

ROY M. COHN: MY PERSONAL EXPERIENCES AND REFLECTIONS ON HIS CONNECTIONS TO THE FORTY-FIFTH PRESIDENT OF THE UNITED STATES



IN THE SPRING OF 1979, I WAS NAVIGATING MY WAY THROUGH MY FIRST YEAR OF LAW SCHOOL. LAW-RELATED JOBS FOR FIRST YEARS WERE VIRTUALLY NON-EXISTENT, BUT A COLLEGE FRIEND'S BROTHER WAS A CATHOLIC PRIEST WHO HAD BEFRIENDED A GAY COUPLE WHO WORKED AT A SMALL LAW FIRM IN MANHATTAN. FATHER TOM SUGGESTED I COME DOWN FROM ALBANY TO MEET THEM BECAUSE IT MIGHT LEAD TO SUMMER EMPLOYMENT. SO BEGAN ONE OF THE STRANGEST AND MOST MEMORABLE EXPERIENCES OF MY LIFE.

From June through August of 1979, I learned all I would ever need to know about how I never wanted to practice law. The firm that hired me for the summer was comprised of several political heavyweights of the era. Stanley Friedman, Bronx Democratic Party Chair, was of counsel to the firm, and Tom Bolan, the chair of the New York Conservative Party, was a partner.

But the star of Saxe Bacon & Bolan was Roy M. Cohn. It was Roy, his unique cast of clients and followers, and his unconventional law practice and lifestyle that were responsible for the most bizarre three months of my legal career.

WHO WAS ROY COHN?

Roy Cohn was born in 1927 into an affluent and politically connected family. When Roy was a teenager, his parents insisted that he attend their dinner parties with important New York political figures. According to guests, Roy could talk politics with them all night.

Roy was sent to exclusive prep schools, graduated from Columbia College, and then from Columbia Law School at the age of twenty. Using his family's connections, he obtained a position in the United States Attorney's Office for the Southern District on the day he was admitted to practice.

As an assistant U.S. Attorney, Cohn became obsessed with the Soviet influence in America and helped to secure convictions in several well-publicized trials of accused Soviet operatives. Later, in 1951, at the age of twenty-three, Cohn played a prominent role in the espionage trial of Julius and Ethel Rosenberg. Cohn's direct examination of Ethel's brother, David Greenglass, produced ▶



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*Joe McCarthy's Roy Cohn
tells it like it was.*

testimony that was central to the Rosenbergs' convictions. Greenglass would later claim that he lied in that trial to protect himself and his wife, Ruth. He also claimed that he was encouraged by Cohn to do so.

Roy publicly took great pride in the Rosenberg verdict and claimed to have played an even greater part than had been known. According to Cohn's autobiography, the trial judge called him after the jury returned its verdict to ask for his advice as to whether Ethel Rosenberg should receive the death penalty. "The way I see it," he told the judge, "she is worse than Julius."

McCARTHY HEARINGS

In 1953, Cohn joined Senator Joseph McCarthy as chief counsel to the Senate's Permanent Subcommittee on In-

vestigations. McCarthy had exploded into public view three years earlier when he claimed to hold a list of 205 State Department employees who were members of the Communist Party.

In early 1954, the Permanent Subcommittee held the Army-McCarthy hearings, in part to determine whether Cohn sought special treatment for an enlisted friend. Cohn's animosity toward assistant committee counsel Robert Kennedy boiled over when Roy lunged at and tried to punch Kennedy in the middle of the hearing.

Cohn left Washington in 1954 as McCarthy's power waned. Settling back in New York, Cohn utilized his father's political connections to build a private legal practice. In doing so, he often operated in the gray areas of the law to produce maximum results for his clients. This

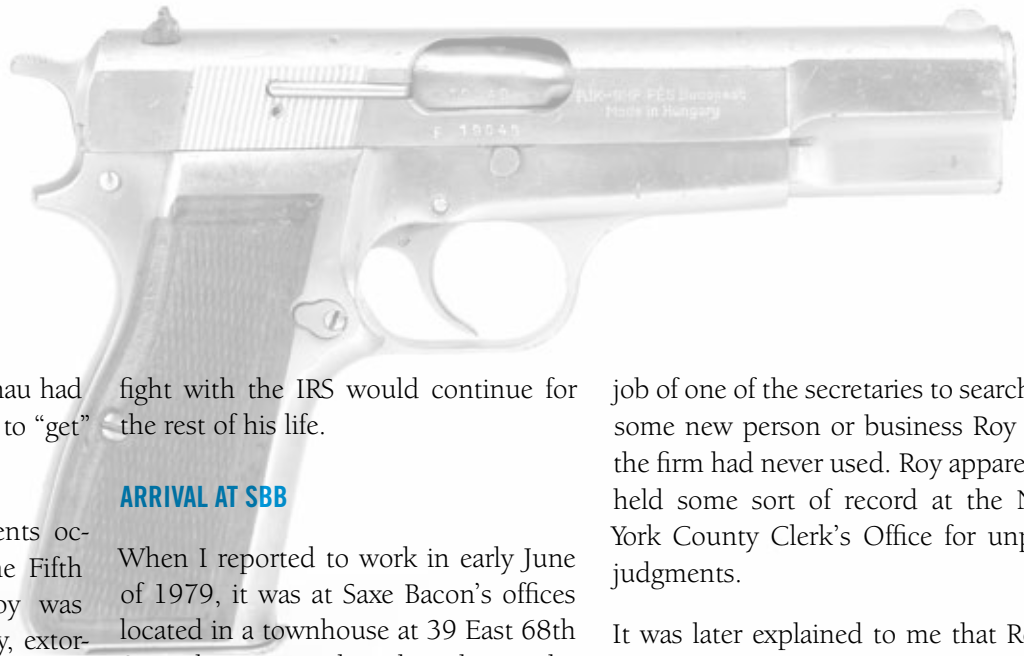
led to four federal and state indictments for alleged extortion, bribery, conspiracy, perjury, and banking violations in the 1960s and early 70s.

In 1964 Roy was tried by U.S. Attorney Robert M. Morgenthau, with the strong backing of then Attorney General Robert Kennedy. Roy was charged with obstructing justice to prevent the indictment of four men in a stock swindle scheme and with perjury for denying it under oath. Roy accused Kennedy and Morgenthau of engaging in a vendetta and the case ended in a mistrial when one of the juror's fathers died during deliberations.

According to Irving Younger, former Assistant U.S. Attorney under Morgenthau, who would later become a professor at Georgetown Law, Roy's allegations of a vendetta were not completely baseless. Younger wrote in a magazine article years



Roy Cohn (right) with Sen. Joseph McCarthy, during a committee hearing in Washington on April 26, 1954.



later that Kennedy and Morgenthau had personally assigned him full time to “get” Roy Cohn.

The second and third indictments occurred several years later. In the Fifth Avenue Coach Lines case, Roy was charged with bribery, conspiracy, extortion, and blackmail for allegedly bribing a city appraiser to help his client snare a higher award in a pending condemnation trial. At the close of proof, Roy’s attorney suffered an alleged heart attack, leaving Roy to present his own closing argument. Not having testified during the trial, Cohn could now present his version of the story without being sworn as a witness or being subject to cross-examination. Over two days, without a note, Roy delivered a seven-hour summation ending with a proclamation of Roy’s undying love for America as tears streamed down his face. The summation also left most of the jury in tears and Roy was acquitted.

The third trial came in 1971 and was a spinoff of the second. Cohn was accused of bribery, conspiracy and filing false reports with the SEC. This trial also ended in an acquittal. That was the final federal prosecution of Roy, with the government finally giving up after three unsuccessful tries.

Throughout, Roy was also involved in a marathon battle with the IRS because he diligently avoided paying state and federal income taxes, something that I learned more about when I arrived at Saxe Bacon in 1979. Roy reportedly owed the IRS over \$7,000,000, and his

fight with the IRS would continue for the rest of his life.

ARRIVAL AT SBB

When I reported to work in early June of 1979, it was at Saxe Bacon’s offices located in a townhouse at 39 East 68th Street between Park and Madison. The ground floor acted as the reception area, administrative offices, offices of the office manager and one of the most important people at the firm - Roy’s secretary and gatekeeper Susan Bell. Roy’s office also was located on the first floor. The second, third and sixth floors were Roy’s living quarters, and I was told in no uncertain terms never to push those buttons on the tiny elevator that serviced the building. The fourth and fifth floors held the offices and law library.

I had a table in the library as my workspace for the next three months.

One of the first things that tipped me off that this was not your typical law firm was when I began my first assigned research project on a statutory issue. I immediately went to the pocket part of the McKinney’s volume to find if there were any recent amendments to the statute I was researching before consulting the main volume. I was a bit startled to discover that the pocket part was seven years out of date. When I inquired, I was informed that Roy had stopped paying West’s bills in 1972. Hence, no updates had been sent since then.

I later learned that this was the norm. If a vendor, service person or contractor was needed at the firm, it was the

job of one of the secretaries to search for some new person or business Roy and the firm had never used. Roy apparently held some sort of record at the New York County Clerk’s Office for unpaid judgments.

It was later explained to me that Roy’s living arrangements were part of his scheme to avoid paying taxes. Saxe Bacon owned the building, the Rolls Royce and Bentley in which he was chauffeured and every other tangible thing in his life, while Roy drew only a minimal salary. His expenses were paid by the firm because, according to Roy, everything he did socially was related to business. His tax returns were perpetually under audit.

To call the legal work I did that summer pedestrian would be greatly overstating its significance. My most frequent assignment was attending court appearances requesting adjournments. Most times I would learn when I arrived that multiple adjournments had already been granted in the case. But being young and scared, I usually garnered more sympathy than anger and most times I got what I asked for, with a stern warning from the judge that no further adjournments would be granted.

I spent more time doing non-law related tasks than I did doing pseudo-legal work that summer. Sometimes I filled in for Roy’s chauffer and would drive Roy to a restaurant or to the airport. One memorable day I was told to get the Lincoln and take Roy and some guests to a restaurant on Fifth Avenue ▶

for lunch and then to the private plane area of LaGuardia where he was to depart for a weekend in the Hamptons. When I pulled the car to the front of the townhouse, Roy, two other middle-aged men and a much younger man got in. When we arrived at the restaurant, Roy and the two older men got out but I was unexpectedly instructed to drive the younger man to his apartment where he was to gather things for the weekend with Roy in the Hamptons.

Roy's sexual preferences were no secret to anyone at the firm, so it was obvious this guy was going to be Roy's weekend date. As we proceeded through the park, the young man in the back of the Lincoln conducted a non-stop debate with himself as to whether he should go. He ultimately bolted out of the car, saying only "Tell Roy I can't go with him" and was gone.

I was pretty sure of a couple things at that moment. One was that Roy was not going to be pleased with this development. The other was that Roy was almost certainly going to take his displeasure out on me. In fact, we spent the entire ride from Manhattan with Roy in the back seat berating me and everyone around him as incompetent.

My most memorable day at Saxe Bacon came a few weeks later. Roy's clientele in 1979 was comprised of a mixture of very rich women who were divorcing their husbands and wanted payback, sleazy shareholders who wanted to extort settlements out of companies using Roy's reputation as leverage, prominent members of New York's rich and famous such as the two owners of Studio 54 and a fourth prominent group—the mob.

One afternoon, two very large, very dangerous looking gentlemen appeared unannounced in the doorway of the library. They did not say a word to any of us, but proceeded to search the room as if we weren't there. Then, just as quick-

ly as they appeared, they departed. We later learned that Carmine Galante, leader of the Bonnano crime family and the man responsible for most of the heroin trade from Sicily at the time, had come to meet with Roy about some legal problems and these gentlemen were his bodyguards securing the site. But what made this moment memorable was that the next day's *New York Post's* front page featured a photo of Galante after his gangland style execution in Brooklyn.

Roy was fond of saying that winning was not sufficient. People needed to know about it. He also preferred influence over case law. He was quoted once as saying "I don't want to know what the law is; I want to know who the judge is." He always turned his troubles into news by aggressively attacking those who attacked him and he loved the attention he got from the tabloids and magazines, including *Esquire*, which more than once featured Roy on its cover. A former U.S. Attorney described Roy as "the only person I've ever known as a prosecutor who enjoyed being indicted."

In passing, Roy acted as counsel on various matters for our current Commander-in-Chief, but I leave those anecdotes for another day.

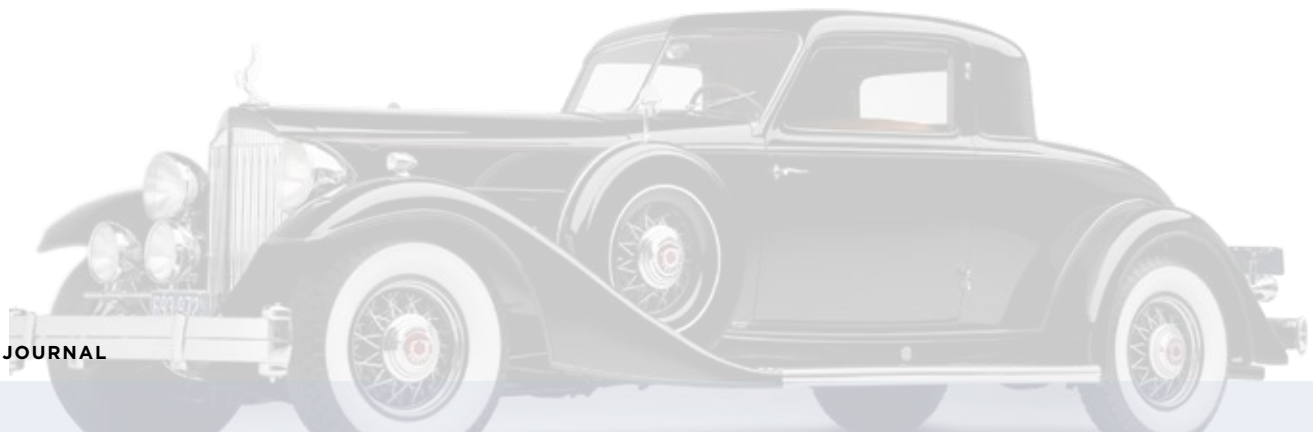
ROY'S EVENTUAL DEMISE

By early 1980s Roy's legal tactics and lifestyle finally caught up with him. In the fall of 1984, he became ill. Roy publically maintained that he had liver cancer, but, in fact, he had HIV AIDS. By 1985, he had started then experimental AZT treatment at the National Institutes of Health Clinical Center in Bethesda, Maryland.

Yet, Roy publicly denied his homosexuality to the end, when he appeared on *60 Minutes* in March of 1986. Paraphrasing McCarthy with theatrical flair, Mike Wallace asked Roy, "Are you



Roy Cohn in 1982



now or have you ever been a homosexual?” Roy categorically denied that he had AIDS and said the stories of his homosexuality were based upon jealousy and prejudice.

Not only did Roy deny his homosexuality, he took public positions against gay rights. McCarthy and Cohn claimed in the 1950s that foreign communists had blackmailed closeted homosexuals in the U.S. government into giving them secrets. This charge led to President Dwight D. Eisenhower signing an Executive Order, which allowed the government to deny employment to homosexuals.

In the 1970s, gay rights activists asked Roy to represent a teacher fired for being a homosexual. He refused, saying, “I believe homosexuals are a grave threat to our children and have no business polluting the schools of America.” He also actively lobbied against gay rights legislation in New York City.

In June of 1986, Roy’s long history of flouting legal ethics rules finally caught up with him when the New York Appellate Division, First Department, issued a decision disbaring him. The Court upheld four charges against him, each more outrageous than the next. The first involved a loan he received from a client that he partially repaid, acknowledged numerous times in writing but, when eventually sued for collection, claimed in an affidavit opposing summary judgment that it was really an advance on future legal work. The second charge involved an escrow order Roy negotiated with the SEC to take possession of certain assets, including two yachts owned by his corporate client Pied Piper, pending investigations into the fraudulent conduct of the company’s executives. The cash in the escrow fund disappeared and one of the yachts, which Roy was using as his own, caught fire and sunk, with Roy collecting over \$30,000 in insurance proceeds for legal fees and alleged lost personal property. ▶



Walking to his Bentley in 1977, with the personalized New Jersey plate “Roy C”



But the pièce de résistance was the third charge. Lewis Rosenstiel was a multimillionaire and founder of the Schenley Distillers Empire, whom Roy had represented in a divorce. Years later, Rosenstiel suffered a debilitating stroke and was admitted to Miami's Mount Sinai Medical Center suffering from partial paralysis, limited ability to speak, significant loss of vision and dementia secondary to Alzheimer's disease.

It was in this setting that Roy arrived at the hospital six weeks before Rosenstiel's death, with

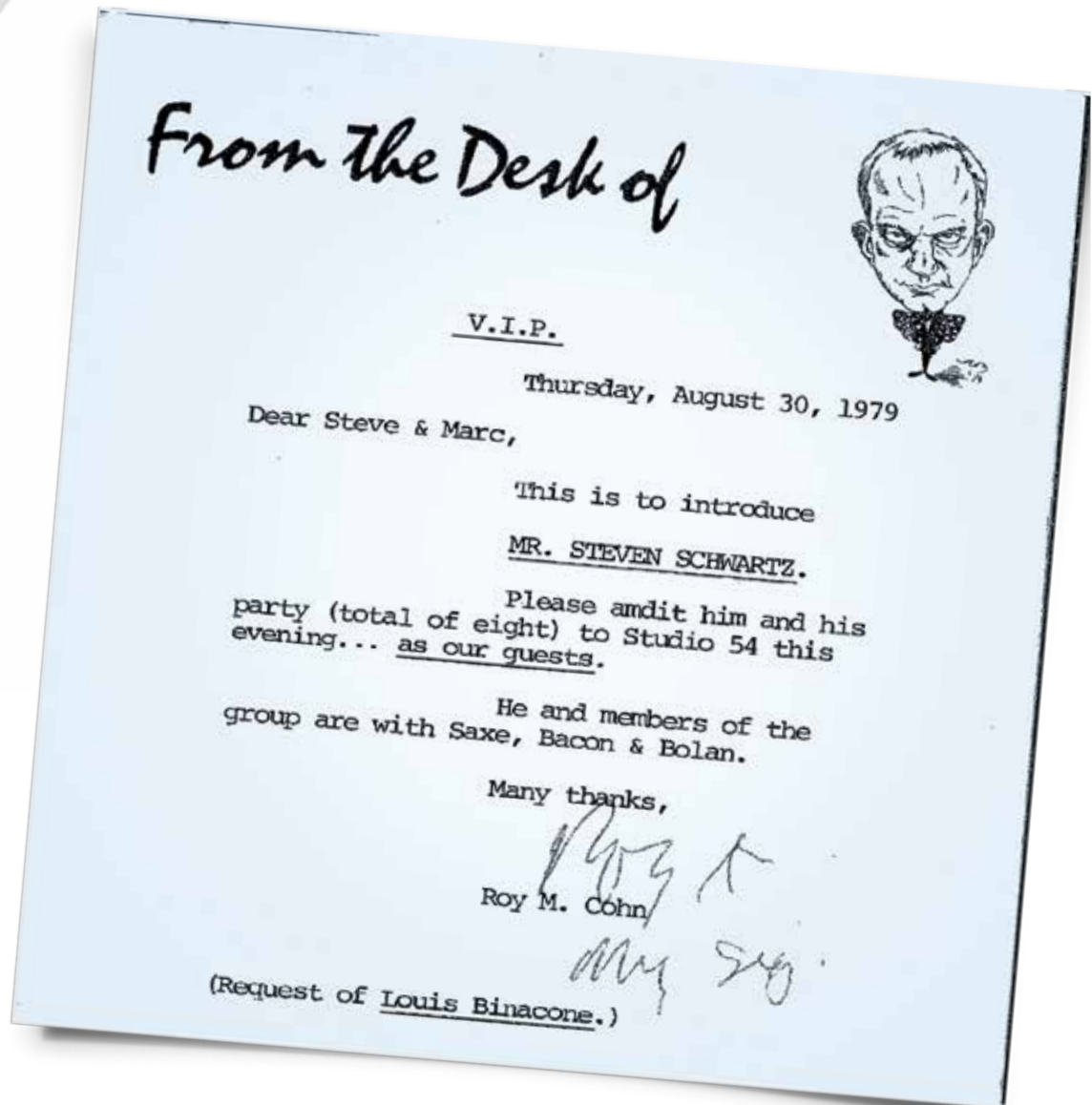
a one-page codicil to Rosenstiel's existing will appointing Roy and two others as additional executors to his estate and trustees to the trusts set up under his will. According to nurses and attendants who offered testimony later, Cohn told the semi-conscious Rosenstiel, who was being given Thorazine as a tranquilizer, that the paper he wanted him to sign was some leftover document from Rosenstiel's contentious prior divorce with his ex-wife, Susan. The nursing staff protested that there were orders prohibiting anyone from conducting business with Rosenstiel in his condition, but Cohn persisted.

While one of the nurses went to get a hospital administrator, witnesses testified that Cohn put a pen in Rosenstiel's hand and helped him sign the codicil. Roy's companion signed as a witness and the two departed, leaving a different one-page document on the night stand, which purported to be an innocuous affidavit of service from the old divorce proceeding. The new one-page codicil first came to light after Rosenstiel's death. After a hearing, the Florida Probate Court rejected the document, finding "Roy M. Cohn misrepresented to the decedent, the nature, content and purpose of the document he offered to Mr. Rosenstiel for execution."

Roy learned of his disbarment from a local news anchor who called for his comment. Roy told the reporter that he couldn't care less. But Roy broke down after the call, and six weeks later, on August 2, 1986, he died at the age of 59. The IRS confiscated virtually all of Cohn's property.

STUDIO 54

On my final day at Saxe Bacon in late August of 1979, I was unexpectedly summoned to Roy's office. I had encountered Roy several times a week all summer but never in his office and never because he wanted to see me. Mystified, and not just a little frightened, I proceeded down the elevator to find Roy in his first floor office.



Roy asked me to sit down, very graciously thanked me for my service, and wished me well in my legal career. He then handed me a note written on his personal stationary addressed to the owners of Studio 54 requesting that they admit me and six guests that evening to the notorious 70's nightclub as his guests. So it was that I ended my tenure at Saxe Bacon & Bolan at New York's most exclusive nightspot.

I never had contact with Roy or anyone from Saxe Bacon after that night. The next school year I was hired by a firm in Albany and worked there throughout the rest of law school, so I never had reason to consider going back to Saxe Bacon. I tangentially followed developments in Roy's life through the newspapers until the reports of his death.

Roy Cohn seemed to me a conflicted and tragic figure, never truly happy with himself or his life. His flouting of the rules everyone else was required to follow made him both interesting and dangerous. His willingness to do anything to win was truly frightening, and, unfortunately, has become all too common in our field in the years since. But like his small gesture to me on my last day, Roy also could display a curious kind of loyalty and generosity. His biographies are filled with corroborating statements from people who valued Roy as a true and loyal friend. Like most people, Roy was a complex package, not just evil, as many will remember him.

Stephen G. Schwarz
Rochester, New York