

Chapter 1

Setting the Stage

[In 1928,] a devastating hurricane ripped through the Caribbean, leaving Puerto Rico and its people in desperate need of food, water, and health supplies. The survival of thousands was in grave doubt. We students at Morris High School were suddenly summoned to the auditorium for an unscheduled assembly. Principal Bogart opened the proceedings, but not with the usual prayer or a reading from the Bible. Instead, he introduced a student who had been the instigator of this unusual assembly. Onto that stage burst a skinny, dark complexioned student, with a shock of unruly black hair, not unlike many other students at Morris High School in those days. But one thing about him was different. His eyes. Even from the ninth row I was struck by his eyes. The intensity in his voice matched the look in his eyes. And after he described the devastation left in the wake of that hurricane, he asked—no, he demanded—help of any kind, in any amount, whatever we students could spare. And more, he insisted, tomorrow bring food, in cans and containers. Food! That afternoon, the money began to pour in. Quarters, dimes, nickels, even pennies, our lunch money. The next morning bags and boxes appeared in the corridors. By day's end they were filled with cans of food. I made my contribution and then consigned the matter to history. I did not know on that day that I was witnessing the beginning of a lifetime of dedication to victims of all forms of suffering, whether inflicted by nature or by man, which oftentimes is the most devastating.

—Henry Denker, February 3, 1999

Prologue

America is a land populated by successive waves of diverse peoples. Some migrated in prehistoric times; some arrived in chains and slavery; others came as indentured servants and prisoners; but most emigrated because they chose to enjoy religious freedom, escape from somewhere or someone, or seek their fortunes in a new world.

Early European immigrants mainly came from the United Kingdom and Ireland, with a smattering from other Western and Northern European countries. In the 1880s this immigration pattern changed as peoples from Southern and Eastern Europe flooded into the United States. The pace of immigration exploded in 1900: nine million people arrived in American cities.

When H. G. Wells visited America in 1905, he described the mix of these newcomers as a “long procession of simple-looking, hopeful, sunburnt country folk from Russia, from the Carpathians, from Southern Italy and Turkey and Syria.” He saw confusion and little coherence in an America filling with these immigrants speaking different languages, practicing different religions and possessing different cultural heritages. Wells lamented the likelihood that these immigrants would ever become real Americans. Most did not speak English, and Wells predicted they were not likely to learn it in America. It was most probable, claimed Wells, that these immigrants and their children would end up working in factories, dividing the United States into two nations: one, a rich aristocracy descended from Western European immigrants; and the other, a dark-haired, darker-eyed, uneducated working class from Central and Eastern Europe.¹

Five years after Wells’s visit, it looked as if his prediction were sure to come true. New York had more Italians than Rome, more Jews than Warsaw, more Irish than Dublin. Immigrants from all over Eastern and Central Europe poured into America. A large number of these were Jews from Eastern Europe. This latter group was not welcomed by mainstream America or by the 450,000 Jews who had previously migrated from Germany. The *American Hebrew* asked: “What can we do with these wild Asiatics!” The United Jewish Charities in New York encouraged some Jewish immigrants from Russia to return home and tried to talk others out of emigrating in the first place. Pushed out by pogroms, however, Jews streamed out of Russia and Eastern Europe; whole villages and families emigrated en masse to America.²

The Jews who arrived during the first years of the twentieth century were commonly portrayed as wild, unkempt anarchists. A bill introduced into Congress sought to exclude Jews by imposing a language test that excluded Yiddish and Hebrew. The Jewish community united to defeat the bill. This victory energized a resurgent Jewish community to form or expand relief agencies for the refugees. Many such organizations served all immigrants, not just those who were Jewish. And Jews moved into active leadership roles in America. Some led America’s most effective and radical labor unions, while others published Yiddish and other periodicals, which endlessly debated socialism, anarchism, and Zionism.

Despite Wells's prognostication, Jewish immigrants quickly learned English, demonstrated a passion for education unmatched by other immigrant groups, and became firmly grounded in American patriotism. Wells might have extrapolated this outcome from his visit to a Jewish school on New York's Lower East Side, where he observed immigrant children waving American flags and singing in English, "God bless our native land."³

Early Life

Among the mass of Jewish immigrants from Eastern Europe was one Max Chernetsky, who had lived the first two decades of his life near Kishinev, a city in Bessarabia, then a part of Russia, but now in the nation of Moldova.⁴ He was a compositor by trade and was a member of the social democratic underground. He frequently printed underground anti-Czarist tracts, which circulated freely in Kishinev. In retaliation for anti-Czarist activities, Russian officials instigated a pogrom, resulting in the massacre of many Jews in the city during April 1903. Almost all the remaining Jews in Kishinev left Russia. Max Chernetsky's family migrated to New York's Lower East Side, while he himself went to England, where he acquired a working knowledge of the English language. His first employment was in a canning factory. When he discovered an amputated finger in a food-filled can, he decided to pursue printing as an occupation. Around 1905, he traveled to Canada, and a few months later entered the United States through Ellis Island.⁵

In New York, Max Chernetsky took up printing, the only trade for which he was skilled. To better his prospects, he attended night school, where he met Dora Bailin. She had been born in the ghetto of Disna, a small town then in Russia—today, Belarus. Her parents had arranged a marriage for her in Russia. Rather than go through with the unwanted wedding, she left Russia in about 1906, joining her brother in New York. She landed a job as a garment worker, but she too was interested in bettering herself, so she attended night school.⁶ Max and Dora fell madly in love but chose not to marry. For them it was not a question of strong mutual commitment or deeply held affection: those were undeniably present. But as socialists and agnostics, they did not believe that any religion or government agency should officiate over their personal commitments to each other.⁷

Around 1910, Max Chernetsky and Dora Bailin merged their lives and their economic fortunes when they purchased a small business on East 138th Street in the Bronx and lived in a railroad flat above the store. Here, they

framed pictures and sold lithographs, prints, engravings, and plaster of paris busts of Bach, Brahms, and Berlioz.⁸ At the time, the area was predominantly Irish, and the Chernetsky's store was in the shadow of Saint Jerome's Catholic Church. As there was not much of a market either for picture framing or art reproductions, Dora and Max struggled to make ends meet. Both worked from dawn to late into the night, trying to keep the business afloat while they explored more financially rewarding directions.

Into this world, Leopold Chernetsky was born on September 8, 1912. Leo's Aunt Lena moved in with the family and filled in for his working parents. Because Max Chernetsky was an agnostic, he was separated from the Orthodox Jewish members of his family who lived on Delancey Street on New York's Lower East Side. Max's father, Leo's grandfather, taught Hebrew, and what Leo learned about Judaism in his early years, he learned from his grandfather. When Leo was nine, his brother Jack was born.⁹ Neither received their Bar Mitzvah nor did they frequent the synagogue in their early years.

Leo entered PS 9 in 1917. Elementary school was a traumatic experience for him. Specifically, he had problems with grammar and with the English language in general. He was left-handed, and teachers forced him to use his right hand. Forty years later he still remembered the pain of the teacher's ruler hitting his knuckles. In addition, he was not athletically inclined or particularly friendly with the other students.¹⁰ His parents, however, drummed into him the importance of education, an education that they had been denied. While Leo was never a scholar and indeed rebelled against formal schooling, he did become socialized by the educational experience and became an avid reader.¹¹

During this time, the Chernetskys converted their shop to a stationery store that also sold candy and school supplies. They were the first franchised dealers for Hallmark Greeting Cards in the area. The Chernetskys then became the first franchised dealer in the Bronx for the Eastman Kodak Company and sold film, cameras, and supplies to photographic studios. By the end of World War I, the demand for photographic equipment and supplies had skyrocketed. They acquired a car, permitting Max to pick up and deliver supplies to customers throughout the Bronx. The business moved to larger quarters, and a printing press was installed in the back of the new store. This press printed private and commercial stationery for a variety of small businesses in the South Bronx, advertising brochures, personalized Christmas cards, and other odd jobs.¹² As a result of selling photographic equipment and supplies, Max became interested in photography as an art form and subsequently won awards for his photos, including first place in the amateur division of an international contest in Paris.¹³

Despite their improved financial circumstances in capitalist America, the Chernetskys retained their radical political interests. Dora proved to be an intellectual who loved the works of Friedrich Nietzsche, Arthur Schopenhauer, and Sigmund Freud. Max and Dora quickly became a part of New York's intellectual milieu, fusing unequal parts of socialism, agnosticism, nihilism, and idealism. They were ardent supporters of Eugene V. Debs, the Socialist. Max was also a member of the Workmen's Circle, a Jewish fraternal and insurance society, which brought together others with similar social democratic political perspectives.

Friends frequently dropped by their home for serious discussion. Small talk was not possible for these intense young people. As Leo later summarized: "They worked hard, they hoped hard, they dreamed hard, they argued hard." Relaxation for them only postponed their intellectual exploration.¹⁴ Cherne began reading books and taking part in these discussions, which offered him the opportunity to converse about important topics of the day. What was more significant, his parents permitted him to disagree with them, thus encouraging independent thinking.¹⁵

Within a few blocks of the Chernetsky's store, many ethnic, religious, racial, and immigrant groups mingled. When Leo was old enough, he explored the neighborhood on foot, and often hitched rides on the trolley or trains to visit other boroughs and neighborhoods of New York. In this way he met all kinds of people, including immigrants from all over the world. Leo frequently joined his father in making deliveries; and the family made occasional longer trips to the Catskills, Kingston, Poughkeepsie, and Rhinebeck. Those journeys were possible only when a national or Jewish holiday attached to a Sunday made it possible to close the store for two days. Even though his parents were not religious, they nevertheless closed their store on Jewish holy days to avoid upsetting religious neighbors and partially to demonstrate their respect for their own Jewish heritage. These holy-day trips upset Leo's grandparents, who were very religious. His grandmother was not only horrified at the thought of her son driving a car on Rosh Hashanah or Yom Kippur, but equally certain that God would literally inflict physical retribution for these lapses. On one occasion, the family did have an auto accident on Yom Kippur, confirming the grandparents' direst imprecations. On another Jewish holy day, the car would not start due to a dead battery. Leo was embarrassed as the family carted their luggage home, encountering on their way their more devout neighbors heading for the synagogue.¹⁶

Two developments during this period of Leo's life were defining ones. The first was his membership in a gang. He had never been particularly sociable with kids his own age. A local gang was the first group that accepted

him, which was all the more surprising as he was the only member of the gang who was of Jewish heritage. Gang members played games in the street, gathered on rooftops, evaded the police, sneaked into movies, loitered around stoops or in front of the candy store, rallied to defend their territory against marauding attacks from other gangs, or sallied forth into another gang's turf. For the most part, the activities of this gang were nonviolent, but at times fists, elbows, and an occasional knife were employed. Leo often came home with bruises; occasionally his parents retrieved him from the police station.¹⁷

The second development opened up a very different world, when his parents acquired an annual subscription in the Family Circle of the Metropolitan Opera House. The Chernetsky parents loved music. Since they could not afford to close their store, one parent would go at a time. Sometimes they would take a friend; often they took Leo.¹⁸ In junior high school, Leo's music teacher suggested that he audition for the Metropolitan Opera Children's Chorus. In each session, the chorus rehearsed two or three hours, three times a week. For the three years that Cherne sang in the chorus, he enjoyed extraordinary experiences backstage at the Metropolitan, where he met the opera stars of the day.¹⁹ During three succeeding years, he sang in *Carmen*, *La Gioconda*, *Jewel of the Madonna*, *Mephistopheles*, and he wangled occasional opportunities for parts in operas ranging from *Der Freischütz* to *La Boheme*.²⁰ The children were taught to sing phonetically and Cherne never understood a word he sang, but he maintained a love for music and especially opera throughout his life.

Leo entered Morris High School in 1926. As the school was overcrowded, he ended up at the Hunt's Point Annex, four miles away from the main campus. He participated in the drama club, performed in plays, and joined a debate club. At the Annex, he rehearsed for and acted in Shakespeare's *The Taming of the Shrew*.²¹ He was next scheduled to play Willie Baxter in Booth Tarkington's play, *Seventeen*. Unfortunately, he acquired a mastoid infection that required surgery. Before the play opened, he was discharged from school. However, when the student playing Willie Baxter took ill, Leo came back just to perform the role, although he was in excruciating pain. The school records report that he saved the play. Despite his own illness, it was his "enthusiasm that made the play the astonishing success it was," according to a contemporary observer.²²

Until his fourteenth birthday, Leo spent summers in Jewish camps in the Catskills, such as the Workmen's Circle Camp.²³ Through the Workmen's Circle, his family became friends with Henry Aron, a respected member of the Republican Party in the Bronx. Aron was a customs inspector, a patron-

age job. Just before Leo's fifteenth birthday, Aron landed him a job as an ordinary seaman on the Ward Line, which sailed for the Caribbean. To prepare for the trip, Leo grew a little moustache and spent time in the sun to get a darker complexion; he wanted to look like a hoodlum in hopes the crew would not pick on him as a newcomer. But his new tough appearance did not help him. Although he was seasick the first day, he was nevertheless thrown onto the floor and was forced to work from five in the morning until eight at night. The crew stole his camera, knife, and money. When the ship docked, Leo was assigned backbreaking manual labor carrying loads of sugar and bananas on and off the ship. Had he been able to easily jump ship during the first few days, he would have done so. His stubbornness and courage were simply not enough. He later reported that he was glad that the first trip lasted two weeks. Had it been any shorter, he would never have sailed again. However, he survived the appalling conditions and mastered his fears. By the time the ship docked in New York, he was ready to sign on for another voyage. In all Leo completed four trips to the Caribbean in 1927 and additional trips the following summer.²⁴ By his final trip, he was a veteran sailor treated with respect by the crews he sailed with, despite his youth.²⁵

When Leo entered the fall semester of his junior year at Morris High School, the big topic of discussion was a hurricane that had devastated Puerto Rico. At a meeting of the school's Service League, of which he was a member, Leo announced the formation of a "Hurricane Committee." At the time, few Puerto Ricans lived in the Bronx and Cherne knew none. His parents had not been particularly interested in events in Puerto Rico. Newspapers' reportage was intense, but newspapers had covered many previous natural disasters, to which neither Leo nor other students paid much attention. However, this disaster was different. Leo had been in the Caribbean a few weeks before, and the ship had sailed through the edge of a hurricane. As the self-appointed head of the "Hurricane Committee," he requested an assembly of the entire student body to solicit aid for Puerto Rico. The principal consented, and Leo volunteered to make an impassioned plea. Henry Denker, a student attending the assembly, reported that there had never been anything like it at Morris High School: money poured in that afternoon, and the following morning, food cans filled bags and boxes in the halls.²⁶

As Leo later commented about his speech, he had a need to "seek the public platform," and the hurricane provided the opportunity to gain public recognition. His involvement in the Puerto Rican hurricane relief provided a model that served him well in future years: quick intervention in seizing the public platform, altruistic motives, positive responses of others, and record-breaking results. Another immediate outcome of his hurricane

speech was that Leo was elected president of the student body, the first time in the history of Morris High School that a junior won that post. The following year he was reelected, another unprecedented event. He asserted that the prime qualification for success was “nerve,” which he defined as “overpowering self-confidence.”²⁷ This too provided a model for his future approach to life.

In August 1929, Leo’s father legally changed their family name from Chernetsky to Cherne.²⁸ In his senior year, the newly named Leo Cherne was selected editor of the high school newspaper, the *Morris Piper*. Henry Denker, a student who had witnessed Cherne’s Puerto Rican speech, became the paper’s columnist and humorist. The two worked together under the strict supervision of an English teacher named Julius Drachman. Outwitting Drachman’s edicts united Cherne and Denker as co-conspirators. The two bonded, and that friendship lasted a lifetime.²⁹

Cherne was involved in other extracurricular activities during his high school years. He was actively interested in the events and issues of the day. One hotly debated issue during the 1920s concerned two Italian-born anarchists, Nicola Sacco and Bartolomeo Vanzetti. In April 1920, they had been arrested for the murder of a paymaster and guard in Massachusetts. At the time of their arrest, both men were armed. During the previous year, Congress had passed a law permitting the expulsion of immigrants who were anarchists. When they were apprehended, Sacco and Vanzetti, fearing deportation to Italy, gave false statements to the police. Despite contradictory evidence, both were found guilty of murder in July 1921 and sentenced to death. The Massachusetts Supreme Court upheld their convictions. After their execution in August 1927, mass demonstrations erupted, raging against this presumed injustice. One mass rally was held in Madison Square Garden in New York.

Denker and Cherne believed the Sacco-Vanzetti verdict was a miscarriage of justice, and they longed to demonstrate their support by attending the rally. Neither Cherne nor Denker could afford the entrance fee. Cherne went to his father’s printing press and printed a very official-looking letterhead for a fictitious newspaper, *The Westchester Daily Sentinel*. On the letterhead, Denker typed a message: “To Whom It May Concern, This is to inform you that staff reporters Leo Cherne and Henry Denker have been assigned by the *Sentinel* to cover the Sacco-Vanzetti rally in Madison Square Garden. We insist they be treated accordingly.” Boldly, they approached the press gate of Madison Square Garden and presented their bogus credentials. After thorough scrutiny by uniformed guards, they were escorted to the press section in the very first row.³⁰

From the age of sixteen to twenty-one, Cherne was a member of Aleph Zadik Aleph (AZA), a youth organization of B'nai B'rith. After he joined, he pulled Denker and other friends into the AZA chapter. With their support, he was elected chapter president. Through the AZA, he participated in oratorical and debate contests. This gave him his first real experience of travel in the United States. He took part in oratorical contests in Jersey City, Hartford, St. Louis, Milwaukee, and Springfield, Massachusetts. His early themes promoted peace and railed against munitions makers, who, according to the wisdom of the time, had caused World War I. Cherne was required to leave AZA at the age of twenty-one, so he graduated into the Junior Order of B'nai B'rith. There he continued to participate in oratorical contests, becoming the "international oratorical champion."³¹

Cherne's favorite speech was "The Four Horsemen of the Apocalypse" about William Randolph Hearst, Father Charles Coughlin, Huey Long, and Hugh Johnson. With Hitler's increasing power in Germany, Cherne added the Führer's name to his enemies list. On April 3, 1932, Cherne tried to organize a citywide mass meeting sponsored by the AZA to deal with "this new international problem which has recently arisen, and which is best denoted by the name of its chief exemplar—Hitlerism." Cherne's purpose was "to combat this venomous spread of fascism."³² At this time in isolationist America, these stands were courageous, and not everyone appreciated Cherne's fiery speeches. Particularly offensive to some was his inclusion of Hugh Johnson, then the head of the National Recovery Act (NRA), as one of Cherne's apocalyptic horsemen. Cherne saw disturbing similarities between Roosevelt's NRA and public-works programs in Hitler's Germany and Mussolini's Italy.

Cherne was advised by Judge Albert Cohen, a family friend, to tone down his remarks. Some Jewish leaders believed that Jews should maintain a low profile and avoid provoking anti-Semitism. Aggressive assaults on anti-Semites might well serve as an excuse for attacking Jews. When Cherne continued to speak out forcefully, he was censured by his B'nai B'rith lodge. Through this experience, he learned to handle censure from others, particularly when he was convinced that he was right and his critics wrong.³³

New York University

While at Morris High School, Cherne gave little consideration as to what to do after graduation. Cherne's grades were not distinguished, but he had

excelled in extracurricular activities. He had won the Harvard Prize, an award given by Harvard University to outstanding high school students. The newspaper article about the award reported that he had overcome a speech impediment in elementary school to star in dramas and public speaking. This award opened up the possibility that Cherne could attend Harvard, but he cavalierly dismissed it. For a while, he considered attending Duke University in North Carolina. In the end, he remained in New York. Ineligible to enter New York's City College because his grades were not good enough (or so he later claimed), Cherne and Henry Denker enrolled in New York University (NYU), which at the time accepted almost anyone with the financial wherewithal to pay the tuition.³⁴

At NYU Cherne decided to major in journalism. He had been the editor of the Morris High School student newspaper and he enjoyed writing. During the fall of Leo's freshman year at NYU, Elias Jacobs launched the *South Bronx News* to compete with the *Bronx Home News* with its circulation of 100,000 in the Bronx and Harlem. Jacobs was interested in selling advertising to local merchants and banks. Cherne saw the first few issues and approached Jacobs with the proposition that he convert the *South Bronx News* into a newspaper catering to the South Bronx, Harlem, and Northwest Queens. Jacobs agreed and named Cherne editor. Cherne wrote the content and Jacobs acquired advertisements from merchants to cover costs. Cherne expanded the newspaper and renamed it the *Tri-Boro News*, advocating the construction of a single bridge to connect three boroughs of New York: the Bronx, Queens, and Manhattan. Cherne called this then-hypothetical bridge the "Lewis Morris Bridge." Morris (whom Cherne's high school had been named after) was the only signer of the Declaration of Independence from the Bronx.

As two out of three of the newspaper's circulation areas were slums, it is surprising that the *Tri-Boro News* achieved a circulation of 30,000. When the Depression hit the Bronx full force in 1933, advertisers dried up and the newspaper folded. But the idea of connecting the three boroughs was a good one. The bridge was constructed in 1936; however, it was named the more descriptive "Tri-Borough Bridge."³⁵

Cherne's first year at New York University was actually spent in an annex at the Metropolitan Life Insurance Building. He had no serious academic orientation, and he found the courses unstimulating with two exceptions. One was an English class, in which he was required to write a paper. At the time, Prohibition was still the law of the land, and Cherne noted that newspapers were filled with stories about deaths on the Bowery as a result of the illegal sale of "smoke," a mixture of wood alcohol and

water, which had a smoky appearance. It sold for fifteen cents a bottle—sometimes just a dime. Every morning ambulances would arrive on the Bowery and cart away the bodies. Some victims needed medical treatment, but many died from alcohol poisoning. Cherne convinced Lillian Herlends, his English teacher, to give him credit to live for a month on the Bowery and write up the experience, provided that a newspaper agreed to publish his stories. The editors he approached at *The Daily Mirror* bought the idea.³⁶

Cherne lived on the Bowery disguised as a bum frequenting speakeasies. He reported daily the addresses of the places that sold smoke, which *The Daily Mirror* dutifully published. The police read the stories and raided the speakeasies identified in Cherne's articles. This had two results: the speakeasies threw comatose bodies into the alleys behind their establishments rather than out the front door, where they would have been visible; and every proprietor on the Bowery began looking for the informer. At first Cherne had been able to order smoke and spill it out without drinking it, but as things heated up, he had to drink what he ordered. He remained on the Bowery for ten days, living in flophouses. One morning, he awoke to find himself piled with the others in the back of a speakeasy. He'd had enough. *The Daily Mirror* was happy with the results and his teacher gave him an A+.³⁷

The other class that Cherne enjoyed was a sociology course on organized recreation. In this course, students were required to examine and report on recreational entertainments. As a result of this class, he found himself watching movies for eight to twelve hours per day. (Due to his writeup of this experience, the Department of Sociology nominated him to the National Board of Review of Motion Pictures, on which he served for two years.) Cherne also frequented pool halls as part of his study. His parents had purchased a pool table for him when he was sixteen, and now Cherne honed his skills and became a pool shark. He devoted special efforts to his study of dance halls, often staying out until they closed at 2:00 A.M. Persuaded that his assignment required him to learn more about the women who charged a dime a dance, he dated several of them. In his paper for the sociology course, he offered a frank explanation of what two dollars worth of tickets could buy, much to the dismay of the instructor.³⁸

Cherne continued his interest in journalism: he became the editor of the NYU student newspaper and he again tried his hand at publishing, this time with *The Putnam Times*, catering to the citizens of Danbury, Connecticut, and Brewster and Pawling, New York. His parents had property in Putnam County which Cherne visited regularly during this time. *The Putnam*

Times engaged in muckraking for several social causes, but it too soon folded. Undaunted, Cherne continued to prepare for a career in journalism. By the end of his sophomore year at NYU, the *New York World* collapsed. Cherne was advised that it would take ten years for the newspaper profession to absorb the reporters then on the market.³⁹ He needed another career path.

Cherne cavalierly decided to take up the study of law. Moved by Gene Fowler's *The Great Mouthpiece*, he saw his future in arguing high-profile cases such as the Sacco-Vanzetti case.⁴⁰ However, at the time, there was not a great demand for lawyers. The Depression was in full swing; many lawyers were under- or unemployed. Neither businesses nor government agencies were hiring many lawyers; hence, the need for new lawyers was extremely limited.⁴¹ The main reason for Cherne's choice of law was again due to the influence of his best friend, Henry Denker. At that time, it was possible to enter law school after taking a two year pre-law course of study in college. Denker had completed such a program and, at the end of his sophomore year, he applied to the New York Law School (which, despite the similarities in names, had no connection with New York University).

Unlike Denker, Cherne had been taking courses preparing him for a career in journalism. Cherne decided to take all the required courses for the pre-law track during the summer following his sophomore year. Years later he candidly admitted how this feat was accomplished: he had approached his long-term girl friend, Julia Lopez, who was an excellent student at Hunter College. He asked her to sit in for him on two required courses—mathematics and French. She agreed. Simultaneously, Cherne took the compulsory pre-law courses, and thus, all requirements for the two-year pre-law course of study were completed during the one summer of 1931.⁴²

New York Law School

New York Law School had the least-demanding entrance requirements and it had the reputation of being the easiest law school around.⁴³ Having completed requirements during the summer, Cherne entered New York Law School in October 1931. The school had about one hundred students and was housed at the Twenty-third Street YMCA, an ancient building with open caged elevators.⁴⁴ Cherne attended class five nights a week for three years, studying contracts, torts, criminal law, trial practice, and a host of other legal subjects, but he was bored with them and spent considerable time playing table tennis and hustling for money in the YMCA's basement poolroom.

With the Depression in full swing, the school suffered financial problems. When it was announced that the school would close after Cherne's class graduated, lax enforcement of regulations and a morose atmosphere prevailed. However, the students became very close friends and engaged in frequent debates during the breaks between classes. The election of Franklin D. Roosevelt as president and the launching of the New Deal in 1933 electrified America and the students hotly discussed the public issues of the day. With the exception of the NRA, Cherne generally supported the programs of the New Deal, but never with the blind adulation expressed by others. He idealized law and envisioned that it could provide a source of relevant answers to the problems facing America. Looking back, Cherne saw these extracurricular discussions as his most valuable experience at law school.⁴⁵

Cherne and Denker befriended another student named Aaron Levenstein, a militant socialist. Cherne later claimed to have neither attended many classes nor purchased any law books after his first year. Yet he graduated in 1934 first in the class. Actually, Aaron Levenstein had achieved the highest grade average, but Levenstein had transferred from the day session to the night session and the prize was awarded only to a student who had been consistently in either session.⁴⁶

Practicing Law

Soon after Cherne entered law school, he began work as a law clerk in the law firm of Blau, Perlman and Polokov for the handsome salary of five dollars per week. He gained this position with the help of Henry Aron, the Republican boss of the Bronx. Aron knew the three partners in this law firm, who were also Republicans: Judge Blau; Nathan D. Perlman, who became a judge; and Moses Polokov, who had been an assistant federal prosecutor. While in the Department of Justice, Polokov enforced Prohibition, fought income tax evasion, and prosecuted the nation's top gangsters. As soon as he left federal service, he defended the same criminals he had jailed earlier, including Dutch "Baby Face" Schultz and Lucky Luciano. Perlman had a long association with labor movements, particularly the American Federation of Labor. The firm was also one of the most active in bankruptcy practice, a lucrative sure bet during the Depression.⁴⁷ Cherne's role as a law clerk included serving as a messenger boy. He was paid \$1.50 for each summons he served—then, as now, an unpleasant undertaking; but it was extra money, so he served as many as possible.⁴⁸

After graduation in June 1934, Cherne, Denker, and Levenstein crammed for the New York Bar examinations. It was expected that only about 30 percent of those taking the exams would pass, but it was possible to retake the exam a total of three times. Their intense preparation paid off.⁴⁹ All three passed the exams the first time.

When the results were announced, Cherne was hired as a lawyer at Blau, Perlman and Polokov. He was paid \$350 per month, a good beginning salary at the height of the Depression. He first handled bankruptcies and became particularly good at writing briefs. Later, Cherne became involved in criminal cases, especially that of Lucky Luciano, who was one of New York City's best known, most successful, highly organized, ruthless gangsters. Luciano specialized in numbers rackets, smuggling, gun running, and dope peddling. Thomas E. Dewey, the ambitious district attorney, had targeted Luciano, who was indicted on charges of engaging in prostitution. Dewey's case rested on the testimony of two madams, some prostitutes, and a lawyer who had been persuaded to cooperate with the district attorney. Cherne had no doubt that Luciano was guilty of many crimes, but was convinced that the gangster was not guilty of the charge of prostitution, mainly because Cherne believed that there was not enough money in it to attract Luciano.⁵⁰

To ensure Luciano's conviction, the prosecution had sequestered witnesses in Westchester, making it difficult for the defense to interview them, and the prosecution had promised boat trips to witnesses. The prosecution also permitted one incarcerated witness to leave the prison two days a week to visit a prostitute, or so reported Cherne. Cherne had no doubt that the citizens of New York were better off without Luciano on the streets, but he was deeply offended by Dewey's tactics, which resulted in Luciano's conviction. The prosecution's efforts shattered Cherne's idealistic view of the law. Cherne was also bored with the mundane routine legal practice and yearned for more action. He fell into a state of depression, and for the first and only time in his life, started drinking heavily.⁵¹ He needed a new direction for his life.

Epilogue

- Aaron Levenstein and Leo Cherne remained friends and professional colleagues for much of their lives. Levenstein subsequently wrote histories of two organizations—Freedom House and the International Rescue Committee—with which Cherne was closely connected.⁵²

- Henry Denker and Leo Cherne also remained friends for life. Denker spent a short time in the legal profession before he launched a career in writing. He went on to write thirty-four books and six plays. For ten years, he wrote and produced the radio program “The Greatest Story Ever Told.” Despite their hectic schedules, Denker attended many of Cherne’s speeches and all of his famous ones at the Sales Executive Club; Cherne in turn attended every one of Denker’s opening nights, whether in New York or Washington.⁵³
- Each of the ships that Cherne served on during the summers of 1927 and 1928 subsequently sank in storms or collisions.
- When Thomas Dewey ran for president in 1948 on the Republican ticket against Harry Truman, Cherne supported Truman.