

Hogan, District Attorney 32 Years, Dies

Frank S. Hogan, the shy, courteous lawyer who became a legend in 32 years as Manhattan's District Attorney, died yesterday at St. Luke's Hospital. Mr. Hogan was 72 years old and lived at 404 Riverside Drive.

The prosecutor, who had suffered a stroke and had undergone surgery for removal of a lung tumor last summer, was readmitted to the hospital last Dec. 27, a day after he resigned. Richard H. Kuh was subsequently named by Governor Wilson to succeed him.

Mr. Hogan's resignation was submitted seven weeks after he had been overwhelmingly re-elected to his ninth four-year term with the unanimous support of all the political parties. In eight previous elections he had enjoyed the same support and always seemed justified in claiming the nonpartisan label.

The man known as "Mr. District Attorney" lived to see his office regarded as a national



The New York Times

Frank S. Hogan

model for prosecutors and himself taken as a model of professional, nonpartisan integrity, untouched by scandal.

At various times in his life, Frank Smithwick Hogan had wanted to be a ballplayer, a journalist, a high-priced lawyer, even New York City's Mayor and a United States Senator. He might have been a

brilliant teacher or a great jurist. But the fellow who more or less stumbled into his job as District Attorney in 1941, remained—remained to become a kind of conscience for his city and a monument of his profession.

During his years in office, Mr. Hogan prosecuted a host of racketeers and gangsters and corrupt city officials. They included Joseph (Socks) Lanza, a prewar fish-market racketeer; Frank Erickson, "America's No. 1 bookmaker"; Giuseppe A. Doto, alias Joe Adonis; James Moran, a first deputy fire commissioner convicted in a shake-down, and Hulan E. Jack, a Manhattan Borough President, who was convicted of conflict of interest.

More recently, Eugene L. Sugarman, former deputy city controller, was convicted in 1971 of bribery, and Ted Gross, former Commissioner of the Youth Services Agency, pleaded

Continued on Page 32, Column 4

Frank S. Hogan, District Attorney 32 Years, Dies at 72

Continued From Page 1, Col. 6

guilty last year to charges of accepting a bribe.

Besides his prosecutorial acumen, Mr. Hogan was, in his way, a teacher. Hundreds of young lawyers served as assistant district attorneys in his office. Now professors of law, wealthy Wall Street lawyers and jurists, they fondly recall those years.

Frank Hogan always had enemies, but in his final years in office the contention grew that he had stayed too long. His critics cited his office's 1964 prosecution of Lennie Bruce, the entertainer on obscenity charges and called him vindictive for prosecuting hundreds of Columbia University students after the 1968 riots at his alma mater.

Some were critical of his pursuit of conspiracy charges against the Panther 21, the murder charges against the Harlem Four, and cases against prisoners at the Tombs who participated in riots to protest the conditions of their detention.

Many thought he would not run last year for a ninth term after Whitman Knapp, one of his former assistants who had been named to head a commission to investigate police corruption, said that all the city's District Attorneys, Mr. Hogan included, had not done a proper job of prosecuting corrupt police officers. Former Gov. Nelson A. Rockefeller's appointment of Maurice H. Nadjari, another former Hogan assistant, to supersede Mr. Hogan and the other District Attorneys in corruption cases also was seen as handwriting on the wall.

Confounded the Critics

But Mr. Hogan confounded the critics and ran for re-election after William J. vanden Heuvel, former chairman of the Board of Correction, undertook a primary election challenge with the support of the liberal faction of the Democratic party.

Mr. vanden Heuvel campaigned vigorously with the message that Mr. Hogan had been a great District Attorney for decades, but that the times had overtaken him and a new man was now needed.

Mr. Hogan, contending that Mr. vanden Heuvel was not qualified for the job, did what he had not been obliged to do for years: he went to clubhouses, rallies and other functions, gave speeches, insisted he was not too old to go on and, once, even kissed an elderly woman on the cheek.

He won the primary in June, but was hospitalized two months later with a stroke. Subordinates were running his office at the time of the November general election, which he again won without opposition.

But Mr. Hogan did not return to work. His resignation, citing failing health, had to be read to the press on the day after Christmas by his old friend, the late Bernard Botstein, former presiding Justice of the Appellate Division's First Department.

"It would not be fair," he said, "to deprive New York County of its elected District Attorney much longer." A few hours later, Mr. Hogan reentered St. Luke's Hospital from which he had been released in September. Associates said his wife, Mary, could no longer nurse him at their apartment.

And they said, too, that an era had come to an end.

Would-Be Third Baseman

Frank S. Hogan was born in Waterbury, Conn., on Jan. 17, 1902. His parents were poor, hardworking Irish immigrants; as a child in parochial school and later in high school, working summers in factories and at odd jobs, he wanted to be a third baseman for the Philadelphia Athletics. At the urging of a teacher he eventually changed his mind and decided to be a newspaper reporter. Taking his summer-job earnings he went off to Columbia College in 1920 to study journalism.

He quickly realized he would make more money as a lawyer, so, in 1925, after graduation and another year of odd jobs—including one as a sort of advance man for a Russian baron who taught gullible types how to use the "universal life energy"—young Hogan went back to Columbia to law school. There, he was a bored and middling student—and failed the course in criminal law.

It was not until 1935, when he was 33, that Mr. Hogan even thought of being a prosecutor. And when he did, it was because of the Depression. He was in private practice in a small law firm that he and a friend had formed. Cases were few, and he needed money.

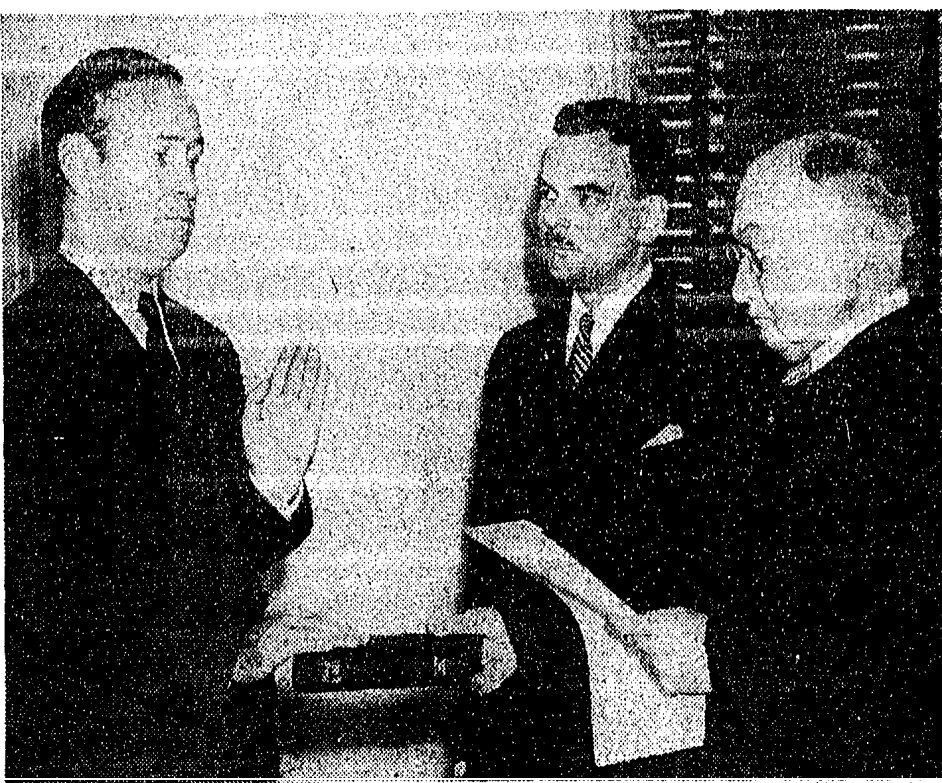
Backed by Tammany

Thomas E. Dewey had just been appointed a special prosecutor to investigate Manhattan's flourishing rackets, and he needed a staff. Mr. Hogan saw his chance and applied for a job. He was accepted.

The future District Attorney helped Mr. Dewey convict Lucky Luciano on compulsory prostitution charges and James J. Hines, the Democratic leader, for conspiracy to conduct a lottery. He stayed on, as administrative assistant, when his boss was officially elected Manhattan District Attorney.

Then, in 1941, Mr. Dewey decided to run for Governor. He made a list of four assistants whom he considered "eminently qualified" to succeed him; one of the four—and the only Democrat—was Frank Hogan.

Now Tammany Hall saw a



Frank S. Hogan being sworn in as District Attorney in 1941 by Judge George L. Donnellan. He succeeded Thomas E. Dewey, center, who later became Governor of New York.

chance of its own. It had been looking less than honorable lately; if it backed Mr. Hogan, it might garner a winner as well as some goodwill. So it quickly gave him the Democratic nomination—and the other political parties, which might have appeared anti-reform if they opposed a Dewey aide, then put him on their tickets too.

And so Frank Hogan, at 39, became Manhattan District Attorney.

Throughout his long career the prosecutor always told people that he was just following Tom Dewey's lead. To some extent it was true: Mr. Dewey had set up separate "bureaus" in his office to investigate rackets and frauds, a novel idea at the time, for prosecutors in those days rarely initiated cases, relying instead mostly on what the police dug up. Mr. Hogan retained that structure throughout his tenure.

And Mr. Dewey had set the tone: ferreting out corruption in high places, catching the big-time mobsters, bringing them to justice.

Yet Mr. Hogan more than matched the Dewey record. And he did it quickly. He was shy and quiet, not at all like the flashy Mr. Dewey. He may have stumbled into his job, but in his first term in office, the record shows, he convicted two major labor racketeers, Joseph Fay of the Operating Engineers Union and James Bove of the Hod Carriers.

Mr. Hogan also proved he was politically independent. In 1943, he disclosed a wiretapped conversation in which a Tammany candidate for a State Supreme Court judgeship, Thomas A. Aurelio, thanked Frank Costello, the rackets chief, for the nomination. (Tammany was not pleased and in the next election considered nominating someone else; in the end, though, it again nominated Mr. Hogan.)

From Basketball to TV

The Hogan office handled the college basketball scandal, the television quiz show scandal and bribery at the State Liquor Authority. It also uncovered much of the information about Frank Costello that came out during the Kefauver hearings on organized crime.

"Human nature doesn't change," the prosecutor would say. "There are no new crimes."

All the while, Mr. Hogan was building his staff—nearly 200 assistant district attorneys by the end of 1973—and molding his office into what he termed a "quasi-judicial" institution. He contended the essentially, his job was not merely to win convictions; it was to see that the laws were fairly applied and followed.

And, in fact, the Hogan office was sometimes applauded by judges for going to court and saying that there might have been a mistake, that a conviction should perhaps be set aside. It was also praised

for its straightforwardness and fairness by many defense lawyers, especially those who dealt with some other prosecution offices.

It was also criticized, though, for with this "quasi-judicial" self-image came a certain arrogance.

In the mid-1960's some judges complained that the office had failed to turn over to the defense certain derogatory information about prosecution witnesses; the failure, as Martin Mayer, the writer, put it, stemmed from the attitude that "the office had investigated these people and decided they were telling the truth, so why waste time going over it again."

Mr. Hogan expected his aides to win their cases, and his conviction rate was indeed very high; the result was that



Frank S. Hogan in a photograph that was a favorite of his family.

many aides—as well as many outsiders—started to think that if the office was prosecuting someone, he must be guilty.

As Mr. Hogan saw it, all that this meant was that the office had a good screening process. "I ask a question whenever there's an acquittal," he said, "because it means that the jury thinks we brought an innocent man to trial, and I think a jury is usually right."

But as some others saw it, the District Attorney was simply playing safe, not bothering to go after a case unless it seemed a sure conviction.

Mr. Hogan did not go to court much himself after his first few years in office; he acted instead as an administrator, staying in his office at 155 Leonard Street and letting his chief assistants, such as Alfred J. Scotti, head of the rackets bureau, try even the most important cases themselves.

And after a time, he started getting involved in some outside activities: he became a trustee of both Knickerbocker and St. Luke's Hospitals; he

belonged to the Association of the Bar of the City of New York, eventually becoming a vice president; he worked on a special American Bar Association committee devising guidelines for prosecutors.

And in his favorite activity of all, Mr. Hogan, who was childless, became the ultimate loyal alumnus of Columbia: he was president of the Columbia College Alumni Association, then the Columbia University Alumni Federation, then a university trustee.

Mr. Hogan had no intention in his first few terms, of being a prosecutor forever; he thought he would follow Thomas Dewey's lead and step from the District Attorney's office up to something higher.

In 1949 came his first chance. Mayor William O'Dwyer announced that he would not seek re-election. A Hogan-for-Mayor drive began. Three of the five county Democratic leaders pledged their support. But then Mr. O'Dwyer changed his mind, and the Hogan-for-Mayor campaign died.

About this time he was offered a judgeship on the state's highest court. Mr. Hogan turned it down, saying his prosecutor's work was "more interesting." But in 1958, announcing that he was "ready, eager and old enough" for another job, he ran for the United States Senate.

That effort was also ultimately unsuccessful, and to some observers, it was one of the few real mistakes he made in his career. For he won the Democratic nomination with the backing of Carmine G. DeSapio, the political boss. His candidacy had been bitterly opposed by both Gov. Averell Harriman and Mayor Robert F. Wagner, who wanted a candidate who could add more statewide strength to the ticket.

The intraparty fight was widely publicized and bossism became a key issue in the campaign. Mr. Hogan scoffed at the charges and in fact defended political bosses, saying he had never been asked for a favor yet and did not expect to be in the future.

But former Senator Herbert H. Lehman used the incident to mobilize a reform of the party organization. Years after Mr. Hogan lost the election to Kenneth B. Keating, politicians still discussed the DeSapio-Hogan incident.

Eventually, of course, Mr. DeSapio was convicted in Federal Court on charges of trying to bribe former Water Commissioner James L. Marcus and to shake down Consolidated Edison. Mr. Hogan and United States Attorney Robert M. Morgenthau had fought bitterly about the case. In the end, Mr. Morgenthau prosecuted it, with Mr. Hogan's cooperation.

Frank Hogan did not look much like a legend—he was about 5 feet 9 inches and weighed 175 pounds, and his face, while it grew more distinctive as age deepened the creases, giving its contours a rather mournful cast, was merely pleasant-looking.

He didn't act much like a legend either. He dressed in plain blue suits, lived with his wife, the former Mary Egan, in the same four-room apartment during his entire career as District Attorney, and ate his lunch—a sandwich and an apple—at his desk, varying the menu only on Fridays when instead of having chicken salad on whole wheat he would have fish.

Mr. Hogan's favorite author was Charles Dickens and the closest thing he had to an eccentricity was his passion for baseball.

He was revered by most of his aides and former aides; they called him "the chief" and to hear them tell it, he never disappointed them, either in his professional or his personal standards.

But some, while they respected him, found him too rigid and old-fashioned, too self-righteous. Especially in later years, as the office staff grew, he was a distant figure, rarely seen. He had an office softball team called "Hogan's Hooligans" and a few of the younger men complained that the only time he talked to them was to compliment them on a good hit or catch.

There were never many women or blacks among his assistant district attorneys. Last year the women's movement notwithstanding, he blandly told an interviewer that when

one of the few women assistants had asked to be transferred to the homicide bureau, he had told her, "Bring me a letter from your husband" approving it.

Sometimes, too, he would lose some fans because of his prosecutions—a notable example being the prosecution of Lennie Bruce on obscenity charges. The Hogan office won its case against the controversial entertainer—a prosecution that was conducted by his successor, Mr. Kuh, but four years later—and two after Mr. Bruce died—the victory was reversed on appeal. "It was error," the court said, "to hold that the performances were without social importance."

Yet through most of his tenure the praise far outweighed the complaints; what criticisms there were came mostly from occasional civil libertarians, and disgruntled defendants and defense lawyers. Many of the people who thought Hogan took too safe a course nevertheless said they'd rather have a prosecutor who underprosecuted than one who overprosecuted or, worse, took graft—something they knew Hogan wouldn't do.

Then, in the late nineteen-sixties, when Mr. Hogan was well into his seventh term, the situation changed.

Mr. Hogan prosecuted a series of controversial cases involving students, militants and minorities; a growing chorus of critics said the cases showed he had become vindictive.

The first was his prosecution of hundreds of students for their role in the 1968 Columbia riots—a prosecution he persisted in, even after the university itself had tried to withdraw its complaints. Mr. Hogan was a trustee of Columbia at the time. To some he seemed driven as much by anger at anyone who would hurt Columbia as by traditional prosecutorial zeal. He rejected this, saying, "we would have been derelict in our duty if we had failed to prosecute."

Prosecutors have vast discretion in deciding which cases to bring, but Mr. Hogan would take the same stance—that he was obligated to proceed—in even more controversial cases to follow. The conspiracy case against the Panther 21, for example, who were accused of plotting to blow up Bloomingdale's and other establishments.

After more than a year of pre-trial proceedings and then the actual trial of 13 of the 21, the jury took just 90 minutes to vote an acquittal on all charges.

There were still more cases to come—the Harlem Four, the Tombs jail rioters. The District Attorney got more than verbal complaints for his troubles; one night, passersby shot at the policemen in front of his home.

And at the same time, the Knapp Commission was investigating, holding hearings, issuing reports. The commission concluded that certain officials, such as former first deputy police commissioner John F. Walsh, had failed to act on complaints of police corruption. Mr. Hogan was a friend of Mr. Walsh, and spoke well of him—both before and after the report came out.

Far more serious, the commission concluded that the city's prosecutors had simply failed to grapple with the problem of police corruption—in part because of unimaginative investigative techniques, in part because they used policemen as investigators and those men had "a natural reluctance" to investigate fellow officers.

To Mr. Hogan, that was "just bunk." As for the commission's recommendation that a special prosecutor be appointed, Mr. Hogan said "It's unwarranted. It's unfair. It's unnecessary."

But the Governor persisted, and Mr. Nadjari was appointed. Clearly, as the District Attorney readily conceded, the decision left him sad and bitter.

'Symbol of Integrity'

"You're a symbol of integrity," Governor Rockefeller said to the prosecutor, attempting to mollify him. Replied Mr. Hogan—conceding the damage but throwing the blame to the Governor—"Well you've done a hell of a lot to tarnish the symbol."

Frank Hogan might have ended his career then, retiring after his eighth term. He was getting old, he was tired, he felt he had perhaps given enough of himself. But before he made up his mind—indeed, while he was leaning toward not running—William vanden Heuvel declared his candidacy for the District Attorney's office.

In the end Mr. Hogan won easily, by a 2-to-1 margin; political analysts said he might have had a far smaller edge were it not for the "unqualified" rating that the Association of the Bar of the City of New York, a stronghold of Mr. Hogan's alumni, gave Mr. vanden Heuvel a few days before the primary.

The prosecutor grinned and joked at a victory celebration primary night, saying the results were a "vindication" of his office.

In addition to his widow, Mr. Hogan is survived by a brother, Joseph Hogan of New York, and a sister, Mrs. Martha Kenney of Waterbury, Conn.

Under tentative plans, Mr. Hogan's body will be on view at Frank E. Campbell's, Madison Avenue and 81st Street, today and tomorrow from 7 P.M. to 4 P.M. and from 7 P.M. to 9 P.M. A funeral mass is planned for 11 A.M. Friday at a church to be announced.