

FBI files reveal blackmail attempt on Senator Joseph McCarthy by ACLU General Counsel

Recently released FBI files reveal an attempt to blackmail Senator Joseph McCarthy. While KGB files reveal that House Un-American Activities Committee hearings were fixed, and independent sources reveal the ACLU involvement, ACLU Attorney Morris Ernst made alternate plans for the McCarthy Hearings. KGB files give the McCarthy Hearings a clean bill of health, with no indication that anything was fixed. Bobby Kennedy, Democratic counsel, and his Republican counterpart, Roy Cohn, were loaded for bear; "Russian Bear". They had identified all the Communists they could identify. History would prove them right. While Bobby Kennedy would keep a low profile when the media coverage of the hearings went badly, he can be justifiably proud of his investigative work. Arthur Schlesinger would cite Bobby Kennedy's distrust of liberals in his writings, and it probably stemmed from these hearings. Liberals failed to hold liberals accountable for their actions, and the unsavory actions of many who identified themselves as liberals would destroy the liberal agenda. The kaleidoscope on the left would make it impossible to distinguish who was a friend and who was an enemy.

FBI files record the work of Morris Ernst to smear McCarthy. ACLU attorney Ernst had considerable experience running smear campaigns, and the US Senate had publicly charged Ernst with running the smear campaign on U.S. Senator David Walsh (D-MA) a decade earlier. The New York Post had run 21 days of sensational publicity on the 'Nazi Spy Nest' Case in the Summer of '42, but after hearings before the US Senate, it was judged a media fantasy. Walsh, an anti-war leader in WW II, would be relentlessly smeared in what the New York Post knew was a fantasy. Morris Ernst, wearing many hats, was the General Counsel for the Post.

It had been charged by many that the Post was a front for British Intelligence, as well as Stalin's agents in America, and certainly writers who supported either country had an open pulpit at the Post. Apparently it was a 'bully pulpit.' United States Senator Burton Wheeler, hardly a conservative, charged that the newspaper was bought "with Federal Reserve money". How does one get federal reserve money to purchase a newspaper? That charge was made during the 'Nazi Spy Nest' investigation. Wheeler might be described as a flaming liberal, and prior to election to the US Senate, was counsel to the United Mine Workers Union, in their bitter battle with Anaconda Copper. He was not a darling of the WASP crowd associated with J.P. Morgan. Neither was he prone to irresponsible rhetoric, and in 1940, was on the cover of TIME Magazine, as the probable nominee for President, if FDR chose not to run for a third term.

Senator Walsh was smeared as a gay man who visited a Nazi, homosexual brothel during war time. Yet, joining the very liberal Wheeler in the defense of Senator Walsh was very conservative Senator Charles Tobey(R-NH), who called the ACLU "the scum of the earth." It was politically dangerous for a conservative Republican like Tobey to come to the defense of a gay liberal senator from Massachusetts, a neighboring state, with likely political fallout for Tobey. He would be a one term senator. But honor and integrity was more important to him.

In November, 1951, FBI files indicate that Charles Davis was interviewed at the New York City office of the FBI. Davis indicated that Ernst had contacted him two weeks previous, and wanted Davis to meet with

him. Ernst brought Davis into a small room where Davis observed a recording machine. Ernst wanted Davis to make a recording of his experiences while he had been in Switzerland, particularly concerning his relations with Senator McCarthy. Ernst told Davis that his life was possibly in danger, and that it would be easy for a man like Sen. McCarthy's stature to frame him. Davis refused to make a recording and a few days later was contacted by an associate of Ernst. Weiner suggested Davis go see Robert Markowitz, an attorney at 51 Chambers St, New York City.

Davis went to see Markowitz who explained a plan he had for Davis to wear a recording device and go see Senator McCarthy and bring out the fact that Davis knew of an attempt by the senator to bribe him. Davis stated (to the FBI) that if he went through with Markowitz's idea he would attempt to determine how and for what purpose Markowitz and Ernst had attempted to smear McCarthy and then go back to McCarthy and turn over to him information of Ernst's and Markowitz's scheme."

While FBI files do not provide more details, was this a case of more gay bashing on the part of Ernst? With the smearing of Senator Walsh who was gay, the New York Post made up the rest of the fantasy since they could not catch Walsh in the act. Perhaps he had not had a sex life in a number of years. FBI files indicate that the ACLU also made up bribery charges against Walsh, which also proved to be fantasy.

Joseph McCarthy arrived in Washington as a 55 year old, never been married bachelor. His Republican counsel, Roy Cohn was gay. FBI files reference that Ernst wants a recording of his time in Switzerland with McCarthy. It also alleges a bribe, but what connection does that have with the time in Switzerland? FBI files give no other indication, but Ernst implies that Davis's life could be in danger, and that the recording would somehow serve to protect him. Clearly, Davis is not buying it.

On the same day, 11/5/51, Morris Ernst had contacted the FBI in New York City asking for advice from the Director (Hoover) on whether Ernst should represent Davis in his dealings with McCarthy. The New York Office was advised to contact Ernst, and let him know that because of the attorney-client relationship, the FBI could give no advice at all. Ernst clearly has no idea that Davis has already gone to the FBI that very same day about Ernst's behavior. If he was concerned about any business dealings with Senator McCarthy, it is unlikely that Davis would go to the FBI. Further, if he went to the FBI because he had a complaint about McCarthy, it would appear in the FBI files. Ernst appears to be lying about any attorney-client relationship regarding Davis in his comments to the FBI, and it appears that the FBI knows that. Davis's complaint is clearly about Ernst's behavior.

The blackmail attempt on McCarthy reveals a desperation on the part of ACLU Counsel Ernst, who was described by noted civil libertarian Lucille Milner as the 'fixer'. That is, Ernst never went to trial. He would always cut a deal. In this case, Ernst seems exceedingly desperate. He cannot cut a deal. Who is Ernst's client in this deal? The ACLU? Stalin?

McCarthy would strike back a year later entering in the Congressional Record that Morris Ernst was Hoover's personal attorney. Did McCarthy think Hoover and Ernst were in cahoots in this entrapment? If so, he misjudged Hoover. Hoover was too smart for that. He proved it in the smear of Senator Walsh, when he went to bat for Walsh, proving it was a media fantasy. McCarthy would embarrass Hoover with his action, but it did not get widespread media attention. Hoover's mistake was to take Ernst up on Ernst's offer to sue *Time Magazine* for libel on Hoover's behalf on a *pro bono* offer. Ernst would brag about it constantly, much to Hoover's embarrassment. Civil libertarians did not become alarmed because they knew very little about it. The ACLU National Board was well aware of it but took no action against Ernst.

Ernst and Hoover had a close relationship up to this point, but Ernst's bragging and name dropping of Hoover's name severed the relationship, and Hoover would not talk with Ernst in almost a decade. Hoover

had always maintained a good relationship with Capitol Hill, and protected the incumbent office holders. He was not about to join Ernst in a criminal affair. The blackmail attempt on McCarthy may have been an eye opener for Hoover, who may have thought that Ernst was so unstable that it was dangerous to keep associating with him. Hoover would instruct FBI aides to notify Ernst he was not in the office. Ernst would have no access to Hoover for over a decade. It appears that Morris Ernst gave up on his blackmail attempt because Charles Davis refused to participate.