INTRODUCTION

The executive sessions of the Permanent Subcommittee on Investigations for the Eighty-third Congress, from 1953 to 1954, make sobering reading. Senator Joseph R. McCarthy assumed the chairmanship of the Government Operations Committee in January 1953 and exercised prerogative, under then existing rules, to chair the subcommittee as well. For the three previous years, Senator McCarthy had dominated the national news with his charges of subversion and espionage at the highest levels of the federal government, and the chairmanship provided him with a vehicle for attempting to prove and perhaps expand those allegations.

Elected as a Wisconsin Republican in 1946, Senator McCarthy had burst into national headlines in February 1950, when he delivered a Lincoln Day address in Wheeling, West Virginia, that blamed failures in American foreign policy on Communist infiltration of the United States government. He held in his hand, the senator asserted, a list of known Communists still working in the Department of State. When a special subcommittee of the Foreign Relations Committee investigated these charges and rejected them as "a fraud and a hoax," the issue might have died, but the outbreak of the Korean War, along with the conviction of Alger Hiss and arrest of Julius Rosenberg in 1950, lent new credibility to McCarthy's charges. He continued to make accusations that such prominent officials as General George C. Marshall had been part of an immense Communist conspiracy. In 1952, Dwight D. Eisenhower's election as president carried Republican majorities in both houses of Congress, and seniority elevated McCarthy to chairman of the Permanent Subcommittee on Investigations.

Jurisdictional lines of the Senate assigned loyalty issues to the Internal Security Subcommittee of the Judiciary Committee, but Senator McCarthy interpreted his subcommittee's mandate broadly enough to cover any government-related activity, including subversion and espionage. Under his chairmanship, the subcommittee shifted from searching out waste and corruption in the executive branch to focusing almost exclusively on Communist infiltration. The subcommittee vastly accelerated the pace of its hearings. By comparison to the six executive sessions held by his predecessor in 1952, McCarthy held 117 in 1953. The subcommittee also conducted numerous public hearings, which were often televised, but it did the largest share of its work behind closed doors. During McCarthy's first year as chairman, the subcommittee took testimony from 395 witnesses in executive sessions and staff interrogatories (by comparison to 214 witnesses in the public sessions), and compiled 8,969 pages of executive session testimony (compared to 5,671 pages of public hearings). Transcripts of public hearings were

published within months, while those of executive sessions were sealed and deposited in the National Archives and Records Administration. Under the provisions of S. Res. 474, records involving Senate investigations may be sealed for fifty years. With the approach of the hearings' fiftieth anniversary, the Permanent Subcommittee on Investigations authorized the Senate Historical Office to prepare the executive session transcripts for publication.

Professional stenographers worked independently under contract to the Senate to produce the original transcripts of the closed hearings. The transcripts are as accurate as the stenographers were able to make them, but since neither senators nor witnesses reviewed their remarks, as they would have for published hearings, they could correct neither misspelled names nor misheard words. Several different stenographers operating in Washington, New York, and Massachusetts prepared the transcripts, accounting for occasional variations in style. The current editing has sought to reproduce the transcripts as closely to their original form as possible, deleting no content but correcting apparent errors—such as the stenographer's turning the town of Bethpage, New York, into a person's name, Beth Page. Transcribers also employed inconsistent capitalization and punctuation, which have been corrected in this printed version.

The executive sessions have been given the same titles as the related public hearings, and all hearings on the same subject matter have been grouped together chronologically. If witnesses in executive session later testified in public, the spelling of their names that appeared in the printed hearing has been adopted. If the subcommittee ordered that the executive session testimony be published, those portions have not been reprinted, but editorial notes indicate where the testimony occurred and provide a citation. No transcripts were made of "off the record" discussions, which are noted within the hearings. Senator McCarthy is identified consistently as "The Chairman." Senators who occasionally chaired hearings in his absence, or chaired special subcommittees, are identified by name. Brief editorial notes appear at the top of each hearing to place the subject matter into historical context and to indicate whether the witnesses later testified in public session. Wherever possible, the witnesses' birth and death dates are noted. A few explanatory footnotes have been added, although editorial intrusion has been kept to a minimum. The subcommittee deposited all of the original transcripts at the Center for Legislative Archives at the National Archives and Records Administration, where they are now open for research.

THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Following the Legislative Reorganization Act of 1946, the Special Committee to Investigate the National Defense Program (popularly known as the Truman committee, for its chairman, Harry S. Truman) merged with the Committee on Expenditures in the Executive Departments to become the Permanent Subcommittee on Investigations. In 1953 the Committee on Executive Expenditures was renamed the Committee on Government Operations, and Senator Joseph R. McCarthy (1908–1957), who had joined the committee in 1947, became chairman of both the committee and its

permanent subcommittee. Republicans won a narrow majority during the Eighty-third Congress, and held only a one-seat advantage over Democrats in the committee ratios. The influx of new senators since World War II also meant that except for the subcommittee's chairman and ranking member, all other members were serving in their first terms. Senator McCarthy had just been elected to his second term in 1952, while the ranking Democrat, Arkansas Senator John L. McClellan (1896–1977), had first been elected in 1942, and had chaired the Government Operations Committee during the Eighty-first and Eighty-second Congresses. The other members of the subcommittee included Republicans Karl Mundt (1900–1974), Everett McKinley Dirksen (1896–1969), and Charles E. Potter (1916–1979), and Democrats Henry M. Jackson (1912–1983) and Stuart Symington (1901–1988)[1]

With senators serving multiple committee assignments, only on rare occasions would the entire membership of any committee or subcommittee attend a hearing. Normally, Senate committees operated with a few senators present, with members coming and going through a hearing depending on their conflicting commitments. Unique circumstances developed in 1953 to allow Senator McCarthy to be the sole senator present at many of the subcommittee's hearings, particularly those held away from Washington. In July 1953, a dispute over the chairman's ability to hire staff without consultation caused the three Democrats on the subcommittee to resign. They did not return until January 1954. McCarthy and his staff also called hearings on short notice, and often outside of Washington, which prevented the other Republican senators from attending. Senators Everett Dirksen and Charles Potter occasionally sent staff members to represent them (and at times to interrogate witnesses). By operating so often as a "one-man committee," Senator McCarthy gave witnesses the impression, as Harvard law school dean Erwin Griswold observed, that they were facing a "judge, jury, prosecutor, castigator, and press agent, all in one."[2]

The Legislative Reorganization Act of 1946 had created a nonpartisan professional staff for each Senate committee. Originally, staff worked for the committee as a whole and were not divided by majority and minority. Chairman McCarthy inherited a small staff from his predecessor, Clyde Hoey, a Democrat from North Carolina, but a significant boost in appropriations enabled him to add many of his own appointees. For chief counsel, McCarthy considered candidates that included Robert Morris, counsel of the Internal Security Subcommittee, Robert F. Kennedy, and John J. Sirica, but he offered the job to Roy M. Cohn (1927–1986). The son of a New York State appellate division judge, Cohn had been too young to take the bar exam when he graduated from Columbia University Law School. A year later he became assistant United States attorney on the day he was admitted to the bar. In the U.S. attorney's office he took part in the prosecution of William Remington, a former Commerce Department employee convicted of perjury relating to his Communist party membership. Cohn also participated in the

[1] See Committee on Government Operations, *50th Anniversary History*, 1921–1971, 92nd Cong., 1st sess., S. Doc. 31 (Washington, D.C.: Government Printing Office, 1971).

[2] Erwin N. Griswold, *The 5th Amendment Today* (Cambridge: Harvard University Press, 1955), 67.

prosecution of Julius and Ethel Rosenberg, and in the trial of the top Communist party leaders in the United States. He earned a reputation as a relentless questioner with a sharp mind and retentive memory. In 1952, Cohn briefly served as special assistant to Truman's attorney general, James McGranery, and prepared an indictment for perjury against Owen Lattimore, the Johns Hopkins University professor whom Senator McCarthy had accused of being a top Soviet agent. Cohn's appointment also helped counteract the charges of prejudice leveled against the anti-Communist investigations. (Indeed, when he was informed that the B'nai B'rith was providing lawyers to assist the predominantly Jewish engineers suspended from Fort Monmouth, on the assumption of anti-Semitism, Cohn responded: "Well, that is an outrageous assumption. I am a member and an officer of B'nai B'rith.") In December 1952, McCarthy invited Cohn to become subcommittee counsel. "You know, I'm going to be the chairman of the investigating committee in the Senate. They're all trying to push me off the Communist issue . . . ," Cohn recalled the senator telling him. "The sensible thing for me to do, they say, is start investigating the agriculture program or find out how many books they've got bound upside down at the Library of Congress. They want me to play it safe. I fought this Red issue. I won the primary on it. I won the election on it, and don't see anyone else around who intends to take it on. You can be sure that as chairman of this committee this is going to be my work. And I want you to help me."[3]

At twenty-six, Roy Cohn lacked any previous legislative experience and tended to run hearings more like a prosecutor before a grand jury, collecting evidence to make his case in open session rather than to offer witnesses a full and fair hearing. Republican Senator Karl Mundt, a veteran investigator who had previously served on the House Un-American Activities Committee, urged Cohn to call administrative officials who could explain the policies and rationale of the government agencies under investigation, and to keep the hearings balanced, but Cohn felt disinclined to conduct an open forum. Arrogant and brash, he alienated others on the staff, until even Senator McCarthy admitted that putting "a young man in charge of other young men doesn't work out too well." Cohn's youth further distanced him from most of the witnesses he interrogated. Having reached maturity during the Cold War rather than the Depression, he could not fathom a legitimate reason for anyone having attended a meeting, signed a petition, or contributed to an organization with any Communist affiliation. In his memoirs, Cohn later recounted how a retired university professor once told him "that had I been born twelve or fifteen years earlier my world-view and therefore my character would have been very different."[4]

An indifferent administrator, Senator McCarthy gave his counsel free rein to conduct investigations. In fact, he appointed Cohn without having first removed the subcommittee's previous chief counsel, Francis "Frip" Flanagan. To remedy this discrepancy, McCarthy

[3] *Washington Star*, July 20, 1954; Roy Cohn, *McCarthy* (New York: New American Library, 1968), 46.

[4] Ibid., 22; David F. Krugler, *The Voice of America and the Domestic Propaganda Battles, 1945–1953* (Columbia: University of Missouri Press, 2000), 191.

changed Flanagan's title to general counsel, although he never delineated any differences in authority. When a reporter asked what these titles meant, McCarthy confessed that he did not know. The subcommittee's chief clerk, Ruth Young Watt, found that whenever a decision needed to be made, Cohn would say, "Ask Frip," and Flanagan would reply, "Ask Roy." "In other words," she explained, "I'd just end up doing what I thought was right."[5]

The subcommittee held most of its hearings in room 357 of the Senate Office Building (now named the Russell Senate Office Building). Whenever it anticipated larger crowds for public hearings, it would shift to room 318, the spacious Caucus Room (now room 325), which better accommodated radio and television coverage. In 1953 the subcommittee also held extensive hearings in New York City, working out of the federal courthouse at Foley Square and the Waldorf-Astoria Hotel, while other executive sessions took place at Fort Monmouth, New Jersey, and in Boston. Roy Cohn had recruited his close friend, G. David Schine (1927–1996), as the subcommittee's unpaid "chief consultant." The two men declined to work out of the subcommittee's crowded office—Cohn did not even have a desk there. ("I don't have an office as such," Cohn later testified. "We have room 101 with 1 desk and 1 chair. That is used jointly by Mr. Carr and myself. The person who gets there first occupies the chair."[6]) Instead, Cohn and Schine rented more spacious quarters for themselves in a nearby private office building. When the subcommittee met in New York, Schine made his family's limousine and suite at the Waldorf-Astoria available for its use. As the subcommittee's only unpaid staff member, he was not reimbursed for travel and other expenses, including his much-publicized April 1953 tour with Cohn of U.S. information libraries in Europe. In executive sessions, Schine occasionally questioned witnesses and even presided in Senator McCarthy's absence, with the chief counsel addressing him as "Mr. Chairman." Others on the staff, including James Juliana and Daniel G. Buckley, similarly conducted hearing-like interrogatories of witnesses. Schine continued his associations with the subcommittee even after his induction into the army that November—an event that triggered the chairman's epic confrontation with the army the following year.[7]

The hectic pace and controversial nature of the subcommittee hearings during the Eighty-third Congress placed great burdens on the staff and contributed to frequent departures. Of the twelve staff members that McCarthy inherited, only four remained by the end of the year—an investigator and three clerks. Of the twenty-one new staff added during 1953, six did not last the year. Research director Howard Rushmore (1914–1958) resigned after four months, and assistant counsel Robert Kennedy (1925–1968), after literally coming to blows with Roy Cohn, resigned in August, telling the chairman that the subcommittee was "headed for disaster." (The following year, Kennedy returned as minority counsel.) When Francis Flanagan left in June 1953, Senator McCarthy named J.

[5] Ruth Young Watt oral history, 109, Senate Historical Office.

[6] Special Subcommittee on Investigations, *Special Senate Investigation on Charges and Countercharges Involving: Secretary of the Army Robert T. Stevens, John G. Adams, H. Struve Hensel and Senator Joe McCarthy, Roy M. Cohn, and Francis P. Carr*, 83rd Cong., 2nd sess., part 47 (Washington, D.C.: Government Printing Office, 1954), 1803.

[7] Ruth Young Watt oral history, 107–108; 130; *Washington Star*, January 1, 1953.

B. Matthews (1894–1966) as executive director, hoping that the seasoned investigator would impose some order on the staff. Matthews boasted of having joined more Communist-front organizations than any other American, although he had never joined the Communist party. When he fell out of favor with radical groups in the mid-1930s, he converted into an outspoken anti-Communist and served as chief investigator for the House Un-American Activities Committee from 1939 to 1945. An ordained Methodist minister, he was referred to as "Doctor Matthews," although he held no doctoral degree. Just as McCarthy announced his appointment to head the subcommittee staff in June 1953, Matthews's article on "Reds in Our Churches" appeared in the *American Mercury* magazine. His portrayal of Communist sympathy among the nation's Protestant clergy caused a public uproar, and Republican Senator Charles Potter joined the three Democrats on the subcommittee in calling for Matthews's dismissal. Although Matthews resigned voluntarily, it was Senator McCarthy's insistence on maintaining the sole power to hire and fire staff that caused the three Democratic senators to resign from the subcommittee, while retaining their membership in the full Government Operations Committee. Senator McCarthy then appointed Francis P. Carr, Jr. (1925–1994) as executive director, with Roy Cohn continuing as chief counsel to direct the investigation.[8]

THE RIGHTS OF WITNESSES

In their hunt for subversion and espionage, Senator McCarthy and chief counsel Cohn conducted hearings on the State Department, the Voice of America, the U.S. overseas libraries, the Government Printing Office, and the Army Signal Corps. Believing any method justifiable in combating an international conspiracy, they grilled witnesses intensely. Senator McCarthy showed little patience for due process and defined witnesses' constitutional rights narrowly. His hectoring style inspired the term "McCarthyism," which came to mean "any investigation that flouts the rights of individuals," usually involving character assassination, smears, mudslinging, sensationalism, and guilt by association. "McCarthyism"—coined by the *Washington Post* cartoonist Herblock, in 1950—grew so universally accepted that even Senator McCarthy employed it, redefining it as "the fight for America." Subsequently, the term has been applied collectively to all congressional investigations of suspected Communists, including those by the House Un-American Activities Committee and Senate Internal Security Subcommittee, which bore no direct relation to the permanent subcommittee.[9]

In these closed executive sessions, Senator McCarthy's treatment of witnesses ranged from abrasive to solicitous. The term "executive sessions" derives from the Senate's division of its business between legislative (bills and resolutions) and executive (treaties and

[8] G. F. Goodwin, "Joseph Brown Matthews," *Dictionary of American Biography*, Supplement 8 (New York: Charles Scribner's Sons, 1988), 424–27; Lawrence B. Glickman, "The Strike in the Temple of Consumption: Consumer Activitism and Twentieth-Century American Political Culture," *Journal of American History*, 88 (June 2001), 99–128; Robert F. Kennedy, *The Enemy Within* (New York: Harper & Brothers, 1960), 176.

[9] William Safire, *Safire's New Political Dictionary: The Definitive Guide to the New Language of Politics* (New York: Random House, 1993), 441; Senator Joe McCarthy, *McCarthyism: The Fight for America* (New York: Devin-Adair, 1952).

nominations). Until 1929 the Senate debated all executive business in closed session, clearing the public and press galleries, and locking the doors. "Executive" thereby became synonymous with "closed." Committees held closed sessions to conduct preliminary inquiries, to mark up bills before reporting them to the floor, and to handle routine committee housekeeping. By hearing witnesses privately, the permanent subcommittee could avoid incidents of misidentification and could determine how forthcoming witnesses were likely to be in public. In the case of McCarthy, however, "executive session" took a different meaning. John G. Adams, who attended many of these hearings as the army's counsel from 1953 to 1954, observed that the chairman used the term "executive session" rather loosely. "It didn't really mean a closed session, since McCarthy allowed in various friends, hangers-on, and favored newspaper reporters," wrote Adams. "Nor did it mean secret, because afterwards McCarthy would tell the reporters waiting outside whatever he pleased. Basically, 'executive' meant that Joe could do anything he wanted." Adams recalled that the subcommittee's Fort Monmouth hearings were held in a "windowless storage room in the bowels of the courthouse, unventilated and oppressively hot," into which crowded the senator, his staff, witnesses, and observers who at various times included trusted newspaper reporters, the governor of Wisconsin, the chairman's wife, mother-in-law and friends. "The 'secret' hearings were, after all, quite a show," Adams commented, adding that the transcripts were rarely released to the public. This ostensibly protected the privacy of those interrogated, but also gave the chairman an opportunity to give to the press his version of what had transpired behind closed doors, with little chance of rebuttal.[10]

Roy Cohn insisted that the subcommittee gave "suspects" rights that they would not get in a court of law. Unlike a witness before a grand jury, or testifying on the stand, those facing the subcommittee could have their attorney sit beside them for consultation. The executive sessions further protected the witnesses, Cohn pointed out, by excluding the press and the public. But Gen. Telford Taylor, an American prosecutor at Nuremberg, charged McCarthy with conducting "a new and indefensible kind of hearing, which is neither a public hearing nor an executive session." In Taylor's view, the closed sessions were a device that enabled the chairman to tell newspapers whatever he saw fit about what happened, without giving witnesses a chance to defend themselves or reporters a chance to check the accuracy of the accusations. Characteristically, Senator McCarthy responded to this criticism with an executive session inquiry into Gen. Taylor's loyalty. The chairman used other hearings to settle personal scores with men such as Edward Barrett, State Department press spokesman under Dean Acheson, and Edward Morgan, staff director of the Tydings subcommittee that had investigated his Wheeling speech.[11]

Inclusion as a witness in these volumes in no way suggests a measure of guilt. Some of the witnesses who came before the per-

[10] John G. Adams, *Without Precedent: The Story of the Death of McCarthyism* (New York: W. W. Norton, 1983), 53, 60, 66.

[11] Cohn, *McCarthy*, 51; C. Dickerman Williams, "The Duty to Investigate," *The Freeman*, 3 (September 21, 1953), 919; *New York Times*, November 28, 1953.

manent subcommittee in 1953 had been Communists; others had not. Some witnesses cooperated by providing names and other information; others did not. Some testified on subjects entirely unrelated to communism, subversion or espionage. The names of many of these witnesses appeared in contemporary newspaper accounts, even when they did not testify in public. About a third of the witnesses called in executive session did not appear at any public hearing, and Senator McCarthy often defined such witnesses as having been "cleared." Some were called as witnesses out of mistaken identity. Others defended themselves so resolutely or had so little evidence against them that the chairman and counsel chose not to pursue them. For those witnesses who did appear in public, the closed hearings served as dress rehearsals. The subcommittee also heard many witnesses in public session who had not previously appeared at a closed hearing, usually committee staff or government officials for whom a preliminary hearing was not deemed necessary. Given the rapid pace of the hearings, the subcommittee staff had little time for preparation. "No real research was ever done," Robert Kennedy complained. "Most of the investigations were instituted on the basis of some preconceived notion by the chief counsel or his staff members and not on the basis of any information that had been developed."[12]

After July 1953, when the Democratic senators resigned from the subcommittee, other Republican senators also stopped attending the subcommittee's closed hearings, in part because so many of the hearings were held away from the District of Columbia and called on short notice. Witnesses also received subpoenas on such short notice that they found it hard to prepare themselves or consult with counsel. Theoretically the committee, rather than the chairman, issued subpoenas, Army Counsel John G. Adams noted. "But McCarthy ignored the Senate rule that required a vote of the other members every time he wanted to haul someone in. He signed scores of blank subpoenas which his staff members carried in their inside pockets, and issued as regularly as traffic tickets." Witnesses repeatedly complained that subpoenas to appear were served on them just before the hearings, either the night before or the morning of, making it hard for them to obtain legal representation. Even if they obtained a lawyer, the senator would not permit attorneys to raise objections or to talk for the witness. Normally, a quorum of at least one-third of the committee or subcommittee members was needed to take sworn testimony, although a single senator could hold hearings if authorized by the committee. The rules did not bar "one-man hearings," because senators often came and went during a committee hearing and committee business could come to a halt if a minimum number of senators were required to hold a hearing.[13]

When the chairman acted as a one-man committee, the tone of the hearings more closely resembled an inquisition. Witnesses who swore that they had never joined the Communist party or engaged in espionage or sabotage were held accountable for long-forgotten petitions they had signed a decade earlier or for having joined organizations that the attorney general later cited as Communist fronts. Seeking any sign of political unorthodoxy, the chairman and the subcommittee staff scrutinized the witnesses' lives and grilled them about the political beliefs of colleagues, neighbors and family members. In the case of Stanley Berinsky, he was suspended from the Army Signal Corps at Fort Monmouth after security officers discovered that his mother had once been a member of the Communist party:

The CHAIRMAN. Let's get this straight. I know it is unusual to appear before a committee. So many witnesses get nervous. You just got through telling us you did not know she was a Communist; now you tell us she resigned from the Communist party? As of when?

Mr. BERINSKY. I didn't know this until the security suspension came up at Fort Monmouth.

The CHAIRMAN. When was that?

Mr. BERINSKY. That was in 1952.

The CHAIRMAN. Then did your mother come over and tell you she had resigned?

Mr. BERINSKY. I told her what happened. At that time she told me she had been out for several years.

The CHAIRMAN. . . . Well, did you ever ask her if she was a Communist?

Mr. BERINSKY. No, sir. . . .

The CHAIRMAN. When you went to see her, weren't you curious? If somebody told me my mother was a Communist, I'd get on the phone and say, "Mother is this true"? . . .

Did she tell you why she resigned?

Mr. BERINSKY. If seems to me she probably did it because I held a government job and she didn't want to jeopardize my position.

The CHAIRMAN. In other words, it wasn't because she felt differently about the Communist party, but because she didn't want to jeopardize your position?

Mr. BERINSKY. Probably.

The CHAIRMAN. Was she still a Communist at heart in 1952?

Mr. BERINSKY. Well, I don't know how you define that.

The CHAIRMAN. Do you think she was a Communist, using your own definition of communism?

Mr. BERINSKY. I guess my own definition is one who is a member of the party. No.

The CHAIRMAN. Let's say one who was a member and dropped out and is still loyal to the party. Taking that as a definition, would you say she is still a Communist?

Mr. BERINSKY. Do you mean in an active sense?

The CHAIRMAN. Loyal in her mind.

Mr. BERINSKY. That is hard to say.

The CHAIRMAN. Is she still living?

Mr. BERINSKY. Yes.[14]

Perhaps the most recurring phrase in these executive session hearings was not the familiar "Are you now or have you ever been a member of the Communist party?" That was the mantra of the public hearings. Instead, in the closed hearings it was "In other words," which prefaced the chairman's relentless rephrasing of witnesses' testimony into something with more sinister implications than they intended. Given Senator McCarthy's tendency toward hyperbole, witnesses objected to his use of inappropriate or inflammatory words to characterize their testimony. He took their objections as a sign they were covering up something:

The CHAIRMAN. Did you live with him when the apartment was raided by army security?

Mr. OKUN. Senator, the apartment was not raided. He had been called and asked whether he would let them search it. . . .

[12] Kennedy, *The Enemy Within*, 307.
[13] Adams, *Without Precedent*, 67, 69.
[14] Executive session transcript, November 5, 1953.

The CHAIRMAN. You seem to shy off at the word "raided." When the army security men go over and make a complete search of the apartment and find forty-three classified documents, to me that means "raided." You seem, both today and the other day to be going out of your way trying to cover up for this man Coleman.
Mr. OKUN. No, sir. I do not want to cover up anything.[15]

A few of those who appeared before the subcommittee later commented that the chairman was less intimidating in private than his public behavior had led them to expect. "Many of us have formed an impression of McCarthy from the now familiar Herblock caricatures. He is by no means grotesque," recalled Martin Merson, who clashed with the senator over the Voice of America. "McCarthy, the relaxed dinner guest, is a charming man with the friendliest of smiles." McCarthy's sometimes benign treatment of witnesses in executive session may have been a tactic intended to lull them into false complacency before his more relentless questioning in front of the television cameras, which certainly seemed to bring out the worst in him. Ruth Young Watt (1910–1996), the subcommittee's chief clerk from 1948 until her retirement in 1979, regarded the chairman as "a very kind man, very thoughtful of people working with him," but a person who would "get off on a tirade sometimes" in public hearings.[16]

Senator McCarthy regularly informed witnesses of their right to decline to answer if they felt an answer might incriminate them, but he interpreted their refusal to answer a question as an admission of guilt. He also encouraged government agencies and private corporations to fire anyone who took the Fifth Amendment before a congressional committee. When witnesses also attempted to cite their First Amendment rights, the chairman warned that they would be cited for contempt of Congress. Although the chairman pointed out that membership in the Communist party was not a crime, many witnesses declined to admit their past connections to the party to avoid having to name others with whom they were associated. Some witnesses wanted to argue that the subcommittee had no right to question their political beliefs, but their attorneys advised them that it would be more prudent to decline to answer. During 1953, some seventy witnesses before the subcommittee invoked the Fifth Amendment and declined to answer questions concerning Communist activities. Five refused to answer on the basis of the First Amendment, two claimed marital privileges, and Harvard Professor Wendell Furry invoked no constitutional grounds for his failure to answer questions.[17]

Some witnesses invoked the Fifth Amendment to avoid implicating those they knew to be Communists. Other invoked the Fifth Amendment as a blanket response to any questions about the Communist party, after being warned by their attorneys that if they answered questions about themselves they could be compelled to name their associates. In the case of *Rogers* v. *U.S.* (1951) the Supreme Court had ruled that a witness could not refuse to answer questions simply out of a "desire to protect others from punishment, much less to protect another from interrogation by a grand jury." The Justice Department applied the same reasoning to witnesses who refused to identify others to a congressional committee. Since the questions were relevant to the operation of the government, the department assured Senator McCarthy that it was his right as a congressional investigator to order witnesses to answer questions about whether they know any Communists who might be working in the government or in defense plants.[18]

Senator McCarthy explained to witnesses that they could take the Fifth Amendment only if they were concerned that telling the truth would incriminate them, a reasoning that redefined the right against self-incrimination as incriminating in itself. Calling them "Fifth-Amendment Communists," he insisted that "an innocent man does not need the Fifth Amendment." At a public hearing, the chairman pressed one witness: "Are you declining, among other reasons, for the reason that you are relying upon that section of the Fifth Amendment which provides that no person may be a witness against himself if he feels that his testimony might tend to incriminate him? If you are relying upon that, you can tell me. If not, of course, you are ordered to answer. A Communist and espionage agent has the right to refuse on that ground, but not on any of the other grounds you cited."[19]

Federal court rulings had given congressional investigators considerable leeway to operate. In the aftermath of the Teapot Dome investigation, the Supreme Court ruled in *McGrain* v. *Daugherty* (1927) that a committee could subpoena anyone to testify, including private citizens who were neither government officials nor employees. In *Sinclair* v. *U.S.* (1929), the Supreme Court recognized the right of Congress to investigate anything remotely related to its legislative and oversight functions. The court also upheld the Smith Act of 1940, which made it illegal to advocate overthrowing the U.S. government by force or violence. In 1948 the Justice Department prosecuted twelve Communist leaders for having conspired to organize "as a society, group and assembly of persons who teach and advocate the overthrow and destruction of the Government of the United States by force and violence." Upholding their convictions, in *Dennis* v. *U.S.* (1951), the Supreme Court denied that their prosecution had violated the First Amendment, on the grounds that the government's power to prevent an armed rebellion subordinated free speech. During the next six years 126 individuals were indicted solely for being members of the Communist party. The Mundt-Nixon Act of 1950 further barred Communist party members from employment in defense installations, denied them passports, and required them to register with the Subversive Activities Control Board. In *Rogers* v. *U.S.* (1951) the Supreme Court declared that a witness who had testified that she was treasurer of a local Communist party and had possession of its records could not claim the Fifth Amendment when asked to whom she gave those records. Her initial admission had waived her right to invoke her privilege and she was guilty of contempt for failing to answer.

[15] Executive session transcript, October 23, 1953.
[16] Martin Merson, *The Private Diary of a Public Servant* (New York: Macmillan, 1955), 83; Ruth Watt oral history, 140.
[17] *Annual Report of the Committee on Government Operations Made by its Senate Permanent Subcommittee on Investigations*, 83rd Cong., 2nd sess., S. Rept. 881 (Washington, D.C.: Government Printing Office, 1954), 10–14; see also Griswold, *The 5th Amendment Today*, and Victor S. Navasky, *Naming Names* (New York: Viking Press, 1980).
[18] Assistant Attorney General Warren Olney, III to Senator Joseph R. McCarthy, July 7, 1954, full text in the executive session transcript for July 15, 1954.
[19] Permanent Subcommittee on Investigations, *Army Signal Corps—Subversion and Espionage*, 83rd Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1954), 153, 299–300.

Not until after Senator McCarthy's investigations had ceased did the Supreme Court change direction on the rights of congressional witnesses, in three sweeping decisions handed down on June 17, 1957. In *Yates* v. *U.S.* the court overturned the convictions of fourteen Communist party members under the Smith Act, finding that organizing a Communist party was not synonymous with advocating the overthrow of the government by force and violence. As a result, the Justice Department stopped seeking further indictments under the Smith Act. In *Watkins* v. *U.S.,* the court specified that an investigating committee must demonstrate a legislative purpose to justify probing into private affairs, and ruled that public education was an insufficient reason to force witnesses to answer questions under the penalty of being held in contempt. These rulings confirmed that the Bill of Rights applied to anyone subpoenaed by a congressional committee.[20]

If witnesses refused to cooperate, the chairman threatened them with indictment and incarceration. At the end of his first year as chairman, he advised one witness: "During the course of these hearings, I think up to this time we have some—this is just a rough guess—twenty cases we submitted to the grand jury, either for perjury or for contempt before this committee. Do not just assume that your name was pulled out of a hat. Before you were brought here, we make a fairly thorough and complete investigation. So I would like to strongly advise you to either tell the truth or, if you think the truth will incriminate you, then you are entitled to refuse to answer. I cannot urge that upon you too strongly. I have given that advice to other people here before the committee. They thought they were smarter than our investigators. They will end up in jail. This is not a threat; this is just friendly advice I am giving you. Do you understand that?" In the end, however, no witness who appeared before the subcommittee during his chairmanship was imprisoned for perjury, contempt, espionage, or subversion. Several witnesses were tried for contempt, and some were convicted, but each case was overturned on appeal.[21]

AREA OF INVESTIGATION

Following the tradition of the Permanent Subcommittee on Investigations, the first executive session hearings in 1953 dealt with influence peddling, an outgrowth of an investigation begun in the previous Congress. Senator McCarthy absented himself from most of the influence-peddling hearings and left Senator Karl Mundt or Senator John McClellan, the ranking Republican and Democrat on the Government Operations Committee, to preside in his place. But the chairman made subversion and espionage his sole mission. On the day that the subcommittee launched a new set of hearings on influence peddling, it began hearings on the State Department's filing system, whose byzantine complexity Senator McCarthy attributed to either Communist infiltration of gross incompetence.

With the State Department investigation, Senator McCarthy returned to familiar territory. His Wheeling speech in 1950 had accused the department of harboring known Communists. The senator demanded that the State Department open its "loyalty files," and then complained that it provided only "skinny-ribbed bones of the files," "skeleton files," "purged files," and "phony files." The chairman's interest was naturally piqued in 1953 when State Department security officer John E. Matson reported irregularities in the department's filing system, and charged that personnel files had been "looted" of derogatory information in order to protect disloyal individuals. Although State Department testimony suggested that its system had been designed to protect the rights of employees in matters of career evaluation and promotion, Senator McCarthy contended that there had been a conspiracy to manipulate the files.[22]

A brief investigation of homosexuals as security risks also grew out of previous inquiries. In 1950, Senator McCarthy denounced "those Communists and queers who have sold 400 million Asiatic people into atheistic slavery and have American people in a hypnotic trance, headed blindly toward the same precipice." He often laced his speeches with references to "powder puff diplomacy," and accused his opponents of "softness" toward communism. "Why is it that wherever it is in the world that our State Department touches the red-hot aggression of Soviet communism there is heard a sharp cry of pain—a whimper of confusion and fear? . . . Why must we be forced to cringe in the face of communism?" By contrast, he portrayed himself in masculine terms: in rooting out communism he "had to do a bare-knuckle job or suffer the same defeat that a vast number of well-meaning men have suffered over past years. It has been a bare-knuckle job. As long as I remain in the Senate it will continue as a bare-knuckle job." The subcommittee had earlier responded to Senator McCarthy's complaint that the State Department had reinstated homosexuals suspended for moral turpitude with an investigation in 1950 that produced a report on the *Employment of Homosexuals and Other Sex Perverts in Government.* The report had concluded that homosexuals' vulnerability to blackmail made them security risks and therefore "not suitable for Government positions."[23]

The closed hearings shifted to two subsidiaries of the State Department, the Voice of America and the U.S. information libraries, which had come under the department's jurisdiction following World War II. Dubious about mixing foreign policy and propaganda, Secretary of State John Foster Dulles viewed the Voice of America as an unwanted appendage and was not unsympathetic to some housecleaning. It was not long, however, before the Eisenhower administration began to worry that McCarthy's effort to clean out the "left-wing debris" was disrupting its own efforts to reorganize the government. Senator McCarthy also looked into allegations of Communist literature on the shelves of the U.S. Information Agency libraries abroad. Rather than call the officials who administered the libraries, the subcommittee subpoenaed the authors

[20] Arthur J. Sabin, *In Calmer Times: The Supreme Court and Red Monday* (Philadelphia: University of Pennsylvania Press, 1999), 11, 39, 55–57, 154–55, 167–68.

[21] Executive session transcript, December 15, 1953.

[22] Robert Griffith, *The Politics of Fear: Joseph R. McCarthy and the Senate* (Lexington: University Press of Kentucky, 1970), 90–93; "The Raided Files," *Newsweek* (February 16, 1953), 28–29.

[23] *New York Times,* April 21, 1950; *Congressional Record,* 81st Cong., 2nd sess., A7249, A3426–28; Committee on Expenditures in the Executive Departments, Subcommittee on Investigations, *Employment of Homosexuals and Other Sex Perverts in Government,* 81st Cong., 2nd sess (Washington, D.C.: Government Printing Office, 1950), 4–5, 19.

of the books in question, along with scholars and artists who traveled abroad on Fulbright scholarships. These witnesses became innocent bystanders in the cross-fire between the subcommittee and the administration as the senator expanded his inquiry from examinations of files and books to issues of espionage and sabotage, warning audiences: "This is the era of the Armageddon—that final all-out battle between light and darkness foretold in the Bible." Zealousness in the search for subversives made the senator unwilling to accept bureaucratic explanations on such matters as personnel files and loyalty board procedures in the State Department, the Government Printing Office, and the U.S. Army.[24]

Many of McCarthy's investigations began with a flurry of publicity and then faded away. Richard Rovere, who covered the subcommittee's hearings for the *New Yorker*, observed that investigation of the Voice of America was never completed. "It just stopped—its largest possibilities for tumult had been exhausted, and it trailed off into nothingness."[25] Before completing one investigation, the subcommittee would have launched another. The hectic pace of hearings and the large number of witnesses it called strained the subcommittee's staff resources. Counsels coped by essentially asking the same questions of all witnesses. "For the most part you wouldn't have time to do all your homework on that, we didn't have a big staff," commented chief clerk Ruth Watt. As a result, the subcommittee occasionally subpoenaed the wrong individuals, and used the closed hearings to winnow out cases of mistaken identity. Some of those who were subpoenaed failed to appear. As Roy Cohn complained of the authors whose books had appeared in overseas libraries, "we subpoena maybe fifty and five show up."[26]

When Senator McCarthy was preoccupied or uninterested in the subject matter, other senators would occasionally chair the hearings. Senator Charles Potter, for example, chaired a series of hearings on Korean War atrocities whose style, demeanor, and treatment of witnesses contrasted sharply with those that Senator McCarthy conducted; they are included in these volumes as a point of reference. Other hearings that stood apart in tone and substance concerned the illegal trade with the People's Republic of China, an investigation staffed by assistant counsel Robert F. Kennedy.[27]

The subcommittee's investigations exposed examples of lax security in government agencies and defense contractors, but they failed to substantiate the chairman's accusations of subversion and espionage. Critics accused Senator McCarthy of gross exaggerations, of conducting "show trials" rather than fact-finding inquiries, of being careless and indifferent about evidence, of treating witnesses cavalierly and of employing irresponsible tactics. Indeed, the chairman showed no qualms about using raw investigative files as evidence. His willingness to break the established rules encouraged some security officers and federal investigators to leak investigative files to the subcommittee that they were constrained by agency

[24] "Battle Unjoined," *Newsweek* (March 23, 1953), 28; *Newsweek* (April 27, 1953), 34; Address to the Sons of the American Revolution, May 15, 1950, *Congressional Record*, 81st Cong., 2nd sess., A3787.

[25] Richard Rovere, *Senator Joe McCarthy*, (New York: Harcourt, Brace, 1959), 159.

[26] Ruth Young Watt oral history, 128.

[27] Gerald J. Bryan, "Joseph McCarthy, Robert Kennedy, and the Greek Shipping Crisis: A Study of Foreign Policy Rhetoric," *Presidential Studies Quarterly*, 24 (Winter 1994), 93–104.

policy from revealing. Rather than lead to the high-level officials he had expected to find, the leaked security files shifted his attention to lower-level civil servants. Since these civil servants lacked the freedom to fight back in the political arena, they became "easier targets to bully."[28] Even Roy Cohn conceded that McCarthy invited much of the criticism "with his penchant for the dramatic," and "by making statements that could be construed as promising too much."[29]

Having predicted to the press that his inquiry into conditions at Fort Monmouth would uncover espionage, Senator McCarthy willingly accepted circumstantial evidence as grounds for the dismissal of an employee from government-related service. The subcommittee's dragnet included a number of perplexed witnesses who had signed a nominating petition years earliers, belonged to a union whose leadership included alleged Communists, bought an insurance policy through an organization later designated a Communist front organization, belonged to a Great Books club that read Karl Marx among other authors, had once dated a Communist, had relatives who were Communists, or simply had the same name as a Communist. Those witnesses against whom strong evidence of Communist activities existed tended to be involved in labor organizing—hardly news since the Congress of Industrial Organizations (CIO) had already expelled such unions as the Federation of Architects, Engineers, Chemists and Technicians and the United Electrical Workers, whom McCarthy investigated. Those witnesses who named names of Communists with whom they had associated invariably described union activities, and none corroborated any claims of subversion and espionage.

Critics questioned Senator McCarthy's sincerity as a Communist hunter, citing his penchant for privately embracing those whom he publicly attacked; others considered him a classic conspiracy theorist. Once he became convinced of the existence of a conspiracy, nothing could dissuade him. He exhibited impatience with those who saw things differently, interpreted mistakes as deliberate actions, and suspected his opponents of being part of the larger conspiracy. He would not entertain alternative explanations and stood contemptuous of doubters. A lack of evidence rarely deterred him or undermined his convictions. If witnesses disagreed on the facts, someone had to be lying. The Fort Monmouth investigation, for instance, had been spurred by reports of information from the Army Signal Corps laboratories turning up in Eastern Europe. Since Julius Rosenberg had worked at Fort Monmouth, McCarthy and Cohn were convinced that other Communist sympathizers were still supplying secrets to the enemy. But the Soviet Union had been an ally during the Second World War, and during that time had openly designated representatives at the laboratories, making espionage there superfluous. Nevertheless, McCarthy's pursuit of a spy ring caused officials at Fort Monmouth to suspend forty-two civilian em-

[28] Earl Latham, *The Communist Controversy in Washington, From the New Deal to McCarthy* (Cambridge: Harvard University Press, 1966), 323, 349–54; John Earl Haynes, *Red Scare or Red Menance? American Communism and Anticommunism in the Cold War Era* (Chicago: Ivan R. Dee, 1996), 147, 154.

[29] Cohn, *McCarthy*, 94–95.

ployees. After the investigations, all but two were reinstated in their former jobs.

Not until January 1954, did the remaining subcommittee members adopt rules changes that Democrats had demanded, and Senators McClellan, Jackson and Symington resumed their membership on the subcommittee. These rules changes removed the chairman's exclusive authority over staffing, and gave the minority members the right to hire their own counsel. Whenever the minority was unanimously opposed to holding a public hearing, the issue would go to the full committee to determine by majority vote. Also in 1954, the Republican Policy Committee proposed rules changes that would require a quorum to be present to hold hearings, and would prohibit holding hearings outside of the District of Columbia or taking confidential testimony unless authorized by a majority of committee members. In 1955 the Permanent Subcommittee adopted rules similar to those the Policy Committee recommended.[30]

Following the Army-McCarthy hearings of 1954, the Senate censured Senator McCarthy in December 1954 for conduct unbecoming of a senator. Court rulings in subsequent years had a significant impact on later congressional investigations by strengthening the rights of witnesses. Later in the 1950s, members and staff of the Permanent Subcommittee on Investigations joined with the Senate Labor and Public Welfare Committee to form a special committee to investigate labor racketeering, with Robert F. Kennedy as chief counsel. Conducted in a more bipartisan manner and respectful of the rights of witnesses, their successes helped to reverse the negative image of congressional investigations fostered by Senator McCarthy's freewheeling investigatory style.

DONALD A. RITCHIE,
Senate Historical Office.

[30] *New York Times*, July 11, 19, 1953, January 24, 26, 27, 1954; *Congressional Record*, 83rd Cong., 2nd sess, 2970.

SUBCOMMITTEE STAFF IN JANUARY 1953

Francis D. Flanagan, chief counsel (July 1, 1945 to June 30, 1953)
Gladys E. Montier, assistant clerk (July 1, 1945 to November 15, 1953)
Ruth Young Watt, chief clerk (February 10, 1947 to May 31, 1979)
Jerome S. Adlerman, assistant counsel (July 1, 1947 to August 3, 1953)
James E. Sheridan, investigator (July 1, 1947 to December 3, 1953)
Robert J. McElroy, investigator (April 1, 1948 to April 24, 1955)
James H. Thomas, assistant counsel (January 19, 1949 to February 15, 1953)
Howell J. Hatcher, chief assistant counsel (March 15, 1949 to April 15, 1953)
Edith H. Anderson, assistant clerk (January 26, 1951 to February 9, 1957)
William A. Leece, assistant counsel (March 14, 1951 to March 16, 1953)
Martha Rose Myers, assistant clerk (April 5, 1951 to July 31, 1953)
Nina W. Sutton, assistant clerk (April 1, 1952 to January 31, 1955)

SUBCOMMITTEE STAFF APPOINTED IN 1953–1954

Roy M. Cohn, chief counsel (January 15, 1953 to August 13, 1954)
Robert F. Kennedy, assistant counsel (January 15, 1953 to August 31, 1953), chief counsel to the minority (February 23, 1954 to January 3, 1955)
Donald A. Surine, assistant counsel (January 22, 1953 to July 19, 1954)
Marbeth A. Miller, research clerk (February 1, 1953 to July 31, 1954)
Herbert Hawkins, investigator (February 1, 1953 to November 15, 1954)
Daniel G. Buckley, assistant counsel (February 1, 1953 to February 28, 1955)
Aileen Lawrence, assistant clerk (February 1, 1953 to September 15, 1953)
Thomas W. LaVenia, assistant counsel, (February 16, 1953 to February 28, 1955)
Donald F. O'Donnell, assistant counsel (March 16, 1953 to September 30, 1954)
Pauline S. Lattimore, assistant clerk (March 16, 1953 to September 30, 1954)
Christian E. Rogers, Jr., assistant counsel (March 16, 1953 to August 21, 1953)
Howard Rushmore, research director (April 1, 1953 to July 12, 1953)
Christine Winslow, assistant clerk (April 2, 1953 to May 15, 1953)
Rosemary Engle, assistant clerk (May 25, 1953 to March 15, 1955)