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Roy Cohn’s America: Conservatism, Sexual Politics, and Memory in the 21st Century

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In 1973, the U.S. Department of Justice sued the New York-based real estate company Trump Management for discriminating against black individuals applying to live in their properties. The DOJ alleged that the organization—namely its CEO, Fred Trump, as well as his son and the organization’s president, Donald—had violated the Fair Housing Act by requiring a “C” to be placed on all applications submitted by potential tenants of color to subsequently reject them.¹ The younger Trump was unwilling to admit to wrongdoing even when all of the company’s lawyers told him he had no defense against the charges, so he began to look elsewhere for guidance.² Everyone in Manhattan in the 1970s knew of Roy Cohn and his reputation for ruthlessness so when the real estate proprietor met the lawyer at the exclusive Le Club, Trump immediately began asking for legal advice. In response, Cohn told Trump that his company should tell the DOJ to go to hell and take them to court over the case. Trump hired Cohn immediately.³ The partnership proved to be influential in the young Trump’s life as the way in which Cohn handled the DOJ’s case taught the future U.S. president a critical “three-dimensional strategy, which was: 1. Never settle, never surrender. 2. Counter-attack, counter-sue immediately. 3. No matter what happens, no matter how deeply into the muck you get, claim victory and never admit defeat.”⁴ Trump learned the first lesson that night in Le Club when Cohn vowed to never settle in court on Trump’s behalf, and the second lesson soon after when the pair brought a defamation suit against the Department of Justice, claiming the case had hurt business

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³ Ibid.
by accusing the Trumps of racist practices.\textsuperscript{5} Although unsuccessful, the attack muddied the DOJ’s argument and enabled Cohn to teach Trump the third and final lesson: Trump claimed in \textit{The Art of the Deal} that he did not like lawyers because “they are always looking to settle instead of fight… [and he would] rather fight than fold, because as soon as you fold once, you get the reputation of being a folder,” yet Cohn and Trump ended up making a “minor settlement” in the DOJ case. However, the two touted the result as a success because Trump Management did not have to admit guilt, taking away from the civil rights issue at the heart of the case.\textsuperscript{6} Liz Smith, an influential gossip columnist and friend of Cohn’s, once stated that “Donald lost his moral compass when he made an alliance with Roy Cohn.”\textsuperscript{7} Under Cohn’s guidance, Trump learned how to control a personal paradox into a public image of strength and it is the lesson that has defined his presidency thus far.

As president, Donald Trump has displayed McCarthyist paranoid politics since the very first days of his presidency. Accusations that Russia had interfered in the 2016 election began almost immediately after Trump’s victory and followed the president into his first term. Prior to the inauguration in early January 2017, the Intelligence Community Directors met with the president-elect in his residence in Trump Tower to discuss the information that had been gathered on Russia’s activity.\textsuperscript{8} James Comey, then director of the Federal Bureau of Investigation, had acquired a dossier put together independently by a former MI6 agent, Christopher Steele. Comey requested a one-on-one session with the president following the large

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\textsuperscript{6} Trump, 67.
\textsuperscript{7} Brenner, “How Donald Trump and Roy Cohn’s Ruthless Symbiosis Changed America.”
\textsuperscript{8} The Intelligence Community Directors were the group composed of the leaders of the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), the National Security Agency (NSA), and the office of the Director of National Intelligence (DNI).
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meeting to discuss the salacious information the Steele dossier contained in a more private setting. While the interaction was intended to communicate valuable information and assistance, Trump perceived the meeting as an affront to his legitimacy. Following the interaction, it became clear that the president considered Comey to be his enemy and his distrust prompted Comey to compose memos documenting his impressions of their interactions. Comey’s second memo recorded a surprise February dinner between the two at the White House where,

at one point during the conversation, Trump stated that he needed loyalty and expected loyalty, and then later stated again “I need loyalty.” Memo 2 reflects that the second time Trump stated his need for loyalty, Comey responded that the President would always get honesty from Comey… Memo 2 also notes that it was possible that Comey and Trump “understood that phrase differently” but that Comey “decided it would not be productive to push the subject further.”

In fact, President Trump and Director Comey did understand the phrase differently and, when Comey would not pledge loyalty directly to Trump, Trump fired him.

The relationship between Director Comey and Trump stands in contrast to the current dynamic between the president and Attorney General William Barr. In two separate instances, Barr has proven that he is loyal directly to Trump and the president’s response has revealed that this is the relationship he expects from those who work for him. Following the 2016 election,

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10 US Department of Justice, Office of the Inspector General, *Report of Investigation of Former Federal Bureau of Investigation Director James Comey’s Disclosure of Sensitive Investigative Information and Handling of Certain Memoranda*, Oversight and Review Division (Washington, DC, 2019), 17. Memo 2 documented the interaction between Trump and Comey at a one-on-one dinner at the White House on January 27, 2017. In the memo, Comey writes that this was unexpected and that he assumed when Trump sent the invitation to Comey that the implication was that it would be a dinner with other government leaders and White House staffers.
11 Ibid.
U.S. intelligence bodies—along with the sources cited in the Steele dossier—had found that Russian operatives had communicated with members within both the Trump campaign and administration and as such, there were calls to investigate the connections.\(^\text{12}\) In May 2017, Deputy Attorney General Rod Rosenstein appointed former FBI Director Robert Mueller to head the investigation as special counsel. The Mueller investigation lasted for nearly two years, indicted thirty-four individuals, and resulted in a 448-page report divided into two volumes focused on the Trump’s campaign’s conspiracy with Russia and the Trump’s administration’s obstruction of justice, respectively.\(^\text{13}\) By the end of the investigation in 2019, Trump’s original attorney general had been replaced by William Barr who had served in the same role under President George H. W. Bush.\(^\text{14}\) Preceding the release of Mueller’s report, Barr published his own four-page summary, glossing over much of the meticulously documented investigation, which sparked skepticism that Barr was not working independently from the executive branch.\(^\text{15}\) Following the release of the summary, many reporters began to speculate that Barr had likely been picked by Trump to serve as Attorney General due to his authoring of an unsolicited memo criticizing the Mueller probe and calling for its end in 2018.\(^\text{16}\) Thus, when Bar released his summary, his devotion to Trump over his Justice Department became shockingly clear and prompted Trump to claim that he should have initially hired Barr rather than hiring former


\(^\text{15}\) Ibid.

\(^\text{16}\) Al Jazeera Staff, “Who is William Barr? Trump's Attorney General Pick on Key Issues.”
Attorney General Jeff Sessions who recused himself from the Russia investigation immediately after it launched.\textsuperscript{17}

The way in which President Trump has approached his relationships with Comey and Barr is reminiscent of the politics of paranoia enacted by Senator McCarthy: Comey is someone who ideologically differed from Trump and as such, was not to be trusted, whereas Barr has appeared to pledge loyalty to Trump much in the way federal employees did under Truman, and how members of McCarthy’s Subcommittee swore oaths to Roy Cohn.\textsuperscript{18} However, McCarthy’s crusade of anti-subversive fear was largely contrived as part of a public relations strategy used to bolster the career of an otherwise unspectacular senator. Trump’s erratic and need for loyal protection against subversion appears sincerely held, which is due in large part to his connection to Cohn.\textsuperscript{19} As it was, Cohn always seemed to fear being undermined for anything he defined as a weakness and constantly sought loyalty from others as protection against any potential charge that could be brought against him. Loyalty was paramount to Roy Cohn, and it was a trait he tried to instill in all of his proteges, not just in the current president of the U.S. This lesson was especially clear during the Mueller investigation when one such mentee, Roger Stone, was investigated for working with Julian Assange of WikiLeaks to publish Hillary Clinton's emails in an effort to smear her during her 2016 presidential campaign.\textsuperscript{20} Stone has been a long-time Trump associate since the two were introduced by Cohn in the early 1980s. According to \textit{New Yorker} writer Jeffrey Toobin, “Stone created Donald Trump as a political figure. There is no doubt that in tone, in effect, in profile, the Trump Presidency was a pure Roger Stone

\textsuperscript{18} von Hoffman, 223-4.
\textsuperscript{19} Ibid., 210.
Mueller’s team alleged that Stone worked closely with Assange to retrieve and release Clinton’s controversial emails through improper means and tried him for obstructing justice, making false statements to investigators, and tampering with witness testimony. The Department of Justice also found that there was frequent communications between Stone and an unnamed “high-ranking Trump Campaign official” regarding the timeline of the emails’ publication, leaving little doubt that the technique was approved of by the Trump team to smear their opponent. Although Stone was no longer an official member of the Trump team at that point in the campaign, Stone refused to testify against the president before Mueller’s team, thus distancing Trump from the operation to protect his credibility. While there is no evidence that Trump asked Stone for his loyalty — nor if he would have had to — Trump has frequently sought to protect Stone from any legal ramifications for his actions on behalf of the Trump Administration, an act that reveals he too feels some sense of loyalty to Cohn’s other notable mentee.

Trump began to call on Cohn and the loyalty rituals his name evoked following Mueller’s appointment, which Trump saw as the end of his presidency. It was as though he was seeking the same unwavering protection from those closest to him that Cohn had received in his lifetime. Volume II of Mueller’s report documents that on March 2, 2017, then-Attorney General Jeff Sessions recused himself from the Russia investigation following the revelation that he had met

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23 *United States of America v. Roger Jason Stone, Jr.*
24 Panetta and Sheth, “GOP Strategist Roger Stone Convicted on 7 Counts of Obstruction, Witness Tampering, and False Statements.”
with the Russian ambassador to the U.S. twice, a fact that he had not previously disclosed.\textsuperscript{26}

Upon being told this news, President Trump demanded to know “‘Where’s my Roy Cohn?’”\textsuperscript{27} The following day, according to Volume II again, Trump began a meeting between advisors and legal counsel “by saying, ‘I don’t have a lawyer.’ The President expressed anger at McGahn about the recusal and brought up Roy Cohn, stating that he wished Cohn was his attorney.

McGahn interpreted this comment as directed at him, suggesting that Cohn would fight for the President whereas McGahn would not.”\textsuperscript{28} It is interesting that when demanding loyalty from those around him, President Trump called on Roy Cohn. In his 1987 book \textit{The Art of the Deal}, Donald Trump recounts his relationship with Cohn fondly and describes why he believes Cohn’s loyalty was his most admirable trait: Trump asks his readers to

just compare [Cohn] with all the hundreds of “respectable” guys who make careers out of boasting about their uncompromising integrity but have absolutely no loyalty. They think only about what’s best for them and don’t think twice about stabbing a friend in the back if the friend becomes a problem. What I liked most about Roy Cohn was that he would do just the opposite. Roy was the sort of guy who’d be there at your hospital bed, long after everyone else had bailed out, literally standing by you to the death.\textsuperscript{29}

What could have been a warm recollection of an otherwise reviled figure is soured by the fact that Donald Trump “abandoned his lawyer when he found out that Cohn was HIV-positive… ‘As

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\item \textsuperscript{26} Meghan Keneally, “Timeline Leading Up to Jeff Sessions’ Recusal and the Fallout,” \textit{ABC News}, July 26, 2017, \url{https://abcnews.go.com/Politics/timeline-leading-jeff-sessions-recusal-fallout/story?id=45855918}.
\item \textsuperscript{28} \textit{Report on the Investigation into Russian Interference in the 2016 Presidential Election}, v.2, 50.
\item The footnote at the end of the section reads, “Cohn had previously served as a lawyer for the President during his career as a private businessman. Priebus recalled that when the President talked about Cohn, he said Cohn would win cases for him that had no chance, and that Cohn had done incredible things for him. Bannon recalled the President describing Cohn as a winner and a fixer, someone who got things done.” Trump also claimed, according to the report, that McGahn was not a real lawyer because he took notes and Cohn never took notes.
\item Trump, 69.
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soon as he found out, he took all his cases away from Roy except for one and got new lawyers. After all they’d been through together.”

In 1986, Trump testified as a character witness on Cohn’s behalf during the lawyer’s disbarment hearings and hosted a grandiose party at the Mar-a-Lago resort celebrating Cohn’s life, but the relationship the two once had was gone — while at one point in time Cohn had referred to Trump as his best friend, he now alleged cruelly that “Donald pisses ice water” after Trump deserted him. Journalist Wayne Barrett reported that at Cohn’s funeral, Trump “stood in the back of the room silently, not asked to be one of the several designated speakers, precisely because those closest to Cohn felt he had abandoned the man who had molded him.” Regardless of his current relationship with Roger Stone, by deserting Cohn in the same way all of the hundreds of “respectable” guys did with their inconvenient friends, Donald Trump revealed that while loyalty may have been paramount to Roy Cohn, it certainly was not to him.

Prior to Trump’s election in 2016, Roy Cohn was only infrequently mentioned by those attempting to understand candidate Trump’s erratic demeanor on the campaign trail. Following Trump’s victory, many journalists and pundits began searching for a way to decipher Trump’s behavior as well as his appeal to voters. They began to exhume Cohn’s history, and in doing so, the similarities between the two men have grown increasingly apparent; Cohn’s final lover, Peter Fraser, recently analyzed Trump’s mannerisms and noted that “that bravado, and if you say it aggressively and loudly enough… that’s the way Roy used to operate… and Donald was certainly his apprentice.”

Even at the end of his life, Cohn believed himself to be unendingly

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31 Brenner, “How Donald Trump and Roy Cohn’s Ruthless Symbiosis Changed America.”
32 Zirin, 26.
33 Zirin, 24.
successful: he finished law school at twenty, which was too young to take the bar exam, and his first job after being admitted to the New York Bar was as an Assistant U.S. Attorney prosecuting the Rosenbergs. Despite being a political outcast as a result of it, Cohn defended the work he did with McCarthy until his dying days, and he once defended himself in court for seven hours without referencing a single note after his lawyer in his final federal trial had a heart attack.\textsuperscript{34} And yet, less than a month before he succumbed to AIDS, Roy Cohn was disbarred; as “the IRS mobilized to seize [his] townhouse and his cottage in Greenwich, Connecticut, filing for $7 million in back taxes… circling, too, was the New York State Bar, bringing to a head its three-year-plus disbarment proceedings.”\textsuperscript{35} As Tony Kushner accurately captured in \textit{Angels in America}, Cohn did not believe that his disbarment was a punishment for his wrongdoings so much as it was another instance of people with vendettas against him acting on them.\textsuperscript{36} Everything Roy Cohn ever was stood in direct conflict with another other part of his persona, and the methods he used as defense mechanisms to protect himself are the model for the man and the president Donald Trump was to become: the lessons Cohn taught Trump in the 1970s and 80s were how to attack, manipulate, and always — above all — win. But the irony is that Cohn did not win in the end and, as the most recent documentarian of Cohn’s life — journalist and filmmaker Matt Tyrnauer — has said, “the open question… is whether Trump’s luck will hold up or whether — like Cohn — he’ll run out of road and face a tsunami of legal difficulties that

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\textsuperscript{36} Tony Kushner, \textit{Angels in America: Millennium Approaches}, rev. ed. (New York: Theatre Communications Group, 2013), 2.6, pg. 70-71.
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will diminish him or put an end to the game that he’s played so effectively’… as Tyrnauer reiterated the last lesson of Cohn, ‘He got away with it… until he didn’t.”’

37 Kruse, “The Final Lesson Donald Trump Never Learned From Roy Cohn.”
Bibliography


