

Judge Proskauer, a Legacy of Public Service

Proskauer For Good Blog on **January 23, 2018**

In the following short video, Anthony Smith, the grandson of Judge Joseph M. Proskauer, discusses his grandfather's strong commitment to public service. We are proud that this tradition of giving back and making a difference continues today through our corporate social responsibility and pro bono work across the Firm.

Mr. Anthony Smith: I think if my grandfather were alive today, he would be encouraged and moved by the pro bono work that this firm encourages and supports, and the commitment for everyone to get engaged with public service, public activity and public commitment.

My name is Anthony Smith. My grandfather was Joseph M. Proskauer.

Joseph Proskauer and Al Smith

1918: With Proskauer's guidance, Al Smith wins election as Governor of New York.

Governor Smith appoints Proskauer as an appellate judge.

He did not stay long on the bench, and I asked him once why he hadn't stayed longer. And kind of typical of him, he said, "I get sick and tired of watching lawyers screw up cases they should've won." He said, "I just couldn't stand it anymore."

1924: Al Smith seeks the Democratic presidential nomination

Proskauer is Smith's Campaign Manager

My grandfather wrote what is I think arguably the most famous nominating speech in American political history that's known as the Happy Warrior Speech.

The inspiration came from the Wordsworth poem "The Happy Warrior"

It would be delivered at the convention by a relative unknown: Franklin Roosevelt

So Grandpa drafted a speech for Roosevelt to give. They sent it over to Roosevelt, and he protested. He said, "It's too flowery—you can't quote poetry to these delegates in a political convention. It's just absurd."

Roosevelt insisted on giving a speech he had written.

To settle the matter, all agreed to abide by the decision of a disinterested party: newspaper editor Herbert Swope, Sr.

And they had to sit there in silence while Swope read both speeches. And when he was done, he took one and he threw it on the ground in front of Grandpa, and he said Joe, "You should be ashamed of yourself, this is just total tripe. And Frank, yours is brilliant." He had gotten them mixed up. So the tripe was Roosevelt's. The brilliant one was Grandpa's. And that was how the happy warrior speech was given.

The speech ended with Roosevelt saying, "We are for one who has the will to win, who not only deserve success, but commands it. Victory is his habit. The happy warrior, Alfred E. Smith."

Serving as mediator, Proskauer was instrumental in the creation of the State of Israel.

He was essentially turned to by the Jewish agency and the U.S. State Department to be a mediator. And I guess he had the trust of both.

Dartmouth holds a ceremony for conferring honorary degrees.

Among the recipients are President Eisenhower and Joseph Proskauer.

My grandfather went up to Eisenhower and pulled out of his pocket an editorial from that morning's *New York Times*, which was about two aides of Senator Joe McCarthy, Roy Cohn and G. David Schine.

So Grandpa told him that these two guys were traveling around in Europe, pulling library books out of the United States Information Service libraries, written by Howard Fast, as in Citizen Tom Paine, Lillian Hellman and other dangerous radicals, might even be communists.

I guess Grandpa said this is appalling. And Eisenhower said, "It is. I think I'm going to have an opportunity in the next week or two to speak about this."

And he says, “Mr. President, in four or five minutes, you and I are going to be sitting over there on that stage, surrounded on three sides by a library. Are you going to be anywhere in the next week or two that would be a better spot than that, to speak about this?”

Eisenhower says, “You’re right.” Reaches into his pocket, pulls out two or three pieces of paper folded together, tears them up, and throws them in a wastebasket.

They go out. Eisenhower speaks, and he does a very sort of hackneyed version of the classic boring commencement speech. And then all of a sudden the switch flips. And he starts talking about not so much the freedom of the press, but the freedom of students, of Americans, to read whatever they want. And that this should not be denied them for political reasons, that’s not who we are. He said, “Don’t join the book burners. Don’t think you’re going to conceal faults by concealing evidence that they ever existed.”

That speech at Dartmouth was well-received, not only on its absolute merits, but because it was the first time Eisenhower had publically gone after McCarthy.

During World War II, Proskauer helped Jews flee Nazi Germany.

In the 1950s, he helped a Coptic Christian family escape oppression in Egypt.

Kind of coincidentally, I met a woman who was sitting next to someone when I mentioned by grandfather’s name. And she said, “I’m here because of your grandfather.” And I said, “What’s the story?” And she said, “Well I was about six years old when Nasser came into power in 1953 in Egypt. And it was clear that there was going to be a brutal clampdown on the Coptic Christians. My family was Coptic and still is. And your grandfather somehow met my father and understood what was about to happen. And we are in the United States because whatever he did, he got us out and got us into the United States.”

I think dignity and equality were very, very important to him. I think civil rights and civil liberties were certainly very high on his agenda. I’m going to do my best to channel my grandfather. When I heard about the Golden Gavel event and awards, I think he would’ve been both astonished and enormously proud that that is now in the warp and the woof of this firm.

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- **William C. Silverman**

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