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JOSEPH MCCARTHY, THE LAW STUDENT

JEFFREY S. KINSLER*

I. INTRODUCTION

Much is known about Joseph McCarthy, the United States Senator. A fair amount is also known about Joseph McCarthy, the lawyer and Circuit Court Judge; particularly in his home state of Wisconsin. Not much is known, however, about Joe McCarthy, the law student.¹ This is unfortunate because, arguably, many of the traits that catapulted McCarthy to the top and bottom of American politics were first exhibited in law school.

It is a safe bet that very few of the current students at Marquette University Law School (MULS) are even aware that Joe McCarthy is an alumnus (LL.B., 1935) of the law school. This unawareness, however, is excusable. The halls, offices, and classrooms of most law schools are teeming with portraits, plaques, and busts of prominent alumni. It is not uncommon for law schools to name buildings, classrooms, courtrooms, professorships, and scholarships after prominent graduates. At MULS, however, Joe McCarthy—undoubtedly the law school's most famous alumnus and a man Lyndon B. Johnson said "will never be forgotten"—is *persona non grata*.² This essay is designed to reacquaint Joe McCarthy and MULS.

II. JOSEPH MCCARTHY'S EDUCATION

A. "Pre-Law" Education

Joseph Raymond McCarthy was born on November 14, 1908 in Grand Chute Township, Wisconsin.³ He attended grades one through

* Associate Professor.

1. McCarthy rarely discussed his childhood or education. In *JOSEPH MCCARTHY, MCCARTHYISM: THE FIGHT FOR AMERICA* (1952), the closest thing to an autobiography ever written by McCarthy, there is no mention of his education. See also RICHARD H. ROVERE, *SENATOR JOE MCCARTHY* 78 (1959) (stating that McCarthy never "said or wrote anything about his own" family or childhood).

2. *Memorial Service for Joseph Raymond McCarthy*, 85th Cong., 1st Sess. 49 (1957).

3. ROVERE, *supra* note 1, at 79. His date of birth is sometimes reported as November 14, 1909. *Id.*

eight at Underhill Country School, where he graduated at age fourteen.⁴ He chose not to attend high school, but rather, like many boys of his generation, went to work on his father's farm.⁵ A few months later, McCarthy, with sixty-five dollars saved from doing chores for his uncle, started his own chicken farm.⁶ McCarthy raised chickens for the next five years, until he was forced out of business by a serious bout of influenza and an unfortunate vehicular accident.⁷ McCarthy then took a job in Appleton as a clerk for Cash-Way, a grocery store chain, and was soon promoted (and transferred) to manager of the Cash-Way store in Manawa.⁸ McCarthy quickly realized, however, that he would need additional education if he were to fulfill his mother's dream that he "be somebody."⁹

In 1929, McCarthy enrolled in Little Wolf High School in Manawa, where, at age twenty, he towered over his forty-three classmates.¹⁰ He was the first male member of his family to attend high school.¹¹ Studying fifteen hours a day, McCarthy was promoted to the sophomore class by Thanksgiving, the junior class by mid-year, and graduated on June 6, 1930.¹² He made the honor roll both semesters, receiving his best grades in history, science, social problems, and math.¹³ McCarthy accomplished all of this while continuing to manage the Cash-Way store and performing other odd jobs, such as ushering in a local theater.¹⁴ His high school principal attributed McCarthy's success to "will power, unusual ability, and concentrated work!"¹⁵

Despite his outstanding performance in high school, McCarthy was not guaranteed admission into college. Universities generally required

4. JACK ANDERSON & RONALD W. MAY, MCCARTHY: THE MAN, THE SENATOR, THE "ISM" 9, 11 (1952). McCarthy was a rather bright student and skipped ahead a grade at Underhill. *Id.* See also ROBERT GRIFFITH, THE POLITICS OF FEAR: JOSEPH R. MCCARTHY AND THE SENATE 2 (2d ed. 1987).

5. ANDERSON & MAY, *supra* note 4, at 11.

6. *Id.* at 12.

7. THOMAS C. REEVES, THE LIFE & TIMES OF JOE MCCARTHY 5 (Madison Books 1997) (1982).

8. *Id.* at 5-6.

9. ROY COHN, MCCARTHY 12 (1968); ROVERE, *supra* note 1, at 80.

10. MICHAEL O'BRIEN, MCCARTHY AND MCCARTHYISM IN WISCONSIN 6 (1980).

11. *Id.* at 5.

12. REEVES, *supra* note 7, at 8. As a prerequisite to studying engineering, McCarthy enrolled in and completed a correspondence course in advanced algebra at the University of Wisconsin in 1930. *Id.* at 9. McCarthy scored 93 out of a possible 100 on the examination. *Id.*

13. O'BRIEN, *supra* note 10, at 7.

14. *Id.* at 6.

15. *Id.* at 8.

all applicants to attend an accredited high school for four years. McCarthy's Marquette University (MU) application, for example, inquired, "Did you attend four years of high school?"¹⁶ McCarthy's high school principal, who completed the application, replied, "Yes."¹⁷ This answer was not entirely true, but McCarthy nevertheless acquiesced in its submission, intending to inform MU of the whole truth once he had proven himself in college.¹⁸ This may have been the first sign at MU that McCarthy was not averse to bending the truth.

McCarthy applied to MU in 1930 and was admitted as an electrical engineering student.¹⁹ McCarthy most likely chose MU because of its Catholic affiliation.²⁰ In many ways, McCarthy was a typical MU freshman. He was born and raised in a devout Irish Catholic household (where he was the fifth of seven children), and was an overachiever in high school.²¹ But he was also atypical of many MU students, in that he was a poor chicken farmer who, at the age of twenty-two (far older than most college freshmen), completed four years of high school in only nine months.²² He was also atypical in that he was a staunch Democrat (who later voted for FDR) in a state where Democrats lagged far behind both Republicans and Progressives.²³

McCarthy studied electrical engineering for two years (1930-1932) at MU, where he was an average student.²⁴ In his first semester, McCarthy received Cs in chemistry and english, and Bs in algebra and drawing.²⁵ McCarthy's mediocre performance may be attributable, in part, to the fact that in order to afford college, he was forced to work numerous odd jobs, including short-order cook, dish washer, truck driver, construction

16. *Id.* at 7.

17. *Id.*

18. REEVES, *supra* note 7, at 9-10. McCarthy's principal "asked him to keep quiet about his high school feat for at least a quarter, until his initial grades were recorded and it was demonstrated that he could do college-level work." *Id.* The fact that McCarthy had finished high school in less than a year was publicly known before the end of McCarthy's first year at MU. DAVID M. OSHINSKY, A CONSPIRACY SO IMMENSE 11 (1983).

19. OSHINSKY, *supra* note 18, at 11-12.

20. *Id.* at 11.

21. ANDERSON & MAY, *supra* note 4, at 7-8.

22. *Id.* at 13.

23. REEVES, *supra* note 7, at 18, 23, 63-65. In the 1938 election, Democrats won only eight percent of the vote in Wisconsin. *Id.* at 419.

24. O'BRIEN, *supra* note 10, at 9.

25. OSHINSKY, *supra* note 18, at 12. It has also been reported that McCarthy received two As and a B during his first semester. REEVES, *supra* note 7, at 10. MU will not release his transcripts.

worker, valet, pie-baker, and gas station attendant.²⁶ Before entering MU, McCarthy had boasted that he would complete college at the same pace that he finished high school.²⁷ This did not transpire.

After two years, McCarthy realized that he was not cut out for electrical engineering. "Engineering was precise, mechanical and mathematically demanding," whereas law, McCarthy believed, required only a good memory and people skills.²⁸ He was drawn to law, not for the intellectual challenge,²⁹ but because law students were "boisterous, congenial and garrulous like himself."³⁰ Accordingly, he transferred to MULS in 1932.³¹ The law school accepted McCarthy's engineering courses as the equivalent of a regular two-year "pre-law" program.³² McCarthy's grades were above the C average required for admission to MULS.³³ His timing was fortuitous, because his class was one of the last to be admitted to the law school with just two years of undergraduate work.³⁴ Starting in 1934, students were not considered for admission by MULS until they had completed at least three years of liberal arts study.³⁵

B. Law School

Joe McCarthy started his legal education at MULS on September 21, 1932.³⁶ There were eighty-one students in his freshman class.³⁷ MULS

26. O'BRIEN, *supra* note 10, at 9; ROVERE, *supra* note 1, at 84.

27. O'BRIEN, *supra* note 10, at 9.

28. OSHINSKY, *supra* note 18, at 12.

29. MARK LANDIS, JOSEPH MCCARTHY 37 (1987).

30. OSHINSKY, *supra* note 18, at 12 (quoting Interview with Thomas Korb (June 16, 1978)).

31. O'BRIEN, *supra* note 10, at 9.

32. REEVES, *supra* note 7, at 14. According to MULS's 1934-1935 Bulletin:

No specific course is prescribed for students contemplating the study of law, but it is suggested that when possible the following subjects be included in whatever course is taken: English, Mathematics, Latin, English History, American History, Accounting, Science, Public Speaking, and enough preliminary Engineering or Surveying to enable a lawyer to read and understand the description of a piece of real estate.

MARQUETTE UNIVERSITY LAW SCHOOL BULLETIN 17 (1934-1935) [hereinafter BULLETIN 1934].

33. MARQUETTE UNIVERSITY HILLTOP YEARBOOK 46 (Jean Schwartz & Joseph Pettit eds., 1935) [hereinafter HILLTOP 1935].

34. O'BRIEN, *supra* note 10, at 15.

35. HILLTOP 1935, *supra* note 33, at 46.

36. MARQUETTE UNIVERSITY LAW SCHOOL BULLETIN 5 (1932-1933). Course registration took place on September 20, 1932. *Id.*

commenced operation on September 26, 1908, and is one of only two law schools in Wisconsin.³⁸ MULS was considered the practical alternative to the more theory-oriented University of Wisconsin Law School.³⁹ In 1932, MULS was one of sixty-eight ABA-approved law schools and was a member of the Association of American Law Schools (AALS).⁴⁰

The Dean of the law school during McCarthy's era was Francis X. Swietlik (LL.B., 1914)⁴¹ and the Regent was Reverend Hugh B. McMahon, S.J.⁴² The law school had six full-time⁴³ and seven adjunct faculty, comprised of:

men who not only take high rank at the bar, but who have been trained in the best universities and law schools in the country. Such men possess not only the wide empirical knowledge of the practical lawyer in a large city, but also the broad, comprehensive basis in theory and method which is indispensable to the successful teacher.⁴⁴

A few years before McCarthy arrived, MULS moved into a new building at the corner of 11th Street and Wisconsin Avenue in Milwaukee, which it continues to occupy to this day.⁴⁵ The law building

37. *Id.* at 38. Of these eighty-one, eight were from states other than Wisconsin (two each from Minnesota and Iowa and one each from Illinois, Michigan, Ohio, and Kansas) and four were women. *Id.*

38. MARQUETTE UNIVERSITY LAW SCHOOL BULLETIN 9 (1933-1934) [hereinafter BULLETIN 1933]. In May 1908, MU acquired the Milwaukee Law School, an evening institution, which had been in operation since 1892 and had graduated over 100 lawyers. *See id.* Later that year, MULS acquired the Milwaukee University Law School, another evening institution. *See id.* On September 26, 1908, MULS commenced a day law school. *Id.* MULS continued to operate an evening law school until 1924, when the Association of American Law Schools forced MULS to discontinue part-time legal education. BULLETIN 1934, *supra* note 32, at 9.

39. HILLTOP 1935, *supra* note 33, at 44.

40. *Id.* In 1932, MULS was one of seventy members of the AALS (then known as the National Association of Law Schools). *Id.* at 38.

41. BULLETIN 1933, *supra* note 38, at 29.

42. HILLTOP 1935, *supra* note 33, at 44.

43. MARQUETTE UNIVERSITY HILLTOP YEARBOOK 39 (1932). During this period, a full-time faculty member taught approximately eight courses (16-19 hours) per academic year. BULLETIN 1934, *supra* note 32, at 21-27. Today, a full-time faculty member at MULS teaches four courses (11-12 hours) per academic year.

44. BULLETIN 1934, *supra* note 32, at 9.

45. *Id.* at 10. Major additions were added to the south end of the building in 1967 and 1984.

was dedicated on August 27, 1924, and was constructed in the collegiate gothic style of the Tudor period.⁴⁶ During the 1930s, MULS held classes only in the mornings. For the rest of the day, students were expected to study in the library or observe trials, but most students worked off-campus.⁴⁷

In 1929, MULS adopted the case system of legal education, which "consists of the discussion, comparison and close investigation of selected cases, by means of which the principles and essential characteristics of law are unfolded and their practical application demonstrated."⁴⁸ MULS continued, however, to focus on "decisions of the Wisconsin Supreme Court and statutory enactments of the Wisconsin legislature . . . so that a thorough knowledge of the law as it actually exists in Wisconsin [was] imparted."⁴⁹ MULS's curriculum in McCarthy's era was much more regimented and practice-oriented than it is today. In total, seventy-one of the eighty-five credits needed to graduate were comprised of required courses. In the first year, students were required to complete the following eleven courses (thirty-one semester hours):⁵⁰

- Agency (2 credits)
- Criminal Law & Procedure (2 credits each semester)
- Common Law Pleading (2 credits)
- Contracts (3 credits each semester)
- Domestic Relations (2 credits)
- Introduction to Law (2 credits)
- Legal Bibliography (1 credit)
- Natural Law & Justice (2 credits each semester)
- Personal Property (2 credits)
- Real Property I (2 credits)
- Torts (2 credits each semester)

In their second and third years, students were required to complete

46. HILLTOP 1935, *supra* note 33, at 47. MULS has been located at the southwest corner of 11th Street and Wisconsin Avenue (formerly Grand Avenue) since 1910. BULLETIN 1933, *supra* note 38, at 10.

47. REEVES, *supra* note 7, at 14.

48. HILLTOP 1935, *supra* note 33, at 45.

49. BULLETIN 1934, *supra* note 32, at 9.

50. *Id.* at 20-21.

an additional thirteen required courses (thirty-six semester hours):⁵¹

Bills and Notes (3 credits)
Constitutional Law (3 credits)
Equity I (2 credits)
Equity II (2 credits)
Evidence (4 total credits)
Legal Ethics (2 credits)
Legal Research (1 credit)
Office Practice (4 total hours)
Private Corporations (4 total credits)
Real Property II (4 total credits)
Sales (2 credits)
Trusts (3 credits)
Wills (2 credits)

In addition, all third-year students were required to complete four credits of moot court, in which they were assigned to prosecute and defend clients in mock trials.⁵² MULS also offered eighteen elective courses during the 1934–1935 academic year.⁵³ The tuition for 1934–1935 was \$115 for the fall semester and \$110 for the spring semester, which could be paid in two installments per semester.⁵⁴

Not much is known about McCarthy's performance in law school. From all appearances, McCarthy was an average law student. He was not a member of the *Marquette Law Review* and did not graduate with honors.⁵⁵ It has been reported that McCarthy's worst grade in law school was in legal ethics, possibly foretelling future events.⁵⁶ One of McCarthy's professors remembered him as a man who "knew very little when he got here, and very little when he left, but got through on his memory."⁵⁷ Another of his professors said that McCarthy showed little ability to understand theories or follow complex reasoning, but had an

51. *Id.* at 22–24.

52. *Id.* at 23.

53. *Id.* at 24–27.

54. *Id.* at 15.

55. O'BRIEN, *supra* note 10, at 14. In 1917, MULS began publishing the *Marquette Law Review*. HILLTOP 1935, *supra* note 33, at 47. The editor in chief of the *Marquette Law Review* in 1934–1935 was Robert Harland (J.D., 1935). *Id.*

56. ANDERSON & MAY, *supra* note 4, at 26.

57. *Id.*

excellent capacity for remembering.⁵⁸ Like many students, McCarthy apparently viewed legal education as a means to an end.

McCarthy's nearly photographic memory suited him well in law school. He was a member of a legal fraternity, which kept "canned" briefs, outlines, and old examinations on file.⁵⁹ With his superb memory, McCarthy quickly discovered that he could pass exams simply by "cramming" a few days prior to the test.⁶⁰ McCarthy also relied heavily on study groups and friends to make it through law school.⁶¹ Such reliance may have been necessitated by the fact that McCarthy, like many depression era law students, was forced to work odd jobs for as many as eighty hours a week.⁶²

More than anything, McCarthy was known as an outgoing and friendly law student. One of McCarthy's classmates recalled, "I don't think [Joe] had an enemy in the class."⁶³ Another remembered, "Nobody could stay angry at Joe McCarthy. He wouldn't let you."⁶⁴ And another classmate recollected that McCarthy met everyone "with a heavy handshake."⁶⁵ This popularity resulted in his being elected class president in 1934-1935.⁶⁶ He was also chosen Chairman of the Senior Law Banquet in his final year.⁶⁷

From 1932 to 1935, McCarthy was a member of Delta Theta Phi legal fraternity and lived in the fraternity house, which was originally located on West Kilbourn Avenue, but later moved to North 12th Street.⁶⁸ In 1934-1935, McCarthy was elected bailiff of Delta Theta Phi.⁶⁹ The mission of Delta Theta Phi was to promote cooperation among practicing lawyers and law students.⁷⁰ One of the ways in which it accomplished this goal was by organizing lectures by prominent

58. *Id.*

59. *Id.*

60. *Id.*

61. See REEVES, *supra* note 7, at 16.

62. *Id.* at 14.

63. *Id.* at 15.

64. *Id.* at 17.

65. John J. Archibald, *Thirty Years Later, McCarthy's Mystique Lives On*, MARQ. TRIB., Apr. 21, 1989, at 1.

66. HILLTOP 1935, *supra* note 33, at 86.

67. *Id.*

68. O'BRIEN, *supra* note 10, at 13.

69. HILLTOP 1935, *supra* note 33, at 255.

70. MARQUETTE UNIVERSITY HILLTOP YEARBOOK 245 (Harold A. Schwartz & Thomas E. Moore eds., 1934).

lawyers and judges.⁷¹ Some of the lecture topics in the 1934–1935 academic year included the "reading of abstracts, evidence in criminal law, conflicts of jurisdiction, legal ethics and the Hauptmann trial."⁷² In truth, however, it appears that Delta Theta Phi was primarily a social club, where law students went to drink, smoke, and play poker.⁷³

McCarthy graduated from MULS with an LL.B. on June 12, 1935.⁷⁴ Students who completed three years at MULS with at least a C average were awarded an LL.B.⁷⁵ McCarthy was one of sixty students in his graduating class.⁷⁶ On June 13, 1935, he was admitted to the Wisconsin Bar.⁷⁷ He was a member of one of the first MULS classes to qualify for the diploma privilege, a rule which entitles graduates of Wisconsin's two law schools to be admitted to the bar without examination.⁷⁸ Six hours after he was admitted to the bar, McCarthy started a solo practice in Waupaca, Wisconsin.⁷⁹

III. A HARBINGER OF THINGS TO COME?

Although the evidence is sparse, it appears that many of the character traits that ultimately led to McCarthy's rise and fall in politics were displayed at MULS. For instance, McCarthy's reputation as a ruffian began, or at least was reinforced at MU, when he joined the intramural boxing team as a freshman.⁸⁰ As a boxer, "Smiling Joe" was a "wild slugger who would rush out of his corner at the first sound of the bell and start raining gloves on his opponent."⁸¹ McCarthy "never learned to protect himself," but rather would "bound out of his corner in a wide-open, slashing attack, throwing punches wildly with no thought

71. HILLTOP 1935, *supra* note 33, at 255.

72. *Id.*

73. O'BRIEN, *supra* note 10, at 13.

74. HILLTOP 1935, *supra* note 33, at 86. MULS also offered a Doctor of Jurisprudence (J.D.) degree to students who entered law school with a baccalaureate degree and who satisfied certain other requirements. BULLETIN 1934, *supra* note 32, at 18.

75. HILLTOP 1935, *supra* note 33, at 46.

76. MARQUETTE UNIVERSITY LAW SCHOOL BULLETIN 33 (1935–1936). Of these sixty, three were women. *Id.*

77. O'BRIEN, *supra* note 10, at 15.

78. HILLTOP 1935, *supra* note 33, at 46. The 1933 session of the Wisconsin legislature provided for the admission of MULS graduates to the bar upon presentation of their diplomas to the Wisconsin Supreme Court. BULLETIN 1934, *supra* note 32, at 9.

79. REEVES, *supra* note 7, at 18–19.

80. ANDERSON & MAY, *supra* note 4, at 23.

81. *Id.*

of defense."⁸² McCarthy would "stay on the offensive, no matter how powerful his opponent, until he won or dropped."⁸³ The resemblance between McCarthy's boxing style and the style he later featured in the United States Senate is uncanny.⁸⁴

McCarthy's compulsion for bluffing was also fine-tuned at MULS. When not studying or working, McCarthy spent countless hours playing poker in the Delta Theta Phi fraternity house.⁸⁵ McCarthy was, however, not the typical poker player. "The game was no pastime to him, but every hand a life-and-death struggle. He bluffed so outrageously it was impossible to outguess him, and consequently, when he won, he frequently won big."⁸⁶ McCarthy was also inclined to bluff when called upon in class; it generally worked.⁸⁷ In later years, McCarthy's penchant for bluffing catapulted him to the top of American politics. Further, no other trait was more responsible for McCarthy's demise, a demise that began with his 1950 Lincoln Day speech in Wheeling, West Virginia, in which he professed to know (without any legitimate evidence) the names of 205 communists working in the State Department.⁸⁸

McCarthy also honed his fiery oratory skills at MU. After suffering stage fright in his first public speech, McCarthy decided to join the

82. LATELY THOMAS, *WHEN EVEN ANGELS WEPT* 10 (1973). McCarthy finished his boxing career at MU with a record of two victories and two defeats, and for a short time was the heavyweight champion of MU. REEVES, *supra* note 7, at 13. In his freshmen year of law school, McCarthy became the volunteer coach of the boxing team. *McCarthy Becomes Boxing Instructor*, MARQ. TRIB., Oct. 13, 1932, at 6. The university newspaper reported the transition as follows: "Fans here feel that McCarthy is capable and will continue to enlarge upon the sport, as he is well versed in every phase of the game. The new job will in no way effect McCarthy's amateur standing." *Id.* Upon assuming his new position, McCarthy said, "Defensive boxing will be stressed. I want to teach the boys how to avoid punishment rather than take it. . . . I also want to develop in them a sense of self-confidence." *McCarthy Trains Big Boxing Squad*, MARQ. TRIB., Oct. 22, 1932. McCarthy resigned as boxing coach before the 1933-1934 academic year. *60 Boxers Turn Out Under New Coach*, MARQ. TRIB., Oct. 5, 1933, at 9.

83. COHN, *supra* note 9, at 13.

84. *See Hilltop Sports Fans Display Interest in Boxing at Show*, MARQ. TRIB., Mar. 26, 1931, at 7 [hereinafter *Sports Fans*]. This article aptly summed up McCarthy's boxing style: "Joe McCarthy had dynamite in both hands. His short, hooking punches gave him a three-knockdown edge in the first round of his affray with Al Razor, which goes to show that the 'shock' punches are the one [sic] that do the damage." *Id.*

85. O'BRIEN, *supra* note 10, at 14.

86. THOMAS, *supra* note 82, at 10.

87. REEVES, *supra* note 7, at 16.

88. Archibald, *supra* note 65, at 1.

Franklin Club.⁸⁹ The club held oratorical contests and debates with the varsity debating society, and was one of the few debating clubs in the state that used the Oregon style of debate.⁹⁰ In this style of debate, cross-examination is inserted between the constructive talks and rebuttal, "heighten[ing] the intensity of the conflict between the two teams."⁹¹ The Franklin Club held weekly meetings at which members were required to argue both sides of a given topic, such as "Resolved: That Modern Woman Is a Curse."⁹² The Franklin Club was coached by Dr. William Lamers, Director of MU's School of Speech.⁹³ McCarthy was never selected by the club for major debates because he "lacked polish" and had a tendency to stutter when excited.⁹⁴ Moreover, occasionally during debates McCarthy would "become extremely angry and would charge an opponent verbally, becoming intense and abusive."⁹⁵ McCarthy also had a tendency to bluff in debates.⁹⁶ Unfortunately, many of the bad debating habits McCarthy picked up (or at least displayed) in the Franklin Club were to haunt him for the rest of his life.

The Franklin Club also introduced McCarthy to the world of politics. Shortly after joining the Franklin Club, McCarthy decided to run for club president.⁹⁷ Many of the old-timers resented the fact that a brash young newcomer would even consider running for president.⁹⁸ McCarthy nonetheless campaigned hard, making lavish promises, buying soft drinks and coffee for club members, and "buttonholing" them in the school corridors.⁹⁹ McCarthy ran against a law school classmate, Charles Curran (LL.B., 1935), and was soundly defeated.¹⁰⁰

McCarthy was not discouraged. In 1932, he ran for MULS class president.¹⁰¹ There was a perception on campus that MULS professors gave preferential treatment to class officers,¹⁰² so this time McCarthy

89. O'BRIEN, *supra* note 10, at 12.

90. *Id.*

91. *Id.*

92. REEVES, *supra* note 7, at 16.

93. *Id.*

94. O'BRIEN, *supra* note 10, at 12.

95. REEVES, *supra* note 7, at 17.

96. *Id.* at 16-17.

97. *Id.* at 17.

98. ANDERSON & MAY, *supra* note 4, at 22.

99. *Id.* at 22-23.

100. *Id.* at 23.

101. O'BRIEN, *supra* note 10, at 12.

102. *Id.* at 12-13.

devoted day and night to politicking.¹⁰³ Again, his opponent was Charles Curran.¹⁰⁴ As a gesture of good will and friendship, McCarthy and Curran publicly agreed that each would vote for the other at election time.¹⁰⁵ The election ended in a dead heat.¹⁰⁶ Curran suggested cutting cards for the presidency, but McCarthy insisted upon a re-vote.¹⁰⁷ When the votes were counted from the second ballot, McCarthy won by two votes.¹⁰⁸ One person had switched votes. When Curran asked McCarthy if he voted for himself, McCarthy replied, "Sure You wanted me to vote for the best man, didn't you?"¹⁰⁹ This episode was a harbinger of things to come, as it evinced McCarthy's willingness to stretch the truth and betray others in order to win.

McCarthy's election day chicanery evidenced another of his unusual traits. McCarthy could be ruthless to a political opponent in public, yet maintain a close friendship with that person in private. When Curran's father died in 1933, Curran recalled: "Just before the funeral, Joe drove all the way to our house in an old Model A he'd borrowed. He cut classes, left his job, and borrowed money to get there. He did that for me, and he'll always be my friend."¹¹⁰ This episode exemplified the "Jekyll-Hyde relationship" McCarthy had with political opponents.¹¹¹ "Joe was that kind of fellow. He was like a mongrel dog, fawning on you one moment and the next moment trying to bite your leg off."¹¹² "In his private life, surrounded by people he trusted, McCarthy was a different person—quieter, less aggressive, far more relaxed. In the 'outside world' he saw no friends, only potential adversaries who might oppose his ambitions or frustrate his will."¹¹³

Perhaps the worst trait McCarthy exhibited at MULS was his nonchalant attitude about education. McCarthy's sole objective was to pass examinations.¹¹⁴ He showed little or no interest in legal theories or

103. ANDERSON & MAY, *supra* note 4, at 27.

104. *Id.* at 26.

105. *Id.* at 26–27.

106. *Id.* at 27.

107. *Id.*

108. *Id.*

109. O'BRIEN, *supra* note 10, at 12.

110. ANDERSON & MAY, *supra* note 4, at 27.

111. OSHINSKY, *supra* note 18, at 15.

112. *Id.* (quoting Senator Douglas).

113. *Id.* at 14.

114. *See* ANDERSON & MAY, *supra* note 4, at 26.

complex reasoning.¹¹⁵ Additionally, he rarely read outside of law school, except for Old West novels.¹¹⁶ McCarthy's superficial approach to learning was to plague him during his seven years in the United States Senate where he was often unprepared for hearings and, arguably, failed to fully understand many of his own pet issues.

IV. CONCLUSION

As a student at MULS, McCarthy apparently saw nearly everything—boxing, poker, debates, and student politics—in terms of a game to be won at any cost (unfortunately, he did not take his studies as seriously).¹¹⁷ His three years at MULS were "marked by a relentless though sometimes misdirected competitiveness."¹¹⁸ This was McCarthy's frame of mind as he left law school, first to become a small town lawyer, then the youngest person ever elected to the Circuit Court of Wisconsin, then a Marine Corps Captain and recipient of the Distinguished Flying Cross, and, ultimately, a two-term United States Senator. Joe McCarthy died on May 2, 1957, near the end of his second term in the Senate.¹¹⁹

Was McCarthy's meteoric rise and fall in politics foretold in law school? Possibly, but hindsight is invariably twenty-twenty. An equally strong argument can be made that the traits McCarthy manifested at MULS were no different than those exhibited everyday by current law students. The only thing certain is that in 1931, the *Marquette Tribune* accurately predicted McCarthy's future when it reported: "Joe McCarthy ha[s] dynamite in both hands."¹²⁰

115. *Id.*

116. O'BRIEN, *supra* note 10, at 15.

117. THOMAS, *supra* note 82, at 11.

118. *See* GRIFFITH, *supra* note 4, at 3.

119. O'BRIEN, *supra* note 10, at 208.

120. *Sports Fans*, *supra* note 84, at 7.

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