

**The Dilemma of an Unfriendly Witness:
Lillian Hellman Takes
the Fifth Amendment**

By 1952 when playwright Lillian Hellman received her subpoena from the House Un-American Activities Committee, it had become clear that people who relied on the Fifth Amendment to oppose HUAC's and other committees' activities or avoid naming names would not go to prison for contempt but would probably lose their jobs. Many of these witnesses would have been willing to talk about their own political activities if the committees had not forced them to talk about those of others, but the committees were eager to expose "Fifth Amendment Communists" and would not let their witnesses off the hook.

The following document, the letter Lillian Hellman sent to HUAC two days before her scheduled appearance, is an eloquent statement of the dilemma that faced unfriendly witnesses who, in Hellman's words, did not want "to bring bad trouble" to innocent people. The committee refused Hellman's request and she took the Fifth Amendment. For a fuller description of her ordeal, see *Scoundrel Time* (Boston: Little, Brown, 1976), Hellman's memoir about the blacklist period.

Lillian Hellman, testimony, House Committee on Un-American Activities, *Hearings Regarding Communist Infiltration of the Hollywood Motion-Picture Industry, Part VII*, 82nd Cong., 2nd sess., 21 May 1952.

LILLIAN HELLMAN

Letter to HUAC

May 19, 1952

Dear Mr. Wood:¹

As you know, I am under subpoena to appear before your committee on May 21, 1952.

I am most willing to answer all questions about myself. I have nothing to hide from your committee and there is nothing in my life of which I am ashamed. I have been advised by counsel that under the fifth amendment I have a constitutional privilege to decline to answer any questions about my political opinions, activities, and associations, on the grounds of self-incrimination. I do not wish to claim this privilege. I am ready and willing to testify before the representatives of our Government as to my own opinions and my own actions, regardless of any risks or consequences to myself.

But I am advised by counsel that if I answer the committee's questions about myself, I must also answer questions about other people and that if I refuse to do so, I can be cited for contempt. My counsel tells me that if I answer questions about myself, I will have waived my rights under the fifth amendment and could be forced legally to answer questions about others. This is very difficult for a layman to understand. But there is one principle that I do understand: I am not willing, now or in the future, to bring bad trouble to people who, in my past association with them, were completely innocent of any talk or any action that was disloyal or subversive. I do not like subversion or disloyalty in any form and if I had ever seen any I would have considered it my duty to have reported it to the proper authorities. But to hurt innocent people whom I knew many years ago in order to save myself is, to me, inhuman and indecent and dishonorable. I cannot and will not cut my conscience to fit this year's fashions, even though I long ago came to the conclusion that I was not a political person and could have no comfortable place in any political group.

I was raised in an old-fashioned American tradition and there were certain homely things that were taught to me: To try to tell the truth, not to bear false witness, not to harm my neighbor, to be loyal to my country, and so on. In general, I respected these ideals of Christian

¹Representative John Wood, chair of the House Un-American Activities Committee.

honor and did as well with them as I knew how. It is my belief that you will agree with these simple rules of human decency and will not expect me to violate the good American tradition from which they spring. I would, therefore, like to come before you and speak of myself.

I am prepared to waive the privilege against self-incrimination and to tell you everything you wish to know about my views or actions if your committee will agree to refrain from asking me to name other people. If the committee is unwilling to give me this assurance, I will be forced to plead the privilege of the fifth amendment at the hearing.

A reply to this letter would be appreciated.

Sincerely yours,

Lillian Hellman

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“Are You Now . . . ?”: HUAC Investigates Hollywood

Although HUAC had been investigating communism since the beginning of 1946, it was not until the committee turned to Hollywood in the fall of 1947 that it gained national attention. In its examination of the Communist party's influence within the film industry, the committee subpoenaed a varied group of producers, actors, screenwriters, and directors. Most of the witnesses, like actors Ronald Reagan and Gary Cooper, were friendly. Uniformly deploring communism, they either sought to distance themselves from it or tried to convince the committee that communism had no impact on the films they had made.

Some of the witnesses were not so cooperative. Among them were the Hollywood Ten,¹ a group of screenwriters and directors who refused to answer the committee's questions about their political affiliations. All of them were or had been in the Communist party and many of them, like screenwriter John Howard Lawson, the unofficial dean of the Hollywood left, had been active in the Screen Writers Guild. Unlike later witnesses who relied on the Fifth Amendment's protection against self-incrimination to avoid answering HUAC's questions, the Ten argued with the committee, claiming that it was unconstitutionally violating their freedom of speech and association. They knew that they might be cited for contempt of Congress, but they assumed—and their attorneys did too—that the Supreme Court would eventually acquit them on First Amendment grounds. They

¹The Ten were Alvah Bessie, Herbert Biberman, Lester Cole, Edward Dmytryk, Ring Lardner Jr., John Howard Lawson, Albert Maltz, Samuel Ornitz, Adrian Scott, and Dalton Trumbo.

John Howard Lawson and Ring Lardner Jr., testimony, House Committee on Un-American Activities, *Hearings Regarding Communist Infiltration of the Hollywood Motion-Picture Industry*, 80th Cong., 1st sess., 27, 28, 30 Oct. 1947.