Atlantic City and Hudson County—and has taken on the "mob" as if

they were just another bunch of ordinary baddies. He has indicted Republicans and Democrats. His prosecutions have ranged from closest governors' aides to scores of officials of minor towns and cities.

It has been incredible.

Just ask John A. Kervick, New Jersey's state treasurer, who is awaiting sentence for his conviction of extortion and bribery. Or Louis Turco, president of Newark's City Council, awaiting his for tax evasion.

Or Paul Sherwin, who got one to two years recently for extortion. He was Gov. William Cahill's close friend and secretary of state. Or Bob Burkhardt, who was the previous governor's secretary of state, and pleaded guilty to conspiracy to commit bribery. Peter Moraites, former speaker of the State Assembly, got 16 months for violating the banking laws. Rep. Cornelius E. Gallagher got two years for tax violations. Hugh Addonizio, the

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mayor of Newark, is serving 10 years for conspiracy and extortion. Thomas Whelan, the mayor of Jersey City, got 15 years. John V. Kenny, the Hudson County boss, got 18 years but was released early because of illness.

And on and on.

There have been so many that Herb Stern can't tell you just how many. "We don't keep score on things like that," he says seriously, but with that smile on his lips.

Herb Stern turned 37 a month ago. Last Wednesday, President Nixon nominated him for a lifetime appointment to the United States District Court for the New Jersey district.

A federal judgeship—for a man with just 12 years of law behind him. The American Bar Association normally calls for 15 years before it will recommend a nominee for a federal judge-

ship, but it called Herb Stern "well qualified."

One would think that those New Jersey politicians still not under indictment would sleep better now, knowing that Stern will no longer be here to kick them around as United States Attorney once he is confirmed by the Senate.

But they know better.

For, if all goes according to plan, Stern's successor probably will be his chief assistant, Jonathan L. Goldstein. Goldstein, who will not be 33 until February, is cut from the same cloth. He joined the U.S. Attorney's office with Stern.

It was Goldstein, for instance, who went after Atlantic City. Nine of its officials are now awaiting sentence, including former Mayor William T. Somers, after convictions for conspiracy, bribery and extortion.

A good example of the esteem the prosecutors have

won in Jersey is the government's case against John N. Mitchell and Maurice H. Stans across the river in Manhattan.

The prosecutors in the southern district of New York, traditionally the most independent of all the 94 U.S. Attorney districts, withheld knowledge of their investigation from Mitchell's old Justice Department.

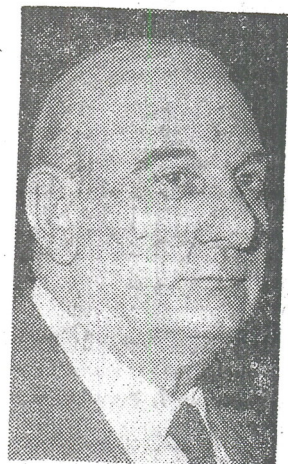
But they reportedly called Stern in as a consultant, to review the evidence and advise them on what specific charges they could make stick in the case.

Some have likened Herb Stern to Ralph Nader, both single-mindedly pursuing their vision of justice. The comparisons are apt.

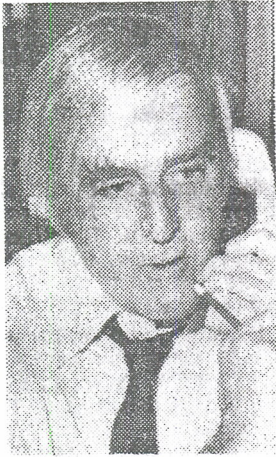
When questioned about political pressures that might be applied to a prosecutor, Herb Stern will react as if you've asked something preposterous, as if no prosecutor anywhere has ever seen the screws applied.

When questioned about the liabilities of the American system of justice, Herb Stern will say that he thinks it's a great system of justice, when it is applied justly.

And his vision of justice is an old-fashioned sounding one these days. He has paraded around the courthouse here demanding, insisting, cajoling judges into meting out big sentences to politicians instead of letting them off easy because of the disgrace they have suffered in the community—the "they-have-suffered-enough already" theory of justice.



HUGH ADDONIZIO
... ex-mayor in jail



CORNELIUS GALLAGHER

... 2 years for tax law

That kind of theory, to Herbert Stern, is injustice.

Four years ago, when Stern was then acting U.S. Attorney for New Jersey, he spoke at a meeting of the Wisconsin Chamber of Commerce. This was four years before many of his own big cases, three years before Watergate.

"We rarely meet to discuss the psychology of the business leader who pays off public officials," he said, "Who greases labor officials: who engages in commercial bribery: or who steals the tax dollars which are due to his country.

"Where is his concern for law or for order when he is in deliberate disregard of all law, undermining the very framework of his society?"

"... I suggest to you that this country is menaced more by this type of crime than it is by any other.

"... I sometimes think that if the young, the idealistic, the yet untouched youth of this country knew the full extent to which our government has been corrupted, they would indeed bring an indictment against us."

When Herb Stern is asked today whether that doesn't sound perhaps stilted or old-fashioned, the strange smile returns, the almost-angry words come back: "I'm talking law enforcement. Isn't that what law enforcement is all about?"

The fact is, the young phantom in New Jersey is an unvarnished, unaccommodating reformer; a moralist of the kind that this nation has become unaccus-

tomed to in the last decade or so.

His opponents in court (he has prosecuted such men as Addonizio and Kenny himself) have noticed his almost fanatic obsession with detail, typified by his almost total recall of any utterance of any witness.

He prepares fanatically, and teaches his young assistants (he is the oldest member of the office here) to do the same.

He was a near-fanatic in trying to increase the number of people assigned to this once-backwater office—and the number of assistant U.S. Attorneys went from 18 to the present 55.

And he is a fanatic about people in public offices or holding public trusts hedging on their trust.

A couple of months ago, when he spoke to a group of lawyers in New York, his reformer's zeal came through clearly:

"How are we going to effectively advocate respect for the law to some young man or woman who has seen only poverty, despair, filth and decay," he asked, "when he or she learns that the mayor and the president of the City Council of his very own city, Jersey City, the very men who trumpeted law and order, have a secret, numbered, joint bank account in Florida, with \$1,310,000 in cash in it?"

"What happens when 'they' know that a former gubernatorial candidate (D. Louis Tonti) kept a special Swiss bank account for payoffs; when 'they' see the former speaker of the New Jersey Assembly (Moraites) leave the halls of that august body to the raucous cheers and applause of the members to begin serving a jail term in federal prison?"

"I suggest to you, my fellow members of the bar, that if we will have law, if we will have order, then we are going to have to start by imposing them on the 'top' of society, not on its 'bottom'..."

What is perhaps most amazing about the career of Herbert Stern is that he has gotten where he is with no political clout, only with his

zeal for rooting out wrongdoing.

He met U.S. Sen. Clifford Case only after Case had insisted that the Justice Department make Stern the Case, says Stern, has U.S. attorney here because of his work under the previ-

ous U.S. attorney, Frederick B. Lacey.

never asked a thing, except that the office be run professionally.

About two months ago, Case let Stern know he was pushing him for a federal judgeship.

Stern could not resist a parting shot. He xeroxed copies of the first 101 pages of Lincoln Steffens' "The Shame of the Cities" and gave them as presents to his 55 young assistants, so they

could read and share his understanding of Steffens' disgust and abhorrence of public corruption—with "Boodle," as Steffens called it around the turn of the century.

In New Jersey, this smelly, fummy, haven of corruption, boodle may not yet have disappeared. But Herb Stern tried his damndest to root it out—with results that some lawyers believe to be unique in the annals of American jurisprudence.