

The Un-Americans

by Paul Wolf, 6 May 2003

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McCarthy Hearings (1953-54) online at:

<http://www.access.gpo.gov/congress/senate/senate12cp107.html>

Secret Joe McCarthy Hearings Opened After 50 Years

By Joanne Kenen, Reuters, *Reuters*, 6 May 2003

WASHINGTON (Reuters) - Fifty years after Sen. Joseph McCarthy's scorched earth investigation into supposed communist infiltration of America's most sensitive institutions, secret transcripts released on Monday add another layer of tarnish to his place in history.

The 5,000 pages from his closed-door hearings show no smoking guns, no uncovered spies, no verification of conspiracy theories on which he built his political career.

"McCarthy had shopworn goods and fishing expeditions," said Don Ritchie, the Senate's associate historian who began poring over the transcripts in 1976. He said the files won't

provide fodder for any revisionists arguing McCarthy was right.

No one McCarthy summoned went to jail -- even the few who were convicted of contempt won on appeal. But his probes ruined lives and careers with unproven hints of communist taint.

The documents were released in a joint venture authorized by Sens. Carl Levin of Michigan and Susan Collins of Maine, then respectively the top Democrat and Republican on the Senate Permanent Committee on Investigations, McCarthy's platform.

McCarthy flourished during Cold War anxieties, with some parallels to today's fear of terrorism. Levin said the hearings were a reminder of "tactics (that) can be used to quiet dissenters" and the need to resist "those who try to still voices of disagreement."

Perusing the 1953-54 transcripts, released online and in the Senate hearing room where McCarthy held forth, shows that McCarthy in private was like McCarthy in public.

His interrogation of an obscure engineer named Benjamin Zuckerman, who had worked briefly with the U.S. Army Signal Corps, was a good example of his brow-beating style.

Zuckerman testified that on his rare encounters -- four in eight years -- with a former college acquaintance later implicated in the Julius and Ethel Rosenberg spy case, the two young men had talked about women, audio equipment, and the best way to cook eggs. McCarthy snarled that he was "either the damndest liar" or "a case for a mental institution."

"Did you ever tell anybody that you believed in communism," McCarthy's lead lawyer Roy Cohn once asked a security guard named Francesco Palmiero, who had testified that he had walked past some communist meetings near his housing project.

Composer Aaron Copland, mystery writer Dashiell Hammett, and poet-playwright Langston Hughes are among the handful of celebrity witnesses who appear in these transcripts.

Hammett refused to answer many questions. Hughes sought to explain how racism shaped his political views. Copland, when McCarthy harshly pressed for his views of U.S.-Finnish relations, calmly replied, "I spend my days writing symphonies, concerts, ballads and I am not a political thinker."

But mostly McCarthy picked on the obscure and the expendable, file clerks, engineers, mid-level bureaucrats.

He questioned one former army engineer as to why he hadn't known his mother was a communist when he was a boy. He threateningly spoke of looming perjury charges when witnesses said they didn't discern any future spies in their college classes 15 years earlier. He badgered a World War II veteran on whether he enlisted on the orders of the Communist Party.

"I know you are not as dumb as you are trying to make out," he told a secretary named Doris Powell who had once worked for what she later discovered was a leftist publication,

menacingly urging her to get some legal advice or face the consequences.

A Wisconsin Republican, Joe McCarthy served in the Senate for only a decade and his headline-grabbing investigations lasted a mere two years. His final years, from his censure in 1954 until his death in 1957, he served in relative oblivion.

But McCarthyism was longer and deeper than Joe McCarthy himself. Anti-communist probes, sometimes camouflage for attacks on labor or early civil rights activism, dated back to the 1930s and intensified in the late 1940s with the Cold War.

Ironically, it was McCarthy and his excesses that not only gave a name to the anti-communist drive, it was also his excesses that brought about its end. "Once he was censured, the whole anti-communist issue dried up," Ritchie said.

Ritchie recalled that before McCarthy aide Cohn died, he dismissed allegations he had destroyed lives. "Name them," he demanded. "Here they are, these are the names," said Ritchie.

The House Un-American Activities Committee (HUAC) was the House of Representatives' equivalent of McCarthy's Senate Subcommittee. If Frank Donner's article isn't enough background for you, then see Ellen Schrecker's *The Age of McCarthyism: A Brief History with Documents* at: <http://www.english.upenn.edu/~afilreis/50s/schrecker-age.html>

- Paul

Excerpts from *The Un-Americans*, by Frank Donner, 1961

Revolt of the Non Revolutionaries

For more than a decade we have been steadily losing our freedoms. The obsession with anti-Communism and security, transformed into a national psychosis during the McCarthy era, resulted in systematic attacks on free speech, press, assembly and opinion. The policing of dissent by agencies of government became a routine feature of our lives. Witness the sedition prosecutions under the Smith Act, the intimidations of the FBI, the rash of loyalty oaths, the security-screening apparatus which blankets American industry, the emergence of the informer as hero, the wave of deportation and denaturalization proceedings against the foreign-born, the restrictions on the right to travel, the manifold attacks on organizations and on the freedom of association, and the congressional witch hunts.

True, the excesses of the McCarthy era have abated somewhat: the Army, the State Department, and our libraries abroad are no longer fair game for witch hunts. But our entire society is still infected with the contagion of caution, fear and silence. At the root of the conformity which has engulfed us is a pervasive self-censorship, a loss of the sense that freedom is every American's birthright. Our people have come to live in terror of being publicly identified with the minority. The questioners, the "agin'ers," the come-outers and

the dissenters simply feel themselves to be too menaced by their environment to question, to be against, to come out and to dissent. As the domestic frontiers of our freedom contract, the Government drenches the world with renewed boasts Of our free democratic life -- an irony which has amused even our friends and well-wishers abroad.

The mounting opposition to HUAC stems in part from the conviction that it has contributed enormously to our present plight. Because of its repressive "fall-out," its impact on our basic freedoms has been incomparably more destructive than that of any other government activity. To be sure, dissent has been stifled by restrictive legislation, but it has been wounded far more deeply by fear of public exposure and reprisal, the Committee's most potent weapon. Like salt flavoring the sea, the threat of HUAC's activities pervades the entire process of individual and group expression on the vital issues of our time . . . Civil liberty has been poisoned by fear of the Committee-fear of its subpoenas, fear of being "named" by its informers, fear of joining or remaining a member of a "cited" organization, fear of signing petitions, fear of supporting causes or movements which might be condemned by HUAC. In the view of many, we cannot find our way back to freedom unless HUAC is abolished.

The Committee's highly personalized use of its powers has also stirred a torrent of protest. HUAC is supposed to obtain facts in order to help Congress discharge its legislative responsibilities, Instead, it is charged, HUAC uses the investigative power to attack the witness---"to disgrace private persons," as President Kennedy put it.

A hearing is essentially a trial of the witness suspected by the Committee of subversion -- but without any of the traditional safeguards of a trial. Its purpose is to alienate the witness-defendant from the protections of his society and to bring about his ruin. This use of the investigative power is called "exposure," and has been a self-proclaimed Committee objective from the very beginning.

HUAC's hearings have emerged as a modern counterpart of the ancient pillory, a form of public humiliation and punishment. The, pillory was an invitation to the community to work its will on the helpless victim; so is a HUAC hearing. The use by HUAC of its hearings to expose and punish was condemned by the United States Supreme Court in 1957 as a perversion of the power to investigate. "We have no doubt," the Court ruled in the Watkins case, "that there is no congressional power to expose for the sake of exposure." Yet the Committee continues to point the finger of suspicion, accuse, try and punish.

Here are some facts about the anatomy of these hearings: In the first place, it is not a Federal crime to be a member of the Communist Party. In fact, the Internal Security Act of 1950 provides:

Neither the holding of office nor membership in any Communist organization by any person shall constitute per se a violation of . . . this section or of any other criminal statute.

But the Smith Act makes it a crime, among other things, to advocate knowingly the desirability of overthrow of the Government by force or violence; to organize or help to organize any society or group which teaches, advocates or encourages such overthrow of the Government; or to become a member of such a group with knowledge of its purposes. Evidence that a person is or has been a member of the Communist Party or that he attended

Party meetings or associated with Party members would be links in a chain of proof that might lead to the discovery of evidence needed for a Smith Act prosecution.

Let us assume for a moment that you are, or have been, a Communist. This is a belief to which you have a constitutionally protected right. Furthermore, you have never indulged in any criminal act in connection with this belief.

Should you plead the First Amendment (which protects your right to have a belief), you will be in contempt of Congress and liable to a jail sentence and fine, for the courts have ruled that the free speech and assembly protections of the First Amendment are not a valid reason for refusing to answer HUAC's questions. An answer might be a clue or a link in a chain of proof of a Smith Act violation. Should you plead the Fifth Amendment (which protects your right not to incriminate yourself), then, because you refuse to deny that you are a Communist, in the context of a HUAC hearing you are guilty by inference (it does not matter that guilt by inference has been specifically condemned by the Supreme Court -- remember we are now in a HUAC hearing). Despite the fact that a plea of the Fifth is supposed to protect the innocent witness who fears unfounded prosecution, HUAC uses it to defame and disgrace the witness. Suppose you are ready to gamble with the risks of prosecution and to answer the \$64 question right out, "Yes, I am a Communist (or have been)?" And the answer is very simple -- if you answer HUAC's \$64 question, in effect you waive the right to plead the Fifth to any questions that follow: thus you are forced to inform on former friends or associates, or go to jail on contempt charges.

But you may be completely innocent of any connection with the Communist party whatever. You still have the right to plead the Fifth in order not to "open the door" to further enquiry. If you swear under oath that you are not, and never have been, a Communist, you may waive the right to use the Fifth Amendment to avoid answering any questions about other organizations which the Committee chooses to ask you. And even if your denial is not a waiver, it would make the plea of the privilege about other organizations so revealing as to be meaningless. Furthermore, if you answer in the negative and HUAC refuses to credit your denial, you may be indicted for perjury.

These are the mechanics of a system which weighs and disposes of our lives. These are the rules of a game as weird as the legal proceeding, described in Kafka's prophetic novel *The Trial*, in which an arm of the state, moved by dark, concealed and vengeful compulsions, plucks out and punishes men for phantom crimes.

In the course of its never-ending investigations, it has blasted the careers of hundreds of professionals-writers, artists, teachers and lawyers. It has made "unemployable" numberless talented men and women in the mass-communications media and has forced the discharge and blacklisting of many workers in industry. Hundreds have been branded for life as traitors and reduced to pariahs. It has ruined the personal lives and mental health of scores of its victims; its subpoena has been a trigger of unbearable anxiety and fear. A HUAC appearance, or a subpoena, contributed to the suicide or untimely death of at least 15 persons. It has often been argued that HUAC's toll of freedom, livelihood, career, reputation and peace of mind is necessary -- an unavoidable evil, a small price to pay to safeguard our security. The liabilities, it is claimed, are more than offset by the assets. But when we open the legislative account ledger and make a reckoning we discover that after all the

Committee's scare headlines, its never-ending bouts with claimed threats to our existence and its sensationalized disclosures about the Red menace, it can claim credit for only one statute: the Internal Security Act of 1950, which was vetoed by President Truman and still has not been approved by the United States Supreme Court. One need not be a thrall of Moscow to conclude that on the record the Committee has not justified its existence.

HUAC is not merely the undisputed leader in its field; it is adjudged by many, both in and out of Congress, "the most powerful Committee in Congress." HUAC's life and times can only be described in superlatives: it has broken more records than Babe Ruth. A 23-year-old marathon investigation into a single subject -- Communism and subversion -- is in itself a wonder of the legislative world. In the course of its stupendous, generation-long, nonstop probe, the Committee has published more than 50,000 pages of hearings and reports -- easily outdistancing all other congressional committees combined in this respect. It has issued over 5,000 subpoenas -- another record -- for it is estimated that this exceeds the subpoenas issued by all other congressional committees combined for the same period. During the term of its functioning as a standing committee, it has cited for contempt five times the number of witnesses cited by all other congressional committees combined in the same period. It has heard thousands of witnesses, some two or three times. In addition to a long list of Washington hearings, it has conducted hearings in about 25 cities -- in some of them several times.

Birth of a Congressional Monster

The House Committee on Un-American Activities never had -- and was never intended to have -- a legitimate legislative function. Its birth certificate is a blueprint of the exposure system.

The resolution of 1938 under which the Committee functioned on a temporary basis authorized it to investigate (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution. . . . This resolution thus planted the Committee's investigative authority with both feet in the middle of the First Amendment. "Propaganda" is a method of communicating ideas. It was impossible to investigate "propaganda" without evaluating those ideas -- praising some and attacking others. This was censorship by investigation.

When the Committee was created, Chairman Martin Dies acknowledged that any attempt to prevent or punish unAmerican activities by legislation "might jeopardize fundamental rights far more important than the objective we seek. . . . But he found what to him was an ideal solution. His Committee was, not going to introduce legislation banning or even policing un-American activities -- propaganda or otherwise. That would be unconstitutional. In unconsciously ironic deference to our fundamental laws, he promised to confine himself to exposure -- independent of a legislative end. He would expose and at the same time safeguard the rights of the people against legislative trespass. What could be fairer?

HUAC was designated as a "special" investigating Committee with limited tenure. It was to submit its final report on January 1, 1939, a scant seven months after its creation. Chairman

Dies told the House that he was quite agreeable to this time limitation and that he would finish the job in short order.

By the time January rolled around , however, Dies was pleading with the House to extend his mandate for a full year. This the House did on the Chairman's claim that there was more un-Americanism and more subversion in the land than he had realized-and, unsaid, more newspaper headlines than an obscure Congressman could get by any other means.

The antisubversive prober has a natural advantage in the investigative sweepstakes: the deep-seated, emotional anti-Communism of most Americans. The more farfetched his disclosures, the more welcome they are. He deals in issues which trench to the heart of the Nation's existence. Their very gravity commands that he be given the benefit of the doubt. And he knows that if he strikes the right chords of sedition and treason with sinister overtones of plotting and secrecy, a receptive press will carry his accusations and warnings to every American hearth. Above all, he must name names -- he must expose -- for it is always open season on Reds and nothing is more productive of headlines than an attack on individuals.

If the antisubversive demagogue knows how to go about it, he can launch a spiraling probe which it is impossible to stop. Overnight he becomes a man with a mission, a scourge of traitors a defender of the Nation, a patriotic awakener. Millions hang on his pronouncements; his press conferences are thronged with eager reporters demanding new disclosures. He lectures Presidents, shares the spotlight with the FBI as a savior of our security, and becomes an authority on foreign policy whose warnings it is politically dangerous to ignore.

In 1939, the Committee reported that while Congress lacked the power under our Constitution to deny people the right to teach what it deemed to be subversive doctrines, "it does have the right to focus the spotlight of publicity upon their activities."

In 1940, the Committee avowed that its real purpose was not legislation but rather "to inform the American people of the activities" of subversive organizations by "turning the light of pitiless publicity" on them.

The Committee rapidly developed the notion that it had a unique, a special, function -- exposure. "This is the only agency of government that has the power of exposure," it reported in 1941. And in 1943 it announced that "discovery and exposure" were its "special function" by mandate from the House. In that year it published the names, positions and salaries of 563 Government employees, alleged to be members of the American League for Peace and Democracy, because "the Committee felt that the Congress and the people were entitled to know who they were." This was only one of the many lists which the Committee published in the forties in the exercise of its self-assumed exposure function.

The Dies Committee never doubted for a moment that it could use the power of investigation to attack individuals, organizations and ideas on political grounds without violating the Constitution. It seemingly never occurred to the Committee that the First Amendment would be meaningless if its prohibitions were binding on the Congress as a whole but not on its investigating committees. And it actually boasted that it was engaging in a nonlegislative activity -- the exposure of individuals. The Committee's "temporary" status had become a

fiction: its mandate was renewed each year until 1943, when its tenure was extended to two years. Rooting out un-Americanism became a way of life.

Chairman Dies had really struck pay dirt, from his point of view, three months after the Committee was launched -- in the testimony of just two witnesses. The first was John P. Frey, President of the Metal Trades Department of the AFL, who for three days in August 1938 gave testimony attacking the CIO as a Red-dominated organization. Without any corroborating evidence at all, Frey cited scores of CIO unions as communistic and listed 283 alleged Communists in CIO unions.

Frey was succeeded on the witness stand by Walter S. Steele, Chairman of the American Coalition Committee on National Security, a confederation of 114 patriotic organizations. His testimony was significant because it marked the emergence of the vigilante network that became so important to the functioning of the Committee. Steele, who had testified before earlier antisubversive committees, charged some six and a half million Americans with subversion. He placed the names of 641 allegedly communistic organizations on the record and made Red charges against thousands of individuals. He even cast suspicion on certain Catholic organizations, the Boy Scouts, the Camp Fire Girls, and the American Society of International Law. Following what has become a persistent HUAC pattern, Steele had little or nothing to say about Fascist organizations, which, at the time he testified, were fairly prominent throughout the country.

Steele's testimony was too rambling and turgid to capture the headlines. But Frey had organized his material with the press in mind: his list of names was presented at the beginning of his testimony; each individual name was numbered and was followed by an identifying description together with data including the home city of the victim. The press blazed with headlines: "Communists Rule the CIO. CIO Communist-Dominated From Top to Bottom, Frey Testifies; He Names 283 Reds." Many of those named were discharged and blacklisted in industry. The Committee gave Frey a stunning weapon against his arch foe, the CIO, and at the same time found an opportunity to perform some antilabor bloodletting on its own account.

Thus the technique of exposure was born: the Committee would provide a libel-proof forum for charges of subversion against named individuals made without cross-examination and for no legislative purpose; the press would publish the lists of names as well as the inflammatory trumpery accompanying the names as a news story deserving the most prominent coverage because it was testimony before a Congressional committee; the community (including the employer) would do the rest.

Kenneth G. Crawford, analyzing Dies's success, pointed out:

It was probably the very success of the Frey testimony as an experiment in publicity that awakened Dies and his associates to a full realization of the potentialities of the political gold mine that they had struck. From Frey on it was catch as catch can with no holds barred. No patrioter was too wacky to be taken seriously.

While Frey was the prototype of a long line of friendly witnesses, J. B. Matthews, a former Methodist missionary, teacher, pacifist, socialist and reformed Marxist, was the first of a series of Committee ideologists and policy-makers. Matthews not only built up the

Committee's elaborate file system, but, according to the late Howard Rushmore, was the "brain-truster back of the Committee's relentless exposures." Matthews gave the Committee its basic orientation at a time in 1938 when it was floundering, and taught the Committee the neo-Archimedean precept that with enough names in a file, one could expose the world. Matthews unburdened himself for some ten hours in executive session as a witness before the Committee, and shortly thereafter became its research director. Matthews was not only a prodigious identifier, but an indefatigable bloodhound of concealed "fronts." In his own testimony he reeled off over 100 organizations which he claimed were linked in various hidden ways to Moscow. It was Matthews who was responsible for the charge that Shirley Temple was a Communist dupe. Matthews left the Committee in 1944 to become the behind-the-scenes high priest of the exposure operation and the custodian of what is said to be the most Gargantuan file on subversive names and activities ever assembled. In 1948 Matthews was chief investigator for an antisubversive investigation of the University of Chicago, and in 1953 he served for two weeks as executive director of Senator McCarthy's antisubversive probe, but was forced to surrender that post as a result of nation-wide protests over an article in which he linked at least 7,000 Protestant clergymen with subversion. His prior testimony remained on the record, unquestioned by the Committee. Meanwhile, the Committee was discovering other powerful reasons to remain in existence. An antisubversive probe had found broader objectives than the exposure of individuals or the probes' political self-aggrandizement. The ultimate aim was the exploitation of anti-Communism as an instrument of political leverage, a means of handicapping the achievement of legitimate national goals. The Dies Committee unceasingly attacked the New Deal by discrediting its programs as communistic and un-American. It undermined the implementation of these programs by exposing and calling for the dismissal of "subversive" New Dealers.

With all of its great power, the Committee was to have no legislative responsibilities. In theory an agent of Congress, its functions were in no way related to the duties of Congress. Its real purpose as an investigating committee was to smite the political infidel, not to report findings to Congress. The result could only be to emancipate the Committee from the supervision of the House, which exercises ultimate control over its committees through the lawmaking process. It could "investigate" whomever and whenever it wanted without concern about its legislative productivity. Congressman Dies had explained that this new power of exposure was more valuable than legislation because it avoided constitutional problems! There was no need to waste time in legislative hearings or in drafting reports on dull and technical bills; let the other standing committees, with a clearly defined jurisdiction, do this grubby work.

While other standing committees had to get authority from the House to conduct investigations with the power of subpoena, the Committee had carte blanche. Just what is un-American activity? The law defines crimes against the state, and persons committing such crimes are admittedly un-American. But is it un-American to hold an unpopular opinion, or take an attitude that is also held or taken by Communists?

Thus, the permanent Committee was born, fully equipped with all of the basic components of the exposure system: (1) it was functionally independent of the body which created it, because (2) it lacked legislative responsibilities; (3) its investigative power was shaped to inquisitorial ends and conferred upon it by (4) a charter to probe speech and ideas so broad and vague as to impose no meaningful restraints upon it.

Anatomy of a Hate Group

In the fall of 1960 a fire-bomb was thrown against the front of the office of the Citizens' Committee to Protect American Freedom, a Los Angeles group formed to oppose HUAC. The bomb shattered the door and started a fire. The bombing came shortly after a huge swastika was smeared on the door of the Citizens' Committee offices. The mailbox was shot off. An attempt was made to set fire to the home of Frank Wilkinson, the group's secretary, a leading figure in the movement to abolish HUAC (now serving a one-year jail term for contempt of the Committee). Wilkinson's wife received anonymous telephone calls threatening his life. Wilkinson's life insurance was canceled. Log Angeles students who joined him in a TV program in opposition to HUAC barely escaped a beating by thugs after they left the studio. In the spring of 1961 the New York office of a HUAC abolition group was broken into and vandalized.

On January 2, 1961, a group of members of the American Nazi Party descended on Washington to picket the White House in support of HUAC. On the same day a screaming, threatening mob of Fascist-oriented refugees besieged a meeting in Washington's All Souls Unitarian Church held in support of a HUAC- abolition campaign. The atmosphere was electric with imminent violence, bloodshed was averted by prompt action of the police, who formed a protective cordon around the meeting. When an outbreak seemed inevitable, the police requested that the meeting be terminated as quickly as possible and supplied a motorcycle escort to protect the participants on their way out of the city. The picket signs of these fanatics were stored in Chairman Walter's office.

Two weeks later an inflamed champion of the Committee burst into the office of University of California Professor Thomas F. Parkinson, poet, Guggenheim fellow, author and teacher. The intruder carried a Bible in one hand and a double-barreled shotgun in the other. He raised the gun and fired. The shots ripped into the back of a graduate student, Stephen Mann Thomas, and brought instant death. Professor Parkinson suffered a shattered jaw which required skin grafting and plastic surgery,

The killer, John Harrison Farmer, was apprehended the next day. In his briefcase was this note: "Death to all Communists. Death to all fellow travellers. Death to every friend of Communism. Death in the name of God to all the evil hosts of Communism and its followers." Farmer had also marked for death Assistant Professor Richard T. Drinnon. Farmer did not know these men. Both of them had opposed HUAC and were members of SLATE, a campus anti-HUAC organization. He had read about their activity and was particularly exercised by an article attacking Parkinson for his criticism of the Committee.

When a Congressman votes against an appropriation measure for internal improvement, he may get disapproving mail. But a vote in the House against HUAC results in a shower of abuse, obscenity and hate. Many of these letters are unprintable. Here are a few mild samples of congressional mail after the 1961 vote on HUAC's appropriation:

Please, get yourself a one way ticket to Red Nazi Russia.

Drop dead. This would be the height of responsibility to this wonderful Christian America.

You are sharing the objectives of the insidious and diabolical Communist Conspiracy. Such flirtations with treason are gaining for you and the despicable notoriety of being at the very least an unbalanced, soft headed, bleeding heart. We, who now reverently treasure the memory of our Nathan Hales, have a venomous contempt for you Benedict Arnold types.

This is the harvest of hate, and it dramatizes the role of the Committee in the underworld of the professional hate groups.

Hate groups are established fixtures in American public life. Their pathology has been frequently described by social scientists as an expression of prejudice rooted in hate and defeat. They emerge in response to a need for a scapegoat, an outlet for the aggression spawned by frustration. Their world is one of black and white, of sweeping, unalterable generalizations. To the bigot -- organized or unorganized -- the country is on the brink of disaster. He sees and invents evidences of imminent doom everywhere. He is obsessed by the conviction that there is one evil which explains all the ills of his society and of the world. Salvation can come only by destroying, by liquidating or punishing his "pet hate" -- be it Catholic, Negro, Jew or foreign-born.

The world of the hate group is structured on myth, stereotype and falsehood. It protects itself from the inroads of reason with an enormous arsenal of polemic and rhetorical weapons. The spokesman of the hate group masterfully echoes all the paranoiac fears of his followers and makes every challenge a confirmation of the power of the enemy. He slanders, lies, exaggerates, evades and forges to keep alive the particular terror on which his particular group feeds. The successful merchant of hate develops a special fear-breeding vocabulary which oozes contempt and aggression. He is a master of propaganda -- the more lurid the better.

The bigot is drawn to the hate group out of an unrestrainable need for action. He is not sustained by mere belief or conviction. He has a hunger for direct action, for violence, born of a passionate resentment and anger. Means, not ends, are all-important to him. All our hate groups are unified by a hazy nostalgia for a pure America, peopled by 100% native-born, white Christian Americans and cleansed of the evils which, to them, defile it. But they have no affirmative program beyond the goal of destroying the objects of their hate. They are exclusively anti-Negro, anti-Catholic, anti-labor, anti-Semitic, anti-foreign-born.

In addition to their special obsessions, the hate groups share an enthusiasm for the political and social canons of the extreme right. Thus they believe that America is not a democracy but a republic, that the income tax should be abolished, foreign aid ended, States' rights restored and the powers of the Supreme Court restricted. Inevitably, hate groups have an affinity for one another, based on a consciousness of kind, common emotional needs and interlocking prejudices. The White Citizens Councils are anti-Negro but they are also anti-Catholic and anti-Semitic. The American Council of Christian Churches is anti-liberal Protestant, but it is also anti-Catholic and anti-Semitic. The Circuit Riders are anti-liberal Protestant but also anti-Semitic, anti-Negro and anti-labor.

Each hate group is thus naturally allied to all the others. All of them have a common dedication which unites them in a special way; they are fanatical crusaders for HUAC.

For the 23 years of its existence HUAC has had close and continuous ties with the hate underworld and the more "respectable" pressure groups which work with it. The Dies Committee's first investigator was Edward F. Sullivan, a publicity specialist for native Fascist groups and a former professional labor spy. Two years before his appointment he was the principal speaker at an Asheville, North Carolina, convention of native Fascists. (Sullivan's speech was described in the local press as "what Hitler would have said had he been speaking.") He also was a prominent speaker at Nazi Bund and Coughlinite gatherings. Another Committee collaborator was Harry Jung, Chicago propagandist of anti-Semitism. J. B. Matthews, the scholar of the patrioter hate underworld, and Walter S. Steele, one of its principal spokesmen, were pillars of the Dies Committee. One of Dies's strongest admirers and collaborators was Joseph P. Kamp, a professional hate merchant who was editor and publisher of a Fascist magazine, *The Awakener*. Kamp's Constitutional Educational League had a working relationship with the Committee. Kamp had access to the Committee's files, in return for which he supplied the Committee with thousands of names. The Educational League gave Dies an "Americanism" award; it was subsequently mentioned in a Federal conspiracy indictment.

Dies enjoyed a similar relationship with Father Charles E. Coughlin, Fascist priest, leader of the Christian Front. Through his radio program and his publication, *Social Justice*, Father Coughlin disseminated quantities of Nazi propaganda. He too provided Dies with lists of names and propaganda material. In 1939 he issued these instructions to his followers:

In your appreciation of the work accomplished by Dies employ some of your leisure moments to write him a letter of encouragement. In fact, a million letters brought to his desk would be an answer to those who are bent on destroying him and the legislative body he represents.

Paid Nazi agents were enthusiastic about HUAC and its work. A banquet for Dies was given by Fascist propagandist Merwin K. Hart in December 1939 (Mr. Hart, incidentally, was a contributor to Chairman Walter's most recent congressional campaign. His National Economic Council was charged a few years ago by the Buchanan Committee with "ill-concealed anti-Semitism.") Among those who did honor to Dies were Bundist James Wheeler Hill, and German-American Bund leader, Fritz Kuhn. When asked what he thought of the Committee, Kuhn replied, "I am in favor of it being appointed again and I want them to get more money." Convicted Nazi agent George Sylvester Viereck said, "I have the highest respect for the Committee and sympathize with its program." The Federal Communications Commission reported that "Representative Dies received as many favorable references in Axis propaganda in this country as any living American public figure." This was during the war.

Dies shared speaking platforms with Fascist James True, inventor of a special blackjack called the "kike-killer," and Reverend Edward Lodge Curran, Father Coughlin's lieutenant. Under Dies, the Committee fed material and articles by its members to Reverend Gerald B. Winrod's *Defender* and Reverend Gerald L. K. Smith's *Cross and the Flag*, both anti-Semitic hate sheets. Smith and Winrod showered Dies with praise -- as did the entire hate underworld.

For example, William Dudley Pelley, the head of the pro-Nazi Silver Shirts, said, "I formed the Silver Legion in 1933 . . . to propagandize exactly the same principles." The Ku Klux Klan's Imperial Wizard, James Colescott, asserted, "[The Committee's] program so closely

parallels the program of the Klan that there's no distinguishable difference between them." In 1942, Imperial Wizard Colescott arranged a private interview with Dies which resulted in his urging Klansmen everywhere "to support the work of the Dies Committee." In the Klan's publication, The Fiery Cross, for January 1942, he praised the Committee's "great service to our country."

It is hardly surprising that Representative Samuel Dickstein told the House in 1941: "110 Fascist organizations in the United States have had, and have now, the key to the back door of the Un-American Activities Committee."

Dies was under constant attack by liberal forces for his failure to investigate Fascist organizations. But Dies used his powers to shield these groups and made token investigations only to preserve the appearance of impartiality.

These critics failed to appreciate the underlying realities of the Dies Committee's relationship to the hate underworld. They had become partners in a joint enterprise. The hate groups gave HUAC names, propaganda and political support. HUAC used the power of the government to strike at the hatists' targets. Then this material, fed into the Committee's files and burnished with the prestige of officialdom, was used by the underworld in its press. As David Wesley has summed it up:

What these long years did, was to create a solid establishment: an acre of files, a thoroughly indoctrinated staff, a firm tradition, a network of contacts and sources of information, a conditioned pattern of behavior, a methodology, all intricately interwoven into the whole fabric of the underworld of the peddlers of hate, with its interlocking directorship and its broad, cross-pollinating system of propaganda organs.

After HUAC was reconstituted in 1945, it continued its collaboration with the hate groups. The Committee was dominated by Congressman John Rankin of Mississippi, one of the most virulent anti-Semites ever to sit in Congress. Rankin had been honored by the Nazis and did not hesitate to attack Jews and Negroes as inferior peoples whenever he found an opportunity. On November 18, 1943, he announced that I.F. Stone, a Washington liberal journalist who had attacked him for his anti-Semitism, was really named Isidore Feinstein. When a group of women called on him to protest his bill denying the right of franchise to all American soldiers, Mr. Rankin said of these ladies: "If I am any judge, they are Communists, pure and simple, probably more simple than pure. They looked like foreigners to me. I never saw such a wilderness of noses in my life." Speaking on the floor of the House on February 21, 1944, he referred to Walter Winchell as "the communistic little kike."

In the first major debate on the new HUAC in the House, members of Congress complained that HUAC was doing business at the same old stand. Representative Hook of Michigan described the Committee as a "sounding board for the un-American Fascist groups," and he informed the House that "Gerald L. K. Smith [the notorious anti-Semite] is not only the Committee's adviser on un-Americanism, he is also the confidante of the Committee's plans." Representative Savage of Washington complained: "It seems to me all Gerald L. K. Smith has to do is yell 'sic 'em' and the Committee's counsel takes after whatever party Mr. Smith is peeved at." Representative O'Toole of New York said: "The Committee has permitted itself to become a forum for the dissemination of racial and religious theories that are not part of our democracy."

The Wood-Rankin Committee's hate-group connections sparked a number of investigations in the forties. One of the first was the attempt to purge the radio of a group of liberal commentators who were critical of the hate groups. In October 1945 the Committee obtained 78 scripts of radio commentators. In December the Committee introduced a bill which would "by proper and frequent announcements clearly separate and distinguish programs consisting of news items from those programs based upon, or consisting of, personal opinion or propaganda." On February 2, 1946, Rankin said, "I want to tell you now, some of this stuff that is going over the air should be stopped. Of all the dirt and filth I ever heard, those filthy attacks on me and the Committee on Un-American Activities by Walter Winchell are the worst."

The Committee then turned its investigative talents to proving that the United States is not a democracy -- the favorite thesis of the lunatic fringe. Early in 1946 liberal organizations which had concerned themselves with "democracy" were reminded in letters from Committee Counsel Adamson that "this country was not organized as a democracy." Adamson wrote as follows to columnist Drew Pearson: "Several people have called to my attention the closing line of your Sunday night broadcast, 'Make democracy work.' I should like very much to have your definition of the word 'democracy' as you are using it over the radio. If you will be good enough to supply this information, I will give the matter further consideration to determine whether it should be called to the attention of the members of the committee for such action as they deem proper."

The Hollywood probe of 1947 also had strong hatist links. The files on Hollywood had been developed by Fascist publicist Edward F. Sullivan, and the pressure for the investigation had come from an assortment of native Fascists. Gerald L. K. Smith finally turned the trick. In 1948 he wrote in *The Cross and the Flag*, "We do take credit, we Christian Nationalists, for the recent investigation into Hollywood."

In 1949 HUAC made a sally into the field of education. It asked more than 100 schools and colleges to submit textbooks for a check on subversive content. This probe, too, was inspired by a lunatic-fringe outfit, the National Council for American Education, which was ran by the notorious anti-Semite Allen A. Zoll. It boasted on its Board of Governors the Coughlinites priest Edward Lodge Curran and a Committee member, Representative (late Senator) Karl Mundt.

With the emergence of McCarthyism, HUAC was no longer limited to old-fashioned hatist and crackpot sects for investigative suggestions and support. Hate became everybody's business. The function of the private organization in HUAC's operation continued to be important. It's principal role was to act as HUAC's agent and collaborator in the hearings held to expose HUAC's targets. The old-line professional hate groups together with patriotic societies, reactionary fraternal orders, individual bigots and patrioteers (the Network), undertook the punishment of HUAC's victims, a perfect outlet for the aggressive action the hate group craves. The primary weapons used against HUAC's victims are denunciation and discharge pressures. The hatist adds to these his own special weapons: the anonymous telephone call, the "crank" letter, boycott, vandalism and physical violence. During the fifties, too, HUAC's dossiers and files -- the house that hate groups built -- multiplied fantastically. The two-way flow of names into the Committee and of "official" smears back to their hatist source -- became a vast standardized operation. In addition, these files were

being stocked with names and propaganda from new sources: the FBI files and ex-Communists. Every hate group was able to become a little do-it-yourself HUAC. These groups, too, emerged as the major consumers and distributors of HUAC propaganda, which they disseminated in millions of copies. It costs them nothing and gives the cachet of official support to their own programs. HUAC, on its part, is a national clearinghouse for the merchandise of hate.

The Committee is not merely functionally linked to hate groups. Its own operations reflect the hate-group syndrome. It is itself a hate group. HUAC's extremism, its exaggerations, deceptions, and distortions, its willful oversimplification of the complex, its division of the world into black and white, its response to all forms of criticism with the Red smear, its overheated, fear-mongering rhetoric, and its rivers of antidemocratic propaganda, are the techniques and practices which have been made familiar to us by the operations of the hate groups.

HUAC hates the "subversive" in much the same way that the anti-Semite hates the Jew, the racist hates the Negro, the fundamentalist hates the Catholic, the patrioteer hates the alien. But unlike its frequently frustrated non governmental counterparts, HUAC can do something about its hate. It can give direct expression to its hostility by punishing its object. What tells us most clearly that HUAC is a hate group is the exposure system. Exposure speaks the language of the hate group; it is hate in action.

All hate groups fantastically exaggerate the power of their enemies and find everywhere frightening new proofs of their evil influence. This formula is basic in HUAC's operations. HUAC has a great advantage over other hate groups in its application of this formula, for HUAC's enemy is undefined -- a "subversive" is whoever HUAC says is a subversive. The web of subversion -- the "conspiracy" -- constantly expands to meet HUAC's needs. When HUAC itself comes under attack, this technique is exploited to heroic proportions. Since Communists oppose HUAC, all criticism of HUAC becomes proof that (a) the critic is a Communist or a supporter, a dupe, an ally, etc., and (b) the "conspiracy" is more powerful than ever for it includes not only the "hardcore" Communists but the supporters, dupes, allies, etc. Thus criticism of HUAC confirms the desperate need to continue HUAC, for it alone can save us from this gigantic conspiratorial octopus. HUAC naturally tries to bring its targets as close as possible to the core of evil -- actual Party membership. To achieve this it has developed a special logic of its own based on crudely strained inferences, falsified proofs, and emotionally defined terms. The problem of assimilating the non-Communist to the Communist is solved in a way which has become HUAC's trademark: The use of guilt by parallelism, mutual object and association. (An amusing current example is Chairman Walter's charge that a newspaper story criticizing HUAC members' extravagance and abuse of expense accounts "directly played into Communist hands.") As HUAC applies and expands this formula it becomes clear that it regards all of its opponents as subversive.

The John Birch Society Committee has also opened its welcoming arms to another HUAC alumnus, ex-Congressman Kit Clardy. He, too, should find its objectives and methods congenial. Clardy was a perennial rabble-rouser who idolized Senator McCarthy. He was of the no-nonsense, "let-me-at-'em" school of Red hunters.

When a lawyer once complained to Clardy that HUAC had been rough on his clients, Clardy replied:

Pretty rough on those Communists? If we had been really rough on them we would have taken them apart. As it was, we were treated in a way that I think exhibited on their part the utmost contempt for the Congress and their government, and they left the stand and lied like horsethieves and we called them back and they took the fifth amendment again. If I had my way and we had any power, they would really have been punished by putting them in the dungeon the first time. . . . A few years ago this committee had, and may have at the moment the right to put witnesses down in the dungeon underneath the Capitol if they refused to cooperate with the committee. Some day perhaps I will test that out.

As far as the record shows, Clardy never did realize his dream of putting witnesses in "the dungeon." But he did conduct hearings in May 1954 in his home district, Flint, Michigan, in which he not only abused the witnesses but incited violence against them. He recalled that during his college days in 1937, his college mates had thrown UAWCIO organizers into the Red Cedar River. He said: "I was proud of those kids. They should also have tossed into the river the then Governor, the late Frank Murphy." Clardy's conduct of the hearing contributed to the lynch spirit which swept the city. A number of workers were dragged from their jobs in automobile plants by lynch gangs and beaten; hostile witnesses were evicted from their homes; their families had to go into hiding to escape the fury of mob hoodlums; the office of the lawyer for the witnesses was smeared with red paint.

Exposure: The Congressional Pillory

In 1951, Congressman Walter, presiding as a Committee member at Honolulu hearings, made no secret of his hope that the "power of public opinion" would implement the Committee's exposure of witnesses.

The exposure system is a concealed and, indeed, an unconstitutional form of law enforcement; it has no place in a tripartite system of government such as ours, which requires that each of the three coordinate branches of government -- legislative, executive and judicial-respect the integrity of the others.

Legislative power is concerned with the enactment of laws setting general standards of conduct which apply to everyone. Investigations in aid of the legislative power are directed at patterns of conduct, at behavior which reflects a general condition, illuminating the need for a new law or measuring the effectiveness of an existing law. An investigation -- a legislative investigation -- cannot be conducted for the purpose of passing judgment on and determining the guilt of an individual. The prosecution of individuals under duly enacted law is the exclusive responsibility of the law-enforcement branch, which is part of the executive department. The determination of guilt or innocence falls exclusively within the province of the courts, which is the judicial department. Or, to put it simply, one body makes the law, the second carries out the law, the third judges guilt or innocence under that law. Our governmental structure was erected on this tripartite underpinning, not for reasons of symmetry or convenience, but because no better way could be found to reconcile the use of governmental power with the claims of individual freedom.

As John Adams noted in 1775:

A legislature, an executive, and a judicial power comprehend the whole of what is meant and understood by government. It is by balancing each of these powers against the other two, that the efforts in human nature toward tyranny can alone be checked and restrained, and any freedom preserved in the Constitution.

About 150 years later, one of our greatest Supreme Court Justices, Brandeis, pointed out:

The doctrine of the separation of powers was adopted by the convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.

The doctrine of separate and coordinate powers is a fundamental precondition to the functioning of democratic government itself, the means of preserving a system of checks and balances. Its purpose is not merely to correct abuses of power in a particular instance, but to discipline its exercise, to institutionalize arrangements which will prevent abuse from arising in the first place. Its integrity is the profound concern of all of us.

There are aspects of our Government which cannot be squared with the separation-of-powers principle. For example, there is no question that the executive veto power is a legislative function and that the senatorial power to confirm appointments is an executive one. The development of our administrative agencies has imposed a considerable strain on this principle, for those bodies exercise both executive and judicial functions. But their activities are subject to judicial review to ensure that they do not exceed their charters or violate individual rights.

Whatever modifications the principle of separation of powers has suffered since the Constitution was framed, its basic substance remains intact.

Throughout U. S. history, Congressional committees have occasionally abused their power: they have investigated for nonlegislative ends, to expose individuals for public condemnation or to act as a court to try individuals. The hunt for headlines, political ambition, the zealotry to benefit or injure a particular economic group, or to influence the outcome of a labor dispute, the temptation to have a fling as a prosecutor (many lawyer-Congressmen suffer from a "Mr. District Attorney" complex) -- all of these, singly or in combination, have led Congressional committees on occasion to depart from legislative ends.

What must be emphasized here, however, is that, in contrast to the occasional lapses of other committees, the UnAmerican Activities Committee systematically and deliberately uses its powers for non-legislative ends. Moreover, these nonlegislative ends are achieved not in the context of a legitimate inquiry, but through an investigative apparatus which is specially tailored to do one thing and one thing alone -- injure the witness. Exposure is not the byproduct of the Committee's hearings; it is the primary product -- the way in which the Committee exercises its jurisdiction. It is not that the Committee fails to comply with the rules of the game. It plays a different game in a different ball park. HUAC has dedicated itself to the special and unique function of exposure. Thus the Committee and its members have openly and proudly dedicated themselves to the abuse of the power vested in them by

Congress. In 1947 the Committee explained that its function was to "expose activities by un-American individuals and organizations which, while sometimes being legal, are nonetheless inimical to our American concepts and our American future.

In the same year, J. Parnell Thomas, then Chairman of the Committee, proclaimed in a radio address:

The chief function of the Committee . . . has always been the exposure of un-American individuals and their un-American activities. This is based upon the conviction that the American public will not tolerate efforts to subvert or destroy the American system of government, once such efforts have been pointed out. The Congress' right to investigate and expose undemocratic forces is as established and untrammelled as our Constitution.

This fine-sounding phrase merits examination. The citizen might reasonably ask: Established by whom? And when? And obligingly, in 1951, the Committee provided their answers in a publication distributed in more than a million copies (100 Things You Should Know About Communism): "Exposure in a systematic way began with the formation of the House Committee on Un-American Activities. May 26, 1938 . . . with instruction from the United States House of Representatives to expose people and organizations attempting to destroy this country. That is still its job, and to that job it sticks." There's that word "expose" again. Yet the Congressional instruction to the Committee says nothing about "exposure" -- this was merely Martin Dies' interpretation of the function of the Committee.

Whatever may be the ultimate purpose of a bona fide legislative investigation -- recommendations for new legislation, the appraisal of a law already on the books, a check on the conduct of executive personnel -- it centers on some problem, some issue, some evil: e.g., "payola," the prizefight racket, the operation of the Port of New York Authority, the high price of drugs. The need to throw factual light on "the matter under inquiry," is all-important. It determines the nature of the evidence to be sought, the kind of witnesses, the number, time, and place of hearings. When the subject is exhausted, the investigation is over.

But HUAC has created for itself an inexhaustible subject. It can always find "subversives" who must be exposed. The "issue" with which the Committee is grappling is supposedly Communism. But the hearings held are designed to shed light not on the issue, but on the witnesses. HUAC's basic purpose is dual: first, publicly to identify the political affiliations of the witness and his associates and, second, to punish the witness because of those affiliations.

The identification itself is a serious interference with the rights of free speech and association. To a far greater extent than is generally acknowledged, our political and social freedoms are dependent on privacy and anonymity.

The secrecy of the ballot, the confidential character of trade-union membership, the assurance that subscribers will receive publications in "plain brown wrappers" -- in these and in scores of other ways we recognize that free association, thought and speech require privacy and anonymity.

Indeed, free speech became possible only when the conditions of life made anonymity

possible. The right remained an abstraction in a pre- industrialized society when each man was at the mercy of his neighbor's prejudices and was bound to the mores, the religion and the politics of his community. As Professor John P. Roche has written, "In a very real sense the very impersonalization of urban life is a condition of freedom; it is quite possible to live differently from one's neighbors without their knowing, much less caring, about deviation." The right to dissent on fundamental questions, proclaimed by the founders and enshrined in the Constitution, is meaningless without anonymity.

The conformist pressures under which we live have made individual speech so perilous that organizations are indispensable to give dissent strength and anonymity. But now it has become dangerous even to join organizations. The Committee relentlessly seeks the identification through "pitiless publicity" of members of organizations in order to undermine our most meaningful freedom -- freedom of association. Thousands might be willing to join the Committee for a Sane Nuclear Policy (SANE) because they are convinced that nuclear testing is the road to final incineration. But how many are ready to act in the face of the fear that their names may be published by the Committee as subversives and reprinted in the newspapers of their community?

The Committee's major achievement has been the transformation of the hearing into a public identification device which destroys the privacy essential to freedom. Because it strikes at the preconditions of freedom, the ever-present threat of being dropped into the Committee's goldfish bowl has been more stifling than all the repressive legislation on the books.

The effectiveness of the Committee's use of the identification device has shaped the basic strategy of modern repression. Compulsory disclosure has emerged in our time as the most widely used and most effective form of restraint on our basic freedoms. Senator Dodd insists that Dr. Linus Pauling turn over to him the names of American scientists who assisted him in circulating petitions in opposition to nuclear testing. New Hampshire Attorney General Wyman sends Dr. Willard Uphaus to jail for refusing to divulge the names of guests at the World Fellowship Camp. A Florida legislative committee jails the Reverend Theodore R. Gibson for his contempt of the committee in refusing to produce membership lists of the NAACP. [Arkansas, Texas, Tennessee, Virginia, Georgia and Louisiana have all tried to destroy the effectiveness of the NAACP by requiring the disclosure of its membership lists.]

Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association. . . . It is hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy may constitute an effective restraint on freedom of association. . . . [The] vital relationship between freedom to associate and privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs.

The theories which justify identification and compelled disclosure lured many liberals in the forties. "Stand up and be counted" became the battle cry when the cold war touched off a drive for a means of policing dissent which might not collide with constitutional guarantees. Disclosure was widely touted as a needed counterpart to the labeling requirements of the Pure Food and Drug Act. The provisions of the Securities and Exchange Act for public registration of stock issues gave rise to proposals for an "SEC of ideas." These theories have been murdered by the realities. The supporters of these theories exaggerated the need to

protect the "consumer" of ideas from deception and ignored the key relationship of privacy to freedom. In addition, they failed to recognize that disclosure of dissenting opinions would inevitably lead to reprisal and punishment by hostile forces in the community.

Nor did they foresee that the requirement that a person disclose his own present or past political affiliations can easily lead to a requirement that he identify others -- and become an informer.

The invasion of the privacy of the witness and the restraint upon his freedom of association are just the downpayment on the full damage which the Committee does to him. The hearing is intended to destroy him as a person, to violate his dignity by forcing him to confess his political "sins," and to deprive him of his livelihood. This is the Committee's punishment for his offense of being, not even a proven, but a suspected "subversive" -- not by any means only a Communist, or an ex-Communist, but anyone whom HUAC expediently chooses to consider "subversive," whether it be because of affiliation with the NAACP, or the National Council of Churches, or SANE, or any other organization which falls under its disapproval. The witness has violated no law; he has merely declined to answer the "Sixty-four dollar question," ("Are you now or have you ever been a member of the Communist Party?") on the basis of a constitutional amendment -- usually the Fifth Amendment -- privilege against self-incrimination. This plea, as the Supreme Court has repeatedly ruled, cannot give rise to an inference of guilt. Moreover, even if the witness had been a Communist Party member, such membership is itself an exercise of constitutionally protected rights of free speech and association. The exposure process seeks to brand its victim as subversive for the rest of his life on the public record, a visible continuing target for hostility and reprisal. The goal is to make the unfriendly witness permanently unemployable by attaching to him an indelible stigma -- democracy's counterpart of the yellow armbands which Hitler forced on the Jews.

The exposure punishment is actually closer to us than Hitler's Germany. We are dealing here with a latter-day version of the pillory and stocks, the devices used in the 17th and 18th centuries to hold offenders on exhibition in a public place, in an uncomfortable and degrading posture. These archaic instruments physically punished and humiliated the offender, and at the same time exhibited him as a warning to others. Most importantly, the pillory held a man helpless in its grasp as fair game for the community; it was intended that he be spat upon, cursed, taunted and stoned. The pillory was used -- especially in the 17th century -- to punish dissenters.

It is no mean achievement to engineer the punishment of an American for nothing more than resorting to rights protected by his Constitution. To ensure the destruction of the witness, the hearing is carefully staged to reach and inflame, through the press, radio and television, a wide audience beyond the hearing room: the community at large, employers, bar associations, local police authorities, boards of education. The exposure hearing is a highly efficient weapon. Professor Daniel Pollitt, studying the results of two years of hearings, showed that of 64 unfriendly witnesses appearing before the Committee on whom information was available, 50 lost their jobs.

The knife of exposure sometimes cuts too deeply and wounds even the cooperative witness. Justice Black, in the Barenblatt case, pointed out that: "Even those the committee does not wish to injure are often hurt by its tactics, so all-pervasive is the effect of its investigations."

When the individual's privacy is invaded on the witness stand, the shield of urbanization and large-scale industry is transformed into a sword. A powerful press rubs the community's and the employer's noses in the disclosure. The likelihood is strong that the victim is a stranger to his neighbors, without protection against their suspicions. The giant size of our employing units, their interrelatedness and close ties to the defense establishment, make it easy for the Committee to hound the unfriendly witness out of employment in an industry. In a highly integrated society, the victim has no place to hide, no economic or geographic haven of tolerance. By the early fifties, many powerful employers (General Electric, Westinghouse, R.C.A., Bethlehem Steel, U.S. Steel, to name only a very few), and indeed, whole industries, proclaimed a new ground for automatic discharge or suspension -- being an uncooperative witness, or a variant thereof.

In the professions, the Committee struck a gusher. Long-established tenure protections were uprooted overnight as boards of education made noncooperation with congressional committees a ground for termination. Many American universities, the United Nations, newspapers, symphony orchestras, private schools, social agencies and research organizations adopted the same policy.

It is charged that there are still 200 writers and performers who are blacklisted in Hollywood as a result of the operation of the exposure system. With the exception of a few New York Times reporters, almost all other journalists who were exposed by the Committee or its Senate counterpart were fired.

There are even a number of states which during the fifties denied unemployment benefits to those discharged for being uncooperative witnesses (Maryland, Pennsylvania and Massachusetts). In some states an unfriendly witness cannot obtain a license to sell liquor, tend bar or perform as a wrestler. The District of Columbia will not permit an unfriendly witness to tune pianos. And the Network once forced the cancellation of a chess tournament in Baltimore because a leading contender was an unfriendly witness.

The victims of the old-time pillory sank or swam on the tide of community judgment; thus the pillory of popular dissenters such as Daniel Defoe and John Lilburne was made the occasion for public triumphs in their honor; but Titus Oates, the notorious informer, emerged half-dead from the pillory. The Committee cannot afford to leave the fate of its victims to chance.

For all of the fear-mongering stagecraft of the bearing, there remains the possibility that the exposure will not "take." The Committee needs some representatives in the community who will make sure that all goes well in its absence. To this end, it has perfected a system of collaboration with the Network of rightist organizations which I have already referred to. Among the most prominent of these are: the American Legion, the Veterans of Foreign Wars, AWARE, Inc., the Christian Anti-Communist Crusade, the Daughters of the American Revolution, and the American Council of Christian Churches. In addition, the Network includes scores of individuals and ad hoc organizations which spring up in connection with particular hearings.

The Committee's organization Network serves a variety of functions. Its members get access to the Committee's files and dossiers for the low-down on local suspects. Network members

are instrumental in bringing the Committee to their communities. They are the beaters and the advance men for the hearing and drum up favorable publicity. At the hearing, special seats are reserved for them.

But the Network members are more than supporters and well-wishers. They act as the Committee's agents and do for it what it cannot do for itself. The Committee cannot officially require public or private employers to discharge the unfriendly witness -- although it frequently comes pretty close to doing so anyway. For such open pressures would fatally discredit its claim that the hearing is merely a legislative investigation. The Network enables the Committee to ensure the injury of the witness and at the same time to avoid legal responsibility for it. To make it easier to force the witness out of employment, the Committee publishes his name over and over again, first in a special index to its public hearings, then in its annual report, and again in a huge cumulative index.

Members of the Network visit the local newspapers to develop pressure on employers. They personally write, call and visit private and public employers. They organize the forced removal of unfriendly witnesses from shops -- "run outs," as they are called. They circulate copies of the hearings, write letters to the newspapers demanding the discharge of the unfriendly witnesses, pack board of education meetings called to discuss the fate of the teachers who were unfriendly witnesses, and organize telephone campaigns to force sponsors to fire performers and writers. The dynamics of this partnership between a public agency and private power groups was put forth with striking candor by Representative Walter before he became Chairman of HUAC:

Rep. Francis Walter (D. Pa.) who will take charge in the new Congress of House activities against Communists and their sympathizers, has a new plan for driving Reds out of important industries. He said today he plans to hold large public hearings in industrial communities where subversives are known to be operating, and to give known or suspected commies a chance in a full glare of publicity to deny or affirm their connection with a revolutionary conspiracy -- or to take shelter behind constitutional amendments.

"By this means," he said, "active Communists will be exposed before their neighbors and fellow workers, and I have every confidence that the loyal Americans who work with them will do the rest of the job."

How Exposure Works

Exposure is not simply a process of identifying a witness as a subversive at a public hearing. It might be difficult to engineer the punishment of the witness merely for exercising his constitutional rights. Careful preparation is needed so that the identification is made in an atmosphere of pervasive hostility; fear must rule people's thoughts and drive out reason so that Network groups can call the turn the Committee wants called.

The Committee strives to inflame the community to destroy the subversive and, in the process, to discredit and attack all kinds of liberal causes and activities. The exposure system produces a planned political overkill.

The community movement which HUAC shapes to destroy the exposed witness spreads like a brush fire. A Committee hearing, if properly planned, can influence the decision in a local

tax issue, kill a housing referendum, defeat slates in trade unions, PTA's and cooperative elections, blast the hopes of a candidate for Congress or a local council, reduce participation in a community forum, force a change in the school superintendent, remove books from library shelves, and plunge the community into a miasma of suspicion, hate and fear.

The news of the hearing slowly seeps into the community. A HUAC investigator visits a potential witness at home and asks him to cooperate. He is warned that a refusal might lead to loss of job, or (in the case of a naturalized citizen) to denaturalization. If the potential witness remains hostile, he is visited at his job. The employer is requested to make the employee see the light.

When the roster of witnesses is complete, an alert goes out to security officers of corporations, boards of education, local politicians and other interested individuals. The Committee frequently works with a local journalistic tout who gives its investigators tips on suspects. In exchange, he is permitted to break the story, "Red Probe Due in February"; "Committee Investigators Gather Evidence"; "Commie Probe to Call 40, Express Learn!" The story quotes a "reliable Committee source" that HUAC has uncovered a serious threat to the community's security.

By now gossip and rumor fill the air with the names of the victims. Some of them are called in by their employers for "quiet talks." The special hum that fear makes -- of loss of job, of injury to family and career -- becomes louder. There are anxious telephone calls -- has a stranger appeared with a piece of paper, a subpoena? HUAC's supporters are mobilizing. The community is still passive, but curious -- waiting for the next development.

While stoutly insisting that it is a firm policy not to release the names of those subpoenaed, HUAC ("a source close to the Committee") frequently leaks the names to the press. The announcement of the subpoena in advance of the bearing makes it easy to develop discharge pressures. The local vigilantes ride harder. Resolutions are passed; trials are held; balls are closed; shrill-voiced patriots call employers, school boards, and professional societies to put them on the spot about subpoenaed employees and members.

At last the subpoenas are actually served -- usually about a month before the hearing. Now the Committee issues a press release. It frequently promises sensational disclosures of some particularly grave peril which will be aired at the hearing ("Probers Fear Port Menaced"; "Defense Area Declared Infiltrated"; "Sabotage Threat to Be Probed by House Committee"). As the hearing day approaches, the press goes into action with "background" stories ("Red-Led Unions Here Overdue for Probe"; "Teachers Cell Ten Years Old"). When the tempo lags, "dope" stories (inside advance information) appear about the unfriendly witnesses ("Area Salesman to Be Called by Probe"; "Six Defense Workers Subpoenaed").

By the time the hearing opens, the normally passive anti-Communist members of the community have been gulled into believing they are genuinely threatened, while the community Network is riding high on a tide of vociferous hostility. The press waits to cash in on the scare headlines it has, been running, expectant citizens await with alarm the disclosure of information that menaces their community; unfriendly witnesses, anticipating the rack for weeks, reach a crescendo of anxiety. The cry of "Communist!" has been made to echo the panic of an insidious disease once proclaimed by another cry, "Unclean!" The

climate of fear is prepared, the stage set.

In the typical case, the person who is served with a subpoena knows he has been singled out for public exposure. Sometimes he is summoned to a private, executive session. He hopes that the private session will shield him from further harassment. But if he refuses to answer in executive session, he is called for a public appearance.

Here is the statement of a witness who appeared at an open hearing, in November 1959, purportedly dealing with subversion among Puerto Ricans in the continental United States and their homeland:

1. A representative of this committee first approached me in December of 1957 and I was interviewed by him in my office. On November 3, 1958, almost a year later, two representatives of the committee, Mr. Williams and Mr. Gerhard, visited me at my home in New York City. At this time these representatives noted that my graduate studies as a candidate for Doctor of Philosophy were nearing completion. They suggested that I had a promising career ahead as a scientist and that it would be a pity to ruin my career before it was even started. They stated that if I did not provide them with the information they requested, I would be served with a subpoena by the committee. They stated that if I refused to testify and invoked the protection of the Fifth Amendment the consequent publicity would result in reprisal by persons outside the committee who disapproved of witnesses invoking the Fifth Amendment. They reminded me that other careers had been ruined by such exposure. They stated they had delayed service of the subpoena in the hopes of eliciting cooperation. At the end of the interview, when they decided they had been wasting their time, they announced that a subpoena would be forthcoming and commented, "Let the chips fall where they way."
2. I appeared before the committee in executive session on August 6, 1959. At that time I declined to answer questions concerning my past or present political associations and personal affairs. I was continued under subpoena until today. I can only conclude that my summons to this open hearing is an attempt to make good the threats to carry out this punitive action. It would seem that the broken careers that have been left behind by the committee are not an unfortunate by-product of information-gathering for legislative purposes, but rather a primary purpose of the hearings.

Torn between his fears and his principles, the unfriendly witness is plunged into an agonizing crisis. He knows that the Committee demands his physical presence in the hearing room for no reason other than to make him a target of its hostility, to have him photographed, exhibited and branded.

Life in a democracy has not taught him how to cope with these attacks. He knows that the vandalism, ostracism, insults, crank calls, and hate letters that he and his family have already suffered are but the opening stages of a continuing ordeal to which he is to be relentlessly subjected. He knows that he may lose his job -- if he hasn't already lost it -- and that his family faces a kind of community outlawry. Most of all, he is tormented by the awareness that he is being punished without valid cause, and deprived, by manipulated prejudice, of his fundamental rights as an American and of the moral and ethical protections which a civilized society extends to every man. He is sickened by the realization that an agency of Government has pandered to the bigotry of the community and now proposes to make his personal life a prey of that bigotry.

He must choose a lawyer (and pay him a fee). If he is still employed, he must explain to his employer that he will be away from work -- and why. If the hearing is out of town, he may lose several days' work (and incur extra legal fees and expenses). Will the witness' wife share his feelings? (A blacklisted witness, Alvah Bessie, has written, "Personally, I know of

at least fifteen broken marriages broken because husband or wife became an informer or refused to. . . .") Shall he tell his coworkers about the subpoena? Will they understand? Or should he pray that the story of his appearance will be buried on the back pages? His youngsters have been taunted, shoved off the sidewalks and spat upon. What about the children's school? Should the teacher or principal be spoken to? Should he consult the minister?

As he approaches the hearing, the fear, the sense of shock, intensifies. A subpoenaed person, interviewed in the course of The Fund for the Republic's investigation of blacklisting, describes it this way:

Even though you know what takes place in that committee, you are so accustomed to respecting government in all its forms, that your fear is enormous. Intellectually, you understand what's happening, but you can't control the fear. An insidious form of self-guilt sets in. You accept the views of the committee in spite of yourself. It's quite bewildering. Afterwards, you find yourself guarded and evasive whatever you do, wherever you go.

While the Committee likes to see the unfriendly witness exposed and destroyed by publicity even before the hearing, it is careful to shield the identity of the friendly witness, especially if his name and role have never before been disclosed. These witnesses are frequently issued subpoenas as though they were unfriendly. The Committee will not identify them before the hearing because, it says, they might be assassinated or their families injured by the bloodthirsty Reds. Besides, this heightens the discomfiture of surprise, the drama of confrontation, and minimizes the possibility of cold feet, second thoughts, or the development of discrediting material (always a danger with an informer) which might dampen community enthusiasm.

Moreover, it is important for the friendly witness to share the confidence of the unfriendly witnesses until the hearing so that he can testify about the hostility with which the unfriendly witnesses responded to the Committee, the steps they planned to resist it, and the advice that they received from their lawyers -- something that might be difficult if the friendly witness were not subpoenaed and impossible if his "friendly" status were disclosed. In the 1959 Pittsburgh hearings, the Committee, with great relish, elicited testimony from a friendly informer about the reaction of the unfriendly witnesses to the hearing, and how, armed with his own subpoena, he penetrated their meetings with counsel and, masquerading as an unfriendly witness, shared in the legal advice that they received -- a tactic which outraged even the Pittsburgh press.

The public hearings throb with hostility. When the hearing is held on the road, the Committee arranges in advance to pack the room with its Network supporters. The 1954 Seattle hearing was so jammed with members of the American Legion Auxiliary and Pro-America that many of the witnesses and their lawyers had difficulty getting into the hearing room. The friendly witnesses are separated from the unfriendly ones and are usually seated in an enclosure reserved for the Committee itself, members of the United States Attorney's office, the FBI, employers and members of the local antisubversive squad. When the hearing is held in Washington, similar efforts are made to ensure a hostile audience. At the 1953 Washington hearing of Reverend Jack E. McMichael, the best seats in the hearing room were reserved for members of the Circuit Riders, a reactionary religious group which shares the Committee's

views. Each seat was lined in advance with copies of its literature.

When the hearing begins, the Chairman of the subcommittee conducting the hearings makes a statement in which he freshens up the fears of the audience and inspires them to finish off the unfriendly witnesses. The Reds are more menacing than ever; their machinations are more diabolical; do not be deceived by the number of individuals who have left the Communist Party; these are sinister tactics to screen a revolutionary plot, etc.

After this ritualistic denunciation, there follows a special local appeal. Chairman Velde's opening gambit in the 1954 Seattle-Portland hearing is a classic example of the genre:

There is probably no section in the United States that possesses a more strategic importance than this area. We members of Congress recognize this fact, and, unfortunately, so have enemies of this country.

In the Committee's world it is always high noon -- there are no unstrategic areas, every industry is the most vital to our defense and every example of subversion the most devilish it has ever encountered.

Sometimes the need to make a good first headline for the afternoon press will drive the Committee into particularly silly charges. In July 1959, the Committee opened hearings on "Communist Training Operations" with an announcement by Chairman Walter that one of the witnesses had "received orders from the Kremlin, which have now been transmitted to the comrades in the United States. . . . to intensify the training of key revolutionaries in sabotage, subversion and penetration." There was not a word of evidence adduced in the hearing to support this charge, but it was good for a headline: REDS STEP UP SABOTAGE WALTER SAYS.

When the informer takes the stand, even Arens can do very little to recreate the mingled sense of fear, awe and excitement which his revelations produced in an earlier day. But Arens does his best to invest the performance with melodrama and menace. After the preliminaries are disposed of, the Committee gets to the heart of the matter--the listing of names. The Committee already has the names, but it wants them on the public record. For example (Communications, 1957):

Mr. Arens: Now during the course of your membership in the Communist Party did you know a number of people as Communists who were engaged in the communications field?

Mrs. Greenberg: I did.

Mr. Arens: Do you have before you now a list of names of persons that you have given to the staff here, persons known by you to a certainty to have been members of the Communist Party?

Mrs. Greenberg: I have.

Mr. Arens: As to each of these persons, have you observed him or her in a closed Communist Party meeting?

Mrs. Greenberg: I have.

Mr. Arens: Would you kindly tell us the names of each of these persons, and give us just a word of description concerning each one of them?

The witness then proceeded to list the names previously given to the Committee. If the witness forgets a name, he is prompted (New England, 1958):

Mr. Arens. May I make the record clear here? The names which I have, from time to time, been prompting your memory with and suggestions are, in each and every instance, names which you have heretofore given us?

Mr. Penha: That is absolutely correct.

Mr. Arens: In private sessions, is that correct? Now may I suggest the name of the witness then characterizes the political position and importance of each person named. In most instances, the victims turn out to be of the leadership elite. There are few unimportant Communists in the informer's world. Hearings, rarely fail to turn up a headline: WITNESS NAMES NO. 1 RED IN AREA PROBE.

When the informer leaves the stand, he is held in reserve for confrontations and for spot appearances.

It must be remembered that the subpoena and the Committee appearance is only one path to the Committee's goal of exposing and ruining its victims.

As the friendly witness recites the list of names, each one described and the spelling verified, when necessary, to pinpoint the victim, newspaper reporters relay their stories of the disclosures. At once the machinery that worked on subpoenaed witnesses now goes to work on people who have merely been named. The named victim's phone rings; the press is calling for a statement. Discharge and trouble strike; the entire community becomes an exposure mill. The next edition carries as front- page news the list of those named-with photographs when they are available. Stores and homes are picketed, calls to boards of education are made, boycotts are threatened, blacklists are imposed, emergency meetings are called. The named victims can be exposed and ruined on a wholesale scale without a subpoena or an appearance -- simply on the testimony of an informer.

The following recital by a named, and subsequently subpoenaed, doctor tells it own tale.

On September 21, while you were questioning a doctor, you asked him whether there was a certain type of meeting in my home, and you mentioned my name twice, and you spelled out my name to make sure that everybody got it, and the following day at 10 o'clock in the morning the superintendent of the hospital asked me to resign because of the associated publicity. This, mind you, after seven and one-half years of excellent service, admitted by the superintendent of the hospital.

The meeting referred to was a "meeting of the medical division of the Arts, Sciences and Professions." Finally, the dreaded moment arrives. The subpoenaed unfriendly witness,

named by the friendly witness who has just left the stand, is called to testify. The Committee moves in to complete the exposure; members of the FBI staff and local Red squad look him over as he moves toward the witness stand to fix his face in their minds. He is overborne and bewildered by the naked hostility of the governmental forces confronting him.

The picture which the Committee presents is as harsh as it is false. The Government of the United States, in the persons of members of the Committee, panoplied by its staff, United States marshals and friendly witnesses, has trapped an enemy of the Nation, lurking and plotting in his community and place of employment, and is bringing him to book. The Committee members sit high on the judges' seats of the local courthouse (where field hearings are usually conducted), or on the dais of the august caucus room in the old House Office Building in Washington. The witness proceeds to a table below with a gagged counsel at his side, to be judged and punished at the same time. And this highly direct use of power is as arbitrary as it is harsh, for it is unredeemed by any of the procedural decencies of the Anglo-American legal system.

The witness makes his way to the stand, amidst the popping of flash bulbs, the grinding of television, the clicking of stiff cameras, and the bustle at the press table. His lawyer complains of the unnecessary bedlam and requests that the cameras be halted and the televising cease. The Committee solemnly explains that it has no jurisdiction -- and this frequently in a Federal courthouse -- over the photographers or television cameramen until after the witness is sworn. This reason for evading Speaker Rayburn's ban on the televising of all committee hearings is akin to a claim that the Committee would be powerless before a witness is sworn to prevent a spectator from smoking or brawling at the place where it is conducting a hearing.

Moreover, the cameramen know very well that the Committee really does not intend that they cease photographing or televising the witness during his testimony. They usually continue while the witness or counsel protests in vain. For example, in the 1958 New England hearings the Chairman ruled at the request of a witness that "no pictures will be taken during the course of the testimony. . . ." The photographers persisted after she took the stand. She protested, "The photographers are getting me very nervous, Mr. Chairman." Her counsel added, "I thought the pictures were not to be taken, according to your own ruling." For this simple reminder, counsel was rebuked for "taking this opportunity to make speeches."

When the cameras continued, the witness pleaded, "Please I am very nervous when the pictures are taken. Please, I ask that no pictures be taken." The Committee, still declining to enforce its own ban on photographers, told the witness, "If you would answer the question you would not be so nervous." There followed an attempt to terrorize the witness into answering with the help of the grinding cameras. Another request to halt the televising ("I want to call your attention that you are still permitting the cameras to go after you already said they would not"), was ignored as the Committee pressed harder and threatened contempt. The witness again protested, "Mr. Chairman, the photographers are still taking pictures here" and they continued to do so until the witness left the stand.

While objections to photographers are frequently futile, a failure to object sometimes brings the taunt that the witness is avid for publicity. In a recent hearing in Chicago, a 70-year-old

witness who had been hospitalized with a heart attack asked the Committee to consider his age and health in its interrogation. When his counsel said that there was no objection to the photographers, Congressman Scherer sneered, "You don't think that would hurt his heart condition?"

As in a slaughterhouse, nothing in an exposure hearing is wasted. The very first questions asked (residence, occupation, place of work) are all designed to contribute to the witness' ruin. The Committee knows where the witness works, but how can the Committee be sure that a witness will lose his job if the nature and place of his employment are not put on the record? Similarly, the public identification of the witness' home address, which the Committee also knows, is indispensable if his neighbors are to be reached. Matters such as these could hardly be left to chance.

The Committee invariably threatens contempt against witnesses who refuse to answer such questions. Even when the witness pleads with the Committee that previous disclosures have resulted in molestation, it does not relent.

The witness' office address is an equally vital piece of information (Los Angeles, 1952):

Mr. Moulder: Where is your office located from which you engage in the practice of law?

Witness: In the City of Los Angeles.

Mr. Moulder: In what building and office number?

Witness: Does that have any pertinency?

Mr. Moulder: To properly identify you as to who you are. We are trying to designate as to just exactly who you are.

Witness: I believe it is in the telegram as correctly stated here, Mr. Moulder. That is the telegram which I received summoning me to this postponed hearing.

Mr. Moulder: Then do you refuse to answer that question?

Witness: Well, my address, as I say, is correctly stated in the telegram. I believe you have a copy.

The witness answered the question.

In the 1959 Los Angeles hearings, the Committee tried to force a witness to state whether he was a doctor or a dentist and to give his street address. He gave his address as "Los Angeles County." But this did not satisfy the Committee. First Committee Counsel Tavenner tried to justify extracting his address from him on the ground that it was necessary "to locate him geographically so as to be able to know what his opportunities are for knowledge of Communist activities" in the particular area under investigation. Congressman Jackson suddenly sprouted a concern that the Committee might be confused. There was, he claimed, another individual with the same name; the residence was important to eliminate the

possibility "of confusion with another doctor with the same name."

The doctor's lawyer unsuccessfully tried to offer this information off the record. The Committee wanted it on the record. To satisfy both Tavenner and Jackson, the witness specified the area of the county where he lived.

Throwing pretense to the winds, the Committee demanded, "Where, what address, that is a very general area." The witness then gave his street number. Surely there could not be two doctors with the same name, living in the same area, and at the same street number. But the Committee closed in on him: "What city?" "Well," continued Mr. Tavenner "it has been a long time finding that out. Where do you maintain your office?" The witness' lawyer, again to spare his client harassment, offered to supply this data off the record. When the Committee refused, the witness pleaded the Fifth Amendment.

In the Newark hearing held in September 1958, a witness resisted giving his residence and occupation because he had appeared in executive session where he had already given the Committee answers to these questions. He lost his job.

A witness (Youngstown, 1956) is asked to state her occupation. She answers, "If I state my occupation, I will be fired. I prefer to withhold that."

Mr. Arens: You are required to state your occupation. . . . I respectfully request that the witness be ordered and directed to answer the question.

Witness: I am a social worker.

Mr. Arens: And you work where?

Witness: I expect if I made public where I work, that I will be fired. I hope that I do not have to make public that information.

Mr. Arens: Maybe it would be in the public interest if we would divulge where you work. . . .

Mr. Willis and Mr. Velde assure the witness that she will not lose her job, if she answers the questions.

Mr. Arens: What do you do at the place where you are employed?

Witness: I am a social worker.

Mr. Arens: And what do you do where you are employed?

Witness: I do the usual duties of a social worker.

Mr. Arens: And among whom do you work?

The witness again begs the Committee not to force her out of her job. Let's start on another

question, Mr. Arens suggests, and then we will return to your job. "Are you a Communist?" When the witness declines to answer on constitutional grounds, Arens again insists, "Now tell the Committee where you work."

Again the witness appeals to the Committee not to take away her job. Arens offers her another bargain: If the Committee doesn't require an answer to the employment question, will she talk about other organizations. She is asked about those and again about the Communist Party. The witness declines to answer on constitutional grounds.

Mr. Arens: Now we are back where we started from. Tell us where you work.

Witness: Your Honor, I am a social worker for a private social agency.

Mr. Arens: And what is the name of that private social agency?

Witness: As I said, if I give the name, I will certainly be fired.

Mr. Arens: Did you have a discussion with your employers respecting your membership in the Communist Party when you accepted this position with this private social agency?

This last question is the standard question used to cue the employer to fire a witness and at the same time to supply a reason for the discharge. Arens was beginning to weary of the cat-and-mouse game he was playing with the witness, for in his next question he indicated that he knew all along where she was employed, and worked in the "brainwashing" theme.

Do you think your losing your job might be because the parents of the children that you influence in Communism, try to influence in Communism, protest a little bit if they knew they had a Communist on the grounds? Do you think that is what might be in the back of your mind?

After taunting the witness a little more and permitting her to thrash about as the net was being drawn tighter, Arens asked, "Are you presently employed at the Jenny E. Clarkson Home for Girls at Valhalla, N.Y.?" But it was not enough for Arens to torment the witness; first, by seeking to use economic pressure to force her to surrender her constitutional rights; second, pretending that the Committee did not know where she worked and needed to know for a legitimate reason; third, by suggesting without any factual warrant at all that she deserved to lose her job because she had abused her relationship to her charges; and fourth, by naming her employer after the witness had made it clear that such a disclosure would result in discharge. When she repeated that the disclosure of her employment was "unfair" and "unfortunate" and would injure her, Arens baited her in a new way: "You didn't lose your employment with the Western Pennsylvania Committee for Protection of Foreign Born because somebody said something bad about you, did you? . . . You didn't lose your job as executive secretary of the Civil Rights Congress in Pennsylvania because someone said something bad about you, did you? . . . Did the Communist Party ever deprive you of a job?"

After another try at the "brainwashing" theme ("how old are these girls? . . . how many are there in the home?"). Arens tried a new gambit and asked the witness to identify her name on a Daily Worker wrapper: "We are going to give you an opportunity now to make your

employer proud of you, and these little girls proud, that you are here serving your country, telling us all about the conspiratorial apparatus that would destroy this country. Just tell us if you are she. Perhaps you receive the Daily Worker to use it in uncovering other Communists or something. We receive it in our work all the time."

The Committee's tactics succeeded --the witness lost her job.

What conceivable relationship does this inquisitorial savagery bear to the process of gathering facts to help Congress discharge its legislative responsibilities? The hate, the drive of almost pathological intensity to wound and hurt which breaks through the records of this (and so many other) hearings, echoes with chilling fidelity the grillings of Jews by the Nazis -- before worse came. To bring the matter closer to home: where could one find a more vivid counterpart to the 17th century arraignment and trial of a witch?

It should be more than clear by now that the hearing is not a legislative investigation at all, but an inquisition. The initial question about the witness' residence and occupation are not mere formalities to identify him in a preliminary way, but dodges in a game of exposure.

These tactics are used solely because the witness is unfriendly. The witness can escape this grilling simply by becoming friendly. For example, if the witness does not want to give his address or his occupation, he can indicate his readiness to cooperate. ("You do not want to give your street address? There is no necessity for giving your street address.") In one instance, after being asked if he were a member of the Communist Party, and before answering, a witness requested the removal of the camera. Chairman Velde replied:

Well, now, may I ask the witness this: If I do order -- or if the committee does order -- the cameras turned off and the lights turned off, would the witness then answer the questions put to him by the counsel?

Witness: Well, I would feel more at ease.

Mr. Velde: Well, would you answer the question as to your membership in the Communist Party if the lights were turned off and the television and newsreel cameras ordered to desist? Would you then be willing to cooperate with the committee in that regard?

The heart of the hearing--the \$64 question, "Are you now or have you ever been a member of the Communist Party?" and its variations -- have no investigative meaning or purpose. The Committee's claim that this question is not a destination, but a journey to the facts, a "preliminary question," is a deception. The absurdity of the claim that the \$64 question is asked as a matter of unavoidable necessity to establish the witness' qualification to report the facts which alone interest HUAC is best demonstrated by the savagely accusatory character of the "questioning" of the witness about his politics.

It is not Arens' style just to ask the witness the \$64 question and let it go at that. He, has perfected a ripe antisubversive baroque, so freighted with prejudicial rhetoric that a failure to respond will yield a maximum of exposure value. Arens asks a witness if "he is now or has ever been a member of a Godless conspiracy based on perversion and deceit," if he is a member of the "army of the Kremlin steeled to overthrow our institutions and operating

behind a facade of humanitarianism," if he is part of a Kremlin-controlled world Communist operation aimed at the nerve centers of our Nation." Here is a full-blown example (Ohio, 1956):

Are you a member of an organization that is dedicated to the destruction of religion, dedicated to the destruction of the entire Judo [sic] -Christian concept upon which his Nation is founded?

Picking up steam, he continues, "Are you a member of any organization which is an atheistic organization, dedicated to the destruction of religion, the sterility of the individual, of all concepts of God. . . .?"

The witness, who of course has been sworn, is called upon not merely to answer the question, but to answer it, "Now that you are under oath." When Arens asked a leading West Coast minister a question so prefaced, his lawyer in vain protested. "Is there any suggestion the witness is not under oath? . . . There is no point in asking this man, this witness, if he is under oath while he is under oath. This is unnecessarily offensive to the witness."

When the witness challenges the pertinence of a question, it is a cue for a renewed exposure attack, Listen to Arens explain to a witness why he is being interrogated: "We understand, and we have received testimony from 'live witnesses identifying you . . . as part and parcel of that movement, as a dedicated zealot of the Communist conspiracy in the United States who masquerades behind the Constitution of the United States, and would desecrate the flag of this great Nation. . . . And I propose, if you will tell us whether or not, while you are under oath, you are in the conspiracy of the Communist Party, to interrogate you at length with reference to plans and proposals and designs of this conspiracy which were taken from premises under your custody and control."

When the witness takes refuge in the plea of the privilege against self-incrimination, or of the First Amendment, Arens has another go at him (New England, 1958): "Maybe you do not know what you are declining here, I just ask you if you think that is a pretty serious charge to level against a man. He is in the underground apparatus of a foreign- controlled conspiracy to overthrow the Nation, under whose flag he obtained protection. Don't you think that is a kind of serious charge to make against a man? Would you like to express yourself on that, or am I probing into your thoughts?"

A witness who declined on constitutional grounds to discuss his participation in a group known as "Coalition for Freedom and Democracy" was asked, "You certainly wouldn't be ashamed of being in a coalition for freedom and democracy would you -- unless it was a false freedom and false democracy under the auspices of a conspirational apparatus?"

When the witness objects to the loaded character of the questioning, he finds himself attacked from a new direction. A witness in the Los Angeles 1956 hearings was asked about his relationship to an organization known as the Southern California Peace Crusade: "Kindly tell us while you are under oath now and in the aura of patriotism which you have surrounded yourself in the opening statement, whether or not you betrayed your country by being executive secretary of this organization designed to subvert the security of this great Nation?" The witness protested that "there is a condemnation attached to the question."

Arens tauntingly rephrased it, "For the moment may we change to say were you executive secretary of this innocent little organization, this patriotic organization, this organization for the uplift of humanity, the Southern California Peace Crusade?" Note the sarcastic diminutive in the preceding quotation. Arens is very fond of this device: "In 1949 did you go to New York City for a little session of the American Committee for the Protection of the Foreign Born?" (Youngstown, 1956).

A minister complains that the question, "Are you now, or have you ever been, a member of a godless conspiracy controlled by a foreign power" is improper because its characterization contains a value judgment based on opinion. Arens insists that the protesting witness has waived the privilege against self-incrimination and should be required to answer because he has "voluntarily" dealt with the subject matter of the question.

Many witnesses fear that to answer any "political" question (even about espionage) might be considered a waiver of the privilege for all purposes and ultimately lead to an informing demand. Arens asks the questions of the witness which he knows could be truthfully answered in a completely exculpatory way, but which the witness feels obliged to decline to answer in order to preserve his constitutional privilege -- a trick perfected by the late Senator McCarthy. When it becomes clear that the witness intends to plead the privilege broadly out of fear of waiver, Arens throws all restraint to the winds and wallows in what amounts to a parody of a movie-style courtroom scene. In a loud staccato, he asks (perfectly sure that the question will be unanswered): "Now, sir, I put it to you as a fact and ask you to affirm or deny the fact that you are part of an enterprise to destroy the very constitution of the United States under which we all have protection, that you are the agent of the Communist Party as an arm of the international Communist conspiracy sent into Atlanta for the purpose of engaging in conspiratorial activities on behalf of the Communist Party. If that is not so, deny it under oath."

Arens is not always sure how far he can use the question as a means of testifying against the witness. Thus, in the 1956 Seattle hearings, he first tested out a witness: "I . . . ask you while you are under oath to affirm or deny the fact that you are an expert in the Communist underground conspiratorial apparatus and in garroting?" When the witness pleaded the self-incrimination privilege to this question, Arens tells him: "I put it to you as a fact, sir, that you were trained in the underground school to garrote for the International Communist conspiracy. Now deny that, you are under oath."

Not a scrap of evidence was introduced in the record to supply a factual foundation for these questions.

On occasion, early in the hearing, the Committee stages a confrontation, which is a device for dramatizing the unfriendly witness' identification by the informer. The informer physically points to (the argot is "fingers") the victim and states that he knew him as a Communist. The feat is usually performed by an undercover agent; few ex-Communist friendly witnesses are called upon to do it.

Mr. Arens: While you are under oath, would you kindly look at the gentleman who has just testified? Look him in the face and tell this committee while you are under oath and while he is under oath, did he or did he not tell the truth when he said he knew you as a Communist?

Mr. Scherer: I ask that you direct the witness to look at the witness Wereb.

Mr. Doyle: So that the record will show, I instruct you to face the witness, Mr. Wereb, who has, under oath, sworn that he knew you as a member of the Communist Party, and ask if you recognize him.

A more conventional form of confrontation runs like this: "The previous witness laid his liberty on the line, and said that he knew you as a member of the Communist conspiratorial apparatus. While you are under oath, stand up like a red-blooded American and tell the Committee was he lying or telling the truth."

The witness, of course, would never be permitted to cross-examine his accuser -- that is not the practice of legislative investigating committees, explains Mr. Arens. As for the informer laying his liberty on the line, it would be the height of fantasy to suppose that the Committee would bite the hand that feeds it by challenging in any way the veracity of the undercover agent.

Confrontations are good for headlines; they make the hearings coruscate with sinister emanations of hidden guilt. Another device which accomplishes a similar purpose is the offer of immunity from prosecution. Most lawyers are convinced that the Committee lacks the power to give immunity to a witness. But that makes no difference -- it creates the impression that he is concealing secrets of such vast import to the Nation's security -- espionage, sabotage -- that every legal resource must be exploited to overcome his silence. Other favorite tactics are votes to recommend contempt, denaturalization, deportation, withdrawal of defense contracts, Department of Justice investigation into the bona fides of a Taft-Hartley non-Communist affidavit, etc.

As the hearing moves along, the Committee never loses sight of the main problem -- to steep the witness in an atmosphere of crime, treason and sedition. One way of building a record against the witness is deliberately to force him to plead the Fifth Amendment over and over again by asking a flurry of questions all falling within the same area. The Committee knows from the initial response that the witness will refuse to answer, but a high score is good for headlines (Local Man Pleads Fifth Forty Times) and helps sharpen the exposure consequences. Sometimes the Committee pointedly comments in the record on the frequency of the plea. (Congressman Clardy: "I hope the gentleman isn't a drinking man . . . thirty-four fifths taken in less than half an hour is quite a lot.")

The questions are frequently used in this multiplication game to give the Committee the air of a prosecutor who is on to something big but is frustrated by the silence and evasiveness of the witness. (Did the witness have a mimeograph machine in his basement ten years ago? Was he present at a party at which the guests consumed a cake frosted with a hammer and sickle? Did he ever live at a given address 15 years earlier?) The impression which the Committee wants to leave with its audience and the press is that it has access to damning intelligence data implicating the witness in serious crimes.

A special contribution of Mr. Arens to the "cops and robbers" sweepstakes is to request the witness to sign the voucher for his witness fee on the record. He explains to the witness (and to the press) that he wants the signature to compare with the signature on a document in the

Committee's possession (a letter, election petition, or a certificate of incorporation) which it regards as proof of subversion. A witness, fearful that he might lose the fee, may sign. Usually he pleads the Fifth Amendment. Arens then informs him that when he signs for his fee after the hearing, the signatures will be compared -- a marvelous ploy for the gooseflesh trade.

A special form of the numbers game is the practice of ordering the unfriendly witness to identify others, HUAC knows that the witness will refuse -- many witnesses plead the Fifth Amendment primarily to avoid becoming informers. The Committee likes to do this in order to smear particular individuals whom it dislikes, such as critics of the Committee. It thinks that the refusal of an unfriendly witness to identify others on Fifth Amendment grounds helps to expose him. The Committee will do this even where it is obvious that the individuals asked about have nothing to do with the matter under inquiry. It asks a recalcitrant witness to testify about persons attending a social gathering at which he was present. A witness who ran a summer camp for children was grilled in this way by Congressman Doyle:

Mr. Doyle: Counselors?

Witness: These are high school kids who help the kids have a good time.

Mr. Doyle: Tell me definitely the name of one counselor that you had last summer. . . . Tell me the name of one person. . . . You would not have any hesitation about giving the names of your counselors in executive session, would you? . . . Do you have a list of the counselors who were at your camp last summer? . . . And the addresses of the counselors are on that list . . . are they not?

The grand strategy of the Committee is, of course, to discredit the Fifth Amendment and to equate its use with guilt. The witness is frequently told that this plea is a direct clue to his guilt. A favorite ploy is to "test the good faith" of the pleader by asking a question which has no relevance to any legitimate inquiry but which invites the surmise that the witness is a knave -- especially when he refuses to answer on the Fifth Amendment grounds. ("Are there any organizations [addresses] that you could tell about which would not supply information which might be used against you in a criminal proceeding?")

Witnesses, with increasing frequency, try to foil the Committee's exposure game by denying present membership, but pleading the Fifth Amendment as to the past (the diminished Fifth). The Committee tries hard to make it appear that this is a trick, a Communist tactic. It asks a series of questions which push back by small increments of time the period of denial. Were you a Communist before you entered this room? A month ago? Six months ago? A year ago? In 1958?

This creates an unpleasant dilemma. The witness can answer "no" at a given point and plead the privilege beyond that point. But this answer in effect surrenders the plea by pinpointing the failure to deny earlier than a particular date. If he pleads as to each question in the time sequence (after having denied generally as to the past), the Committee makes it appear that he is a concealed Communist of one sort or another: "under discipline," "a member not of the formal entity but of the Communist operation," "a part of the Communist underground," etc. The logic of the exposure process compels the Committee constantly to move to ever

more direct forms of condemnation, naked of even a fig leaf of legislative pretense. This sometimes takes the form of rhetorical questions:

Have you formed any Committee for the Protection of the Hungarians?

Now tell us what you have done to protect the flag of this country by your activities in connection with congressional committees?

You are certainly not ashamed as one who has sworn to defend this great Republic to state what you have done to protect the helpless foreign- born, would you? Unless they happened to be Communist conspirators?

Have you betrayed the flag that you were sworn to uphold?

Are you familiar with the very first Psalm, "Blessed is the man that walketh not in the counsel of the ungodly"? [asked of a minister].

Mr. Velde asks a witness (Youngstown, 1956): "Whose side are you on in the revolt, Soviet Union's or the rebels?" The witness replies, "I am on the rebels' side."

But Velde is not satisfied with the witness' answers to other questions, so he concludes, "From the witness' appearance and demeanor before this Committee, I am satisfied that he bears watching by the duly constituted authorities. I do not think he is on the side of the rebels. I think he is on the side of Moscow, the Soviets."

The late Tom O'Connor, a liberal newspaper man, was interrogated in 1952 about a charge that he had been a Communist in 1938. Congressman Velde asked him:

"Are you a member of the Communist Party now?"

"No, Sir," O'Connor replied.

"Were you a year ago?" "No, sir."

"Were you five years ago?" "No, sir."

"Were you ten years ago?" "No, sir."

Velde had no further questions, but made the following comment:

I personally can draw only one inference, that you are not only a past member of the Communist Party, but that you continue to be a member of the Communist Party and that you are an extreme danger to the country as the managing editor of a large New York newspaper.

The Committee uses the record to injure the witness in other ways. It recently held hearings in Pittsburgh to which it called a number of foreign-born witnesses who cannot be deported because the proof of their deportability is defective or because there is no country to which

they can be deported. It filled the entire record with the Immigration and Naturalization Service dossiers on each of them. If a witness has been in trouble with the law -- a tax case, contempt of court, a labor offense -- HUAC brings it out "for purposes of identification."

As the frenetic Arens slows down, the Committee members take over. A few of them take an active role in the assault on the witness. The fire-eating Scherer glares at the witness, sneeringly comments on his responses, throws out a running fire of disparagement and insult. He specializes in perfecting the record for a contempt case. He stands guard to make sure the witness does not "dance away from," or "weasel out of" a question.

Congressman Kearney -- a former general and a leader of the Veterans of Foreign Wars -- grunts his disapproval of the witness and joins in the attack in a rough-hewn style ("I am astounded at this character").

Congressman Doyle -- a lawyer -- likes to take over the questioning when the witness is about to be excused, seeking to wear him down into making disclosures he has already refused to make. He specializes in an evangelical approach: "Why don't you get yourself and keep yourself in shape as a young American citizen, when you don't have to plead your constitutional privileges. . . . This country has honored you by giving you birth. Why the dickens do you get into an atmosphere . . . where you have to refuse to help your own Congress . . . to work out what is just and fair in the field of legislation involving the cold war we are in with Soviet Communism. I suggest if you do it, you will feel a whole lot better inside."

As with many a frustrated evangelist, Doyle rains curses on the unconverted, virtually inciting a lynching of his hapless victim: "I think the great majority of people who are in this room, as well as the American public, whenever they think of you, will look at you with shame when you have called this sort of thing an inquisition. . . . The trouble is, we do not have enough help to expose the real intended purpose of people who write filth such as you have written in these papers."