Introduction

On WEDNESDAY, June 29, 1955, the Senate Internal Security Subcommittee met in the Caucus Room where the flamboyant Wisconsin senator Joseph McCarthy had held his most sensational hearings in 1953 and 1954. Led by Mississippi Democrat James Eastland and undeterred by McCarthy's political downfall, the subcommittee began an unprecedented investigation of American journalism by delving into alleged Communist infiltration of some of the nation's most prominent newspapers. Committee members saw the daily press as a prime Soviet target for propaganda and infiltration because journalists could often access sensitive information and because they influenced public opinion.[1]

The Eastland committee, as the subcommittee was popularly known, intended to ask selected reporters and editors about any involvement they may have had with the Communist Party, but the actual questioning went much further. The committee asked about their political interests and their personal thoughts and beliefs. Members questioned newspaper editorial policies and hiring practices, areas that were thought to be sacrosanct under the First Amendment.

That McCarthy-era inquest reverberated in the summer of 2005 when a federal prosecutor ordered several journalists to identify the sources whose disclosures had led to the publication of a CIA agent's name. *New York Times* reporter Judith Miller refused but others complied. She spent eighty-five days in jail and briefly became a symbol of courageous commitment to protecting First Amendment rights, as the media defined them.

The core issue was the same as it had been fifty years earlier: government power, exercised in the name of national security, to compel journalists to testify and reveal confidences.

Miller and several other reporters became entangled in a partisan feud over the Bush administration's Iraq policy and faced government pressure to identify the sources who had leaked the name of a CIA agent. The uproar initially focused on syndicated columnist Robert Novak after he named Valerie Plame as a CIA "operative on weapons of mass destruction." Novak questioned the State Department's wisdom in sending Plame's husband, Joseph Wilson, to investigate claims that Niger had supplied uranium to Iraq. Since it was a crime in some circumstances for government employees to disclose the name of a CIA agent, Novak's column stirred debate, but it was not clear whether the naming of Plame qualified as a crime under the 1982 law. Wilson, a former diplomat, complained that the Bush administration had leaked his wife's name in retaliation for his criticism of the war, destroying her ability to operate as a covert agent and endangering her contacts abroad. Novak's column triggered a lengthy government inquiry into who leaked her name and to whom.[2]

Miller's entanglement was particularly troublesome for the press because she had not written any story naming Plame. Several journalists who were snared by the investigation, presumably including Novak, ultimately divulged their sources to a federal grand jury after those sources agreed to be named, but Miller was not among them.[3] After she was convicted of contempt of court and the Supreme Court refused to hear her appeal, she went to jail for eighty-five days before naming her source, I. Lewis "Scooter" Libby, an adviser to the vice president, after Libby released her from their secrecy agreement. After two years of investigation, the special prosecutor did not bring charges on the leak itself but charged Libby with perjury, obstruction of justice, and making false statements after he gave conflicting testimony before a grand jury. His indictment then entangled journalists even deeper by subpoenaing them to testify at his trial.[4]

Although the public may have viewed the clash as insignificant, at base the argument really was about the press's role in a democracy, enshrined in the First Amendment, to keep the public informed without government interference in the process. Some journalists viewed Miller's jailing as an egregious violation of the First Amendment protection and a disturbing expression of the government's ability to intimidate the press. Debate within the media focused narrowly on a long-standing issue concerning journalists' ability to protect their sources.[5] However, I argue that the Miller episode resurrected other issues that have haunted American journalism

since the McCarthy era: the government's power to compel testimony from journalists, especially where there is no clear evidence that any crime has been committed. During the 1950s the government tried to compel journalists to name friends and colleagues who were thought to have been members of the Communist Party, although membership was not a crime. As it did a half-century later, the Supreme Court refused to recognize any First Amendment protection for these journalists. Moreover, in both 1955 and 2005 the newspaper industry stood divided on whether constitutional protection extends beyond the publishers' office to include the journalists who gather the news and serve as a check on the government.

In order to understand better how little has changed in the last fifty years, it is necessary to revisit the 1950s and those journalists who got into trouble when McCarthyism was aimed at journalists and the First Amendment failed to protect them.

THE EASTLAND COMMITTEE was not the first congressional committee to question journalists but it would conduct the most probing inquiry of its kind, delving into areas many considered off-limits. Such probing questioning directed at journalists had not been seen since the colonial era, when the British confronted printers and threatened prosecution if they dared to criticize the government.[6] Eastland and his colleagues put the newspaper industry on the defensive on some of the most important issues of the day: the rights of the accused to face their accusers and cross-examine witnesses (a public issue since 1938 when the House Un-American Activities Committee [HUAC] was established), and the powers of Congress to hold witnesses in contempt or charge them with perjury if they refused to answer questions. The Eastland investigation, in particular, focused attention on the meaning and scope of freedom of the press and reporters' rights to resist government pressures.[7]

Between 1952 and 1957 the three primary investigative committees—HUAC, McCarthy's Subcommittee on Government Operations, and Eastland's Senate Internal Security Subcommittee—are believed to have subpoenaed more than one hundred journalists to testify, many of them publicly, to answer questions about suspected ties between the newspaper industry and the Communist Party.[8] During this period fourteen journalists were fired by newspapers, including the *New York Times,* after they refused to comply.

Of the three congressional committees bent on rooting out Communists, the Eastland committee conducted the most extensive inquiry of the

press. Its staff culled a list of more than five hundred journalists before calling more than seventy witnesses—journalists and employees of the Newspaper Guild—to testify in both open and closed hearings. Journalists who refused to answer questions faced substantial penalties. The *New York Times* fired four who refused to cooperate with the committee. Four more journalists—three from the *Times*—were convicted of contempt of Congress and faced fines and prison sentences. Many in the newspaper industry, whether they were directly involved or not, would have agreed with Arthur Gelb, the former *Times* managing editor, who called those days "a dark and scary period" that "haunts those of us who lived through it."[9]

The McCarthy era was a dramatic and fascinating period, but its complexities defy simple explanations or generalizations. Moreover, deceptive practices used by both Communists and anti-Communists make establishing the truth especially difficult. What happened to the press during the 1950s demonstrates the vulnerability of journalists to government pressure both then and now, despite the constitutional protection of the First Amendment. This is not to suggest that journalists possess special rights beyond those afforded the average citizen; however, the Constitution expressly protects the press from government intimidation. This study also examines how journalists themselves contributed to the political climate that made it dangerous for anyone to challenge McCarthyism during the 1940s and 1950s: they became allied with anti-Communists, based on the flimsiest of evidence, in a campaign to identify and purge Left-leaning colleagues from newspapers and the Newspaper Guild.

BY THE TIME Senator Joseph McCarthy came to personify the anti-communism campaign in the early 1950s, HUAC had been exposing suspected Communists in various sectors of American society for more than a decade. Created in the late thirties as a temporary investigative committee chaired by Rep. Martin Dies, a Texas Democrat, HUAC was supposed to find and publicly expose subversives in federal agencies and labor unions. From its inception the committee had the markings of a veiled attempt by Republicans and conservative Democrats to embarrass the White House and shake public confidence in Roosevelt's New Deal, a proposition that resonated with business interests that regarded Roosevelt's initiatives to combat the Great Depression as an infringement upon free enterprise.[10]

HUAC quickly perfected public exposure as a form of punishment as it generated headlines that took Communists, who were regarded as devious

and dangerous after they began promoting unionism, and turned them into political pariahs who threatened national security. News coverage of HUAC's hearings quickly established the committee as the most visible symbol of the anti-Communist movement in America—and presaged the tactics that McCarthy would use in the early 1950s. By the late 1940s HUAC was a powerful permanent committee that helped move the anti-Communist campaign into high gear.[11] McCarthyism, as practiced by HUAC beginning in the late 1930s and later by McCarthy himself, became the practice of leveling accusations of disloyalty, subversion, or treason publicly with little regard for the niceties of providing evidence or protecting civil liberties. Moreover, anti-Communists typically relied on devious methods of investigation and interrogation that were designed to legitimize their tactics and suppress opposition.

By the 1950s conservatives were joined by other groups in their fear of communism and the desire to root out domestic Communists. The American Legion, the Daughters of the American Revolution, Catholic War Veterans and Catholic unionists, state governments, private industry (most prominently the Hollywood studios), and even labor unions were eager to purge suspected Reds from their midst and adopted some of HUAC's most intrusive tactics. Since there was no unified campaign against Communists, McCarthyism itself took several forms. The federal government required its employees to take a loyalty oath beginning in 1947, a measure adopted after Truman became eager to counter criticism that he was soft on communism.[12]

Although the postwar era produced economic prosperity for Americans, international events brought a sense of foreboding as the "grand alliance" of the United States, Great Britain, and the Soviet Union crumbled. Americans viewed the Soviets as aggressors who sought to establish puppet governments across Central Europe. Russia's development of an atomic bomb and the fall of China in 1949 only exacerbated the public's fears of communism. Coupled with this was a growing concern about domestic espionage after sensitive State Department records were found in June 1945 in a raid at the editorial offices of *Amerasia,* a scholarly journal on international affairs, and a Communist spy ring was uncovered in Canada that September. For many Americans the victory over tyranny during World War II appeared to be short-lived, and the public became preoccupied with domestic communism. The term *democracy,* which in the 1930s had conveyed a sense of action in domestic politics, became identified with maintaining the conservative status quo in the 1940s. HUAC became the engine room of the anti-Communist crusade, fueled by the

FBI, which had assembled dossiers on allegedly subversive organizations and suspicious individuals since the 1920s despite the absence of any clear statutory authority. By the early 1950s McCarthy's Subcommittee on Government Operations and the Eastland committee had joined the hunt for Communists, using the investigative apparatus and legal procedures pioneered by HUAC. Most of their attention was focused on the labor movement, government employees, and higher education, where Communists were thought to be most entrenched.[13]

Between the mid-1940s and the late 1950s thousands of suspected Communists, including journalists, were humiliated before the committees, hounded by the FBI, fired from their jobs, and forced to abandon their careers.[14] Ironically, the press played an important role in promoting McCarthyism by reporting questionable committee procedures in an uncritical manner, thereby legitimizing them.[15] Conservative newspapers, particularly those owned by the media baron William Randolph Hearst and the Scripps-Howard chain, generated additional attention by conducting and publicizing their own witch hunts during the early fifties.[16] Hearst, for example, assigned staff members to pose as students and spy on professors on college and university campuses in Boston, Chicago, Syracuse, New York City, and Madison, Wisconsin, establishing a model for other conservative newspaper owners. Newspapers in Seattle, where anti-Communist sentiment rode strong, published an average of three stories on local Communists each week during 1947.[17] The upper Northwest had been a haven for radical immigrants and a pocket of "subversive disloyalty" since the early 1900s.[18] After World War II the State of Washington became one of several states that created its own un-American activities committee.

By the 1950s allegations about Communist penetration of newspapers had been kicking around for some time. They were first leveled in the late 1930s as the Newspaper Guild began to organize newsrooms and demand higher wages and better working conditions for journalists. Indeed, the guild, like other labor organizations, welcomed Communist members in the late 1920s and early 1930s when the Communist Party was an organization dedicated to helping the working class and the poor.[19] As newsroom employees began to voice their demands, headstrong publishers were quick to assert that the unrest in newsrooms was Communist inspired; the allegation was a popular tactic during the 1930s and 1940s because it allowed conservative business owners to cow recalcitrant workers and avoid addressing the underlying economic issues. The FBI monitored suspected journalists throughout the 1940s as part of its preoccupation with subversive individuals and organizations, and the newspaper industry briefly caught

the attention of HUAC after the committee was established in 1938.[20] Both HUAC and the McCarthy committee questioned journalists intermittently as the Korean War further inflamed the anti-Communist sentiment that had developed after World War II. A full-fledged investigation of the press became inevitable after HUAC's clamorous Hollywood investigation in 1947 and its publication of a blacklist for the broadcast industry in 1950, but the hunt for Reds in the nation's newsrooms did not begin in earnest until the Eastland hearings in 1955.[21]

Historical descriptions of McCarthy-era investigations have ranged from "inquisitions" to "degradation ceremonies" that were specifically orchestrated to stigmatize uncooperative witnesses and portray "friendly" witnesses as superpatriots.[22] Witnesses were expected to demonstrate their patriotism by naming friends and colleagues as party members. Those who found the choice untenable faced a moral dilemma that forced them to inform on friends and colleagues or risk being held in contempt. If they invoked the Fifth Amendment, they would be seen by many Americans as unpatriotic. Moreover, they faced prosecution if they tried to use the Fifth Amendment to protect another person since it only protects witnesses from incriminating themselves, not someone else. The Hollywood writers had assumed they would be protected by their First Amendment rights of free association and speech when they appeared before HUAC, but the Supreme Court steadfastly refused to recognize their constitutional claims, and they were jailed for contempt when they refused to testify.[23] The 1955 investigation of the press played out in a similar vein—wildly irresponsible accusations based on rumor, innuendo, and outright lies that were consistently upheld by courts that placed domestic security above the constitutional protection of witnesses' civil liberties. Journalists' refusal to answer questions raised additional issues about freedom of the press, and here too the courts placed security concerns above the First Amendment.

Since the late 1950s historians have wrestled with how to interpret the McCarthy era. Some have described it as a rational response to a genuine threat posed by Soviet expansionism and have focused primarily on Soviet espionage in the United States during the 1940s. Others have characterized McCarthyism as an irrational response to a largely imagined danger, arguing that any threat posed by domestic Communists was "largely contained by the time the anticommunist furor escalated in the late 1940s."[24] Americans have traditionally reacted irrationally in periods of major upheaval, such as the shift from the delirium of the Roaring Twenties to the Depression and the shift from a wartime footing to the period of economic prosperity that followed World War II.[25] Since the colonial era the

American psyche has held that good must be defended and that anything that threatens the goodness of life must be confronted and destroyed. Because public opinion responds to the perception of the threat rather than to reality, Americans traditionally focus their attention on the aliens in their midst—shunning Germans during World War I, confining Japanese Americans to camps during World War II, and, five years after terrorist attacks on the World Trade Center, seeking to erect a fence along the border with Mexico.[26]

Although Communist Party membership never attracted more than a small fraction of the nation's population, the anti-Communist campaign pressed forward, triggering a period of political hysteria that began in the mid-1940s and did not subside until the late 1950s.[27] Despite the Communist Party's marginal role in American politics, it was instrumental in the formation of the labor movement during the late 1930s, helping to establish the Congress of Industrial Organizations (CIO) and building white-collar guilds in a variety of professions, including screenwriting and journalism.[28] To be effective in the 1930s party members laid aside the fiery revolutionary rhetoric that had characterized the party's founding in 1919 after the Bolshevik Revolution. In the early 1920s the party went underground to escape the repressive atmosphere of the Red scare, then emerged as an organization dedicated to workers' rights and the plight of the poor, gaining considerable legitimacy during the late 1920s and early 1930s. Its membership also changed, from overwhelmingly immigrant at its inception to a majority of native-born Americans by the late 1930s. Recent scholarship shows that the party operated on two levels. It publicly championed social causes and the rights of the unemployed during the Great Depression when many Americans became disillusioned with capitalism, while the party secretly maintained an underground network that engaged in espionage. Both levels were directed by party leaders in Moscow.[29] Although Elizabeth Bentley, an American who spied for the Russians before publicly renouncing communism, and Whitaker Chambers, a journalist and Community Party member, claimed that Reds had infiltrated the U.S. government, allegations that captured the public's imagination during the late 1940s, the sustainable evidence to support their claims was scant until the National Security Agency's 1995 release of the Venona cables. The transcripts were of communications between party officials in Moscow and the Communist Party in the United States that had been intercepted by a top-secret government project, the Venona Project, during the 1940s.[30] Although the deciphered cables represent a small percentage of the cable

traffic exchanged, they show that the Communist Party USA was a fertile recruiting ground for Soviet intelligence.[31]

Concern about Communists in newspaper newsrooms was not without basis. Journalists had belonged to the Communist Party, although they, like most party members, kept their affiliation secret lest they find themselves under scrutiny and professionally marginalized. Some, like Alden Whitman and Seymour Peck at the *New York Times,* and James Wechsler at the *New York Post,* had joined the Young Communist League as college students before embarking on careers in journalism. Others joined the party after they became journalists, enlisting in party branches in San Francisco, Milwaukee, Detroit, and St. Louis, to name a few, but the large branches in Los Angeles and New York attracted the most attention from Congress in the 1950s. Many journalists viewed party work as an extension of their dedication to the Newspaper Guild, where they battled skinflint publishers for higher pay and better working conditions. As many as a dozen early guild leaders may have been party members or so-called fellow travelers, individuals who did not hold formal membership in the party but followed party policy and directives.[32] Radicalized journalists of the 1930s shared the idealism that had characterized the muckraking journalists at the turn of the century who had viewed their profession as a way to right social and economic wrongs.[33] Upton Sinclair, for example, campaigned for governor of California in 1934 on a platform that promised to end poverty. Similarly, he urged formation of a journalists' union that would resemble a short-lived union that had grown out of the International Typographical Union in the 1920s.[34] The Communist Party lured large numbers of Americans into its ranks during the thirties by touting the vision of a Soviet Union that fostered industrial development, the optimism of its youth, and social and cultural achievement. Many Americans, including a number of journalists, dropped out of the party after only a year or two, either because they found the demands of membership overbearing or because they realized that the dream promoted by the party was indeed an illusion.[35]

OF THE THOUSANDS of books and articles written about the McCarthy era, none has presented an in-depth examination of McCarthyism aimed at the press. Leading journalism history texts pay little, if any, attention to the Eastland investigation.[36] One explanation may be the overwhelming emphasis that historians have placed on the flamboyant senator from Wisconsin.[37] The few scholars who have examined

Eastland's inquiry relied exclusively on hearing transcripts. Most accounts have characterized it as an isolated incident aimed at the *New York Times,* a view fostered by the *Times* itself.[38] This book reveals a much more complicated and disturbing story. To research how the press became a target for a Communist witch hunt in the 1950s and how the newspaper industry responded, I drew on public and private archives, FBI files obtained under the Freedom of Information Act, private papers, personal interviews, and the transcripts of the investigative committees. But even this examination may be incomplete because some records remain restricted and FBI files are routinely censored extensively to protect sources, even dead ones. Moreover, the Venona intercepts cover a relatively brief period during the 1940s and represent only a fraction of the estimated one million cables exchanged between Moscow and the United States, making it difficult to assess the extent of Communist involvement in the press and the degree of journalists' involvement in Soviet espionage. Because party officials and operatives used code names in their communications, some individuals mentioned in the cables remain unidentified. The Venona cables indicate that eighteen journalists, among the hundreds of Americans who have been identified as Soviet contacts, may have been targets for recruitment into the Soviet network.[39] Some of their contacts with Soviet agents may have been merely routine newsgathering but others may not.[40] It is doubtful that any of the investigative committees of the 1950s had direct access to these transcripts because their existence remained a closely guarded secret until 1995. However, the committees may have received information based on the files at the FBI and Justice Department from contacts who did not identify Venona as their source.[41]

The McCarthy era was a fascinating period in journalism history and revealed the vulnerability of journalists who became suspect when the nation was in the grips of a Red scare. The targeting of journalists and the prosecution of those who refused to answer questions about their personal thoughts and political beliefs are a powerful commentary on the scope and meaning of freedom of the press. Several dozen journalists suffered the most direct consequences, but the clash over the First Amendment's protection of journalists would affect the entire profession for decades to come. Debate surrounding governmental power to compel journalists to testify became especially contentious in the 1970s when the government jailed growing numbers of reporters who refused to name their sources, usually in connection with criminal investigations, and the journalists refused. The debate grew even more pronounced in 2005 when Judith

Miller of the *New York Times* was jailed. As I show in this book, the constitutional issues raised by such episodes are rooted in the 1950s, when congressional investigative committees confronted journalists about their thoughts and beliefs. The McCarthy era was not only a grim period in American political history but a dark and haunting episode in the history of American journalism. To understand the problem confronting journalists in the 1950s and today, and the threat to the Constitution, it is necessary to understand the circumstances that prompted journalists to join the Communist Party in the 1930s and consider the political atmosphere surrounding the 1950s witch hunt for Reds in the newsroom.