

January 19,

~~February 6~~, 1968

Announcer:

"Firing Line" with William F. Buckley, Jr.

Mr. Buckley: We're here to discuss tonight the Army-McCarthy Hearings, a subject that is once again in the public eye, as a result of an article in Esquire by Roy Cohn, who was one of the principals in that controversy. We have here tonight Mr. Leo Cherne, who is the president of the Research Institute of America, an adversary of Senator McCarthy, also Chairman of the International Rescue Committee, among whose functions is to rescue refugees from Communism; and, of course, Mr. Cohn, the center of this dispute, the right hand of Senator McCarthy during that episode. Then we have here Mr. James St. Clair, a prominent Boston lawyer with Hale & Dorr (sp.), who was a partner of Joseph Welch, who turned out to be the principal prosecutor of Mr. McCarthy and Mr. Cohn. And Mr. Emile deAntonio, who is a well-known movie producer who produced last year a documentary called, "Point of Order," in which some of the issues we deal with tonight were, if I may say so, tendentiously depicted. Mr. deAntonio has very kindly brought along some of his home movies, and we'll begin by refreshing your memory and ours on the whole episode. Mr. deAntonio, would you tell us what it is that we're going to see now.

Mr. deAntonio: Surely, I think, as a matter of fact, that I'll begin by refreshing your memory -- the picture came out in 1964, it wasn't last year. The film clip we're about to see is a well-known segment called, The Cropped Photograph. It's a segment that Mr. Cohn refers to three or four times in his article. It has another somewhat special meaning for me because in the 1952 Maryland election, it was alleged -- and I don't know, I don't think anybody knows the facts, but it was alleged in 1952 Maryland's Senatorial election that a doctored photograph was used to defeat Senator Tydings, a political enemy of Senator McCarthy. And now we'll take a look at this brief segment from the film, "Point of Order."

Senator Mundt: (blurred) Mr. Welch, point of order?

Mr. Welch: I don't know what it is but it's a point of something.

Senator Mundt: (blurred) -- you may state.

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Mr. Welch: My point of order is that Mr. Jenkins yesterday was imposed upon and so was the Secretary of the Army by having a doctored, or altered ^{it} photograph produced in this courtroom as if ~~were~~ honest --

Senator Mundt: This is a committee room, Mr. Welch.

Mr. Welch: -- a committee room, and produced as if it were honest.

I have a photograph that was offered yesterday in evidence, and in respect with which Mr. Stevens was not only examined but cross-examined, and I show you now a photograph in respect to which I charge that what was offered in evidence yesterday was an altered, shamefully cut-down picture, so that somebody could say to Stevens, were you not photographed alone with David Schine when the truth is he was photographed in a group. I would like now to offer the picture that I have in my right hand as the original, undoctored, unaltered piece of evidence.

Senator McCarthy: Mr. Chairman, the point of order is this, that Mr. Welch, under the guise of making a point of order has testified that a picture is doctored. I now have before me -- I may say that yesterday was the first time I saw either of these pictures. The picture that was introduced yesterday, the one Mr. Welch puts in today, he makes ^a the completely false statement that this is a group picture -- it is not --

(Chairman rapping gavel) Chairman: Counsel advises the chair, may I say --

Senator McCarthy: May I finish my point of order, Mr. Chairman --

Chairman: Counsel advises the chair that the Senator is engaging in a statement (blurred) for the point of order.

Senator McCarthy: Mr. Chairman, I'm getting rather sick of being interrupted in the middle of a sentence.

Rapping of the gavel -- "Point of Order" (Confusion - much is inaudible)

Senator McCarthy: Oh, be quiet. Mr. Chairman, do I have the floor, or do I not.

An Unidentified voice: I haven't the slightest intention of being quiet.

Senator McCarthy: Mr. Chairman, do I have the floor?

Much rapping of the gavel

Mr. Welch: Although I sit at the same table, I'm not your counsel. (Laughter) 3

Mr. Cohn: There is not a statement which has been made at this hearing with which I am in more complete agreement, Mr. Welch, although I'm sure you're a lawyer of great ability and maybe I would be fortunate if I had you as my counsel. I have no counsel here. Roy Cohn is here speaking for Roy Cohn to give the facts. I have no counsel, and I feel the need of none, sir.

Mr. Welch: In all modesty, sir, I am ^{content} ~~convinced~~ that it should appear from my end that I am not your counsel. (Laughter)

Mr. Cohn: I might say that you're not going to get any fee from me, Mr. Welch.

Mr. Welch: Mr. Cohn, you have spoken of that picture as representing Mr. Stevens smiling at Schine. Do you look at it now with me (Laughter).

Mr. Cohn; Why don't we have it brought right up here.

Mr. Welch: That's good enough.

Mr. Cohn: Let's have it even closer.

Mr. Welch: Well, let's have it there -- that's good enough.

Mr. Cohn: May I confess to a slight case of near-sightedness here, and I (blurred) my near-sightedness in connection with my duties but it is when it comes -- and I would like to have it right up here.

Mr. Welch: I think you have betrayed some near-sightedness -- have it as close as you would like. (Laughter)

Mr. Cohn: Very good. Mr. Welch, I might say here again I -- I'll be very glad to answer your questions here. I don't think I'm quite as clever as you are, and I'm afraid I'm not going to be able to answer your questions.

Mr. Welch: Oh, Mr. Cohn. My question now is this. You have referred to that picture as showing Mr. Secretary Stevens smiling at Dave Schine. Are you now close enough to the picture so that you would like to qualify that statement?

Sir, I will accept your characterization of the picture.

Mr. Welch: It's a grim smile on Stevens' face.

Mr. Cohn: I accept it if you want to call Mr. Stevens smile a grim smile, sir. I fully accept what you say. To me it is a picture of Secretary Stevens. If it's a grim smile, so be it. It's a picture of Private Schine. They're standing next to each other. They are facing each other. Their eyes are meeting. They are looking at each other. And if the smile is grim or isn't grim, I know not, sir.

Mr. Welch: Not too fast, Mr. Cohn. Not too fast. Mr. Stevens is looking to his right, isn't he?

Mr. Cohn: Well, sir, I --

Mr. Welch: Isn't he? Just look at -- you can answer that one easily.

Mr. Cohn: Well, Mr. Welch, do you want to imply that I am not answering it? You ask me a question, and then you say with the implication that I can't answer it.

Mr. Welch: Well, answer it. Is Mr. Stevens is looking to his right, isn't he?

Mr. Cohn: Sir, if you'll give me the dance, I'll try to answer it.

Mr. Welch: By all means, sir, thank you.

Mr. Cohn: The picture to me looks as though Mr. Stevens and Private Schine are looking at each other.

Mr. Welch: My question was a simple one. Mr. Stevens is looking to his right, is he not.

Mr. Cohen: Yes, I would think he is probably looking to his right, and Private Schine is standing at his right.

Mr. Welch: And on Mr. Stevens' right are two figures. Is that correct?

Mr. Cohn: Yes, that's correct. At Mr. Stevens' right there are two figures.

Mr. Welch: And one is Private Schine.

Mr. Cohn: Yes, sir.

Mr. Welch: And further to Mr. Stevens' right is Colonel Bradley.

Mr. Cohn: Standing sideways.

Mr. Welch: It would take someone with clairvoyance to know to whom Secretary Stevens ^{was looking}, would it not?

Mr. Cohn: No, sir, I don't think so. It would take somebody with common sense to look at a picture and see what's in it.

Mr. Welch: I think I observe on Colonel Bradley's face a faint little look of pleasure, do you, sir? (Laughter)

Mr. Cohn: I would say that Colonel -- I know that Colonel Bradley had a good steak dinner shortly after this. Maybe he was anticipating it. I do know that Colonel Bradley looks to me as though he, too, is looking at Private Schine.

Mr. Welch: Well, now, if Bradley is feeling good about his steak dinner, Schine must be considering a whole haunch of beef (Laughter).

(End of film portion.)

Mr. Buckley: Mr. Cohn, how does that colloquy look to you now, ten years after?

Mr. Cohn: It looks as though I had more hair then.

Mr. Buckley: (Laughing) That may be the more significant aspect of it, I agree.

Mr. Cohn: I think the colloquy is very revealing. Here we had an issue -- the issue is demonstrated by that whole sequence here was this: The Army charges were that the Army had been pressured by us, and that Secretary Stevens was furious at this pressure and was having nothing to do with any of us. We produced the photograph showing Secretary Stevens and Private Schine after this so-called break had taken -- allegedly taken place -- a photograph when Secretary Stevens emerged from his private -- from his private Army plane at the Air Force base and was greeted by Private Schine and the Commander of the Air Force and Frank Carr of our staff who had flown down with Secretary Stevens. The purpose of it was to show that Secretary Stevens was not being correct when he said that he was finished with all of us and was having nothing to do with Schine in these days. Now,

whether the Commander of the Air Force base was also in the picture or whether Frank Carr, who isn't shown here, was in the picture means absolutely nothing. The key point is Secretary Stevens was there and Private Schine was there. Now, Mr. Welch used this as a wonderful piece of dramatic technique in which to get you right off the issue and on to a sidetrack which actually had no significance.

Mr. St. Clair: Oh, it did have a significance, Mr. Cohn. And the significance is this. That when that picture was submitted as evidence, it was submitted as Schine and Stevens alone.

Mr. Cohn: I don't think so, sir.

Mr. St. Clair: That is in the testimony. I don't mean here -

Mr. Cohn: The significance: was not --

Mr. St. Clair: The significance that I'm making now is that was submitted as evidence that their picture was taken alone. This was what Welch pounded on --

Mr. Cohn: Where was the fact that --

Mr. St. Clair: -- And in fact the picture had been altered --

Mr. Cohn: Now, let's see whether that is significant. Suppose --

Mr. St. Clair: Let's find out first if it was altered, shall we?

Mr. Cherne: I wonder whether at this point I might enter and reinforce that point and make another one. I wish it were possible on this -- on the photograph --

Mr. Buckley: Yes.

Mr. Cherne: I wish it were possible to again run the first few feet of the sequence. If you'll recall, Senator McCarthy interrupted to make a point of order, and he said the following, talking about Counsel Welch, -- he makes the false statement that this was a group picture. It was not.

Mr. Cohn: No, he didn't say --

Mr. Cherne: Now, just one second. I just listened to it and wrote it down as it was said. (Others say something that is unclear)

This was not a group picture but more significant to me is this extraordinary tactic --

Mr. Cohn: Leo, whether it's a group picture or isn't a group picture, let me try to- 7.

Mr. Cherne: That's not -- you're not addressing yourself to my point.

Mr. Cohn: We can spend a whole program on this nonsense point, and we might as well, because we spent most of the hearings on it. I'd like to --
deAntonio:

Mr. ~~St.-Clair~~: I'd like to quote it directly, since I have --

Mr. Buckley: Hold it a second -- hold it a second.

Mr. Cohn: May I answer it, Bill?

Mr. Buckley: I'll tell you what. I'll tell you what, gentlemen. Just let Mr. Cohn finish his sentence, after which we will hear Mr. deAntonio read from the text to find out whether Mr. Cherne heard correctly, okay?

Mr. Cohn: Mr. Buckley, this was no group picture. This was a picture of Secretary Stevens, Private Schine, Frank Carr, and the Commander of the Air Force base who was waiting at the ramp to greet the Secretary of the Army.

Mr. Cherne: Well, how many people does it take to make a group?

Mr. Cohn: Well -

Mr. Buckley: Now, we ^{go} ~~go~~ to Mr. deAntonio.

Mr. deAntonio: I think this is the apposite point: McCarthy: "Mr. Chairman, the point of order is that Mr. Welch, under the guise of making a point of order, has testified that a picture is doctored. I now have before me -- I must say that yesterday is the first time I saw either of these pictures -- a picture that was introduced yesterday, the one that Mr. Welch puts in today. He makes a completely false statement at that this was a group picture. It is not." Surely with four people you have a group picture.

Mr. Cohn: Well, I don't know if you regard it as a turning point in American history as to whether four people constitute a group picture.

Mr. deAntonio: (Laughing) No.

Mr. Cohn: -- what I would like to say is one thing. Suppose Mr. William F. Buckley -
(Announcer breaks in -- drowning him out)

Announcer: We'll return to William F. Buckley and his guests in just a moment.

Mr. Cohn: --(continuing) says two years ago, Roy Cohn and I had a terrible argument and I

didn't see him after such and such date because he made threats against me and be-

trayed his principles and everything else. Then I come up and say, that is not so.

I have a photograph of Mr. Buckley and myself when I accepted an invitation of his to be on his program on such and such an evening. I produce it. I have the picture of Mr. Buckley and myself as we now are. I do not have on the photograph Mr. St. Clair and Mr. Cherne, or something like that --

Mr. Buckley: How about that?

Mr. deAntonio: That proves (blurred) fallacious reasoning

(Either Mr. Buckley or Mr. Cherne says: Ohhhh!)

Mr. deAntonio: St. Clair: I think it might be interesting -- I don't know that Roy knows how we got that picture -- the full picture. It came as a complete surprise to us. It was sent to us by some Army personnel who had seen the program that day and had seen the abbreviated version. We thought it was quite significant from the point of view of the proceedings at that point. Not so much as a final decision of the whole thing but -- I know that we felt that it was quite significant insofar as the proceedings were there concerned because it tended to show the techniques being used, and perhaps the strategies being used.

Mr. Buckley: Well, let me ask you --

Mr. St. Clair: I don't at all contend that ^{it was} a world-shattering affair --

Mr. Buckley: Well, it became a sort of a world-shattering affair simply to judge from the width of the headlines. But, let me ask you, did you know that in fact the picture had been trimmed.

Mr. Cohn: No. None of us knew that, as a matter of fact. Here's what happened. Dave Schine had the picture on the wall of his office -- the picture of himself and the Secretary. We asked for that picture. It turned out that that picture apparently came from the original picture which had Frank Carr, the director of our committee on one side, and the Commander of the base on the other side. This was the whole big deal about nothing.

Now, Mr. Buckley, I think we have a little bit --

Mr. St. Clair: I think that before you leave that -- Jim Juliano knew it had been --

Mr. Cherne: Or Don Cirene (sp.?) who provided --

Cohn:

Mr. St.-Clair: Well, they were the ones we ~~ask~~ asked to get the picture for us

Mr. St. Clair: They were there at the time and could well have (blurred in overlap)

Mr. deAntonio: (Blurred in overlap) -- remember what hung on Schine's wall.

Mr. Cohn: Mr. deAntonio, they didn't deny anything. The only thing -- if you want to talk about real cropping, we can talk about "Point of Order." And Mr. Buckley, I just want to say one thing about that --

Mr. deAntonio: (Laughs)

Mr. Cohn: "Point of Order" is about the greatest example of cropped photography you're ever going to find any place. Don't take my word because I'm an interested participant, and I might have a prejudice. I don't think this has ever been read before, but this is what Senator Karl Mundt, the Chairman of the Sub-committee wrote concerning this film, "Point of Order." "In my opinion, the extracts in that film have been selected in a manner which distorts and creates a false impression concerning the McCarthy-Cohn side of the controversy. I believe that the picture also gives an unfair presentation of Mr. Cohn's participation in the hearing and does him a great injustice. The bias and prejudice against Mr. Cohn created by the film does not conform with the facts." Finally, don't take even the Chairman of the Committee --

Mr. deAntonio: No, I certainly wouldn't --

Mr. Cohn: -- take Scripps-Howard Newspapers. They said, in the review by Alton Cook, "In spite of a professed air of impartiality, the movie seldom finds ways to express sympathy for the Senator or his cohort, Roy Cohn." This "Point of Order" was about the most classic example of a dishonest job that has been done with the help of cameras in a long time. (Typist does not know if last sentence is part of Cook's quote).

Mr. Buckley: Well, ten-- at least tendentious. Right?

Mr. Cohn: (Unintelligible in overlap).

Mr. Buckley: Well, I don't think Mr. deAntonio would confess to having flirted with any sympathy for you or Senator McCarthy at any point.

Mr. deAntonio: Absolutely not.

Mr. Buckley: He made a lawyer's case against you -- much as Mr. Welch made a lawyer's case against you by this triumph of technique over substance in the matter of the doctored photograph --

Cherne

Mr. deAntonio: No. -- May I come back to the point I made --

(Here everybody is talking at once and nothing is coming through)

Mr. Buckley: Somebody has to be the traffic cop. I nominate myself, so will you proceed,

Mr. Cherne, then we'll come back to you, Mr. deAntonio. Believe it, or not.

Mr. deAntonio: Yes.

Mr. Cherne: I don't think that -- I don't think that the question of the cropping of this photograph was of significance. I think it was made into a matter of greater significance by the press --

Mr. Buckley: I agree -- uh-hmm.

Mr. Cherne: -- than it was.

Mr. Buckley: Un-hmm. Uh-hmm.

Mr. Cherne: I think we're discussing the wrong thing about this episode.

Mr. Buckley: Uh-hm.

Mr. Cherne: What is of decisive significance -- the only reason I was eager to participate in this program. It was not because of the extremely interesting article written by Roy Cohn, and it is extremely interesting. Let me also say that it is an exceptionally candid, in some respects unusually modest (Laughter)

Mr. Buckley: Sounds like Welch. (Louder laughter)

Mr. Cherne: -- and in a number of respects very revealing. Not very flattering to many of the people involved. Nor does Roy Cohn set out to seek to flatter himself. But this is not why we're devoting this amount of time tonight to discuss something that is an episode in history fifteen years old. It's not Roy Cohn's role in the Army-McCarthy Hearings. It's not Roy Cohn's role in the McCarthy investigations, it's the central fact of McCarthy and his investigations and his techniques and his purposes. And the passage which occurred in that brief film episode, I want again to quote. McCarthy said

of Welch -- he makes the completely false statement that this was a group picture; 11.
it was not.

Mr. Buckley: You mean that this was not a group picture.

Mr. Cherne: He makes a completely false statement that this was a group picture.

McCarthy is speaking of Welch.

Mr. Buckley: Yeah.

Mr. Cherne: Says of Welch -- he makes the completely false statement that this was a group picture; It was not. Now, gentlemen, it was a group picture.

Mr. Buckley: Now (laughing) Mr. Cherne -- must we (drowned out by announcer)

Announcer: We'll return to William F. Buckley, Jr.

Mr. Cherne: (continuing, but much is lost during announcement) -- have an opportunity to demonstrate by so exhaustive -- a number of ways that cavalier attitude Senator McCarthy had toward truth -- towards statements he, himself, made, toward the reputations of people --

Mr. Buckley: Now, wait, wait, wait -- let's ~~listen~~ stick to this particular point. I can't imagine why Senator McCarthy would stress that it was not a group picture (A) when, in fact, he knew it was and (B) when he, therefore, knew that it would be exposed as such and (C) when he knew that it didn't make any difference!

Mr. deAntonio: But he, in fact, did so.

Mr. Buckley: But the fact that he did so is insignificant if one looks to the larger issues. The larger issues in my judgment being was -- was this mis-reckoning on his part significant? Let me raise this point, because I'm interested in you, the moralist, and what you think about it --

Mr. Cherne: Well, I'm not -- I'm not here as a moralist. I'm here --

Mr. Buckley: Well, I nominate you as a moralist -- you're so good at it. (Blurred in overlap) -- because if we start off tonight talking about the Tydings investigation -- for those of you who remember, Senator Tydings was one of the principal prosecutors, if you like -- persecutors, if you like, of Senator McCarthy and at one point --

Mr. Cherne: -- neither one.

Mr. Buckley: -- at one point -- well, he fancied himself a prosecutor, I gather, having

signed a substantial (?) report to that effect.

12.

Mr. deAntonio: No, he was Chairman of the Senate Committee.

Mr. Buckley: Yeah, which voted to criticize Senator McCarthy; now, at one point, Browder came in and gave testimony. After that testimony -- Browder was then a Communist, a former head of the American Communist Party -- at the end of that testimony, Senator Tydings got up, Browder got up, they shook hands, smiled at each other in the presence of a half dozen Senators and fifty or a hundred newsmen, and they went out. Now, a few months later Tydings ran for public office, and a photograph was distributed, and it showed Browder smiling and shaking hands with Tydings.

Mr. deAntonio: Alone.

Mr. Buckley: Er -- yeah -- presumably, the focus of the camera didn't also include the Empire State Building.

Mr. deAntonio: The other people were cropped out.

Mr. Buckley: All right -- now, the point is immoral -- in fact, no camera had been there.

This was just a picture of Browder smiling, the picture of Tydings smiling -- they were glued together by somebody --. Is that an immoral act when, in fact, had there been a camera there, this is what it would have recorded?

Mr. Cherne: I think you would be the first to say that it was immoral, let's--

Mr. Buckley: I don't think it's been (?) immoral at all!

Mr. Cherne: Let me remind you of something, I'm sure once I recall it to you, you'll recall vividly yourself. An extraordinary newspaper had quite a reputation and a brief life in the city called, "The Evening Graphic." "The Evening Graphic" built an enormous circulation overnight, by the process of presenting photographs which were manufactured. There was no suggestion that these photographs were manufactured; incidentally, "The Evening Graphic" was not a very political newspaper -- it was interested in much more important things: the sex life, I recall, of Daddy Browning, for example. And similar earth-shattering developments of the early Thirties. Now, I have no doubt that some of these episodes created in the laboratory, the photographic laboratory, probably existed. But all

journalists agree that the act of contriving such a photograph, with no indication that this was a forgery, because that, incidentally, is what it is: it's a forgery. A forgery is also a simulation of an exact thing --

Mr. Buckley: It's a technical forgery -- it's a technical forgery.

Mr. Cherne: Well, it's an actual forgery.

Mr. Buckley: It's only -- it's only, it seems to me a forgery, if one passes it along as, let's say, a detailed study of the way in which they clasped their hands -- that would be a portrait.

Mr. Cherne: May I take advantage of the camera --

Mr. Buckley: Yes, sir.

Mr. Cherne: -- to show a forgery -- the kind of thing we're talking about?

Mr. Buckley: Yes, sir.

Mr. deAntonio: While, he's looking for it, I want to make the point that I was promised --

Mr. Buckley: Oh, don't interrupt his flow --

Mr. deAntonio: Okay.

(All apparently talking at once -- unintelligible -- typist believes Mr. St. Clair laughs and says) You're going to have trouble getting your point with this fellow.

Mr. Cherne: The climax of the nine-hour charge by Senator McCarthy --

Mr. Buckley: Oh, wait a minute. Would you hold that for a second show, Mr. Cherne, because we want to restrict this to the Army-McCarthy Hearings. I give you my word of honor, you can show it.

Mr. Cherne: All right. But I do want to indicate the method -- that's why I picked on this one. There is a method -- an approach toward truth --

Mr. Buckley: Yes, yeah.

Mr. Cherne: -- which is very important, wherever Senator McCarthy is --

Mr. Buckley: Okay, but I think it remains --

Mr. deAntonio: (Blurred in overlap) -- a lot more significantly than that piece of paper.

Mr. Buckley: I think it remains --

Mr. deAntonio: I'm owed a response here, I think --

Mr. Buckley: Well, proceed -- uh-hmm.

Mr. deAntonio: Mr. Cohn made a statement about me. Mr. Cohn has made many unfounded allegations in his career. That's what the McCarthy Committee was about. But, in fact, we're not here, as Mr. Cherne says, to discuss this broader issue. We're all here because of Mr. Cohn's recent "Esquire" piece. You mentioned this yourself, Mr. Buckley. And in that "Esquire" piece, I have removed this section without any editing. Mr. Cohn says, Studying the transcript, "I recall the manner of my replies and force myself to write down each fault as I discovered it. I made a long list, reviewing it, I determined to work hard to change each debit into a credit." Now, here Mr. Cohn changes himself: "Instead of being talkative, I would speak to the point. Instead of being aggressive, I would be withdrawn, almost shy. Instead of being smart-alecky, I would be deferential. Instead of being excitable, I would be poised and unruffled. Most important, instead of being surrounded by a host of advisers on the stand, I would sit there all alone."

(Several talking at once -- unclear)

Mr. Buckley: (Blurred) -- slippery, if you're on the stand? Don't you counsel your clients to be -- to give as little information as damaging as possible?

Mr. St. Clair: I think it's very bad to be slippery. I think Roy would agree, and I don't at all assert he was slippery.

Mr. Buckley: Well, I -- maybe you had in mind --

Mr. St. Clair: But it's not a good thing for a witness to appear to be.

Mr. Cohn: Mr. Buckley, I would think -- (blurred in overlap)

Mr. deAntonio: Mr. Buckley's the minority of one on that.

Mr. Buckley: I know my lawyer says if I -- (Several talking, laughing)

Mr. Cherne: I would resent it if Roy Cohn --

Mr. Cohn: I don't even resent Senator Potter. I mean, the people -- the people of the State of Michigan took care of him when he ran for reelection, and I --

Mr. Buckley: Now, that's irrelevant. That's irrelevant. It seems to me that if you're slippery, it means that they can't catch you as being guilty of anything.

Mr. Cherne: I'm having --

Mr. Buckley: I would like to ask about Mr. Cohn's relations with Mr. Welch. Because 15. as I understand it, Mr. St. Clair, you find certain factual inaccuracies here. And perhaps we better ask Mr. Cohn to explain the so-called, secret deal. Would you proceed to do so.

Mr. Cohn: The secret deal referred to in the "Esquire" article?

Mr. Buckley: Yes, sir.

Mr. Cohn: Yes, surely, Mr. Buckley. I guess that's the first time the story was told publicly. What happened was this. In the course of the hearings, late one afternoon, Mr. Welch and I were leaving the room together, and we had never talked to each other before. And we just fell into step together, faced each other, and he said to me, some time there is something I would like to talk to you about. I sized you as someone I think I could talk to, and I would like to talk to you about something on a confidential basis some time. I said, well, Mr. Welch, there is something I would like to talk to you about on a confidential basis, too, and I think we could do it. He said, well, why don't we make the some time now. At that point, Mr. Welch and I left the hearing room. We walked down the corridor and went into a room down the way, just the two of us. And we sort of got into a little philosophical discussion about the hearings and then got down to the point. There was one area which I did not want Mr. Welch to go into on my cross-examination because it was -- created implications throughout that the bottom line was fine. There was nothing to bother me at all. But I did not want the implications created, and I told this to Mr. Welch. He said then, well, that's all right. I have the same kind of a situation. I have this fellow, Fisher, up in my law firm -- you know about it; it's been mentioned once over lightly in the press. He was a member of the Young Communist League -- I'm sorry, he was not, he was a member of the National Lawyers Guild, at one point, early days, fine boy -- he's been out of it, and I certainly don't want this brought up by Senator McCarthy over television because I come from a conservative firm, he does, and we don't need that kind of advertising. I will leave out what you want, if you will leave out what I want. I'm sure nobody's going to be hurt either way.

Mr. Buckley: Were you a party to this arrangement, Mr. St. Clair?

Mr. St. Clair: No, I was not. Not even on that statement -- I was not a party to it. 16.

Mr. Buckley: (Overlapping) Is this the first time that you've heard about it? Uh-huh.

Mr. St. Clair: I find it very difficult to -- er, understand how any such arrangement could have been made because I was very close to Mr. Welch during these days, and, obviously, we worked together three or four months every day. And I know full well the numbers of hours that he and I and others spent on determining whether or not we should go into this subject that Roy speaks about. And I can well remember very clearly a unilateral determination on our part not to go into it -- not because of any deal, but because we felt that in the last analysis --

Mr. Buckley: It was extraneous.

Mr. St. Clair: -- it was extraneous, it would not add to our cause significantly and, more importantly, might be unfair to Roy. And one thing we did not want to do was to in any way conduct ourselves in the manner in which we were criticizing Senator McCarthy for conducting himself.

Mr. Buckley: Right:

Mr. St. Clair: -- and so, insofar as I know, that decision was reached unilaterally on its merits.

Mr. Buckley: But now you know different, don't you?

Mr. St. Clair: No, I'm not convinced. Not necessarily.

Mr. Buckley: Are you disputing the fact that this (blurred in overlap)

Mr. St. Clair: I can't dispute it because it is not alleged that I was there. And I wasn't, obviously.

Mr. Buckley: Well, then you can't dispute it, can you? The presumption of innocence -- or that kind of thing?

Mr. St. Clair: All I can say is ^{what} I do know is entirely inconsistent.

Mr. Buckley: You find it implausible -- you find it implausible.

Mr. St. Clair: Quite implausible.

Mr. Cohn: Mr. Buckley, maybe I can prove it to Mr. St. Clair right out of Mr. Welch's mouth. The subject was, in fact, brought up, and I asked Mr. Welch to stay away from it

and he agreed with me that he would drop it -- not a unilateral decision on his 17.
part in consultation with Mr. St. Clair and his colleagues, but an assurance he gave
me when I gave him an assurance that the Fisher matter -- and I did give him such an
assurance, and Senator McCarthy broke that - that the Fisher matter would not be gone into.
Mr. Buckley: Having first ratified it.

Mr. Cohn: Correct. I spoke to Senator McCarthy that night, and my agreement with Mr.
Welch was that if there were a problem I would let him know by the next morning. When
it came to that particular area of my cross-examination the next time, Mr. Welch dropped
it, and he said the following, which nobody really picked up at the time, Mr. Cohn has
had my assurance that one large item of his cross-examination is going to be dropped,
and Mr. Cohn, I now make good in that arrangement with you.

Mr. Buckley: How about that?

Mr. St. Clair: That's exactly what happened, and Mr. Cohn, as I remember it, was greatly
relieved to be advised of the decision we had reached. And you now nod your head and
say you were relieved to be advised, which indicates to me, of course, that it came to
you as a great relief and surprise.

Mr. Cohn: Where and when did Mr. Welch give me his assurance. He said -- I quote --
Mr. Cohn --

Mr. St. Clair: My memory, as he told you somewhat before, the session that day that we
have come to this decision not to go into it, and my memory is that you were a very happy
young Mr. Cohn that day.

(Blurred voices -- not understood)

Mr. Buckley: The difference is there, was there a quid pro quo?

Mr. Cherne: That's correct, but I find this credible.

Mr. Buckley: But was --

Mr. Cherne: I find the exchange of understanding --

Mr. Buckley: Credible.

Mr. Cherne: -- between Mr. Welch and Roy Cohn -- (Announcer drowns out remarks)

Announcer: We'll return to Mr. William F. Buckley and his panel in just a moment.

Mr. Cherne: --regarded as an exchange of decencies.

Mr. Buckley: Yeah.

Mr. Cherne: This is not a ~~decent~~ deal.

Mr. Buckley: Yeah.

Mr. Cherne: This is not a bargain such as several others that are alluded to in the article to keep from public attention certain matters which the public had to know in the context of the hearings.

Mr. Buckley: Right. There's nothing dishonorable about it.

Mr. Cherne: As a matter of fact, to me, this is extremely honorable. That, in fact, was what made it so shocking that --

Mr. Buckley: Right.

Mr. Cherne: -- Senator McCarthy, knowing of this --

Mr. Buckley: Yeah, yeah.

Mr. Cherne: -- and Roy Cohn is quite explicit about this --

Mr. Buckley: Right.

Mr. Cherne: -- nevertheless violated this, --

Mr. Buckley: Yeah. Lost his temper.

Mr. Cherne: -- and in his rather usual way --

Mr. Buckley: Ah-hah -- now you're stealing a base!

Mr. Cherne: -- he sank a knife into the young man.

Mr. St. Clair: Let me point out to you this though. That if this was not a matter of conscience with Mr. Welch and was only a matter of a transaction, and the transaction was broken, then certainly Mr. Welch was perfectly free to go right after Mr. Cohn in the subject matter Mr. Cohn did not want him to go after.

(Several voices -- unintelligible)

Mr. St. Clair: And I point out that Mr. Welch did not do that.

Mr. Cohn: Mr. St. Clair, you know Mr. Welch was not going to do that, and Senator McCarthy played right --

Mr. St. Clair: I know he was not going to do that.

Mr. Cohn: Wait a minute -- Senator McCarthy --

Mr. St. Clair: Because he did not feel it was the right thing to do.

Mr. Cohn: Senator McCarthy lost his temper and played right into Mr. Welch's hands.

Mr. Welch got up, put on this great scene and won over millions of people and got off the hook on his cross-examination and was -- entered on ^{as} his great and dramatic a moment as any lawyer could hope for. And whether it was me or --

Mr. St. Clair: With that I agree.

Mr. Cohn: Anybody -- you're too good a lawyer, Mr. St. Clair, to think that Mr. Welch was going to do anything but shed a few more tears and walk out of the hearing room a hero. (Several talking - can't be understood)

Mr. St. Clair: -- at some point, I think that I would like to discuss Mr. Welch's sincerity on that which you derogate but I don't know that it would be appropriate now.

Mr. Buckley: Well, I think Mr. deAntonio wants to ask --

Mr. deAntonio: I have two points. One's a very simple question. I have an abiding curiosity to know why you waited until this time for this sort of ritual purification in "Esquire," in specifically this incident. That would have been a very telling blow at the time -- the mention of that deal.

Mr. Cohn: Where?

Mr. deAntonio: In Washington -- June the sixth.

Mr. Cohn: Where would you have suggested -- would you suggest that I stand up and say, I gave -- I gave --

Mr. deAntonio: -- Or, or after the event.

Mr. Cohn: I gave --

Mr. deAntonio: -- why wait -- I don't understand the lapse of fourteen years -- why?

Mr. Cohn: Let me try to explain it -- and then I can take (blurred in overlap) the reasons for the lapse --

Mr. St. Clair: To think it has been fourteen years --

Mr. deAntonio: Yeah.

Mr. Cohn: My gosh, yes it has. The reason for the lapse of fourteen years is this.

Right after the hearings I did about 200 pages worth of notes on all these things. 20.

And then I toyed with the idea of publishing an article or writing a book. I didn't do it. I decided to wait. I waited and I waited and I read whatever anybody else who wasn't there had to say. I waited until I read what Mr. Rovere had to say. Then I saw your movie, "Point of Order," and I guess, like most human beings, I finally got enough of the distortions and when the next publisher came around, I said, okay, I'll do it. I turned over the notes I had made right after the time in which all of this was included, and the book was prepared with the help of writers who are not Communists, I might add, and there you have it. This is the first time I have ever written anything on this period -- on this, -

Mr. deAntonio: You didn't write it yourself. You have --

Mr. Cohn: I wrote it -- it was written from 200 pages worth of notes I did within thirty days after the conclusion of the hearings. Not being gifted, as Mr. Buckley is, I did indeed have some help on grammatical and -- badly needed help on grammatical and other features of the book which --

Mr. deAntonio: You have loyal friends at "Esquire" who absolutely assured me you wrote the whole article yourself.

Mr. Cohn: This article?

Mr. deAntonio: Yeah.

Mr. Cohn: I would say that as far as this article is concerned, this article contains excerpts from the book. What new material is in this article, or what editing was done, was done by me. They came up there, and I wrote it out for them -- (Announcer breaks in)

~~Mr.~~ Announcer: We'll continue with William F. Buckley on this program in just one minute.

Mr. Buckley: (Also lost during announcement) -- think it's sort of odd about waiting a particular length of time?

Mr. deAntonio: In this case I do, yeah.

Mr. Buckley: Why?

Mr. deAntonio: Because it was an absolute burning issue at that moment and continued to be.

I think fourteen years is a long time. I think fourteen years is a long time for this entire article.

Mr. Cohn: Why did you wait ten years for your motion picture?

Mr. deAntonio: I didn't wait ten years. The footage was never available until the year before I made it.

Mr. Buckley: Why wasn't it available?

Mr. deAntonio: CBS wouldn't sell it. And CBS alone had it.

Mr. Buckley: Uh-huh. But otherwise you would have put it out --

Mr. deAntonio: And I wasn't even in films in 1954.

Mr. Cohn: Well, was it because you weren't in films or because CBS didn't give you --

Mr. deAntonio: Well, both reasons.

Mr. Buckley: I don't think it's terribly interesting why people should choose a particular moment. Suppose Mr. Cohn had answered, I felt like writing it now. Who knows, maybe twenty years from now I'm going to write an article about what happened right now. But I don't think I'll have to defend my choice of the fact that I want shredded wheat tomorrow and post toasties the next day--

Mr. Cherne: No, I prefer to deal with some of the things he wrote.

Mr. Buckley: Yeah. I think so.

Mr. Cherne: I prefer to deal with the contents of --

Mr. Buckley: You see -- you see -- may I make this observation (blurred in part) I would like to make this observation, Mr. Welch proved how skillful an attorney can be. It seems to me that the whole episode on the doctored photograph was a triumph of technique over substance. We started off with a situation in which what was really relevant was, was Secretary Stevens seeing Mr. Schine, or was he boycotting him as he more or less pretended to be doing; all of a sudden everybody starts talking about whether he was actually looking at his face or looking at the face of the fellow next to him. Now I do maintain this was a monstrous evasion, and if we going to use words like "slippery," this would exactly fit some of the techniques --

Mr. deAntonio: It's you who are dissembling now because this was precisely The issue that was involved. How many people were in that picture.

Mr. Buckley: Who made it the issue?

Mr. deAntonio: This is what Welch was doing (overlapping above)

Mr. Buckley: Who made it the issue?

Mr. deAntonio: But this is an important issue.

Mr. Buckley: It isn't important.

Mr. deAntonio: If we went back and read the statement was made that Stevens and Schine had their pictures taken alone.

Mr. Cohn: What was the significance of that? What was the significance of Stevens --

Mr. deAntonio: Why did McCarthy -- why did you make that statement?

(Voices blurred in overlap)

Mr. Buckley: May I just make this -- it's not very easy for the Secretary of the Army to descend from 15,000 feet of altitude into an Army airfield and be all alone. It's probably never been done! it is (blurred in overlap).

Mr. Cherne: I don't think it's very significant but nevertheless there is this significance, and I think David Schine is the one who best describes it. Obviously, by what we have heard tonight, David Schine took the photograph of the four people and when he had it reproduced for his own private wall purposes, he had it reduced to the two central figures. Now, the significance of that is the very significance to David Schine. He's a more important person and in more important company if just he's standing with the Secretary of the Army! That's why he had it cropped that way. Now, it's precisely that point in fact which was being registered by introducing this picture.

Mr. Cohn: Well, not to beat a dead horse about this, but you know, Mr. Buckley, if you're kind enough to send us pictures of this, maybe I'm going to cut Mr. deAntonio --- (rest unclear - laughter)

St. Clair:

Mr. deAntonio: The only thing -- don't assert that you were alone with Mr. Buckley -- that's the only question.

Mr. Cohn: Sometimes I feel as though I am. (Laughter)

Mr. Cherne: I'm concerned we may have done some accidental damage in the course of these last few minutes to a reputation, and I am very anxious to make sure that it does not occur.

When Roy Cohn referred to the young man who paid a very heavy price in national attention as a result of Senator McCarthy's anger --

Mr. Buckley: Incidentally, he didn't. I'll bet you he didn't lose a copper penny -- I'll bet you he's more important now --

Mr. Cherne: He may not have lost a copper penny --

Mr. Buckley: -- that he was.

Mr. Cherne: -- but I am delighted I have never had to sit in that kind of spotlight.

Mr. Buckley: Oh, really? Oh, come on.

Mr. Cherne: I do not pretend.

Mr. St. Clair: You're quite wrong, Mr. Buckley. It was a very bad thing. Very bad.

Mr. Buckley: Do you suppose he got one angry letter from somebody --

Mr. St. Clair: Oh, of course.

Mr. Buckley: -- from a non-kook?

Mr. St. Clair: Oh, he got -- people that rang the doorbell -- and no end of phone calls --

Mr. Cherne: When Roy Cohn -- when Roy Cohn was recounting this, and he said of the young man, he was a member of the Young Communist Party -- no, he was not -- (cut off by Announcer)

Announcer: Gentlemen, I'm sorry to interrupt, but that's all the time we have for this program. You've been watching "Firing Line" with William F. Buckley, Jr., and his guests, Leo Cherne, James B. St. Clair, Emile deAntonio and Roy Cohn. Our topic, "The Army-McCarthy Hearings."

Announcer:

* * * *

This has been the first of a two-part series. Stay tuned to see highlights of Part II to be continued next week.

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Announcer:

And now highlights of next week's show: Part II of the "McCarthy Era."

Mr. Buckley: When Mr. Welch asked Senator McCarthy if he had left no sense of decency.

Mr. deAntonio: Actually at this moment there was a hushed silence, and then the colloquy continued, and there was applause at the end of the actual colloquy, and I think now --

Mr. Buckley: Well, can we see that?

Mr. deAntonio: I think we're going to turn it on now, if your cameras will roll, and we'll get a look at it.

24.

Senator McCarthy: Chairman, as a point of personal privilege I would like to finish this.

Mr. Welch: Senator, I think it hurts you, too, sir.

Senator McCarthy: I'd like to finish this. I know Mr. Cohn would rather not have me go into this. I intend to, however, and Mr. Mr. Welch talks about any sense of decency, it seems that Mr. Welch is pained so deeply -- he thinks it's improper for me to give the record -- the Communist front record of the man he wanted to foist upon this Committee. But it doesn't pain him at all -- there is no pain in his chest about the attempt to destroy the reputation and take the jobs away from the young men who are working on my Committee. And Mr. Welch, if I have said anything here which is untrue, then tell me. I have heard you and everyone else talk so much about laying the truth upon the table, that I heard a completely phoney Mr. Welch -- I have listened to you enough for a long time -- to say that now before sundown you must get these people out of Government. So I just want to have it very clear -- very clear -- that you were not so serious about that when you decided to recommend this man for this Committee. But the point is --

Senator Mundt, Chairman: I would like to say again (blurred in overlap) counsel for this Committee -- he has through his office all the recommendations that have been made and I do not recall any of them coming from Mr. Welch and that would include Mr. Fisher.

Senator McCarthy: Well, let me ask Mr. Welch. You brought him down, did you not, to act as your assistant?

Mr. Welch: Mr. McCarthy, I will not discuss this further with you. You have sat within six feet of me and could have asked me about Fred Fisher. You have seen fit to bring it out, and if there is a God in Heaven, it will do neither you nor your cause any good.

I will not discuss it further. I will not ask Mr. Cohn any more witnesses. You, Mr. Chairman, may, if you will, call the next witness. (Applause). (End of Film)

Mr. Buckley: Mr. St. Clair, would you listen to me for a moment and see what you make of my own analysis of this, seeing it for the first time in ten years. If I may say so,

If I may say so, my own judgment would be that Mr. Welch was being insincere. Now, 25.
incidentally, I don't mean by that anything less than -- or rather more than -- a
professional censure. There is a sense in which a successful lawyer needs -- needs to
deploy his emotions successfully. The reason why I judge him to be insincere is because,
in point of fact, I doubt very much that it could be shown that Mr. Fisher, his young
associate, your associate, was hurt in virtue of this historical political transgression.
Lots of people occupy very firm posts as professors of law who, for instance, served as
chairmen of the National Lawyers Guild. For instance, at Yale University, a couple of
years after this happened, the chairman of the National Lawyers Guild got promoted at
Yale University. But I do think that Mr. Welch was running out of a little bit of steam,
and he thought he could make important emotional points which indeed he proceeded to do,
and that under the circumstances, his outrage was phoney.

Mr. St. Clair: (Laughing) I couldn't disagree with you more. And I think I have somewhat
of an advantage over you because I was sitting right next to him when the incident occurred.
Your suggestion that it really didn't do any harm is also not the fact. It did, in fact,
a great deal of harm.

Mr. Buckley: Could you describe for instance what happens to somebody when it turns out
that he once had been a member of the National Lawyer's Guild?

Mr. St. Clair: Well, in the first place, it really doesn't turn out to be such a horrible
thing. Something depends upon what chapter of the Guild you were in, as I understand it.
And I don't know that the chapter at the Harvard Law School was that Communist-ridden,
although I just don't know, and I think that's somewhat beside the point. But as a result
of this discussion about which we have just seen in the clip, there was almost an unbe-
lievable amount of harassment that my friend went through and his family -- receiving phone
calls, people knocking on the door, people deriding them, waking them up on the middle of
the night. It was really a very serious thing. And I'm sure that Senator McCarthy was
fully aware of the seriousness of what he was doing. Now, I take great issue with you and
in Roy's article in "Esquire", much of which I read with interest and some enjoyment, to
suggest that Mr. Welch was not sincere in this point of view -- and that, after all,

lawyers, and particularly trial lawyers -- good trial lawyers -- are nothing 26.
but actors. Well, actually, sincerity is one of the greatest things that a great
trial lawyer has.

Mr. Buckley: Uh-huh.

Mr. St. Clair: You can't fool a great many people that many times if you're insincere,
and I --

Mr. Buckley: But, wait --

Mr. St. Clair: -- was sitting right there. I never saw Mr. Welch more sincere about
anything in my life, and I worked with him closely in this case and, in fact, worked
with him ten years prior to that.

* * * *

Announcer: Be sure to watch "Firing Line" next week.

(Program These)

Filmed excerpts were from "Point of Order," a motion picture by Emile
deAntonio and Daniel Tollett. (sp?)