



Written by [Steve Byas](#) on September 28, 2018

Cornyn's Criticism of Democrat Tactics as Shameful Unfairly Tars Joe McCarthy

"I can't think of a more embarrassing scandal for the United States Senate since the McCarthy hearings," said Senator John Cornyn (R-Texas) on Thursday, reacting with disdain for how the Democrats on the Senate Judiciary Committee had mistreated Supreme Court nominee Judge Brett Kavanaugh.



"When the comment was about the cruelty of the process toward the people involved, and the question was asked, 'Have you no sense of decency?' ... I am afraid we've lost that [decency], at least for the time being."

Cornyn was rightly outraged at the vicious tone of the hearings, in which the committee's Democrats even examined Kavanaugh's high-school yearbook, in an attempt to smear him. Fellow Texas Senator Ted Cruz agreed with Cornyn's evaluation of the hearings, saying, "This has been one of the most shameful chapters in the history of the United States Senate."

But while one can certainly sympathize with Cornyn's outrage, it is not right to defend Kavanaugh by unfairly smearing the late Senator Joseph McCarthy (R-Wis.).

The "sense of decency" comment by Cornyn is a reference to an incident that took place in the 1950s, during the Army-McCarthy hearings when Senator McCarthy (shown on left) was trying to locate communists, disloyal to America, in sensitive positions *inside the U.S. government*. (McCarthy did not, as many people believe, try to drive out of non-government work Communist Party members. For example, McCarthy is often blamed — or credited with, depending on one's viewpoint — the Hollywood Blacklist, which was a list of actors, directors, and others in Hollywood in the 1940s and 1950s who were banned from work because of their membership or sympathy with the Communist Party. Yet, this myth continues to be repeated. For example, the *Dallas News*, in reporting on the role played by their state's two senators, wrote, "Sen. Joseph McCarthy of Wisconsin spent roughly five years trying to prove communist infiltration of Hollywood, the State Department and the U.S. military during the 1950s.")

It was McCarthy's investigation of the U.S. Army that led to the "sense of decency" remark cited by Cornyn.

When Senator McCarthy launched his investigation of the Army, he encountered a backlash because many Army veterans mistakenly thought he was somehow questioning their patriotism. The hearings contributed to an unfortunate decline in his approval ratings.

According to Arthur Herman, in his book *Joseph McCarthy*, Senator Ralph Flanders, a Republican from Vermont, had delivered a demagogic speech alternately comparing McCarthy to Hitler and Dennis the Menace, and even insinuating that McCarthy was a homosexual. Flanders added that McCarthy could



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not do a better job for the communist cause if he were in their “pay.” Herman explained that this was the context for the Fred Fisher incident of June 9, 1954. “No other episode is more important to the McCarthy myth: how McCarthy needlessly maligned an innocent lawyer on Welch’s staff [Joseph Welch was the chief counsel for the Army during the hearings] in order to wound his chief antagonist, and how Welch rose up in indignation and shamed him on national television.”

During the hearings, Welch badgered McCarthy aide Roy Cohn (shown on right), asking him he had ever said “sic’em Stevens” about communists in the Army. (Robert Stevens was then secretary of the Army). In the words of the late M. Stanton Evans, in his book *Blacklisted by History*, Welch was “hectoring” Cohn, even demanding that Cohn disclose the names of all communists at Fort Monmouth “before sundown.” As Herman wrote, Welch demanded that Cohn “please hurry,” and turn over whatever he knew about “a subversive or a Communist or a spy.”

Finally, McCarthy had heard enough. He responded to Welch’s demands for the names of communists. McCarthy noted that Welch himself had a communist named Fred Fisher employed in his law firm. McCarthy noted that Welch should know that Fisher had been a member of the National Lawyers Guild, considered a Communist Party front group.

At this point, in front of a national television audience, Welch indignantly declared, “Until this moment, Senator, I think I never really gauged your cruelty or your recklessness. Fred Fisher is a young man who went to Harvard Law School and came into my firm and is starting to what looks like to be a brilliant career with us.... Little did I dream you could be so reckless and so cruel as to do an injury to this lad.”

Interestingly, “this lad” was then 33 years old.

But Welch continued. “Have you no sense of decency, sir, at long last?” he demanded.

Welch then wept, and told McCarthy, “I fear that he shall always bear a scar needlessly inflicted by you.” It did not appear to have scarred Fisher too badly, as he went on to become a partner in Hale and Dorr, and even served as president of the Massachusetts Bar Association.

And just what was the National Lawyers Guild (NLG), of which Fisher was a member? Attorney General Herbert Brownell called the organization “the legal mouthpiece” of the Communist Party in the U.S.A. The House Committee on UnAmerican Activities termed it the party’s “legal bulwark.” It had been formed by lawyers in 1937 who considered the American Bar Association too conservative!

In recent years, NLG has even performed work for the Occupy Movement.

One should not be surprised when the Left condemns McCarthy. But what is disappointing is for supposed conservatives to do so. For example, Mona Charen, who claims to be a conservative, wrote in *National Review* this past June that McCarthy had no “sense of decency.”

We can applaud Cornyn’s defense of Kavanaugh from the unjust smearing by the progressive leftists on the Senate Judiciary Committee. They truly have no “sense of decency,” but Senator Cornyn should know that it is not necessary to smear Joe McCarthy in order to defend Judge Kavanaugh from another smear.

Photo of Joe McCarthy and Roy Cohn: [Library of Congress](#)



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