McCarthyism and the Witch Hunt

The serenity of the immediate aftermath of World War II was shattered by the rising suspicion of communism and the ensuing restrictions on freedom of thought and freedom of expression. Between 1947 and 1957 the notion of individual liberties gave way to that of national security, a notion that was then emerging. The turning point in 1947 can be accounted for in different ways ....

THE BEGINNINGS OF RESTRICTION: 1946-1947

Truman’s presidency

When the Democrat Harry Truman was elected President in 1946, anti-communism had always more or less existed in the USA. But public opinion wanted to maintain good relations with the Soviet Union. The President was criticized on his right side by the Republicans for being too “soft”, especially on communists inside the USA; and criticized on his left side by a disorganized group of labor union and communist party members, for his position on the Cold War. Intent on showing that he was not as indecisive as his detractors thought and said, Truman began to stir up public opinion, hoping to make Americans see how threatening Stalin’s policies were. The most useful way to represent this to the people was to link this threat to communists inside the USA. In return, this would also enable him to fight the power of labor union activists – most of them rather to the left of the political spectrum; and to come out as a strong leader in the eyes of the American nation.

Social and economic context

Although prosperity was slowly returning in the USA, 1946 was not a good year: unemployment soared, prices were up by a third of their pre-war value, many common products, such as pantyhose, clothes, cars, or even meat, were hard to find. Growing dissatisfaction ultimately led to putting the blame was on workers. As in the 1920s, many strikes were erupting, and even if the repression was not as strong as it had been then, these movements led to a strong anti-union sentiment. Other events triggered the hunt against communists: in October 1946 the Chamber of Commerce printed flyers and leaflets denouncing communist infiltration in the administration, and more particularly in the State Department. These publications were based on FBI information; J. Edgar Hoover, head of the FBI, in turn claimed to have gotten his information from former communists.

The immediate consequence was the passing of the Taft-Hartley Act (1947) in Congress, which aimed at reducing union power and communist influence in the unions.
Among other things, this act requested all union members to swear (in writing) that they were not “[ ] member[s] of the communist party” and that they did not aim at overthrowing the US government. This in itself constituted a violation of the 1st amendment preserving freedom of thought. Truman had already taken measures, establishing in November 1946 a temporary commission to test the loyalty of civil servants, and expressing his doctrine of containment. The program based on the presidential decree 9835, to check the loyalty of civil servants, became known as the “domestic Truman doctrine”, in an analogy to his “containment doctrine”.

THE LEGAL WEAPONS AND DISPOSITIONS OF THE GOVERNMENT
Since 1940 the Smith Act, or Alien Registration Act, had already permitted to break down on subversive aliens (immigrants). This act aimed at immigrating aliens, as well as naturalized US citizens. Those who had in the past been members of subversive organizations could be sent back to their countries after being denaturalised. By 1953, approximately 10,000 persons had been objects of inquiries, even if only 13 persons were indeed denaturalised. Immigrant visas were given with much parsimony to incoming aliens suspected of having ties with such organizations. The same went for US emigrants or US residents who wished to travel abroad. Finally, US citizens and residents had trouble just associating, which violated the right of free assembly guaranteed by the 1st Amendment.

Title I.; Smith Act, 1940
Sec. 2. (a) It shall be unlawful for any person—
(1) to knowingly or willfully advocate, abet, advise, or teach the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or by the assassination of any officer of any such government;
(2) with the intent to cause the overthrow or destruction of any government in the United States, to print, publish, edit, issue, circulate, sell, distribute, or publicly display any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence;
(3) to organize or help to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any government in the United States by force or violence; or to be or become a member of, or affiliate with, any such society, group, or assembly of persons, knowing the purposes thereof.

In 1950 Congress passed the Internal Security Act, or McCarran Act, in spite of the Presidential veto. One of its most important provisions was the creation of a
presidential commission, the **Subversive Activities Control Board** that was in charge of determining which associations were communist (communist-action) or “parallel” (communist-front). These organizations had to give the names of their leaders and members, and state the origins of their financing; as a result, their members could not become civil servants, nor work in firms under military contract, nor obtain a passport. If they did not register, they suffered penalties of heavy fines or imprisonment. This Act was in fact more dissuasive than effective: a list of persons to arrest in case of emergency was drawn up by the FBI,amounting to 26 000 persons, including union workers, doctors, or lawyers. …

**THE GOVERNMENT’S PREROGATIVES**

Thus the government started inquiries into the loyalty or disloyalty of the employees. But “disloyalty” was not clearly defined, except by the presidential decree, according to which the term included sabotage, espionage, treason, and distribution of confidential information. “Disloyalty” was also defined as membership or sympathy with a subversive group. Another essential point was that this decree did not consider *actions*, but *thoughts* that could potentially lead to actions.

Loyalty control was rapidly broadened, on all possible grounds: one could even be accused of disloyalty for being homosexual. About 13.5 million Americans were concerned in these inquiries, out of 65 million actively employed. And although no spy was discovered, in the public sector, 3 900 people were fired, 5 400 in the private sector (which in fact only amounts to 0.1% of the questioned). The figures today do not seem very considerable; what prevailed was the atmosphere of menace which developed at the time.

*A time for lists*…

In order to control the potentially subversive associations and individuals, several lists were drawn. The **Attorney General’s List**, for which the A.G. was the sole responsible agent, had been created by A. Mitchell Palmer in the 1920s. At any moment, the Attorney General could choose to shut down an association, which went against the due process of law clause in the 5th Amendment. This list was finally abolished in 1974. As for the FBI, it claimed to have a register of over 4 million civil servants with digital prints. Many of the files, compiled by Hoover and FBI agents, were actually based on mere gossip. In 1955, the **Civil Service Commission** claimed to have compiled files for 2 million US members or associated with subversive organisations.
In addition to these lists, numerous Congress commissions were created or modified. They interpreted rather freely their power to subpoena (citer à comparaître) whenever they judged it necessary for legislative reasons. The two main Congress commissions were the HUAC and the SISS (Senate Internal Security Subcommittee), created in 1951 and abolished in 1978. The most famous was the HUAC (House Un-American Commission), part of the House of Representatives. In fact it had originated in 1938 when it was called the Dies Commission. Very conservative, aiming at leftists, it became a permanent commission in 1945, before being abolished in 1975. It claimed to know of over 300,000 people with registered subversive activities, and over 363,000 persons who had signed petitions for communist candidates.

Each committee and subcommittee had its own rules and procedures, that actually often violated individuals’ rights. For instance the people questioned did not have the right to counter-interrogate their accusers, which was not in keeping with the principle of due process of law. Most people interrogated readily complied, because they were intimidated, but also because the only recourse was to go to the Supreme Court, which took time and money. If a subpoenaed person did not show up at the hearing, or refused to answer the questions, the commissions would accuse them of “contempt of congress”. If a witness “took the 5th”, i.e. invoked the 5th amendment, which allowed them not to testify against themselves, they were often found “guilty by suspicion”.

The first and most famous cases began in 1949. This was when Alger Hiss, an American diplomat and former State Department officer, was tried on the accusations of former American communist spy Whittaker Chambers, for passing classified documents. Richard M. Nixon, who was then a Republican Member of the HUAC, appeared before a grand jury and asked that Hiss be indicted. He was indeed convicted of perjury in 1950. This can be compared in a sense to the “Dreyfus affair”, and Hiss never stopped denying the charges against him.

Klaus Fuchs was another victim of the anti-communist frenzy. A nuclear scientist and Nazi refugee, he was sentenced to prison in 1950 by a British court, for giving the atomic bomb project at Los Alamos (New Mexico) to Soviet agents. But certainly the most famous affair was the Rosenberg case. Contrary to the Hiss affair, which largely remained American, the Rosenberg’s became internationally known. Julius and Ethel Rosenberg were a Jewish couple from New York. They had probably been close to the Communist Party, even though Julius never admitted to being a member. In correlation with the Fuchs affair, Harry Gold, a scientist, was arrested in May 1950; in turn, he denounced David...
Greenglass, Ethel’s brother, of having been a spy at Fort Alamo. Greenglass denounced his brother-in-law and his sister for spying for the Soviets in 1945, and asserted they had given them the plan for the atomic bomb. The Rosenbergs were indicted on the charge of conspiring to give information to the enemy according to the Sedition and Espionage act.

Unfortunately for the Rosenbergs, their trial was not an easy one: although their own lawyers were not very good, the accusation never had any solid evidence, they rested the whole case on a single witness, Greenglass. As for the press, they never questioned the way the trial had been conducted, thus never allowed for a revision of the trial. The couple was executed on the electric chair on June 19, 1953. Many demonstrations of protest were organized throughout the world, yet quite few in the USA. Clearly the administration needed to set an example.

MCCARTHY
Even if this era took the name of the Republican Senator Joseph McCarthy, in fact the man was just one actor in this witch hunt. As a Republican Senator in Wisconsin in 1950-51, McCarthy feared he would not be re-elected, until he found a good campaign topic: anticommunism. He emerged as a popular figure at the time of his speech at Wheeling, in front of a Republican women audience. This speech was in fact made of pieces of Nixon’s speeches, and of different newspaper articles.

McCarthy’s method consisted largely in using half-truths and lies. At Wheeling, he started by stating that he had a list of 205 names of communists who had infiltrated the State Department. This was a lie, but when it was exposed, McCarthy replied that it was an error, that he had never said 205, but 50, or more than 200. He added that he had not mentioned “communists”, but had spoken of “security risks”. His goal had been to save the endangered Republic, and he went on claiming that he had the support of important politicians, such as Taft, or even Truman.

However when in February 1950, the Senate asked to have McCarthy’s list, the Senator gave a shortened list of only 108 members: there were no names, only tag numbers. In reaction the Senate set up the Tydings Commission, to test McCarthy’s sayings. The hearings lasted from March 8 to July 14, 1950. This is when McCarthy became a “star”, sitting in the spotlight. Yet all the inquiries show that McCarthy had absolutely no evidence. And still people believed him, because he was touching on real questions and topics for Americans at the time: for instance, how could Communism have
won in the East—for example in North Korea for instance—if there had been no American treason?

His technique worked, until he confronted the army in 1954. After accusing General George Marshall, he participated in the Army-McCarthy hearings of 1954. These hearings were broadcast live for the first time in TV history – on ABC, and they were public. McCarthy was finally exposed, seen for what he was, and disavowed. He was progressively turned out of his political role, and died from drinking in 1957. He faded out from public spotlight as quickly as he had risen.

COMPULSORY DENOUNCEMENT AND INFORMING
Informing was at the heart of the witch hunt. Everyone could denounce anyone on the grounds of communism, of sympathy for the United Nations, of support for social equality between Blacks and Whites, or because they did not put their children in church-affiliated schools… There existed several types of “informers”: agents from federal agencies (the FBI or the Internal Revenue Service) who infiltrated the Communist party, “redeemed” ex-communists who thus found a way of making money, and involuntary informers, who cracked under the pressure of the inquiries.

Many involuntary informers came from show business. This was the case of director Elia Kazan (A Streetcar Named Desire, East of Eden...) who “named names”. Because he had “collaborated” with the HUAC, he was later shouted down by the movie profession when in 1999 there was talk of giving him an honorary Oscar. One of his most famous movies, On the Waterfront, starring Marlon Brando, justified the informing. Others “broke”, hoping they would get their jobs back; those who did not “inform” were blacklisted, and as a consequence, could not find jobs anywhere. The most famous are the “Hollywood Ten”: ten screenplay writers, directors or producers in the movie business, who did not yield. Some again broke before retracting, like physician Robert Oppenheimer.

It was quite difficult to resist the pressures in Hollywood—and elsewhere. Some, such as Lauren Bacall, Humphrey Bogart, or director John Huston, militated in the CFA (Committee for First Amendment). Others resisted by refusing to appear before the committees, or by going into exile, either in Mexico or Europe—famous examples include Charlie Chaplin, director Joseph Losey, or Jules Dassin. In fact, most of the time the committees did not even need the witnesses to inform, because they already had all the information they needed. But they aimed at breaking all form of dissidence, further even
than communism, and to crush the person spiritually and physically. The idea was that informing was a way towards redemption.

On the whole, the effective deportations and condemnations were few, as compared with the number of people investigated. But this era cannot be summed up in figures; what was at stake are the violations of individual rights, and the silencing of political debate.

The persons who were subpoenaed and brought before the various committees had virtually no constitutional protection: their right to privacy was violated, since the hearings were made public; the first amendment, guaranteeing freedom of thought and freedom of assembly, was violated; the fifth amendment was violated, for if they “took the fifth” their silence was often interpreted as acknowledgement of guilt; the sixth amendment was also violated, for Congress had no constitutional right to try these people. In virtue of the 6th amendment, the accused had to be informed of the nature and cause of the accusation, while these trials were conducted merely on charges of disloyalty.

Moreover, political activism was severely curtailed: when in 1951 the Supreme Court upheld the jailing of 11 Communist leaders, the ACLU did not even defend them. Other associations, such as Black Civil Rights associations, watched in silence, probably too afraid to act. The pervasive fear continued in the following decades: in the early years of the Vietnam War, very few voices would disagree with the administration’s decisions, because they were scared of repression, scared of being accused of communism.

This era initiated the priority of National Security over individual liberties. Civil liberties as they had emerged in the 1920s were still relevant, but not when the nation was threatened—whether truly or not. The same reactions would be observed after the events of 9/11, with civil liberties and the press being restricted for security reasons, with the passing of the PATRIOT Act.