

YOUNG MR. COHN

By Howard Rushmore



SHORTLY AFTER WORLD WAR II ended, our intelligence officers in Europe unearthed a Soviet document which listed the names of certain Americans whose deaths had been recommended by Stalin once the United States fell into his hands.

Most of those on the list were newspapermen whose relentless exposure of domestic Reds had caused considerable anguish both in Union Square and in the Kremlin. It included a few people in government who had led the fight against Stalin's agents in America. Undoubtedly that list has been revised during the past year to include another "enemy of the revolution."

His name is Roy M. Cohn. He is a ripe twenty-five years of age and he's hated by every comrade from the State Department across to Minsk.

During his four years as a government lawyer dynamic little Cohn has shaped a career that has had the acceleration rate of a happy comet. Starting as an obscure Assistant U.S. Attorney in New York City, the center of Communist espionage, sabotage and intrigue, Cohn has played an important part in exposing or sending to jail dozens of

Moscow agents and leading American Communists.

But to many of his friends, the most courageous phase of his activities has been his almost single-handed and little known fight against those forces in Washington which long ago substituted the jack-ass for the umbrella as a symbol of appeasement.

The influence in the Democratic Party of the Marxist-Fabian axis of the New Deal has always annoyed Cohn and his father, an old-line Democrat who rose from the ranks as an assistant Bronx district attorney to a New York Supreme Court Judge assigned to the appellate division.

Roy's brief and meteoric rise in the legal ranks still has Judge Cohn gasping. A quiet, scholarly man, the Judge has watched the breathless activities of his ubiquitous son with more than a share of paternal pride. Like many an old-fashioned Democrat, he has also been concerned with some of the happenings in Washington.

From the beginning of his service with the government, Roy told friends he had one rather fixed idea: to demonstrate that one could still

believe in the party of Jefferson and Jackson and be an aggressive anti-Communist. As far as Roy is concerned, the demonstration has been eminently successful, even if rather lonely.

He played a major role in the conviction of Julius and Ethel Rosenberg, the atom bomb spies. His examination of David Greenglass, Ethel's brother and the chief government witness, may well be used as a model of the art of direct examination for years to come.

DURING THIS TRIAL, the entire press room in the U.S. Courthouse on New York City's Foley Square flocked to hear Roy handle the difficult and intricate presentation of Greenglass's damaging evidence.

Reporters traditionally take a dim view of most lawyers and tend to regard them as windbags engaged in a dull profession. But, as one newsman said when Cohn wound up the direct examination, "It's a pleasure to hear that boy practice law."

The pleasure hasn't been felt by the various attorneys for the Communists who have felt the bite of Cohn's keen mind and nimble wit in the courtroom. During the opening of the subversive conspiracy trial of thirteen Communist leaders last year, John T. McTernan, chief counsel for the comrades and himself named a Red by Congressional witnesses, was heard to remark:

"Where did the government pick up that brat?"

That "brat" then proceeded to give McTernan a week-long preview of what the Communists were up against. With Louis F. Budenz on the stand, Cohn quickly placed before the jury the entire framework of the government case.

Budenz, the former *Daily Worker* managing editor who quit the Communist Party to return to the Catholic Church, was regarded by Cohn as the key witness in the case. In those first few days, the conduct of the direct examination would well determine whether the jury would accept the fact that the thirteen Reds on trial plotted and conspired to forcibly overthrow the government of the United States.

Within an hour Cohn had the jury beaming approval, particularly the women, who smiled and reacted almost instantly to the young attorney's charm and ability.

But the jury and the spectators did not know that Cohn had another reason for throwing what a baseball pitcher would call "his hard, high one." Before the trial opened, a government lawyer connected with the case had remarked:

"I wish we didn't have to use that informer, Budenz."

This enraged Cohn, and in one of his characteristic exhibitions of honesty, the youngster laced into his superior with a heated defense of Budenz and an attack on the pet theory of the New and Fair Deal

mob that ex-Communists are far more dangerous than active traitors.

It wasn't a move calculated to advance Cohn's career with the Justice Department. But it is this kind of basic honesty that has won Cohn the devoted friendship of Budenz, Elizabeth Bentley, Whitaker Chambers, and other former Communists who have spent many weary hours on witness stands in an effort to expiate their former mistakes. The growing number of convictions based on their testimony is proof of their acceptance as honest persons by juries; but the hatchet men of Roosevelt and Truman ignored this in an all-out smear of such ex-Communists.

COHN'S THEORY is a simple one: "Budenz, Chambers, Bentley and the others made a clean break with the party and have helped us convict dozens of Reds who still serve Moscow. If the thousands of other ex-Communists had the same amount of guts and would cooperate with the government, we'd get more convictions."

When Budenz had finished his testimony in the conspiracy trial, McTernan rose to conduct the typical character assassination used by the Marxist lawyers. Cohn fought him tooth and nail and bluntly accused McTernan of ignoring the rules of law and courtroom etiquette. Roy won that duel and left McTernan glaring at the "brat" who had beaten him.

Cohn also has refused to knuckle down to hidebound traditions in his fight against the Reds. At his insistence, Gus Hall was brought up on contempt charges when that Communist leader had been captured after attempting to escape a five-year sentence handed down by Judge Harold R. Medina in 1949.

Cohn stormed the dusty ramparts of the Justice Department's law libraries and insisted that action be taken against Hall. Some of his superiors pointed out that there was no prior case of record under which Hall could receive an additional sentence for contempt.

"Then we'll put one on the books," Cohn snapped.

He did. Hall's attorney shrieked that Cohn was violating all Anglo-Saxon law, and Cohn's Washington superiors hinted that the forfeiture of Hall's \$20,000 bond satisfied them. Against this opposition Cohn went ahead, and two weeks later Hall was on his way to Leavenworth with three extra years for contempt of court.

This victory and the making of legal history would have been enough to satisfy the average U.S. Attorney. But not Roy Cohn.

Hall's bond had been supplied by an outfit known as the Civil Rights Congress, which, up until the time of Hall's conviction, had enjoyed a career of defending the civil liberties of spies and traitors without a dissenting word from Uncle Sam. True, the Attorney General had

marked the CRC subversive, but the organization shrugged that one off and raised another million dollars.

Cohn hauled the four trustees of the CRC's bail fund before Judge Sylvester J. Ryan and insisted that Frederick Vanderbilt Field, Dashiell Hammett, Abner Green, and W. A. Hunton supply the names of the contributors to this fund. This immediately set off anguished howls from the witnesses to the effect that they would rather go to jail than reveal the names. Go to jail they did and the State of New York then cracked down on the CRC, outlawed its bail fund and sent a list of several thousand contributors to the FBI.

THE DAILY WORKER and its Communist editors began to recognize in Cohn a dangerous opponent who didn't abide by the rules of polite legal procedure as observed by some U.S. Attorneys.

The Communists even hinted after the Rosenbergs were convicted and on their way to the electric chair that Cohn was "anti-Semitic."

Cohn also has a theory on that one. "When I was in high school," he says, "I wrote a theme based on the danger of Communism to the Jews. Now that I've tangled with the comrades and had a taste of their in-fighting, I know I'm right. Communism is a foe of all religions, including my own."

His close friends say that Roy regards his work against Communism

as an obligation of citizenship. "His is a kind of pre-New Deal patriotism," one of them said. "He feels that every American has got to take up the fight against the Reds. He also feels keenly that Americans of the Jewish faith have an added obligation. Roy has often explained to me that, more than any other minority, the Jew should be grateful for the advantages America has given him and must fight in every way to protect it from any enemy who would destroy this country."

In one of the Communist cases Cohn was prosecuting, someone complained that too many of the Reds involved had Jewish names, and didn't this make for anti-Semitism?

Cohn snapped back, "Do you want me to treat them any differently because they have Jewish names? These people are traitors to their country and their religion. I don't regard them as Jews."

This adult reasoning comes from a young man who is essentially a rugged individualist. His is a kind of vivacious charm that has won him friends in all walks of life. A list of Roy Cohn's boosters reads like a *Who's Who* and includes such varied individuals as Senator Homer Ferguson, Walter Winchell, Leonard Lyons, and George Sokolsky.

Some of the older men adopt a paternal view and worry about Roy's ego getting out of hand. But what would be vanity in most youngsters is self-confidence in Cohn's case. Like

Dizzy Dean, who, when asked for comment after he set a National League record by striking out 17 Cubs, said quietly, "I pitched a hell of a ball game," Roy thinks his record justifies confidence.

It does. The record started when he became an obscure Assistant U.S. Attorney in the Southern District of New York, back in 1948. Cohn had just finished a whirlwind tour of Columbia University, where he graduated from both college and law school in three and a half years and had to wait until he was 21 to take and pass the bar examination. He became part of Uncle Sam's legal team the day he passed those exams.

HE STARTED TRAIL-BLAZING almost immediately. It is customary in most U.S. Attorneys' offices for the young cubs to sweat out an apprentice period during which they are seen but not often heard. Cohn jumped almost immediately into a sensational narcotics case, hauled in the violators and won a conviction with the stiffest sentence ever handed down in federal courts against dope peddlers.

But Cohn's great love is the prosecution of the Communist advocates of treason. He did legal work for his boss, John F. X. McGohey, in the 1949 trial of Eugene Dennis and ten other Red leaders. Roy studied the works of Marx and Lenin and learned these primers of disloyalty so well that in court he

can discuss the intricate phases of this phony political science with the best of Communist lawyers. When McGohey was named to the federal bench, Cohn became confidential assistant to the new U.S. District Attorney, Irving H. Saypol. Young Roy found Saypol an ideal boss, for the latter — like McGohey — was determined to apply the full measure of the law to New York City's 15,000 Communist spies and traitors.

Saypol, an excellent lawyer, shared Cohn's belief that partisan politics should not prevent prosecution of Reds who had broken the law. Within a few months William W. Remington, a former Commerce Department official with many high-placed friends in Washington, was indicted for perjury. Cohn was assigned to work up the evidence in the case.

Part of this job included a trip to Knoxville, Tenn., to obtain certain records of persons employed there at the time Remington was on the staff of the government power plant. Some of the TVA bureaucrats had tender memories of Bill Remington and regarded him as a nice liberal who was being harassed by that nasty Bentley woman, who had said Billy Boy was a Soviet spy. They refused to cooperate.

Those TVA office walls must still bear the scars of Cohn's wrath. With all the fury of his then twenty-three years, Roy told the TVA officials what he thought of their regard for Remington.

"You're working for the same boss I am — Uncle Sam," he told them. "If you insist on shielding a traitor, then I'll get a warrant or whatever is necessary to seize these records."

He got the records.

THANKS TO THE FINE TRIAL WORK of Saypol and the quality of evidence unearthed by Cohn and the FBI, Remington was convicted and sentenced to five years. But the Circuit Court with Judge Learned Hand — the favorite legal mind of the liberal-Fair Deal set — writing the opinion, found technical faults in the charge of the trial judge and reversed the jury's finding.

Cohn, like any lawyer of ability, doesn't like to lose. Remington was quickly re-indicted with young Roy playing a major role in drawing up a five-count charge against the former Navy Intelligence officer.

But in November 1951 Irving Saypol had been elected to the Supreme Court of New York County, and a new U.S. Attorney moved in. He was Myles J. Lane, a former All-American halfback who had been an Assistant U.S. Attorney for fourteen years. Lane, although as anti-Communist as his predecessors, Saypol and McGohey, was not inclined by temperament to buck the Justice Department, and Cohn found himself temporarily at a standstill.

Before Lane took office, Cohn was placed in charge of a special federal grand jury investigating espionage

and subversive activities. Cohn had called in a number of powerful Communist labor leaders to probe possible perjury growing out of the signing of non-Communist affidavits required under the Taft-Hartley law. Cohn suspected that some of the Red union heads had not been quite honest when they "resigned" from the Communist Party the day before such affidavits were signed. But Lane, acting on Justice Department orders, told Cohn to call off the investigation and disband the grand jury for the time. Apparently official Washington was afraid of losing the possible votes of even the Communist unions.

Another blow fell on Cohn and three other young government attorneys, James Kilsheimer, Albert Blinder and John Foley. Under McGohey and Saypol this quartet had been welded into an excellent anti-Communist team of aggressive young men, with Cohn the leader of the "pony backfield," as they were known around the courthouse. Despite their experience in a variety of tough Communist cases, Lane ignored their value and publicly complained about his "green staff." Foley was shifted to other work and the remaining three found themselves isolated in favor of Lane's personal friends.

But Cohn wasn't silenced for long. Against official wishes, he launched a grand jury investigation of Communist infiltration of the UN. A long parade of American

citizens, some making \$20,000 a year in the world organization, appeared before the grand jury. Complaints were made daily to Washington by the anguished liberals in the UN, who said Cohn had no business treating their people in such an undignified fashion. Cohn was warned to take it easy.

YOUNG ROY COHN doesn't know the meaning of the phrases. Weeks of hearing arrogant Americans defy the grand jury and refuse to answer whether they were Communists nettled both Cohn and the jury. Dark hints of a government witch hunt appeared in the one-world publications.

Meanwhile the pressure was on Cohn. Some of it was lifted when McGranery was named Attorney General and invited Cohn to become his special assistant in charge of Communist investigations.

Some of Roy's friends warned him this was a trap. "They're using your reputation as an anti-Communist to whitewash everything," he was told. Cohn thought it over a few days — and took the job.

"It will give me more of a free hand in fighting Communists," he said. "If they try to stop any honest investigation, I'll resign."

Then Cohn renewed his grand jury probe and the Senate Internal Security subcommittee moved in to New York and called in the same witnesses who had been defying the jury. More than a score of key UN

officials refused in public sessions to answer if they were Reds; some even declined to state if they were engaged in espionage. Trygve Lie, who had once defied Cohn's investigation, finally saw that the average American was disgusted with such antics and started firing the reluctant witnesses.

Then Cohn and his jury drew up a presentment charging that the State Department had shielded American Communists in the UN, and sundry other pithy charges. Lane and Justice Department officials sought to block the presentment or to delay it. But Cohn won again and members of the jury angrily accused the Justice Department of trying to meddle in its probe. This touched off a Congressional investigation and in the Justice Department the name of Cohn became a bad word.

But McGranery, impressed by the courage of his young special assistant, refused to fire Cohn although that move was suggested by several high officials of the Justice Department.

AN ORDINARY YOUNGSTER would have taken time out about now for reflection. But Cohn plunged headfirst into other forbidden waters of the Administration and dragged forth a Johns Hopkins professor known as Owen Lattimore, a self-styled Far East expert. Lattimore, named by Senator Joseph R. McCarthy as a "top Soviet espionage

agent," had been whitewashed by the Tydings Committee and had won immortality in the book sections of the *New York Times* and *Herald-Tribune* for a book, *Ordeal by Slander*.

Even staunch anti-Communist friends of Roy warned him to stay out of this one. "You can't make a perjury charge stick," he was told.

Cohn then spent a week reading and re-reading Lattimore's denials of Communist promotion and sympathy made before the McCarran Committee. Then he went before a grand jury in Washington, and a week later Lattimore was indicted on seven counts of perjury.

Cohn is still restless. He thinks the UN houses plenty of American Communists and he has many other ideas for pursuit of his objective to destroy the Red conspiracy in America. He may be given a top job on some Congressional committee, for he has many important Republican as well as Democratic friends. At twenty-five, Cohn says, "I'm not ready to leave government. There are more than 30,000 Communist Party members still around. Something has got to be done about them."

Chances are something will be done; and Roy M. Cohn will play his part in doing it.



» Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another and for their fellow-citizens of the United States at large.

— George Washington
(PRAYER AFTER INAUGURATION)

Down to Earth



..... **By Alan Devoe**

BY AND LARGE, there are three kinds of Truth. There is that "truth" which is a thing of custom, habit, and convenience, a truth obtaining by general unexamined agreement in a given culture. This is the truth imposed upon small children by their elders, in the process of educating them to take their places in society; and it is frequently as much of "truth" as the children, grown, will ever think about. The true, in this sense, may consist in such beliefs (as if self-evident) as that democracy is better than monarchy, that sexual congress should not occur except in marriage, that money should earn interest, and that a painting should look like what it depicts.

Second, there is that "truth" which, disregarding the merely customary and traditional, thrusts its roots (as its devotees believe) into a deeper soil of older validity. The Latin word for root is *radix*; and this is that species of truth which "radical" thinkers, as distinguished from the timidly orthodox and custom-wedded, suppose they pursue. The true, in this sense, may consist in such beliefs (as if just discovered at last, by daring) as that democracy is only a fumbling man-invention,

THE TIME OF DAY not provably superior to despotism, that marriage is a superstition resting on false supernaturalism and that human beings "originally" no doubt copulated as fecklessly as field mice, that money-at-interest is a nasty fiction sprouting from a wrong premise, and that a painting, being the exudate of a self, should be concerned to express the selfness rather than anything exterior.

Finally, there is that truth which, disregarding the truth of mere convention, and impatiently brushing past radical truth, too, stretches into the deeps to foundation itself (so its worshippers feel sure) upon nothing less than ultimate Absolute. This truth is held independent of all man-truth. This is God's truth. Truth, in this sense, may consist in whatever beliefs about marriage, monarchy, money lending or works of art; but, whatever the beliefs, they rest upon the surety that the sky has cracked open and a Voice has established them. Argument is ended, doubt is ended, there are no more questions. This is Truth, *ipso*.

WHAT is Truth? asked Pilate. Two thousand years later, in the *Down to Earth* department, the