

# The Yale Biographical Dictionary of American Law

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Proskauer, Joseph Mayer (1877–1971). Lawyer and state judge. Proskauer was born in Mobile, Ala., and graduated from Columbia in 1896 and its law school in 1899. He spent his entire legal career in New York, partnering for a time with Abram I. Elkus in a law firm that anticipated the emergence of Jews in the legal profession and gaining fame as an elegant, skillful, and irascible trial lawyer. He was a grand master in the art of cross-examination, revealing some of his secrets in his autobiography, *A Segment of My Times* (1950).

New York governor Alfred E. Smith appointed Proskauer to the New York State Supreme Court, a trial court, in 1923, and elevated him to the appellate division in 1927. Though frequently bored by the “dull routine,” he took pride in several decisions, notably one that broadened freedom of the press by shielding newspapers from libel judgments for “fair comment, made in good faith, without malice” concerning matters of public interest. Proskauer also promoted legal reform, proposing in 1928 a credo for lawyers, comparable to the Hippocratic oath, aimed at simplifying courtroom procedures and discouraging unnecessary litigation. He advocated, first and foremost, “waiving a jury trial wherever and whenever it can possibly be done without the sacrifice of a fundamental right.”

During this time, Proskauer also served as a close ally and adviser to Smith. He drafted the “Happy Warrior” speech that Franklin D. Roosevelt delivered when nominating Smith in 1924 for the presidency as well as Smith’s response to an anti-Catholic article in the *Atlantic Monthly* four years later when he won the nomination. Smith’s disastrous election defeat and Roosevelt’s New Deal policies disaffected Proskauer. Eventually, he broke with Smith, joining the Liberty League, and largely abandoned the political arena. Before then, in 1930, weary of the cases brought before him and chastened by the realization that he preferred well-paid advocacy to the dispassionate judicial role, Proskauer resigned from the bench and returned to private practice as senior partner in the firm that became Proskauer, Rose, Goetz and Mendelsohn.

Alongside his corporate work, where he specialized in litigation, Proskauer involved himself in civic and Jewish communal affairs. In the 1930s, he served

and as head of its Federation of Jewish Philanthropies. From 1943 to 1949, he presided over the American Jewish Committee (AJC), where he fought bigotry, promoted human rights, and helped to shape the human rights provisions of the United Nations charter. He also led the committee in opposition to political Zionism. Though he moderated his views once the state of Israel came into being, he greatly feared charges of dual loyalty, worrying, as did many Jews of his background, that Zionism would threaten their status and hard-won privileges in American society. Privately, he described the plan to create a Jewish state as a “Jewish catastrophe.” In 1952, he chaired the New York State Crime Commission which investigated organized crime and promoted government reforms. Near the end of his life, drawing on friendships forged back in the Smith campaign, he played some role in advancing the Vatican II statement on Catholic relations with the Jews, *Nostra Aetate*.

Proskauer was a man of strong views and little outward warmth. Felix Frankfurter found him to be one of the vainest men he had ever known. Desperately insecure, perhaps owing to the prejudice with which he contended as a Jew, he managed nevertheless to contribute significantly to public life for more than half a century.

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Jerold S. Auerbach, “Review Essay,” *American Jewish History* 69 (1979); Louis M. Hacker and Mark D. Hirsch, *Proskauer: His Life and Times* (1978); Joseph M. Proskauer, *A Segment of My Times* (1950).