



Written by [Steve Byas](#) on May 5, 2015

Left Continues to Distort McCarthy Record

The Supreme Court hearings on same-sex “marriage” have provided the Left yet another opportunity to unfairly smear the reputation of the late U.S. Senator Joseph McCarthy (R-Wis.), shown on left.



In the online Huffington Post, Bill Quigley, a law professor at Loyola of New Orleans, compared comments made by Supreme Court justices Antonin Scalia and Samuel Alito about the potential consequences of same-sex marriage to remarks made over a half-century ago by McCarthy.

Quigley noted that Alito and Scalia had argued that same-sex marriage “opens the door to polygamy, underage sex, and incest between brothers and sisters.” To Quigley, this is the “modern equivalent of McCarthy red-baiting and deserves the same response.”

Quigley dismissed opponents of same-sex marriage as “fringe haters,” and contended, “It is past time for family, friends, lawyers, legal associations and law schools to ask Alito and Scalia to halt and to answer the question, “Have you no sense of decency, sirs?”

The “sense of decency” comment is a reference to an incident that took place in the 1950s, during the so-called Army-McCarthy hearings. Senator McCarthy’s principal concern was always the placement of communists, disloyal to America, in sensitive positions *inside the U.S. government* — not the existence of Communist Party members in the general public. For example, McCarthy is often blamed for (or credited with, depending on one’s viewpoint) the Hollywood Blacklist, though in reality he had nothing to do with it. The Blacklist was a listing of actors, directors, and others in Hollywood in the 1940s and 1950s who were banned from work because of their membership in or sympathy with the Communist Party.

(My upcoming book, *History’s Greatest Libels*, devotes a chapter to the unfair smearing of McCarthy).

When Senator McCarthy began to investigate communist subversion inside the U.S. Army, he encountered a severe backlash. Many Army veterans mistakenly thought the Wisconsin senator was somehow questioning their patriotism, and the hearings contributed greatly to a decline in his popularity among the general public. The episode Quigley referred to was particularly damaging to McCarthy’s reputation; however, a closer look at the incident reveals how unfairly the senator was treated. Still, it provides yet another example of how the Left uses a caricature of McCarthy to tar modern conservatives with the same brush.

According to Arthur Herman, in his book *Joseph McCarthy*, Senator Ralph Flanders, a Republican from Vermont, had delivered a demagogic speech comparing McCarthy to Hitler and Dennis the Menace, and even insinuating that McCarthy was a homosexual. Flanders suggested that McCarthy could not do a better job for the communist cause if he was in their “pay.” Herman explains 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



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chief counsel for the Army in 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 if he had ever said “sic’em Stevens” about communists in the Army. (Robert Stevens was secretary of the Army). In the words of the late M. Stanton Evans, in his book *Blacklisted by History, The Untold Story of Senator Joe McCarthy*, 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, and 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. “In view of Mr. Welch’s request that the information be given,” McCarthy said, 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 the 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, the “lad” was then 33 years old. But Welch was not done. “Have you no sense of decency, sir, at long last?” he demanded.

Interestingly, Welch himself had told the *New York Times* six weeks earlier that Fisher was a member of the National Lawyers Guild, a recognized front group for the Communist Party, so it was hardly a closely guarded secret. But, Welch wept, and told McCarthy, “I fear that he shall always bear a scar needlessly inflicted by you.” Herman wrote that Welch left the Senate hearing room, but once away from the cameras, asked a fellow lawyer, “Well, how did it go?”

“In short,” Herman wrote, “Welch’s performance, like the entire Fred Fisher ‘smear,’ had been a sham.”

It certainly did not appear to “scar” the 33-year-old “lad,” Fred Fisher. He went on to become a partner at Hale and Dorr, and in 1973-74, even served as president of the Massachusetts Bar Association. One might even make the case that the whole trumped-up episode was a career boost for Fisher.

And just what is 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. The House Committee on UnAmerican Activities termed it the party’s “legal bulwark.” In the early years of World War II, the NLG proved it was hardly a consistent supporter of civil liberties by supporting President Franklin Roosevelt’s internment of American citizens of Japanese ancestry. Amazingly, the guild was formed in 1937 by lawyers who considered the American Bar Association too conservative!

In recent years, the NLG has supported Palestinian “rights,” performed legal work for the “Occupy” movement, and in 2003 a leading NLG lawyer, Lynne Steward, was even convicted of conspiracy and providing material support to terrorists.

With the continuing use of the unfair smears of Joe McCarthy, one might even ask the Huffington Post author Bill Quigley, “Have you no sense of decency, sir?”



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