

Roy Cohn Oral History Interview – 3/24/1971
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Biographical Note

Cohn, a lawyer and Chief Counsel to the Senate Permanent Subcommittee on Investigations, 1953-54, most prominently during the Army-McCarthy hearings, discusses his hostile relationship with Robert F. Kennedy, his work with Joseph R. McCarthy on the Senate Permanent Subcommittee on Investigations, and court cases against him prosecuted by New York attorney Robert Morgenthau, among other issues.

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Roy Cohn

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Oral History Interview

with

Roy Cohn

March 24, 1971
New York, New York

By James A. Oesterle

For the Robert F. Kennedy Oral History Program of the Kennedy Library

OESTERLE: Mr. Cohn, I'm here for your side of the story, in effect. There are a lot of questions that I can ask—but I think I'd just like you to freewheel a little bit. I think you first met Robert Kennedy [Robert F. Kennedy] sometime in January of 1953. Is that correct?

COHN: Yes.

OESTERLE: You started with the subcommittee [Senate Permanent Subcommittee on Investigation—"McCarthy committee"] in December, or you discussed it with...

COHN: Well, really the beginning of January. I talked to Senator McCarthy [Joseph R. McCarthy] for the first time about becoming counsel for the committee in the beginning of December 1952. I was appointed chief counsel; and Bobby Kennedy was appointed assistant counsel the same day I was appointed chief counsel, which was the beginning of January when Congress came into session, beginning of January '53. And I actually met him shortly thereafter.

Before I met him I had spoken with a man named Fripp Flanagan, Francis D. Flanagan, who had been general counsel for the Senate Investigation subcommittee under the prior

Congress and maybe for a few years before that. Flanagan had already met Bobby Kennedy. He was the first one who told me about Bobby Kennedy being disturbed because he wasn't chief counsel. Flanagan, who had wanted to stay on with the committee and did stay on with it for a while, was very much taken with the Kennedy money and influence and was telling me that it would be in my interest to work with Bobby Kennedy.

[Interruption] He sort of seemed to think that I was being very silly in not immediately going over to offer my services to become part of this Kennedy situation which had all this money and power.

And frankly, I didn't take the conversation all that seriously. I was down there to do a job in arranging hearings in the internal security field which I had worked in in the Justice Department for a number of years in the Rosenberg case [Julius and Ethel Rosenberg] and the trial of the second string Communist leaders. That's what I was interested in, and I wasn't particularly interested in sponsorship by the Kennedys even if it had been offered.

Shortly after this I met Bobby. I remember it was my first meeting with Bobby or my second meeting with Bobby—and I had very few meetings with Bobby, ever. He was in my office down at the committee. He walked in, sat down, and he looked me over very carefully, as though he was, you know, sizing up a piece of merchandize or something. And he said, "You know," he said, "you puzzle me very much." So I said, "Well, I'm sorry I puzzle you. Why do I puzzle you?" And he says, "Well, Morton Downey"—referring to Morton Downey, the singer and the Coca Cola executive who was a long-time close friend of the Kennedy family, Bobby said—"Morton thinks you're a great guy, and so do some people. But a lot of other people think you're no good. I just don't know which side to go with, which side to believe."

So I said to him, "Well, I don't know that I've really offered myself up for inspection or judgment on your part, and I wouldn't really worry too much about the whole thing. Maybe let's go on the assumption that the people thinking I'm a bad guy are right, and since we apparently are not going to have particularly much to do with each other, I don't think it should be a problem that's really going to have to trouble you all that much." And that was about the long and the short of it.

He went off completely on his own. And the way it was worked so there would be no conflict between the two of us, he asked Senator McCarthy if he could conduct his own investigation in his own way. And I use the word investigation singular, because while he was with the committee he had one principal investigation. And he ran that all his way. I had nothing to do with it, and he had nothing to do with anything I did.

OESTERLE: It was the palm oil?

COHN: No. The principal investigation he had, rather than the palm oil, was transshipping of goods by Greek ship owners to Communist countries.

OESTERLE: Communist China.

COHN: Not just China, other countries too. His point was that although we would not deal directly with certain Communist, iron curtain countries, that by shipping to other countries, Greek ship owners were taking the

very same goods and transshipping them to Communist countries, and that this is what should not be countenanced.

[Interruption] That investigation, of course, was about the same extreme investigation conducted by the McCarthy committee because it resulted in Bobby preparing a letter for Senator McCarthy to send to the White House, which letter, in the opinion of the State Department, would have resulted in the virtual break of diplomatic relations between the United States and Russia. He made a big issue out of it with Secretary Dulles [John Foster Dulles]. Senator McCarthy, as I recall, was in the hospital for a few days because I remember Bobby taking up some letter that he wanted McCarthy to send over to the White House, which was about as violent on the subject of taking repressive measures on the trade issues as anything that there ever was. In fact, it was so strong and so violently against the President that even McCarthy, who was not one to pull back, thought that this was going a little too far based on the facts in the thing. And he would not back up Bobby insofar as an open break with the White House based on the demand that these repressive measures be taken against the ship owners.

[Interruption] That was Bobby's principal investigation. It's sort of ironic, I suppose, when you view it in light of his criticism of the Johnson [Lyndon Baines Johnson] administration in later years for not pursuing the course of negotiation and tact with the Communist bloc. Of course, it's just a total reversal of position, but back in the McCarthy days he was really very militant. I'm not saying I disagreed with his militancy, but he certainly had it.

Then I saw him almost never. And I would just hear rumors that he hated me. See Bobby either hated people or loved people, there was never any in-between ground. He was a hater. And I heard rumors he hated me and was saying this and saying that. I never took them too seriously or paid too much attention to them because I really didn't care.

When the Army-McCarthy hearings developed and were going to become public, by this time he had resigned from the committee. Now in later years when he had become a "liberal," he tried to indicate that he had resigned, as I understand it, that he had resigned from the committee because he disapproved of McCarthy's methods. Well, this is total nonsense. The exchange of letters between him and Senator McCarthy at the time of his resignation make it crystal clear they were on the most cordial friendly terms. There wasn't one word by Bobby of disapproval of anything. Now, if you want to say it was just a polite letter of resignation, that's one thing. But if a man is resigning as a matter of principle, or something like that, he at least gives some clue to it instead of writing a real hearts and flowers letter such as he wrote to Senator McCarthy and Senator McCarthy's "Dear Bobby," very cordial reply, "Hope as you indicated, you'll be back with us soon," and all that.

Well, Bobby did come back. He came back as counsel for the minority on that committee. But he didn't—during the Army-McCarthy hearings—he didn't come back to fight McCarthy, he came back to fight me. As a matter of fact, I don't remember whether I put this in the book or not—I probably didn't—but, just before the Army-McCarthy hearings, when he came back as minority counsel to the Democrats on the committee, he went up to Senator McCarthy's office, looking for him. He couldn't get him. Then he asked for Mary Driscoll, who was the Senator's long time secretary. And he found her in the beauty shop, finally found her in the beauty shop of the Senate office building. And he went to see Mary, and he said, "I couldn't find Joe, but I want you to give him a message. In these hearings, I'm

going to do nothing to hurt him. In fact, I'm going to protect him every way I can, and I still feel exactly the same way as I always have about him. But I'm really going to get that little son-of-a-bitch Cohn." And of course Mary told this to Senator McCarthy and then he called her in and had her tell it to me and any doubts I had as to where Bobby stood were crystal clear, were eliminated at that point.

We went into the Army-McCarthy hearings. And of course he was the counsel for the Democratic minority. And I would... When I was testifying as a witness, or out at the other end of the table, I could see him feeding questions to the Democratic minority. And whenever I said anything or tried to do anything, he would always have this smirk on his face, which I suppose was designed to get under my skin and did get under my skin, because this was my life and pretty serious thing to me. And it was this kind of thing that led to the blow-up, the widely publicized blow-up between us. He had been questioning about me—the Democratic senators on the committee had been questioning me about some plans Dave Schine [G. David Schine] had in connection with fighting Communist propaganda, which he was trying to mimic. And, the whole thing wasn't an occasion for mimicry. And I got pretty tee'd off. And as we were walking out of the hearing room, we sort of came up against each other, and I said to him I... something to the effect that I thought that was a pretty shoddy thing to do. And one word led to another and finally he was screaming at me and I was going back to him, so finally I said, "Well, look, this is no place to have an argument. You want to settle it, let's step outside and settle it." At that moment Senator Mundt [Karl E. Mundt], someone intervened, and fortunately because, as I say, I don't think my physical condition, not being a mountain climber or running kayaks up and down the Colorado River or something, I don't think I would have been too much of a match for him. But anyway, that fist fight was averted.

After that, he got very bad mail, particularly from Massachusetts. And from—well, I had a lot of fans....

OESTERLE: How do you know that?

COHN: I know because it came into the committee and I know it because he told people. He was shocked at the amount of criticism he had received from around the country from average Americans. And he was becoming very sensitive to the fact that there was a difference between the intellectual sophisticated Washington press corps who were violently anti-me or McCarthy, and the average Joe around the country who didn't like Communism and thought that fighting Communism was a pretty good thing. So he made up his mind that never again would he get into a public controversy with me. Well I left Washington, he left Washington, and the next contact I had with him at all was when I was spending a weekend up at Morton Downey's home, which is now inside the Kennedy compound, then was just outside the Kennedy compound. When we were going back to New York on Sunday night, Bobby was on the same plane with me. We both got off out of Hyannis Airport, which is a very small airport. And we were both standing waiting for the plane for about ten, fifteen minutes. We didn't speak to each other. And we sat about three rows apart and we never looked at each other.

The next contact with Bobby is when Jack [John F. Kennedy] became president and Bobby became Attorney General. After Bobby became Attorney General, I was asked by a

couple of friends to write a letter to the Senate Judiciary Committee... [Interruption]... all the past controversy between us had been in effect boyhood badinage or something like that. And needless to say I wrote the letter. I was scared. He was becoming Attorney General with all that vast power, and I knew Bobby was a ruthless hater. And I was not about to do anything more to antagonize him. Even brave people like me lose their guts now and then. He became Attorney General and he wasn't in there long before I got reports back from friends of mine in Washington like Jim Juliana [James N. Juliana], who had been on the committee staff when I was there, a former FBI agent, but who was also a good friend of Bobby's and who had remained on the committee staff as minority counsel after Bobby took over as counsel for the committee when Senator McClellan [John L. McClellan] became chairman.

Jim told me, "Look, Bobby is really out to get you. You're just.... It's a toss up between you and Jimmy Hoffa as to who's number one on the list. But don't kid yourself. This guy hasn't changed one bit and he's going to settle all his old scores. And now he's got the power to do it and he is going to go out to get you and Hoffa.

I heard the same thing from a couple of other people, too. About that time Bob Morgenthau [Robert M. Morgenthau] was forced in as United States Attorney for the Southern District of New York by Bobby Kennedy. The local Democratic leadership—headed by Congressman Charles Buckley [Charles A. Buckley] of the Bronx, who was a strong Kennedy man and one of the original Jack Kennedy supporters—were dead against Morgenthau. But Bobby Kennedy forced through Morgenthau's appointment and got Buckley to go along with it and Morgenthau was named. Morgenthau had a history going back with the Kennedys. He had worked for Jack Kennedy in Los Angeles against Lyndon Johnson for the nomination.

Morgenthau had his own individual reasons for disliking me, stemming back to an investigation of the turnover of United States currency plates to the Soviet Union after World War II by Morgenthau's father [Henry Morgenthau, Jr.] and Harry Dexter White. I didn't see what this had to do with Bob Morgenthau. I wasn't about to visit the sins of the father on the son, if they were sins in fact. We merely had an investigation under a committee chaired by Senator Mundt, and I was the counsel. But Bobby Morgenthau disliked me intensely, so with that combination of Kennedy and Morgenthau, I was a pretty dead duck.

Shortly after Morgenthau took office as US Attorney in the Southern District of New York, with active encouragement from and participation by Bobby, he impaneled one grand jury after another trying to get something on me. And it resulted in two criminal indictments on both of which I was unanimously acquitted by federal court juries.

Before the indictments came down, before the first indictment came down, when we knew what was going on, I had some good mutual friends of Bobby's and mine—principally George Sokolsky, the journalist, who was a great friend of the Kennedys and was also a very close friend and client of mine. George went to Bobby Kennedy about this. And he said, "Why are you doing this and why are you—what good does it do to you? Everybody knows you hate Roy and when you use now your Justice Department power to try to get him, it's not even going to reflect well on you because it's just going to confirm the image people think you have of using your personal power to try and destroy your enemies." He said.... George said to him—remember George called him from Lenoxville Hospital, where George's wife was in—and he said to him, "I just think you're making a mistake." Well,

Bobby was very vague about the whole thing, as though he hardly remembered me and really didn't know what Morgenthau was doing, and said to Sokolsky, "Why doesn't Roy go down and see Morgenthau and have it out with him." Well I knew that was just a complete dodge, but I did go down and see Morgenthau. And we had a very acrimonious meeting, which accomplished, of course, nothing. It was just Bobby passing the buck to get off the hook with George Sokolsky who was important to Bobby. [Interruption]

I saw Bobby next at George Sokolsky's funeral, which was in December of 1962. We were both honorary pallbearers. And we had a very—I was sort of running things, in charge of the arrangements, and Bobby came. I shook hands with him cordially and I said, "The family is, I know, very appreciative that you came up"—which he thought was very amusing, because I got a kickback afterward that I had the nerve to say to him that the family was appreciative he came up or something like that but....

Then, the indictment, the first indictment came down in September of 1963. They had an eighteen-month grand jury investigation in which they came up with nothing. So they called me, myself, and asked me 4,851 questions before the grand jury. And out of the 4,851 questions, they indicted me for perjury, for giving, supposedly giving false answers to three or four of the questions. The indictment also included obstruction of justice and yea, that's about it I guess. Ten counts.

Before Morgenthau went ahead and filed the indictment, he had a meeting with Bobby in Washington the night before—not in Washington, at Bobby's home in McLean, Virginia—and at which the final decision was made to go ahead with the case. And both Bobby and Morgenthau were sure that they had me. As the case was moving ahead and taking its course, Morgenthau and Bobby were in constant consultation on it. As a matter of fact, when, in November of 1963, Bobby received the phone call of the attack on his brother in Texas, Bobby was at that moment having lunch with Morgenthau at Bobby's home in Virginia discussing my case. The progress of my case, the indictment in which it came down two months before, among other things. Well, of course after a first mistrial, my case was determined on July 16, 1964, when the jury acquitted me on each and every one of the counts by a unanimous vote, meaning that Bobby and Morgenthau and liberal New York City, where they thought they couldn't miss against me because of my affiliation with Senator McCarthy and the antagonism on the part of many liberal elements as a result of that.... But they just didn't correctly gauge the fairness of American juries. And there was a pretty bad showing when out of twelve jurors they didn't pick up one vote, but they didn't.

My acquittal, of course, was just a signal for Bobby to go on to bigger and better things. And there were about three more grand juries which he had investigating me. By the way, the extent to which Bobby and Morgenthau went to try to get me was such that they literally made deals with eight Las Vegas characters and convicted swindlers and gave them suspended sentences in return for them trying to testify against me. They literally marched out eight people who were the objects of major prosecutions by Bobby and Morgenthau and walked each one of them out with a suspended sentence as a reward, an inducement to testify against me because they had consulted me as a lawyer at one point during their case. And even though the jury disbelieved each and every one of them, obviously, nevertheless, Bobby and Morgenthau did keep their word and recommended to the court that each one of them get a suspended sentence, which they did.

After my acquittal, they went right on. They had a squad of ten Internal Revenue agents, headed by an agent named Red Corcoran, who were assigned to Morgenthau, and did nothing but try to get something on me. They then.... Internal Revenue brought five criminal charges which never left Internal Revenue because their counsel reviewed the charges and threw each one of them out as being completely unfounded and wrote a memorandum, we were advised, saying if this was anybody but Roy Cohn we wouldn't even have wasted this amount of money in going this far in the case. And then, finally, after the last Morgenthau grand jury was about over with, he came up with another indictment, the end of '68 followed by still another superseding indictment really in January of 1969, which was a six count indictment that went to trial in September of 1969 and took two and a half months, and the jury was only out a little over three hours and acquitted me on each and every count. And within a matter of a few days thereafter President Nixon [Richard Milhous Nixon] fired Morgenthau. Getting back to—and of course by this time, Bobby Kennedy had met with his unfortunate demise.

When Bobby ran for the Senate in New York, and then again when he was running against Johnson for the Democratic presidential nomination, he had said to Jack O'Brian—the newspaper columnist and radio commentator, who was one of those people who was a friend of both the Kennedys and mine—he had told him that he, Bobby, had still been encountering considerable political difficulty in New York because of my friends and the fact that I resented what he had been doing to me. I don't know if he really expected me to appreciate his trying to send me to jail but, in any event, that was really about the last I heard about him. I used to see Bobby from time to time at restaurants in New York. And it got to a point where after a number of years we were sort of nodding at each other. And, I remember once we were at a restaurant, Orsini's, and we were sitting directly next to each other. Well, I wasn't about to talk with him listening and I guess he wasn't about to talk with me listening, so.... I remember, I was with Sy Newhouse [Samuel I. Newhouse, Jr.], the publisher, and a couple of girls, and he was with Dame Margot Fonteyn [Dame Margot Fonteyn de Arias], the ballet artist, and after about five minutes of silence I turned to him—it was only a couple of feet away at the next table—and I said, "Well, who's going to move, you or me?" And, at which point he smiles and he and the lady he was with got up and went to another part of the restaurant. An those were about the last words I exchanged with him. Of course, I reflected to some degree on his political transformation. I don't know whether it was from conservative to liberal. I don't know whether it was true or false or sincere or insincere and just calculated to fit in with his political ambition to be president. To know that would require a reading of his mind and, in law, you're not even allowed to ask a question which involves the operation of someone's mind. So I guess there's nobody in the world who can answer that.

One thing that tends to support the theory of insincerity was the way he handled his association with Senator McCarthy. Instead of being straightforward about it and saying, "Sure, that's where I stood and we were great friends. I did work for him. That's the way it was and now my views have changed." He sort of tried to fudge up the whole period as though he quit the committee because he disapproved of McCarthy and his methods when that wasn't true at all and everybody knew it wasn't true.

OESTERLE: In retrospect, as you look back over your tenure and Robert Kennedy's tenure with the McCarthy period and what has since been called the McCarthy era....

COHN: Do you want to know which one of us did more harm?

OESTERLE: Well, no, but I'd like to have your thoughts on it. I mean, were you both ambitious young men who saw this as an opportunity to get a lot of good practical experience?

COHN: I can only answer for myself. I'm sure as far as the objective test would say, Bobby, I suppose, was ambitious. He wasn't down there to.... I don't know why he was down there except for that. He had had no background in anything legally. As far as the reason I was down there, the last way to be politically ambitious as a Jewish New York Democratic, which I was and am is by becoming counsel for Senator McCarthy. So I was hardly down there for any political ambition. I was down there because I had devoted a considerable period of my legal life up to that point working on internal security cases and prosecuting espionage and subversion cases. This was an extension of that type of work, an opportunity for me to do more in this type of work in which I believed then, in which I believe now. And that's the reason I was there. I don't think I even stopped to think of the broader aspects and offshoots of the thing. I was a pretty young guy and I was offered this job and I was only too glad to take it.

OESTERLE: Did you know Senator McCarthy prior to coming to the committee?

COHN: I met Senator McCarthy for the first time in my life in December of 1952, about a month before I came with the committee. He sought me out, very simply, because I belonged to a labor pool that was in short supply. I had had extensive experience in the Rosenberg case and the prosecution of the Communist leaders under the Smith Act [Alien Registration Act, 1940], the Remington [William Walter Remington] trial—in the handling of Communist and internal security cases. And he was looking to direct his committee of which he was about to become chairman in those areas and needed a lawyer who was experienced in those areas. The prime.... His first choice would have been and was Bob Morris [Robert J. Morris]. But Bob did not want to quit his post as counsel for the Senate Internal Security Subcommittee. And I was about I suppose the next most qualified lawyer in that very limited and narrow field without much competition. And that's why Senator McCarthy sought me out.

OESTERLE: You've maintained a pretty good relationship, I gather, with the Director of the FBI. I wonder if you might have any insight into the Hoover [J. Edgar Hoover]-Kennedy controversy over the years, especially in light of the fact that Joe Kennedy [Joseph P. Kennedy, Sr.] and J. Edgar Hoover have been pretty close friends?

COHN: Yeah. Well, Bobby's controversy with Hoover, what I remember about it, at some point during the McCarthy committee hearings—I think this was before the Army-McCarthy hearings—Bobby went over.... I heard from some people over at the FBI Bobby went charging over there to find out something in a very abrasive way and demanded that the information be given to him immediately. Whereupon the FBI official he was visiting called Mr. Hoover and said, "What do I do?" And Hoover said, in substance, "If he can't be courteous and behave the way anybody else can, just throw him out of the office. I couldn't care less. I don't care who he thinks he is." And there was never any love lost between him and Hoover.

I think Mr. Hoover is basically—whether you're with him or against him—he's used to being... He's a man who's considerably older than Bobby, and I think Mr. Hoover is used to working in an atmosphere of respect. And I would say that Bobby's abrasiveness, rudeness, toward people who were older than he was would be the first thing that would set Mr. Hoover off on a negative point of view. And even though he liked Joe Kennedy a lot, I think he'd regard Bobby, certainly in those days, as Joe's fresh kid who hasn't learned how to behave yet. And he wouldn't take him all that seriously. When he became Attorney General, I think it had gone pretty far by that point and I think the reason for the development of the feud back then was that Bobby kept planting people on top of Mr. Hoover and the FBI. And—I can't think of that fellow's name. He was somebody in the FBI who Bobby picked out and demanded be raised to a position of some importance...

OESTERLE: Was it Courtney Evans [Courtney A. Evans]?

COHN: Yea. Courtney Evans, exactly. And situations like that just widened the bridge till the point when.... I guess it went from a point when Mr. Hoover just generally didn't like him to the point where he positively hated him. And this all came to a head sometime after President Johnson took office.

OESTERLE: Have you ever had occasion to discuss this at all with Mr. Hoover?

COHN: No. I don't think we ever talked about Bobby. As I say, although Bobby and I have been linked together because of the way our lives have interlocked and our paths have crossed, at the Army-McCarthy hearings and the McCarthy days, and then again when he was Attorney General and was out to get me, our actual personal contacts have really been peripheral.

OESTERLE: The point when Robert Kennedy came to New York to campaign for Abraham Beame [Abraham D. Beame]. I believe you were a supporter....

COHN: Yeah. Well, I'm a registered Democrat and I support the Democratic Party in New York locally. When it comes to voting for president of the United States or something, I'm really not too influenced by party label. But from a local standpoint, I am a Democrat and I do support Democratic candidates

and I did support Beame for mayor and I supported him two years ago for comptroller. And Bobby was active in that campaign and so was I. And....

OESTERLE: Did you see each other in the course of the campaign?

COHN: No. That's been publicized, the fact that the Beame people and Stanley Steingut, the Democratic leader of Brooklyn, who was a friend of Bobby's and a friend of mine would always take pains to see that the two of us wouldn't meet. In fact I remember some interview in which Steingut was asked, "Well, now what if Bobby and Roy run into each other around here?" And I think Steingut's reply is, "Well we presume that things will be arranged so that they won't. And that's the way that was.

OESTERLE: In Robert Kennedy's description of his early conflict with you, he said that the reason that he didn't like you was because of the way you and Mr. Schine were conducting the hearings and all...

COHN: Yea. Of course this is total baloney because he had gone on record as disliking me before we ever conducted one hearing. Insofar as the way people conducted things, if you want to look at that investigation of the transshipment of goods to Communist countries and the way that was conducted and the way he plunged McCarthy into this fight with the State Department, and tried to plunge him back into this break with the White House, you'll find anything we did on our end of the committee was mild and modest by comparison. That was just part of his attempt afterward to explain his new liberal image and explain to his liberal friends that he really had been against McCarthy and the McCarthy crowd from the word "go" for ideological reasons of methodology, when that was the furthest thing from the truth. [Interruption]

OESTERLE: You said earlier that even a brave man, in effect....

COHN: That was probably a little immodest but....

OESTERLE: Well anyway, why did you consider yourself a dead duck?

COHN: Well, when Bobby became Attorney General, you can say why, in view of the fact that I have managed to stay around, would I consider myself a dead duck? Maybe dead duck was too strong a term.... But, when Bobby became Attorney General, don't forget he immediately had the power to subpoena, grand jury, indictment. I haven't told you in this interview, Jim, about... I just told you the official parts of the cases against me. But they were accompanied by the subpoenaing of every client I had. I can't think of one of any significance who wasn't subpoenaed, who didn't have his books and records pulled down.... Girls I went out with were called down. They just did everything they possibly could to.... They can destroy people in more ways than one. And they just unleashed all the power they had to try to destroy my credit, clients. You know, why a client's going to want a lawyer.... They want a lawyer to keep them out of

trouble. Why do they want a lawyer when because of the lawyer they're getting pulled down before grand juries? I've estimated he had a thousand witnesses before grand juries, concerning me. And I'm just saying that when I wasn't happy about this whole thing and thought I could be a dead duck, it's very difficult to fight the power of the Justice Department—particularly when it's being personally directed by the Attorney General of the United States and the United States District Attorney in your district. And when they have at their disposal the arbitrary right to use grand juries, subpoenas, call in every one of your clients, intercept your mail, which of course happened to me—they not only intercepted my mail but when I was preparing my defense, they intercepted the mail of my lawyer.

OESTERLE: How did you first find out about that?

COHN: I found out about it through just a complete fluke. His mail was being delivered at his home in Queens on day.... [Interruption] We found that out by a complete fluke. The regular postman on duty at his home in Queens, Cambria Heights, was off. And there was a substitute mail carrier apparently not too knowledgeable or bright. And he had been given a confidential slip which goes with each mail interception saying, "Do not give the mail to the addressee but turn it over to your supervisor." And he took this slip and he actually gave this slip to my lawyer's wife and said, "I don't know what this means lady. Do you understand it?" Well, she's a pretty bright girl and she understood it immediately and she kept it. So here we were with actual physical proof of a mail interception. We went into court and of course the federal judge found this was shocking. He said these tactics smack more of Russia than the United States and so forth. [Interruption].

OESTERLE: To your knowledge, was the FBI brought into this investigation and into your affairs?

COHN: Well, yes. The FBI participated in the first trial. It was an FBI case. The second trial, the 1964.... Two FBI agents actively assisted Morgenthau's office in the prosecution at Morgenthau's request and sat at the counsel table and all that. I don't remember their names offhand. The second trial, the 1969 one, was not an FBI case, it was an SEC [Securities and Exchange Commission] case so the FBI had nothing to do with it.

OESTERLE: Do you think that by bringing the FBI into the investigation—especially in light of your subsequent acquittal—that this became a factor in the Hoover-RFK relationship?

COHN: No. No. You mean did Bobby ever say to Hoover that "You didn't do a big enough job on Cohn," or something like that?

OESTERLE: Oh no. I mean the other way around. That Hoover...

COHN: No.

OESTERLE: ... resented the fact that the FBI....

COHN: I don't think so. Hoover's position was, "Look, we work for the Justice Department. They've got a case. We've got to assign agents. They've got to do their job if it's you or my brother-in-law of anybody else. Then that's that. Sorry." So I don't think he had any... I don't think he harbored any feeling against Bobby. I would say if I had to make an assessment, I'm sure, Hoover, having been around a long time, knew that this was just a political hatchet job by Bobby and didn't have much sympathy with it. But I don't think he blamed.... I don't think this was a major item on his list of grievances about Bobby.

OESTERLE: The incident of Robert Kennedy passing – or going over to you during your questioning of Annie Lee Moss has been written about a great deal. What was the...

COHN: The story on that is very simple. We had information to the effect that Annie Lee Moss, who worked in I guess the code room of the Pentagon in some medium capacity, was an active member of the Communist Party. Our information was solid. Called her up before the Committee. She was a very sympathetic black woman, and put on a good show. Senator McCarthy wasn't there that day and the Democratic senators on the committee with Bobby as their counsel were all for the fact that this was the wrong Annie Lee Moss, that she was completely innocent. Senator Symington [Stuart Symington II], in fact, offered her a job in his office. And everything like that. Well, then Edward R. Murrow did a big documentary on how we had the wrong Annie Lee Moss and so on and so forth.

OESTERLE: It was the wrong Rob Hall, wasn't it?

COHN: No. Annie Lee Moss. Doesn't hit me at all. Rob Hall doesn't hit me at all. Annie Lee Moss hits me very definitely. After the.... Rob Hall was one of the top leaders of the Party and....

OESTERLE: There was supposed to be a Rob Hall that was also a black man but the Rob Hall that was...

COHN: Never heard of him.

OESTERLE: ...in the communist party was white. You've read that but it doesn't mean anything, right?

COHN: No, I haven't. The only thing I've read is Annie Lee Moss. It doesn't mean it didn't happen, I just don't recall it.

OESTERLE: Okay.

COHN: If you have anything that could bring it back to me.... Annie Lee Moss I remember well. The end of the story was that years later President Eisenhower's Loyalty Board [Loyalty Review Board] of seven or something, unanimously corroborated every bit of information we had about Annie Lee Moss and ordered her suspended. And it was, of course, the correct Annie Lee Moss, and she was an active member of the Communist Party. But of course these facts rarely catch up with the headlines for years later.

OESTERLE: You had some words after the hearing, I think. I think you were reported to have said to Robert Kennedy something to the effect of, "Do you really think you belong here?" Or, "Do you have the qualifications to sit on this committee?"

COHN: It would have been a good thing to say but I unfortunately don't recall having said it. I don't know if it would have been a good thing to say. You remember President Kennedy's comment when he appointed Bobby Attorney General, and somebody asked him why, and he said "Well, he has to learn to practice law someplace."

OESTERLE: Do you think that the Attorney General really did change very much over the years, in terms of...

COHN: Well, the question is did he change in the later years when he became a big liberal? [inaudible] I—I don't know. He was so consumed with political ambition that it's just difficult to apply a—trying not to be unfair to him, trying to be objective about it. It's hard to apply a sincerity test because everything, every position he took was always in the context of his driving ambition to be president. And maybe he really did change, maybe he really did believe in some of these new things. And of course, we're talking bluntly here about a man who met a very tragic and unfortunate death, which I was very sorry about. But of course, that can't alter historical facts and I don't want to indulge in the hypocrisy of saying because of the tragic circumstances of his passing that all of a sudden I'm going to say I always thought he was a wonderful, kind-hearted man who loved everybody and was the quintessence of fairness, or anything like that when I know very well he wasn't.

OESTERLE: Is there—just for the record, looking back over your tenure with the McCarthy committee—is there anything that you would have done differently?

COHN: Yeah. Lots of things. Not so much with the committee. Mainly when I was with the Justice Department before that. I am much more conscious of defendants' rights and all in favor of a lot of changes in our law and rulings of the Supreme Court, which have liberalized, then. I don't think they've been – I depart from a lot of my conservative friends on this issue—I don't think that some of

these restrictions have really made it that much more difficult to enforce laws or prosecutions or anything like that. I don't think you have to wire-tap and intercept mail to be an effective prosecutor. I never used any of those methods when I was a prosecutor. I never saw a need for using them—any of them which are invasions of privacy and seem to go against my grain as what we believe in and the way we try to do things in this country.

As far as specifics when I was with the McCarthy committee—you would always view things differently and as years go by and being, you know, fifteen, twenty years older, of course there were things that would be done differently. But on the other hand, the McCarthy committee gave an awful lot more in the way of rights than the many other congressional committees and than the grand juries give in the year 1971. For example, before a witness went into public session, he was in executive session first, and if the satisfactory explanation was forthcoming, he was never called in public session and nobody knew he was there. Every witness had counsel sitting right alongside of him if he wished, who had a right to be there and make a statement. Before a grand jury in 1971, a witness or even a prospective defendant has no right to have counsel in the room with him.

The McCarthy committee did.... See, the McCarthy committee gets blamed for everything that happened in that whole period. People lump in with the McCarthy committee the investigations of Hollywood—things that which, of course, the McCarthy committee never did—and things along those lines. And really the word has developed a secondary significance. But insofar as the Committee itself is concerned, it ranked well by comparison with other committees insofar as the extension of rights to witnesses and people under investigation. Then you get into the history book presentation of the fact this was an era, an age of hysteria, and people lost jobs in a wholesale way and went out windows and all of that. I think that's a gross exaggeration, and as a matter of fact, I think people who are, who were pro-McCarthy had a more difficult time on college campuses and in the academic world and in the communications world and in Hollywood than people who were anti-McCarthy. I think they were in the majority in those areas and they made it pretty tough on the people who were on our side and just in a great deal of careless talk, misstatement and lack of accuracy in the appraisal of that entire period. And I would want to make that comment in fairness to Bobby Kennedy and in fairness to myself, since we were both part of that period.

OESTERLE: How do you look back upon the last years and what might be considered the tragedy of Senator McCarthy?

COHN: Well, when you say look back on it...

OESTERLE: The tragedy I mean of the fact...

COHN: Censure, death, all that...

OESTERLE: Yes. Alcoholism....

COHN: Yeah. Well, the alcoholism is something that I just don't know about. I mean, he drank, but, you know. That's something even I do once in awhile before dinner. But.... Senator McCarthy had a point to make,

which was the alerting of the country to Communism and the way it fought. He did it. How long can a man live on an issue like that? In other words, he had his day in the sun. I think that time, the time had just run out. It was a one issue proposition. I don't think Senator McCarthy could sustain it. I think it's a miracle he sustained it in 1950, '51, '52, '53, '54. And I think it was just an issue that was.... The point had been made and the issue was fading. And, if Senator McCarthy – the censure, of course, was a strict political operation. Every Democrat voted for it. Every administration Republican voted for it. And every conservative Republican voted against it. It was about the most easy to see through political vote in history. They wouldn't have to bother with the censure hearings. They could have taken the vote before they ever started.

Then if Senator McCarthy had lived he would have, I'm sure, run for re-election and won big again in Wisconsin. And I just don't think he ever again would have made the big impact because the issue had been played out. The people now knew what he had been trying to say. Of course, history has worked in his favor and I don't know what effect that would have had. With the fact Communism has not receded, with what the Soviet Union did to the attempt of little Czechoslovakia to gain some modicum of freedom recently. All these moves have been supportive of Senator McCarthy's view of Communism with alarm and horror. And whether they would have resulted in giving new or renewed importance to his position if he had lived, I can't really say. We don't have a crystal ball and we can't tell. But I've always viewed it as an issue in which he did his job and gave it everything, and an issue which was pretty well played out.

OESTERLE: With the McCarthy committee as a very important part of your background, what has it meant for you over the years, above and beyond the investigation and the indictment and so forth, I mean, forgetting that.

COHN: You mean the McCarthy period?

OESTERLE: Yes, your Washington experience. What has it meant for you as a lawyer, in practice, in terms of business and....

COHN: Okay. Well, materialistically I suppose it's I suppose.... Well, let me withdraw that. From the standpoint of all these criminal trials and all this harassment I've gone through, it's been pretty grim. From the standpoint of my standing in the profession and my ability to attract clients, it's been great because I had, I suppose—although albeit involuntarily—I had a two month daily television exposure to the country. And the impression that does seem to be that people have been very kind in assessing or over-assessing my ability. And the fact that if I stand for something, I mean it, and I'm not about to sell out and I'm going to have the guts to see it through. All of this I'm sure has directly and indirectly produced a lot of legal business for me. So I suppose in that area, furthermore, it put me on the map. I suppose anyone who has ever been in public life is happier being somebody than nobody. And I guess I'm not too much different. Although sometimes it can be a pleasure to be nobody.

OESTERLE: If you had the opportunity at some future point would you consider an assignment in Washington again?

COHN: I don't think so. As I told you in my assessment of Senator McCarthy's role and his day in the sun, I think I had my day in the sun in those areas, and I think... I don't think that I'm a candidate for revival.

OESTERLE: Have I pushed you enough on everything, do you think? Is there anything else that you'd like to add?

COHN: I think you've been very gentle. I think you've covered everything. I'm just trying to think. No, I think we've really had about as comprehensive a discussion of my public and private path-crossing with Robert F. Kennedy that could be possible under any circumstances. We've covered the facts, and we've covered the motives, and we've covered the philosophy, and we've covered "my side" if you will, and by asking certain questions and quoting him along certain things you've suggested "his side," which of course can be supplied by his many adherents, too. Because Bobby Kennedy was one who had a great many adherents. Bobby Kennedy was somebody who hated or loved. And conversely, he was a man who was hated by people or loved by people. He was intensely loyal to people who signed up with him. And his loyalty to them ranked alongside of his hatred of those who didn't. So I think we've covered the point.

OESTERLE: Let me ask you just one last thing. How has your book done on...

COHN: *McCarthy*?

OESTERLE: *McCarthy*.

COHN: I've got a new one coming out, by the way, called—about the trials—it's called *The Fool for the Client*. And that will be out—which refers to the fact that I for my own summation—that will be out in a couple of months, I guess, if I ever finish fighting with the publishers...

OESTERLE: How has the book done on McCarthy?

COHN: Do you mean physically? It was done basically from notes I had made shortly after the McCarthy period, and, well, had been rewritten from my recollections.

OESTERLE: Has it sold pretty well, too?

COHN: Yeah. Pretty good sales for a hard cover book. It could have done a lot better except the publisher at that particular time was in a merger

between New American Library and World Press. And the book got buried in the merger and wasn't promoted. But it had a pretty good, had a pretty good circulation. It hasn't gone into soft cover yet. They're apparently waiting until the new book comes out and I don't quite understand all their theories of how they do...

OESTERLE: Merchandising...

COHN: Merchandising and publishing and all.

OESTERLE: Thanks very much for you time.

COHN: Very good.

[END OF INTERVIEW]

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