

## CHAPTER 42

### On Not Having Any Decency

**HAD THE** Army-McCarthy fracas been decided on its merits, McCarthy, though suffering plenty of setbacks, would have been declared the winner, and by a substantial margin. Most relevant to the official outcome, the Army conspicuously failed to prove that the Monmouth hearings, subpoenas for the Loyalty Board, or any other investigative effort by McCarthy-Cohn had any linkage to Dave Schine—the essence of the original charges.

Conversely, the appointed judges of the matter were agreed that Stevens-Adams did try to use the famous private as a pawn to get the Monmouth hearings canceled. This didn't mean Cohn was off the hook for having pestered people about Schine, but that these efforts, instead of causing the Monmouth probe, most probably encouraged Stevens-Adams in attempts to stop it. On these key points, the opinions of Republican and Democratic members weren't far apart, though differing in the stringency of their comments. The GOP majority put it this way:

We find Mr. Cohn was unduly aggressive and persistent in the contacts he made with various officials in the executive department in regard to his friend and associate, Mr. Schine...We find, however, that the investigation at Fort Monmouth was not designed or conducted as a leverage to secure preferential treatment for G. David Schine...The evidence reasonably inspires the belief that Secretary Stevens and Mr. Adams made efforts to terminate or influence the investigation and hearings at Fort Monmouth...We find that Mr. Adams, at least, made vigorous and diligent efforts when the subpoenas were issued for the Army Loyalty and Screening Board to halt this action by means of personal appeals to certain members of this committee... 1

The view of the Democratic minority was only slightly different:

The record fully warrants the conclusion that Secretary Stevens and Mr. Adams did undertake to influence or induce the subcommittee to discontinue at least some parts of its investigation of the Army...We are convinced that Secretary Stevens and Mr. Adams were most apprehensive and deeply concerned about the subcommittee's investigation of the Army and were anxious to and did undertake to appease and placate Senator McCarthy and Mr. Cohn. Unwarranted special privileges and preferential treatment were accorded Private Schine...Mr. Cohn, without justification, knowingly and persistently sought and secured special privileges and preferential treatment for Private Schine. To secure such favor, he knowingly misrepresented the record of Private Schine's service to the Investigations Subcommittee. In doing so, he misused and abused the power of his office and brought disrepute to the subcommittee. 2

Thus, as might be expected, the Democrats came down much harder on Cohn than did the GOP contingent. Yet, even here, it's worth observing, there was no finding that the Monmouth investigation was connected to the fate of Schine. Cohn, on the Democratic reading, had badly overstepped his bounds, allegedly misrepresenting Schine's worth to the committee, but that wasn't the reason for the probe of Monmouth.

If that had been all there was, the hearings, though messy, harmful, and a huge distraction from other labors, would have been accounted a victory for McCarthy. However, the truth of the original charges wasn't to be a crucial factor in rendering a verdict on the inquest, either then or later. Instead, extraneous topics would become decisive, elevating issues of style and manner above the claims of substance. To some extent this was accidental, and some of it was the doing of McCarthy's gruff comments and demeanor, off-putting to many in TV-land, but most of it was owing to the tactics and improvisational skills of Army Counsel Welch. Joe Welch, thanks to these hearings, would take his place as one of the more memorable characters of the era, a Dickensian figure transplanted to the 1950s. From a study of his forensic methods, strange way of phrasing things, and self-conscious quaintness, it's obvious he was a consummate actor and that he approached the hearings in this spirit. Welch treated the whole affair as a kind of melodrama in which fact and reason were distinctly secondary to image and impression. Much of what he said and did was geared to this soap opera conception of the process. \*301

As it happened, there was good reason for this approach, beyond the tastes and aptitudes of Welch. He may or may not have been a genius in the courtroom, but he was nobody's fool and could see his client's case was deplorably weak—particularly after the collapse of Stevens. It's thus no surprise that, as events permitted, Welch spent as much time as possible on topics that had only slight relation, or none, to the substance of the hearings. Or that, once he got hold of such a topic, he wrung it dry for dramatic impact.

In pursuing these tactics, Welch was eminently successful—so much so that side issues he developed would be virtually the only things many viewers remembered from the hearings. Even today, people who know little else about the conflict are likely to know something of these digressions—one in particular that's always mentioned. Nor, as usual with McCarthy cases, are most history books much better—generally treating these Welch asides, with varying degrees of accuracy, as the main highlights of the proceedings. Three episodes featured in the standard treatments are instructive.

• *The "Doctored" Photo.* In cross-examining Robert Stevens, Counsel Ray Jenkins had hammered away at the friendly contacts between the Army Secretary and the McCarthy staffers, especially his several gestures of good will toward Schine. Such behavior, said Jenkins, matched oddly with the contention that McCarthy, Cohn and Co. were abusing the Army in dreadful fashion.

In preparing for this line of questions, Jenkins learned that Schine had a photograph of himself with Stevens taken at McGuire Air Force base, adjacent to Fort Dix, where Schine was stationed. Jenkins asked Schine to obtain this picture, to be used in examining Stevens. The next day, the picture was delivered to the McCarthy staff, prints made from it, and a copy given to Jenkins. The counsel then proceeded to wave this in front of Stevens and question him about it.

Unknown to Jenkins, the picture from Schine's office had included a third person besides Schine and Stevens—Col. Jack T. Bradley, the commanding officer of McGuire, on hand to welcome the Secretary to the air base. This print showed Bradley and Stevens bracketing Schine, left and right, as they posed on the airport tarmac. In the version supplied to Jenkins, the base commander was cropped out, leaving only Schine and Stevens. The next day, having discovered the omission, Army Counsel Welch opened the hearings by charging "trick," "doctored photograph," and other expressions of shock and outrage. 3

Thus began a marathon procession in which Stevens, Schine, Cohn, Jenkins, photographers, committee staffers, and others filed before the panel to tell what they knew about the photo. In the end, the situation was matter-of-factly explained by McCarthy aide Jim Juliana when, after others had been heard from at length, he was at last permitted to take the stand. Told Jenkins wanted "the picture of Schine and Stevens," Juliana said, he had sent the original to the Senate photo shop with this instruction, the picture was cropped accordingly, and the resulting print was delivered to Jenkins. End of story.

That, as Juliana made clear, was the sum and substance of the whole affair. However, there were some footnotes that made the photo of further interest. As it turned out, the picture in question had *already* been cropped by the military, before it ever got to Schine, excluding from the shot a fourth individual in the original lineup. This fourth person was McCarthy staffer Frank Carr, standing sideways to the others, at the end of the queue to the left of Colonel Bradley. Carr obviously wasn't meant to be featured in the shot, though he was gazing pensively toward the camera; somebody thus decided he wasn't essential to the photo and cropped him out. So the picture allegedly "doctored" by Jim Juliana was already "doctored" before the McCarthy staffers ever got it.

4

For some reason, *this* cropping of the photo elicited no cries of "trick" from Counsel Welch. Apparently, removing somebody from a picture was a dastardly deed only if this had some linkage to McCarthy. Done by a Pentagon photo lab, it was perfectly okay, not worthy of a moment's notice. Of course, as is well known, such "doctoring" of photos occurs on a daily basis at newspapers, magazines, and TV studios across the land deciding on key aspects of a wide-shot photo. Exactly the same thing had occurred with the Army version of the photo wielded by Joe Welch, and with Jim Juliana and the Senate technicians when told Jenkins wanted a picture of Schine and Stevens. The hassle stirred up by Welch was sound and fury over nothing.

Even this, however, wasn't the bottom line about the photo. Welch persisted in calling the Army version a "group picture," as if Schine and Stevens had bumped into each other in a milling subway crowd or some other gathering of the masses. But in the Army version of the shot, the only other person in the "group" was Colonel Bradley, *the commander of the air base*—not exactly a random stranger who happened to wander before the camera. His presence did nothing to change the point Jenkins was making—that Schine, a mere private, was being treated with utmost cordiality at the highest military levels. (Indeed, the fact that Schine was photographed standing *between* Bradley and Stevens, at the dead center of the Army version, emphasized the point more strongly.) And, whether Bradley was in the shot or not, nothing could change the fact that Private Schine was indeed photographed cheek by jowl with Stevens.

• *The "Purloined Letter."* Fairly early in the hearings, McCarthy produced the two-and-a-quarter-page memo received from an Army intelligence officer the year before, relating to the security scene at Monmouth. As noted, this had been excerpted from a longer, fifteen-page memorandum sent to Army intelligence by the FBI, summarizing security data on Aaron Coleman and others at the Monmouth complex.

For obvious reasons, the contents of this memo would have been intensely relevant to the hearings. But these contents would never be entered in the record. Instead, at the insistence of Welch, abetted by some members of the committee and a disapproving letter from Eisenhower Justice, the document was explicitly barred as evidence on the points at issue. The data it contained about security risks at Monmouth, it seemed, were of zero interest. Instead, the main point stressed by Welch, hammered at from several angles, was how McCarthy came to have the document in his possession. "I have an absorbing curiosity," said the Army lawyer, "to know how in the dickens you got hold of it." 5 That was, per Welch, the all-important issue about the memo.

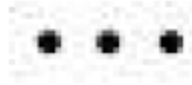
As with the "doctored photo," this Welch sally kicked off a prolonged discussion of what he called "the purloined letter." Logically considered, there was no reason his "absorbing curiosity" should have been quenched by McCarthy, and plenty of reasons that it shouldn't. McCarthy was the duly elected head of a Senate investigating committee charged with ferreting out official malfeasance, and in that capacity had many such data confided to him. As acting chairman Mundt pointed out, it was no business of temporary Army Counsel Welch to know who supplied the document to McCarthy, and very much the business of McCarthy not to tell him.

Though thus instructed by the chairman, Welch persisted in his efforts to find out who gave the document to McCarthy. In this endeavor he used one of his favored gambits, which was, after an elaborate and usually pious buildup, to implore the witness,

please, please, sir, do the right thing here, as doing the right thing is so awfully important. His exchanges with McCarthy to this effect would go as follows:

WELCH: Senator McCarthy, when you took the stand of course you understood that you were going to be asked about this letter, did you not?

McCARTHY: I assumed that would be the subject.



WELCH: Did you understand you would be asked the source?

McCARTHY: ...I never try to read the minds of the senators to know what they will ask you.



WELCH: Could I have the oath that you took read back slowly by the reporter?

MUNDT: Mr. Welch, that does not seem to be an appropriate question. You were present. You took the oath yourself. He took the same oath you took.

WELCH: The oath included a promise, a solemn promise by you to tell the truth, comma, the whole truth, comma, and nothing but the truth. Is that correct, sir?

McCARTHY: Mr. Welch, you are not the first individual that tried to get me to betray the confidence and give out the names of my informants. You will be no more successful than those who have tried in the past, period.

WELCH: I'm only asking you, sir, did you realize when you took that oath that you were making a solemn promise to tell the whole truth to this committee?

McCARTHY: I understand the oath, Mr. Welch.



WELCH: ...Then tell who delivered the document to you.

McCARTHY: The answer is no. You will not get that information.

And so on and so forth, until the whole line of questioning was ruled out of order by both Counsel Jenkins and Chairman Mundt. This ruling, as Mundt put it, was "sustained by an unbroken precedent so far as he knew [that] Senate investigating committees who come in contact with confidential information are not required to disclose the source of their information." \*302 6

Linked to McCarthy's possession of the letter were two other Welchian sidebars. One was a suggestion that the two-and-a-quarter-page memo was—like the "doctored" photo—a "perfect phony" foisted on the committee by the devious McCarthy. Welch sought to develop this idea in interrogation of Robert Collier, a Jenkins aide who had discussed the memo with FBI Director Hoover. In this confab with Hoover, Collier had learned that the memo was in fact a condensation of a longer FBI report, not an identical copy. On this point the questioning went as follows:

WELCH: Mr. Collier, as I understand your testimony this document that I hold in my hand is a carbon copy of precisely nothing, is that right?

COLLIER: I will say that Mr. Hoover informed me that it is not a carbon copy of a memorandum prepared or sent by the FBI.

WELCH: Let us have it straight from the shoulder. So far as you know, it is a carbon copy of precisely nothing.



COLLIER: So far as I know, it is, yes, but that is only a conclusion.

WELCH: You just told us it is a carbon copy of precisely nothing, haven't you?

COLLIER: I have said it is not a copy of a document in the FBI file. I will not say it is a copy of nothing because if it was typed as a carbon there must have been an original. 7

Having thus said thrice over the document was "a carbon copy of precisely nothing," Welch then reversed directions, describing the memo as too "hot" to be entered in the record and refusing even to read it. To do so, he said, would be a terrible breach of security regulations, and he would never, ever do that. His tribute to his own rectitude in such matters was emphatic.

"I have," said Welch, "higher standards in respect to my own conduct in respect to these documents than the senator and his staff does [*sic*]. I do not think it is proper for Mr. Collier to read it and he has declined to read it. I do not think it is proper for Mr. Welch to read it and he has declined to read it. I await with much interest the Senator's [McCarthy's] explanation of how it reached his hands and whether he read it." 8

All of this, however, was fustian, as McCarthy—who had read the memo—quite lucidly explained it. In the condensed format, he noted, all information that might reveal FBI sources and methods, and specific data on the suspects, had been deleted. Thus, no security breach could occur from simply reading the bobtailed version. The sole but significant point established by the memo was that the FBI had duly warned the Army about the problem of Aaron Coleman and others in the Monmouth setup. This was of course a point Welch and Co. wanted to obscure—the sideshow about how McCarthy got the memo, and its allegedly phony nature, helping to achieve this.

In fact, the Collier testimony and other evidence in the record made it plain the two-and-a-quarter-page document was definitely not a "phony." Collier said the shorter memo covered the identical subject matter as did the original FBI report and, equally to the point, was verbatim as to phrasing—with the exception that the security information on the suspects was deleted. \*303 Far from being a "perfect phony," as alleged by Welch, the document per Collier's testimony was obviously the real McCoy. \*304 As for the shortened format, such condensation of FBI reports—omitting certain sensitive data—was a common official practice. As earlier noted, there were hundreds of such condensed or paraphrased reports, based on Bureau information, in the security files at State, Commerce, the Civil Service Commission, and elsewhere.

Finally, McCarthy and Collier between them produced some other compelling facts about the bobtailed memo. An especially significant point was that the report bore the heading "Aaron Coleman—Espionage—R." As seen in the Owen Lattimore case, the "R" in such memoranda stood for "Russian." Beyond this, McCarthy reeled off a considerable list of other FBI reports on Monmouth, giving the dates on which they were provided, thus making it clear the Bureau's efforts to spotlight the problem had been persistent over a span of years since the latter 1940s. †305

• *Fred Fisher*. Having thus exhibited his instinct for the capillary, Welch would outdo himself in a third notable episode of this nature—the matter of Frederick Fisher. Fisher was a young attorney from Welch's Boston law firm of Hale and Dorr, brought down to Washington to help prepare the case for Stevens-Adams. In getting ready for the hearings, Welch had asked Fisher if there were anything in his background that could prove embarrassing to the Army.

Well, yes, said Fisher, there was. He had been a member of the National Lawyers Guild, which was indeed a problem. As the Guild had the year before been branded by Attorney General Herbert Brownell as the "legal mouthpiece" of the Communist Party, and before that by the House Committee on Un-American Activities as the party's "legal bulwark," it was decided such past membership would be an incapacitating factor in hearings so heavily devoted to issues of subversion. ‡306 Fisher was sent home to Boston.

Nonetheless, his name would show up in the hearings, as Welch was cross-examining Roy Cohn in what would be a famous confrontation. This began with the standard Welch technique of exaggerated buildup, to the effect that Cohn had been remiss in not communicating whatever he knew about Communists in the Army directly to Robert Stevens. This colloquy is worth quoting *in extenso* as an example of Welch in action and the degree to which the lovable codger could change his mien as needed.

WELCH: If you had gone over to the Pentagon and got inside the door and yelled to the first receptionist you saw, "We got some hot dope on some Communists in the Army," don't you think you could have landed at the top?

COHN: Sir, that is not the way I do things.



WELCH: And although you had this dope and a fresh and ambitious new Secretary of the Army, reachable by the expenditure of one taxicab fare, you never went during March, if you had it in March, did you, is that right?

COHN: Mr. Welch—

WELCH: Just answer. You never went near him in March?

COHN: No, I—

WELCH: Or April? Did you?

COHN: Mr. Welch—

WELCH: Tell me, please.

COHN: I am trying, sir.

WELCH: Or April?

COHN: No, sir.

WELCH: Or May?

COHN: I never went near him, sir.

WELCH: Or June?

COHN: The answer is never.

WELCH: Right. Or July?

COHN: I communicated—

WELCH: Or July?

COHN: No, sir—

SENATOR MUNDT: I think we have covered July.

WELCH: I think it is really dramatic to see how these Communist hunters will sit on this document when they could have brought it to the attention of Bob Stevens in 20 minutes, and they let month after month go by without going to the head and saying, "Sic 'em Stevens."



COHN: May I answer the last statement?

WELCH: I only said you didn't say, "Sic 'em Stevens," and you didn't, did you?... You did not say "Sic 'em Stevens." Is that right?

COHN: Sir—

WELCH: Is that right?

COHN: Mr. Welch, if you want to know the way things work, I will tell you.

WELCH: I don't care how it works. I just want to know if it is right that you did not say, "Sic 'em Stevens."

COHN: No, sir, you are right.

WELCH: I am at long last right once, is that correct?

COHN: Mr. Welch, you can always get a laugh...

WELCH: Mr. Cohn, we are not talking about laughing matters. If there is a laugh, I suggest to you, sir, it is because it is so hard to get you to say that you didn't actually yell, "Sic 'em Stevens." 9

When McCarthy finally objected to this burlesque, the discussion wandered off to other topics. However, Welch was soon back in "Sic 'em Stevens" mode, arguing that Cohn was at fault for not having personally rushed to inform Stevens the instant that data on security problems at Monmouth surfaced. This recapped what had gone before, but with additional Welchian furbelows:

WELCH: ...you didn't tug at his lapel and say, "Mr. Secretary, I know something about Monmouth that won't let me sleep nights?" You didn't do it, did you?

COHN: I don't, as I testified, Mr. Welch, I don't know whether I talked to Mr. Stevens about it then [in September 1953] or not...

WELCH: Don't you know that if you had really told him what your fears were, and substantiated them to any extent, he could have jumped in the next day with suspensions?

COHN: No, sir.



WELCH: Mr. Cohn, tell me once more: Every time you learn of a Communist or a spy anywhere, is it your policy to get them out as fast as possible?

COHN: Surely, we want them out as fast as possible, sir.

WELCH: And whenever you learn of one from now on, Mr. Cohn, I beg of you, will you tell somebody about them quick?

COHN: Mr. Welch, with great respect, I work for the committee here. They know how we go about handling situations of Communist infiltration and failure to act on FBI information about Communist infiltration...

WELCH: May I add my small voice, sir, and say whenever you know about a subversive or a Communist or a spy, please hurry. Will you remember these words? 10

This hectoring of Cohn, be it noted, came from the small voice whose clients had been pressuring General Lawton to *restore* asserted security risks at Monmouth. Even more ironic, if possible, it was premised on the selfsame "purloined letter" Welch had dismissively treated as a "carbon copy of precisely nothing." Now he was contending that Cohn was grievously to blame for not hand-delivering this copy of "precisely nothing" to Robert Stevens by the fastest possible method.

After sitting through these Welch sermonettes about exposing every subversive or Communist suspect Cohn had ever heard of, and being extra quick about it, McCarthy at last broke in by raising the issue of Fred Fisher. Having brought Fisher to D.C. to help out with the hearings, McCarthy opined, Welch had little standing to lecture others about proper methods of Red-hunting. In a tone heavy with disdain, McCarthy stated:

...in view of Mr. Welch's request that information be given once we know of anyone who might be performing work for the Communist Party, I think we should tell him that he has in his law firm a young man named Fisher, whom he recommended incidentally to do work on this committee, he has been for a number of years a member of an organization which was named, oh years and years ago, as the legal bulwark of the Communist Party...We are now letting you know that this young man did belong to this organization for either 3 or 4 years, belonged to it long after he was out of law school...

And subsequently:

Jim [Juliana], will you get the news story to the effect that this man belonged to this Communist front organization? 11

This drew from Welch a much-celebrated answer, featured in all the usual write-ups and replayed innumerable times in video treatments of the hearings. It was the distilled essence of Joe Welch, worth studying in detail to get context and flavor. Along with certain other statements on Fred Fisher, Welch assailed McCarthy as follows:

Until this moment, Senator, I think I never fully grasped your cruelty or your recklessness. Fred Fisher is a young man who went to Harvard Law School and came with my firm and is starting what looks like a brilliant career with us...Little did I dream you could be so reckless

and so cruel as to do an injury to that lad...*I fear that he shall always bear a scar needlessly inflicted by you.* If it were in my power to forgive you for your reckless cruelty I would do so. I like to think I am a gentleman, but your forgiveness will have to come from someone other than me. 12 (Emphasis added.)

When McCarthy then attempted to give some background on the National Lawyers Guild, plus a strong *tu quoque* about the harm done to the reputations of Frank Carr and other young McCarthy staffers by the charges Welch had signed his name to, the Army counsel again lamented the injury to Fisher:

Let us not assassinate this lad further, Senator. You have done enough. Have you left no sense of decency, sir, at long last? Have you left no sense of decency?

And, finally:

Mr. McCarthy, I will not discuss this with you further. You have been within six feet of me, and could have asked me about Fred Fisher. *You have brought it out.* If there is a God in Heaven, it will do neither you nor your cause any good. I will not discuss it with you further. 13 (Emphasis added.)

#### OUTED

Army Counsel Joseph Welch denounced McCarthy for outing Welch's assistant Frederick Fisher as a former member of a cited front group called the National Lawyers Guild. But Welch himself had publicly confirmed Fisher's former Guild membership weeks earlier in this New York Times story of April 16, 1954.

# McCarthy Will Boycott Inquiry Pending Action on News 'Leak'

Continued From Page 1

ever indicated that their plan for continuing further investigation of the military installation at Fort Monmouth, N. J., were related to the importance attached by them to "verify General's military assignment," said paragraph 13 of the charges.

Copies of the Army allegations were furnished to Senator McCarthy's associates, but the subcommittee withheld them from the public awaiting a final reply of the McCarthy side of the line. Portions of the charges were made available last night to a few newspapers, including The New York Times, by a person who said he would make assumptions.

Senator Robert Wagner, Minn., Democrat, broke through the secrecy barrier today and released the entire document, saying that he had done so because of "pressured leaks" and because he believed the public was entitled to see the basis of an investigation that should be conducted as if it were in a "goldfish bowl."

Senator McCarthy, working in Texas, noted through Mr. Cohn in protesting the past issues of the Army charges last night. Mr. Cohn specifically said his complaint was not directed at Senator McCarthy's action today in releasing the full document.

News Release, Inc., The Associated Press said that Mr. McCarthy, however, had accused Senator Byrdington of violating the Senate subcommittee rule.

Senator McCarthy demanded in effect that the investigation of the "news leak" should have priority over the public and congressional hearings of the Army-McCarthy dispute scheduled to start Thursday.

Senator Byrdington said Senator McCarthy's request would be denied before the subcommittee at its next meeting, probably Monday.

Other Senators said the direct military attack by Senator McCarthy was not unexpected. By leaving himself from Washington at the week end in Arizona and now in Texas, he had made it impossible for subcommittee members to confer with him personally about the possible charges of about the ground rules of procedure that will apply to the investigation.

Senator Byrdington returned today that Senator McCarthy had promised him by telephone last night to return over the week end but he pressed for a meeting of the subcommittee at 10 A. M. Monday, which his doctors advised against travel because of a persistent throat ailment.



Frederick G. Fisher Jr., who said he had been dropped as one of the Army's lawyers for hearing an dispute with Senator Joseph R. McCarthy.

handling of military allegations regarding our national security."

Just names of the Army charges Mr. Cohn said, revealed a subcommittee ruling that both sides would be made public together.

The Army allegations covered six typewritten pages, which were condensed and expanded the original charges made in the thirty-five-page report sent to Senator McCarthy's office.

One of the new charges is that Everett Holder attended a small town in Fort Lee, N. J., an special passes granted at the request of the investigating subcommittee "on grounds when it that he did not work on behalf of the subcommittee."

The Army charges were signed by its chief special counsel, Joseph H. Wick. Mr. Wick today confirmed Wick's version that he had received from Army his original second assistant, Frederick G. Fisher Jr. at his own Boston law office, because of admitted previous membership in the National Lawyers Guild, which has been listed by Herbert Brownell, Jr., the Attorney General, as a communist-front organization.

Mr. Wick said he had brought in another lawyer, John Winchell Jr. from his Boston office to take Mr. Fisher's place.



Subsequently, we're told, Welch broke into tears and the audience in the Senate chamber responded with sustained applause. Thus the incident most remembered from the hearings, and generally viewed as the moral Waterloo of Joe McCarthy. The reckless evildoer had exposed young Fred Fisher and his former membership in the National Lawyers Guild, thus scarring the innocent lad forever, and the good, decent Welch had protested this shameful outing of a youthful indiscretion.

All of which seems very moving, and is invariably so treated. It looks a little different, however, when we note that, well before this dramatic moment, Fred Fisher had *already* been outed, in conclusive fashion, as a former member of the National Lawyers Guild—by none other than Joe Welch. This had occurred in April, some six weeks before the McCarthy-Welch exchange, when Welch took it upon himself to confirm before the world that Fisher had indeed been a member of the Guild, and for this reason had been sent back to Boston. As the *New York Times* reported, in a story about the formal filing of Army allegations against Cohn-McCarthy:

The Army charges were signed by its new special counsel, Joseph N. Welch. *Mr. Welch today [April 15] confirmed news reports that he had relieved from duty his original second assistant, Frederick G. Fisher, Jr., of his own Boston law office because of admitted previous membership in the National Lawyers Guild, which has been listed by Herbert Brownell, Jr. the Attorney General, as a Communist front organization.* Mr. Welch said he had brought in another lawyer, John Kimball, Jr., from his Boston office to take Mr. Fisher's place. 14 (Emphasis added.)

Giving this news item further impact, the *Times* ran a sizable photograph of Fred Fisher, plus a caption noting he had been relieved of duty with the Army's legal forces. (See inset, Chapter 43.) Having caused this story to appear in the nation's most prestigious daily and reputed paper of record, Joe Welch would seem to have done a pretty good job of outing the innocent lad from Boston. (It was undoubtedly this news story, or an equivalent, that McCarthy was asking Jim Juliana to bring him.) It thus develops that Welch himself had already done the very thing for which he so fervently denounced McCarthy. So the suspicion once more dawns, as with the "doctored" photo, that something was unspeakably evil when, and only when, done by McCarthy, but perfectly proper when done by Welch and/or his clients.

What these several episodes tell us about the moral posturing of the Army's lawyer hardly needs much comment. There is, however, one further topic to be noted in taking the measure of Joe Welch. This was the effort of the Mundt committee to get from Welch's clients an Inspector General's report about the Peress case, including a list of Army officials involved in the mishandling of that matter. On this subject, as on others, the Army dragged its feet, so that four months elapsed between the date of the request and the time the report was finally delivered. Moreover, when the list was examined, it turned out to have some glaring omissions.

All this would be brought out the following year by the McClellan panel in its survey of the Peress debacle. In a scathing critique of the Army performance, the McClellan committee noted the obvious lack of candor in keeping back the IG report about the case. Even worse than the foot-dragging, however, was the deliberate *withholding* of the names of several officials involved in managing the Peress affair—including both John Adams and General Zwicker, among the most important players in the drama. As a result of such deletions, said the McClellan panel, "the list of 28 officials was deceptive and a gross imposition on the special Mundt subcommittee and this subcommittee." And why had the names of John Adams *et al.* been omitted? The information, said the McClellan report, "was not furnished to the special Mundt subcommittee upon the advice received from the Army's special counsel, Joseph P. Welch [sic] ...on or about May 11 (1954)..." as "not pertinent to the hearings." 15 (Emphasis added.)

Thus, what the McClellan committee described as "deceptive and a gross imposition" on two committees of the Senate was the doing of the virtuous Welch, this occurring "on or about May 11," 1954. That would have been roughly a week after the Army lawyer lectured McCarthy on the need for full disclosure of all relevant data, and the grave obligations in the solemn oath administered when the hearings started. It would appear that, in this brief span, Welch had forgotten this impressive moral sermon. Perhaps it would have helped if, as he requested, someone had read to him—slowly—the language of that oath, swearing "to tell the truth, comma, the whole truth, comma, and nothing but the truth." But then again, perhaps it wouldn't.

#### Chapter 42: On Not Having Any Decency

1. "Charges and Countercharges," *loc. cit.*, pp. 79–80.
2. *Ibid.*, pp. 87–88.
3. Army-McCarthy hearings, April 27, 1954, pp. 256 *et seq.*
4. *Ibid.*, pp. 278 *et seq.*; April 30, 1954, pp. 534 *et seq.*
5. Army-McCarthy hearings, May 4, 1954, p. 703.
6. Army-McCarthy hearings, May 5, 1954, pp. 767–70.
7. *Ibid.*, p. 734.
8. *Ibid.*, p. 736.
9. Army-McCarthy hearings, June 9, 1954, pp. 2386–87.
10. *Ibid.*, p. 2426.
11. *Ibid.*, pp. 2426–27.
12. *Ibid.*, p. 2428.
13. *Ibid.*, p. 2430.
14. *New York Times*, April 16, 1954.
15. "Army Personnel Actions Relating to Irving Peress," report of the McClellan subcommittee, July 14, 1955, pp. 35, 32.