

they were active in such a union, even if they opposed its left-wing leadership. There were also instances of mistaken identity; the FBI, which handled most of these security investigations, was less than scrupulous about checking its files.

At the hearings before their agencies' security boards, people's political opinions, as well as their associations, came under scrutiny. One civilian Army employee was asked what newspapers and magazines he read, whether he and his wife went to church or "provided any sort of religious training for your children," what he thought about government ownership of public utilities, and whether he had "ever expressed [himself] as being in favor of the abolition of trade marks." These records also reveal considerable apprehension about racial issues on the part of security investigators, who apparently assumed that participation in civil rights activities by African American employees was evidence of disloyalty. An initial clearance did not always end the matter; as the second case indicates, federal employees who had survived one security clearance could face the same charges a few years later.

It is also important to realize that many of the cases about which information is available are those whose protagonists decided to fight the charges against them. These cases, therefore, may well have been among the most outrageous abuses of the loyalty-security program and may not have been completely typical. Many other employees, faced with a set of interrogatories that would have forced them to justify their past political behavior to an unsympathetic audience, probably resigned instead.

The Federal Loyalty-Security Program: Case 1

In late February 1954, the employee was working in a clerical capacity as a substitute postal employee. He performed no supervisory duties. His tasks were routine in nature.

One year prior to the initiation of proceedings, the employee had resigned from his position as an executive officer of a local union whose parent union had been expelled from the CIO in 1949 as Communist dominated. The employee had served as an officer for one

year prior to the expulsion, had helped to lead his local out of the expelled parent and back into the CIO, and had thereafter remained in an executive capacity until his resignation in 1953. He resigned from that position upon being appointed a substitute clerk with the United States Post Office in early 1953. . . .

In the last week of February 1954, the employee received notice, by mail, that he was under investigation by the Regional Office of the United States Civil Service Commission. . . .

[The employee immediately answered the first set of charges against him only to be suspended without pay at the end of March on the following charges.]

"3. In January 1948, your name appeared on a general mailing list of the Spanish Refugee Appeal of the Joint Anti-Fascist Refugee Committee.² . . .

"5. Your wife . . . was a member of the . . . Club of the Young Communist League.³

"6. In 1950, Communist literature was observed in the bookshelves and Communist art was seen on the walls of your residence in——.

"7. Your signature appeared on a Communist Party nominating petition in the November 1941 Municipal Elections in——.

"8. You falsely replied 'No' on your Standard Form 60, 'Application for Federal Employment,' in answer to question 16, which is as follows: 'Are you now, or have you ever been, a member of the Communist Party, USA, or any Communist or Fascist organization?'" . . .

The employee had a hearing four months later, in July 1954. The members of the Board were three (3) civilian employees of military installations. None of them were attorneys. The Post Office establishment was represented by an Inspector, who administered the oath to the employee and his witnesses, but did not otherwise participate in the proceedings. There was no attorney-adviser to the Board. There was no testimony by witnesses hostile to the employee, nor was any evidence introduced against him. . . .

. . . Before the employee testified, he submitted a nine-page autobiography to the Hearing Board. . . .

²The Joint Anti-Fascist Refugee Committee was a so-called front group that had been organized to help antifascist refugees from the Spanish Civil War. It was on the attorney general's list.

³The Young Communist League was the Communist party's youth organization from the 1920s to the 1940s. It was on the attorney general's list.

... The autobiography set forth in some detail the employee's activities as an officer of his local union, and discussed particularly his role therein as an anti-Communist, and his opposition to the pro-Communist policies of the National Organization with which his local was affiliated. The autobiography recited that when his National Union was expelled from the CIO, he and his supporters successfully won a struggle within his local and as a direct result thereof, caused the said local to disaffiliate from the expelled parent, and affiliate with a new organization established within the CIO. The employee's autobiography recited that the aforesaid struggle directly involved the question of Communist domination of the local's parent union, that the victory of the employee and his supporters represented a victory over Communist adherents in the local, and that the employee was the frequent target of threats and slander by the pro-Communist faction of his local. . . .

With respect to the third charge against the employee (that his name had been on a general mailing list of the Spanish Refugee Appeal of the Joint Anti-Fascist Refugee Committee), the employee reiterated his denial of any knowledge concerning it, and his counsel reminded the Board that no Attorney General's list existed in January 1948—the date contained in the charge. The employee testified, further, that he had no recollection of ever having received any mail from the organization involved. . . .

With respect to charge No. 5 against the employee (that his wife had been a member of the Young Communist League), the Chairman of the Hearing Board advised the employee that the date involved was March 1944. The employee testified that he and his wife were married in February 1944, and that the charge was ridiculous. He testified, further, that he had no independent recollection that his wife was ever a member of the said organization. In addition, the employee testified that he had never lived in the neighborhood in which the organization was alleged to have existed, and that he had never heard of said organization. . . .

The Chairman then read charge No. 6 in which it was alleged that Communist literature was observed in the employee's bookshelves at home and Communist art was seen on the walls of his residence in 1950. Immediately following his reading of the charge, the Chairman stated that:

"The Board is at a loss just to what Communist literature they are referring to."

Counsel for the employee then questioned him concerning his courses in college, and the books which he was there required to read for those courses. In this connection, counsel for the employee asked whether books had been recommended as part of study courses by instructors, and whether one of these books had been *Das Kapital* by Karl Marx, and whether the employee had bought *Das Kapital*, following such a recommendation. The employee responded that certain books had been recommended by his instructors, that *Das Kapital* was one, and that he had bought the Modern Library Giant Edition of *Das Kapital*. . . .

Counsel then asked the employee whether, in 1950, he had reproductions of paintings by great painters hanging on the walls of his home, and following the employee's answer in the affirmative, counsel asked him to name some of the artists whose reproductions were hanging upon the walls of the employee's home. The employee named Picasso, Matisse, Renoir, and Modigliotti [Modigliani?].

Counsel then asked the employee whether pictures by those artists were hanging in museums, including the largest museum in the city in which the employee resides, and following the employee's answer in the affirmative, counsel asked whether there was "any relationship between the art and the Communist Party." The employee responded that he had "no idea of what any relationship there might be that exists there at all."

Thereafter, in response to counsel's question, the employee testified that he had not read *Das Kapital* in its entirety, that he had been required to read "a chapter or two for classwork," and that "he had found it a little dull and tedious." . . .

The Chairman read charge No. 7, in which it was alleged that the employee's signature appeared on a Communist Party nominating petition in 1941 municipal elections in the employee's home city.

The employee had answered this charge by stating that he had signed such a petition; that in 1941, the Communist Party appeared on the initial ballot; that his recollection was that on the cover page of the petition it stated that the signers were not members of the Communist Party, and that prior to 1941 and at all times thereafter, the employee had been registered as a member of one of the two major political parties, and that he had no recollection of voting for any political party other than one of the two major political parties. . . .

Thereafter, counsel for the employee objected to the charge on the ground that the signing of a petition for a party which had a legal

place on the ballot in 1941 had no relationship to present security. The Chairman then asked the employee to recall the circumstances in which his signature had been solicited in 1941. The employee responded by stating that, so far as he could recall, someone came down the street and seeing him working on the premises asked him to sign the petition, after explaining the petition to him. In response to a question by a member of the Board, the employee stated that he did not know the person who had solicited his signature, and that he had never seen or heard from him thereafter, nor had he thereafter heard from the Communist Party.

[At the hearing, the employee and his attorney sought unsuccessfully to find out the basis for the final charge against him that he had been in the Communist party or other Communist or fascist organization. In September 1954, the employee was dismissed from his job. He then appealed to the regional director of the Civil Service Commission, who reaffirmed his dismissal. The case then went to the Civil Service Commission in Washington, whose chair upheld the regional director's ruling in February 1955 with the following explanation.]

"A careful study of facts in Mr. ———'s case has been completed. It has been established and he has admitted that he signed a petition in November 1941 that the Communist Party be placed on the ballot in the ——— municipal elections. . . . His name was reported as being on the general mailing list of the Joint Anti-Fascist Refugee Committee. . . . Mrs. ——— is reported as having been at one time a member of the ——— Club of Young Communist League.

"Mr. ——— was an officer of Local ——— of the [parent union] at the time this organization was expelled from the CIO because of Communist domination. Consideration has been given to information that he was reputed to be one of the leaders of the anti-Communist group which brought Local ——— back into the CIO as the ———. However, it is not felt that this information sufficiently outweighs his reported connections with organizations and individuals whose interests and aims are inimical to those of the United States to the extent that a finding that he is unswervingly loyal to the Government of the United States is warranted and the Commission must regard this record as disqualifying under the purposes and intent of Executive Order 10450. This Executive Order, issued April 1953, requires a positive finding that the employment of each candidate in the Federal Service would be clearly consistent with the interests of the national security."

The Federal Loyalty-Security Program: Case 2

The employee is a meat inspector for a Federal agency. He has done the same type of work for the same agency in the same community for the past 38 years. He has no access to classified materials. His job involves the inspection of carcasses and meat products. . . .

The employee had been the subject of a previous loyalty proceeding under EO 9835 in 1948-49. This second proceeding was based on identical charges: that he had been a member of the Communist Party from 1943-46 and had falsified his 1944 application to the Civil Service Commission for employment by denying that he had ever been a member of an organization that advocated the overthrow of the government by force and violence. (The charges in the second proceeding added as a ground for the charge of falsification his denial of Party membership in his answer to the 1948 charges and in his answer to the 1954 initial "statement of reasons for suspension.") . . .

At the start of the 1948 hearing one of the agency representatives informed the employee's lawyers that the FBI report on him indicated that he had joined the Communist Party in 1943 and had been issued membership book number ———; that he had transferred to another unit in the Party in the same year and had been given a second book with number ———; and that in 1945 he had transferred to a third unit in the Party. This representative showed to the employee's lawyers, but would not place in the record, a photostatic copy of his purported second Party membership book, with his name typed in—his first name in abbreviated form and his last name. This representative also said that the Board would put on one witness; the other representative went out of the room to bring the witness in and then returned to announce that he had departed. The representative explained that the Board had no subpoena power and could not compel the witness to appear. The witness was not identified, and the Board did not put on any witnesses in the hearing.

The employee's lawyers put on 12 witnesses. . . .

The substance of the testimony of [the first] ten witnesses was that the employee was an outstanding Christian, family man, and church and community leader; a man of firm religious convictions and outspoken manner. They said that he was devoted to his church work, job, and family, and had always spoken of communism with abhorrence. . . .

The eleventh witness was the employee himself. . . . He said that the only conceivable explanations for the charges were: (1) his struggle within his church in opposition to his pastor, who had been courting left-wing support in his political campaigns, and (2) his membership during 1943-46, while he had worked nights in a defense plant, in a Communist-dominated union which he had been compelled to join to get the job. He said that he had paid his union dues regularly but had never attended a union meeting and had taken no part in union affairs.

He denied emphatically that he had ever been a Communist or had had any connection with them. Under cross-examination he denied that he had ever heard of a half-dozen persons who, the Board said, were Communists and with whom he had allegedly had contacts. He repeatedly challenged the board to bring any person before him to accuse him. . . .

[The employee was reinstated in October 1949. In May 1954, the employee was suspended again on the same charges. He again denied them and was sent a new set of charges, which now included both his 1948 and 1954 denials of party membership. He received a hearing in September 1954 at which the agency lawyer admitted that the case against the employee was "basically the same case" as in 1948. Again, the agency presented no witnesses, largely because its case rested on information from confidential informants whose identity and whereabouts the government's lawyer was not "at liberty to disclose." Fifteen people testified for the employee; his attorneys questioned them about his politics.]

. . . They elicited from the witnesses successively the following samples of statements concerning the employee's political views:

1. "conservative" and "Republican";
2. "normal, both Democratic and Republican";
3. "in the center";
4. "more or less of a Democrat";
5. "a little Republican, but that is about all";
6. "stand-pat Republican";
7. "Democrat";
8. "He is a true man";
9. "Republican";
10. "Not in sympathy with communism";

11. "I don't think his viewpoints are any different than the rest of ours";
12. "I don't know whether he was a Democrat or a Republican."

The second of the employee's witnesses to testify (a retired real estate salesman) spoke of the employee's fight to prevent Communist control of the local branch of the National Association for the Advancement of Colored People (the employee was a Negro). On cross-examination the Department lawyer asked the witness whether some Negroes had joined the Communist Party—"because it represented an avenue to get better conditions for the colored man?" The witness agreed. . . .

Thereafter the agency lawyer asked each witness on cross-examination whether the employee had ever discussed the Negro problem with him; what were the employee's views on pressing for the advancement of Negroes; and, after one witness had testified on direct examination that the employee had spoken unfavorably of Paul Robeson,⁴ the agency lawyer asked him what the employee had said, and asked another witness whether the employee had ever spoken to him of Paul Robeson.

On cross-examination of the 12th witness, the employee's superior in meat inspection work, eight pages of the transcript were devoted to the security aspects of meat inspection. Asked by a Board member whether the employee had any access to classified information, the witness said "Well, we don't have any of that type of material in our section or division."

Chairman: "Do you feel that the food could be contaminated without anyone's knowledge by someone if they so desired?"

Witness: "Oh, there is always the possibility of anything like that, yes."

Chairman: "I mean if anyone had such an intent, do you think they could do it without being discovered, or is there too much supervision for that?"

Witness: "Well, it all depends on what they did to contaminate the product. If they put something in there to spoil it, we could know before it goes out."

Chairman: "You would catch it before it goes out?"

⁴Paul Robeson was a popular African American singer and actor in the 1940s whose closeness to the Communist party destroyed his career in the 1950s.

Witness: "Yes, if they put bacteria in there to spoil that meat. That meat would become rancid or sour or putrid before it ever left the plant. It would never get out to the public." . . .

Agency Lawyer: "Of course, we are just speculating now as to how the man would do it, but just to point it out, you could walk in there with a needle full of some kind of liquid and stick it into a carcass and it would be contaminated and you would never see it."

Witness: "That is true."

Agency Personnel Security Officer: "In other words, that is the sort of thing I am getting at. In other words, someone in the position of an inspector, if he had an evil design to contaminate a large amount of meat without necessarily being detected until it got out and had done the damage?"

Witness: "That's right. Yes, that is true."

After ascertaining that the employee's job called for him to inspect meat in private packing houses, one of his lawyers asked: "Would it be true that a large number of fifty or a hundred private employees would have the same opportunity that a man in [the employee's] position would have to contaminate the meat?"

Witness: "Certainly."

The employee took the stand and was asked by his lawyer to outline the community activities in which he had engaged and "what their nature has been, as to the Negro Community."

The Employee: "I would like to say to the reporter, to the Representatives from Washington, D.C., and also to the Committee that I have listened to the investigation of 1948 and also at this present time. At the present time it seems as though they are spending more time on the racial situation. . . .

[In summing up the case against the employee, the agency's lawyer made the following assessment.]

"Now, our theory of the case today has been that [the employee] joined the Party because he wanted to. It had a stated purpose which he believed in, and that was to advance the cause of the Negro race. We have, as [the employee's lawyer], speculated as to why his name appears on these records. A logical reason in view of his background

to me is that he thought that here was an avenue of attack which he could use to further something which he believed in and which he stood for and which he testified to here, and which was testified to in the earlier hearing, that he wanted to see racial equality, and that is a theory which would make some consistency out of his public life in the community and the membership in the Party."

[The employee's attorney said he was "very much concerned" about the agency lawyer's speculations that the employee had become a Communist because of his desire for racial equality. He also complained about the board's lack of opportunity to "judge the veracity of the unknown informant, who may or may not be reliable, whose identity is something that we still are not aware of."

A week later, the Security Hearing Board notified the agency head that it had cleared the employee. He was reinstated in April 1955.]

*In memory of Andrea Eagan
(1943–1993)*

For Bedford/St. Martin's

Publisher for History: Patricia A. Rossi
Developmental Editor: Louise Townsend
Senior Production Supervisor: Dennis J. Conroy
Marketing Manager: Jenna Bookin Barry
Project Management: Books By Design, Inc.
Text Design: Claire Seng-Niemoeller
Indexer: Books By Design, Inc.
Cover Design: Richard Emery Design, Inc.
Cover Photo: Joseph McCarthy, Bettmann/Corbis.
Composition: Stratford Publishing Services, Inc.
Printing and Binding: Haddon Craftsmen, an R. R. Donnelley & Sons Company

President: Charles H. Christensen
Editorial Director: Joan E. Feinberg
Director of Marketing: Karen R. Melton
Director of Editing, Design, and Production: Marcia Cohen
Manager, Publishing Services: Emily Berleth

Library of Congress Control Number: 2001089428

Copyright © 2002 by Bedford/St. Martin's

All rights reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, except as may be expressly permitted by the applicable copyright statutes or in writing by the Publisher.

Manufactured in the United States of America.

7 6 5 4 3 2
f e d c b a

For information, write: Bedford/St. Martin's, 75 Arlington Street, Boston, MA 02116
(617-399-4000)

ISBN: 0-312-39319-9 (paperback)
0-312-29425-5 (hardcover)

Acknowledgments

Acknowledgments and copyrights are continued at the back of the book on page 297, which constitutes an extension of the copyright page.

THE BEDFORD SERIES IN HISTORY AND CULTURE

The Age of McCarthyism

A Brief History with Documents

SECOND EDITION

Ellen Schrecker

Yeshiva University

E743
.S377
2002
C.2

Oct 7-17-08

BEDFORD/ST. MARTIN'S

Boston ♦ New York

THE LIBRARY
THE UNIVERSITY OF NORTH CAROLINA
AT CHAPEL HILL