

January 1942

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Recommended Citation

Ivor O. Wingren, The Unfortunate Fate of the Peroxide Blond, 19 Dicta 101 (1942).

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The Unfortunate Fate of the Peroxide Blond

BY IVOR O. WINGREN*

The advocate of the story-book and play is a master of cross-examination. Always he slowly, methodically and unmercifully entangles the witness in a maze of actual or apparent contradictions. Laymen are impressed by his skill, and many lawyers are forced to yield him their admiration. Even more they are forced to envy his in-varying success. But as every trial practitioner knows, the hot breath of cross-examination, if carried too far, may produce an explosive back-fire, equally fatal to the equanimity of the cross-examiner and the cause of his client. And such was the unhappy experience of the unfortunate Mr. McCoy.

Harry McCoy had been making money, but according to the government, his product was not the "real McCoy." As the trial opened and he sat at the table with his youthful counsel, he presented a strange sight indeed. He was a large man, tall and well built. His face was adorned with glasses and a long black mustache. But the most startling feature about him was his abundant golden-yellow hair.

Harry was a graduate of the Wyoming state penitentiary at Rawlins where he had studied the art of counterfeiting, and under some very capable teachers, too. The one weakness of the course, though, was that it was necessarily theoretical. Laboratory work was not permitted. But when Harry was discharged from the penitentiary, he sought to remove this deficiency. He immediately moved in with his brother Leonard in Denver, and the two decided to put into practical application the education which Harry had so recently acquired.

At that time one of the larger dealers in chemicals maintained its sales office within half a block of the Post Office Building. And the Post Office Building housed not only the post office, but also the office of Mr. Rowland K. Goddard, United States Secret Service Supervising Agent. Goddard had developed, and still possesses, a strong aversion, amounting almost to an obsession, against counterfeiters. But along with his obsession, he had developed an idea. He reasoned that it might be easier to trace the materials as they went into the counterfeiter's plant than to trace the counterfeiter's products back to his plant. And so he made an arrangement with his neighbor the chemical dealer.

*Of the Denver bar and Assistant United States Attorney.

The dealer sold a wide variety of chemicals, and it was not uncommon for customers to inquire as to the effects of different chemicals on various materials. But the clerks were shrewd and could usually sense whether the customer was an honest citizen, intent only on the most effective use of his purchase in a legitimate enterprise, or whether he was seeking information for an unlawful purpose. They were particularly vigilant when confronted by soft spoken inquiries concerning the effect of certain chemicals on copper plates, and even more so when the inquiry was followed by an order for those chemicals. In those cases the desired chemical was always in the farthest corner of the basement and a considerable time was consumed in securing and preparing the order. In the meantime the clerk would telephone Goddard of his suspicions and allow sufficient time for Goddard or one of his men to come up the alley, enter the salesroom from the rear and have a good look at the customer. Then if all went well, when the customer reached his home or plant, Goddard's man would be not far behind.

Harry McCoy had studied diligently his course in counterfeiting, but he had not learned to demean himself as an honest man. And because of that, when he finally secured his purchase, stepped out of the salesroom of the chemical dealer and walked to his home, Goddard's man watched him every step of the way. Likewise a close acquaintance of Mr. Goddard's was not far away when Harry purchased green ink at one place, a printing press at another and, at still another, copper plates of the variety used by engravers.

Goddard waited until he felt that the business had progressed far enough, and then, with a proper search warrant, he and his agents searched the McCoy residence and found, not only a complete counterfeiting plant, but also counterfeit bills in all stages of manufacture. Some were completely finished and ready for passing. They also found Leonard McCoy, but Harry was nowhere to be found. He had taken a trip and was out of town. Leonard was arrested, promptly pleaded guilty and told the whole story.

That was in the spring, and Harry was not apprehended until a few days after the court recessed from jury trials for the summer. Because he had not been caught red-handed, and because he was more experienced in the ways of crime than his brother, he decided to plead not guilty and take his chances with a jury. He was unable to provide bond so was sent to jail for the summer.

At that time both the warden of the jail and the United States marshal had one thing in common. Both thoroughly enjoyed a practical joke. One might suspect that even the occasional acquittal of an

accused was, to them, perhaps not too great a price to pay for the fun which they created for themselves.

The case came on for trial in September. The defendant had no money, not even any that he had made himself, with which to employ an attorney, so in accordance with the prevailing custom, one of the younger members of the federal bar was appointed to defend him. The government's case was in the hands of the Assistant United States Attorney.

Harry McCoy was brought in by the marshal and seated at the table of his youthful counsel. As the marshal turned to leave, he grinned at the Assistant United States Attorney.

"Harry McCoy has got a surprise for you." That was all he said.

One of the government's principal witnesses was the clerk for the chemical dealer. He testified concerning the chemicals purchased by the accused and the inquiries which the accused had made at the time. He also testified that the man sitting at the table with the counsel for the defendant was the same man who had made the purchase and inquiries.

Counsel for the defendant lost no time in his cross-examination. "Did the man who bought these materials from you wear glasses?"

"No."

"Did he have yellow hair?"

"No."

"Did he wear a mustache?"

"No."

The prosecutor was visibly disturbed. This was serious. Was this the surprise the marshal had told him about? He began to think of the witnesses he would have to call to prove the changes that McCoy had made in his appearance.

The young defense counsel rushed in for the kill. "How, then—," and he swept his arm majestically toward the accused. "How, then, can you say that this man purchased those materials?"

A hush came over the court room as the witness looked calmly at the accused.

"See those ears? I could never forget those ears!"

With one accord every person in the court room looked at the defendant's ears and burst into laughter. They were enormous. Few had ever seen ears so large.

It was then disclosed that the defendant had grown the long black mustache during the summer he had spent in jail and that during the same time the marshal and warden had permitted him to obtain peroxide with which to bleach his hair.

Oh, yes, the verdict. Guilty. It took the jury fifteen minutes.

Nolo Contendere?

One of the most delightful books about lawyers is the autobiography of John C. Knox, *A Judge Comes of Age*. In it he relates many of his experiences on the bench. One of the most interesting stories concerns the cross-examination of a "rotund, cherubic, soft-voiced and lisping" Negro who was testifying against his former companions in a mass bootlegging trial. After a series of vilifying and brow-beating questions directed to this witness, by one of defense counsel, each of which boomeranged, "the attorney," recounts Judge Knox, "certain now that he had as yet failed to create the impression before the jury for which he had hoped, decided to make one more effort. It seemed to me that I saw certain signs of desperation. The lawyer pointed dramatically at the Negro.

"For what else have you been arrested?" he demanded.

"Well, suh," came the soft reply, 'theah's nothin' Ah kin recollect.'

"Do you mean that?" shouted the lawyer.

"Yes, suh. Ah means whateveh Ah says, suh.'

"With a solemn manner and a deep voice the lawyer offered another question.

"Do you mean to tell this court and jury that you were not arrested for rape?"

"Oh, yes, suh," he smiled. 'Ah clean forgot 'bout dat. It jes' slipped mah mind.'

"And what did you get for that?" shrieked the lawyer.

"I listened intently for the answer, and so, I am sure, did every juror. Yet the Negro's manner did not change an iota, and his voice, if anything, grew still softer.

"Married," he replied."

Mesa County Bar Acts on Important Matters

The Mesa County Bar Association met in February to form plans whereby a committee on standards for title options would be formed. The tentative plans formulated by the association contemplate that the procedure will be on lines similar to that used by the Denver committee. The association also is directing the purchase of the county law library which was established at Grand Junction a number of months ago under the authority of recently enacted legislation. Plans have been made to purchase about 1400 volumes of the Reporter System as a start for the county library.

At its annual meeting the Association elected Cecil S. Haynie president and Lincoln D. Coit secretary for the coming year.

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