

# Jay Horowitz, Watergate prosecutor and Colorado lawyer, has died

By Tom McGhee  
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Jay Horowitz (*Courtesy of the Horowitz family*)

Jay Horowitz, a dogged Watergate prosecutor and a Jewish attorney who dealt a major legal defeat to the Anti-Defamation League, has died after battling cancer.

Horowitz, 71, who moved to Colorado in 1976, died April 30 at a hospice in New York City.

"He was a fabulous lawyer and a fabulous mentor. He would outwork and outthink just about anybody," said Peter Forbes, a former law partner of Horowitz's.

Horowitz believed that Deep Throat, whose information helped bring Richard Nixon to heel, should have been prosecuted.

In Colorado, Horowitz is best known for the \$10.5 million award he won from a federal jury in a defamation lawsuit against the Anti-Defamation League in 2000.

The ADL accused William and Dorothy Quigley of anti-Semitism and trying to run Mitchell and Candice Aronson, their Jewish neighbors, out of their homes in Evergreen.

The Aronsons used a police scanner to eavesdrop on conversations the Quigleys had over their cordless telephone. The Aronsons said they were shocked at the anti-Semitic comments they

heard, including a remark about painting an oven door on the Aronson's home, a reference to the Holocaust.

In 1994, the ADL accused the Quigleys of perpetrating the worst anti-Semitic incident in the area since the murder of Jewish talk-show host Alan Berg 10 years earlier.

The Quigleys sued, claiming that the ADL defamed them, and accusing them of supporting use of an illegal wiretap to invade their privacy.

Horowitz told the jury that Dorothy Quigley had a "big mouth" and may have said things she later regretted, but there was no evidence the couple was anti-Semitic.

The jury found that statements by the ADL, made at a news conference and on talk radio, were defamatory and "not substantially true."

The verdict was later upheld on appeal.

Horowitz was proud of Jewish culture and history, said his wife, Elizabeth Hardin.

"Part of his reasoning in taking on the Quigley case was that he thought that a Jewish organization should be better and more careful than to falsely accuse others of wrongdoing in such an inflammatory way," she said. "He knew he would be courting disfavor from a significant segment of the community."

Diane Wzientka, who worked as Horowitz's secretary for more than 20 years, said she was shocked when he took the Quigleys' case.

"They were plastered all over the newspaper, the federal case had just been filed, and they were being demonized," Wzientka said. "He took these people on when it was not the popular thing to do because it was the right thing to do."

Horowitz, the son of a furniture store owner, was raised in Melrose Park, a Philadelphia suburb.

He studied law at Harvard, taking courses in African Studies at the same time at Boston University. After graduating from Harvard, he went to work as an assistant U.S. attorney for the Southern District of New York.

Four years later, he became Assistant Special Prosecutor for the Watergate Special Prosecution Force, under Archibald Cox, who Nixon later dismissed in the Saturday Night Massacre.

Horowitz questioned Nixon during grand jury hearings in 1975 about White House efforts to use the IRS against political opponents, among other things.

According to the Los Angeles Times, Horowitz raised questions about a note White House aide John Ehrlichman took of a meeting with Nixon.

One of the notes said "Check McGovern IRS files," a reference to Sen. George McGovern, who ran against Nixon for president in 1972.

Nixon said he couldn't recall suggesting McGovern's files be checked.

Horowitz questioned Nixon on other occasions, and though he was respectful, addressing him as "Mr. Nixon," and "sir," he wouldn't call him Mr. President, Hardin said.

"There had been a little discussion ahead of time that they were supposed to be extremely polite," she said, "but I think that Jay just couldn't call him Mr. President, so he didn't. He was passionate about justice."

But Horowitz' strong sense of right and wrong led him to some surprising conclusions.

While he believed it proper to bring Nixon's abuses of power to light, he felt Deep Throat, the anonymous government insider who provided information that drove The Washington Post's coverage of the scandal, should have faced prosecution. In 2005, it was revealed that former top FBI official Mark Felt was Deep Throat.

"He thought that if he wanted to be engaged in civil disobedience and break the law he should have been prosecuted and taken the consequences," Hardin said.

She added that Horowitz never looked "for the safe or self-protective or commonly accepted way to proceed."