

COHN ASKS DISMISSAL OF INDICTMENT OR YEAR DELAY,  
CHARGING 'DEVASTATING' LIFE ARTICLE BARS FAIR TRIAL

# Cohn Asks Dismissal of Indictment or Year Delay,

By EDWARD RANZAL

Roy M. Cohn yesterday requested dismissal of his bribery-conspiracy indictment or the postponement of his trial for one year because, he said, an article in the current issue of Life magazine was "so overwhelmingly devastating" that it precluded a fair trial.

Papers filed in Federal Court by his law partner, Thomas A. Bolan, accuse United States Attorney Robert M. Morgenthau and members of his staff of "collaborating in the preparation of the Life article."

"A perusal of the article," the papers said, "quickly reveals its annihilating impact. Mr. Cohn is pictured as an evil genius, a Machiavelli who cultivates the friendship of people in high places and then uses them to conceal his misdeeds."

Later, Mr. Morgenthau said that "anything I have to say will be said in court," and a spokesman for Life said that "since the matter is before the court, we have no comment."

Mr. Cohn, a 42-year-old lawyer and financier, is scheduled to go on trial before Federal

Judge Inzer B. Wyatt on Sept. 23 with John F. Curtin, John A. Kiserand and Bernard Reichner. They are charged with conspiracy, bribery and extortion growing out of the city's 1962 condemnation of the Fifth Avenue coach company's bus routes. Mr. Cohn was a company director and council at the time.

Mr. Cohn, one-time chief counsel to a Senate subcommittee headed by the late Senator Joseph R. McCarthy, accused Life of deliberately publishing a "viciously defamatory

and sensationalized attack" on the eve of his trial.

Judge Wyatt will hold a hearing today on Mr. Cohn's motion.

In the court papers, Mr. Bolan said he had information that Mr. Morgenthau and members of his staff "were consulted in advance of publication and distribution with reference" to the article and "that Mr. Morgenthau suggested and caused certain revisions and alterations" in it.

"Therefore," he continued, "this court is requested to di-

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rect a hearing to determine the extent of the involvement and participation of Mr. Morgenthau and his office in this pre-trial publicity, or, in the alternative, that the court request Mr. Morgenthau himself submit a detailed affidavit specifically stating his knowledge of, participation in, and suggestions concerning this article."

Before the publication of the article, Judge Wyatt, in a letter dated Aug. 22, 1969, asked the magazine to defer publication until after the trial.

Judge Wyatt told Life that

the article would create a "serious problem" and might affect the ability of the court to select the fairest jury possible.

Ralph Graves, managing editor of Life, rejected the request in a letter to the court. Thereafter, according to Mr. Bolan, Judge Wyatt considered enjoining the publication but on reflection decided that an injunction would inflate the controversy even more.

Mr. Bolan said the article contained false and damaging statements about Mr. Cohn,

such as the implication that he caused the transfer of three Federal Bureau of Investigation agents so that they could not testify against him at the trial; that he caused other witnesses to panic, and that he resorted to the Fifth Amendment before the grand jury.

Mr. Cohn, the papers said, denies he was responsible for the transfer of the agents who had supplied the Government with affidavits to rebut a defense witness's statements. It was said that the men were transferred for not following

administrative rules requiring that affidavits by agents first be shown to the department.

Mr. Bolan contended that the statement in the Life article that Mr. Cohn had repeatedly taken the Fifth Amendment was prejudicial and inflammatory. He added:

"Mr. Cohn has freely and voluntarily testified before numerous courts and governmental agencies. He has never claimed the Fifth Amendment privilege or any other privilege."