INTRODUCTION

In 1954, the investigators found themselves the subject of investigation. Senator Joseph R. McCarthy stepped aside temporarily as chair of the Permanent Subcommittee on Investigations after the United States Army accused him and chief counsel Roy Cohn of having demanded special treatment for the subcommittee's former consultant, G. David Schine, then an army private. Senator McCarthy rebutted that the army had held Schine hostage in order to silence the subcommittee's investigations.

A special subcommittee, chaired by Senator Karl Mundt, then attempted to unravel these charges. Senator McCarthy, Cohn and executive director Francis Carr served as the principals in the investigation, along with Secretary of the Army Robert T. Stevens, Army Counsel John G. Adams, and Assistant Secretary of Defense H. Struve Hensel. The Army-McCarthy hearings were televised nationally and captured public attention. They resulted in an erosion of the senator's public standing, and contributed to his censure by the United States Senate that December.

Revising the Subcommittee's Rules

In the months leading up to the Army-McCarthy hearings, Senator McCarthy faced several challenges to his chairmanship of the permanent subcommittee. Eight senators died in office during the Eighty-third Congress, including Majority Leader Robert Taft, which from time to time gave Senate Democrats a numerical advantage, even though Republicans officially retained their majority status and held the committee chairmanships. Complicating matters for the permanent subcommittee in July 1953 were the resignations of all three of its Democratic members—Senators John McClellan, Henry Jackson, and Stuart Symington—over the subcommittee's hiring practices.

During their absence, Senator McCarthy was often the only subcommittee member to attend its closed hearings, many of which he held out of town with little advance notice. Republican senators on the subcommittee had other Senate business to attend to in Washington. Senator Everett Dirksen and Senator Charles Potter occasionally sent staff to represent them at the hearings, and Senator McCarthy allowed them to interrogate witnesses. Unaware of this development, Senator Potter eventually dismissed his staff delegate, Robert Jones, for misrepresenting his position. On a few occasions, even Senator McCarthy was not present and staff interrogatories replaced hearings. David Schine sometimes presided, with

Roy Cohn conducting the interrogation and addressing Schine as "Mr. Chairman."[1]

The Democrats' continued boycott jeopardized the subcommittee's appropriation at the opening of the second session in January 1954. Arizona Senator Carl Hayden, the ranking Democrat on the Appropriations Committee, threatened to cut off the subcommittee's funds for lack of a "majority vote." At the same time, Iowa Senator Guy Gillette called on the Senate to restrict the subcommittee's freewheeling scope and prohibit it from overlapping other committees' jurisdictions. Senator McCarthy described these efforts as "a vote against the exposure of spies and saboteurs," and asserted that it was "a natural thing for left-wing Democrats to try to stop the exposure of treason."[2]

Senator Karl Mundt, a South Dakota Republican who served on the Government Operations Committee, sought to mediate between the chairman and Democrats. At a closed meeting on January 14, 1954, Senator McCarthy agreed to the Democrats' demand that they be permitted to hire a minority counsel. The subcommittee formally adopted these rules:

1. Future staff members as well as all present members shall be confirmed by a majority of the subcommittee.

2. The minority shall select for appointment to the subcommittee staff a chief counsel for the minority who shall, upon being confirmed, work under their supervision and direction; who shall be kept fully informed as to investigations and hearings, have access to all material in the files of the subcommittee, and, when not otherwise engaged, shall do other subcommittee work.

3. The minority counsel shall be hired at a salary not to exceed the maximum allowed Senate employees.

An increase of $16,000 on Senate Resolution 19 will be requested to cover the salary and travel, per diem, allowance, and incidental expenses.

4. A clerk already on the staff, acceptable to it, shall be assigned to the minority and it is understood that when she is not busy she will do any work assigned to her on the subcommittee.

5. It is understood that before a voucher is submitted to the chairman for a new employee, that an FBI investigation be conducted—a full field investigation requested.

6. No public hearing shall be announced or held if the minority members unanimously object, unless the Committee on Government Operations by majority vote approves of a public hearing.[3]

When Democrats returned to the subcommittee they selected as their counsel a former subcommittee staff member, Robert F. Kennedy, the younger brother of Massachusetts Senator John F. Kennedy. The full committee then voted unanimously to approve the subcommittee's appropriation. In the Senate chamber, Senator J. William Fulbright of Arkansas cast the sole vote against the appropriation.[4]

[1] Charles E. Potter, *Days of Shame* (New York: Coward-McCann, 1965), 152–159; Staff interrogatory, October 30, 1953.
[2] *New York Times*, January 15, 1954; *Chicago Tribune*, January 3, 7, 15, 1954.
[3] *Congressional Record*, 83rd Cong., 2nd sess., 1101.
[4] *Congressional Record*, 83rd Cong., 2nd sess., 1085–1103.

With criticism of investigative tactics mounting, the Republican Policy Committee in February 1954 proposed new rules under which a vote of the full committee would be necessary to authorize any subcommittees; hearings would be prohibited unless a quorum was present; and committees were restricted from delegating subpoena power, initiating an investigation, holding a hearing outside of the District of Columbia, or taking confidential testimony unless authorized by a majority of committee members. Witnesses subpoenaed would have the right to counsel. Only senators and authorized staff personnel could interrogate witnesses. The policy committee unanimously approved these rules and forwarded them to the Senate Rules Committee. The Rules Committee chose to let individual committees set their own investigative standards and procedures. The next year, the Permanent Subcommittee on Investigations adopted rules similar to those that the policy committee had recommended:[5]

1. An investigating subcommittee of any committee may be authorized only by the action of a majority of the committee.

2. No investigating committee or subcommittee is authorized to hold a hearing to hear a subpoenaed witness or take sworn testimony unless a majority of the members of the committee or subcommittee are present: *Provided, however,* That the committee may authorize the presence of a majority and a minority member to constitute a quorum.

3. An investigating committee or subcommittee may not delegate its authority to issue subpoena except by a vote of the committee or subcommittee.

4. No hearing shall be initiated unless the investigating committee or subcommittee has specifically authorized such hearing.

5. No hearing of an investigating committee or subcommittee shall be scheduled outside of the District of Columbia except by the majority vote of the committee or subcommittee.

6. No confidential testimony taken or confidential material presented in an executive hearing or an investigating committee or subcommittee or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the committee or subcommittee.

7. Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.[6]

McCarthy and the Army

The subcommittee's investigation of Communist infiltration of the army eventually focused on two principal subjects: Irving Peress, an army dentist, and Annie Lee Moss, a Pentagon file clerk. Both appeared only fleetingly before the subcommittee, but with considerable consequence.

[5] Donald A. Ritchie, *A History of the United States Senate Republican Policy Committee, 1947–1997*, S. Doc. 105–5 (Washington, D.C.: Government Printing Office, 1997), 43–44.
[6] *Congressional Record*, 83rd Cong., 2nd sess., 2970.

During the autumn of 1953, the subcommittee had looked into charges of subversion and espionage at the Army Signal Corps laboratories at Fort Monmouth, New Jersey. Security officers abruptly suspended forty-two employees as security risks, and Senator McCarthy began calling them as witnesses. Many had graduated from the engineering program at the City College of New York (CCNY) where they had sat in classes with Julius Rosenberg. Since Rosenberg had worked at Fort Monmouth during the Second World War, suspicions arose that he had operated a spy ring within the laboratories. Army officials at first cooperated with the investigation, with Secretary of the Army Robert T. Stevens and the army's counsel John G. Adams attending executive sessions. Relations grew strained, however, when President Dwight D. Eisenhower refused to allow army security board members to be identified and questioned by the subcommittee. The president withheld other requested materials on the grounds of executive privilege.

Discovering that an army dentist suspected of being a member of the Communist party had been promoted to major, and then honorably discharged, Senator McCarthy raised the question: "Who promoted Peress?" He further demanded the names of those who had cleared Peress' discharge. Peress' commanding officer, Brigadier General Ralph Zwicker, cited an executive order that forbade him from divulging such information. "Then, General, you should be removed from any command," the chairman stormed. "Any man who has been given the honor of being promoted to general and who says, 'I will protect another general who protected Communists,' is not fit to wear that uniform, General." General Zwicker's executive session testimony was made public on February 22, 1954, and caused some alarm even among the senator's strongest supporters. An editorial in the *Chicago Tribune* suggested that McCarthy learn to "distinguish the role of investigator from the role of avenging angel." Since McCarthy's clash with Zwicker has already been published, it is not included in this edition of executive sessions, but the volume does contain an exchange between the senator and Lt. Colonel Chester T. Brown that immediately preceded General Zwicker's testimony, when the senator used equally abusive language: "I think, may I say this, that any man in the uniform of his country, who refuses to give information to a committee of the Senate which represents the American people, that that man is not fit to wear the uniform of his country."

Army counsel John G. Adams noted that Senator McCarthy's supporters on the Government Operations Committee initially tried to strike from the record his verbal assault on General Zwicker, but they had "underestimated the efficiency of the stenographic company." The army had already received copies of the transcript. Learning this, the committee voted to release the controversial exchange.[7]

The subcommittee had gotten the name of Annie Lee Moss from an FBI informant, Mary Stalcup Markward, who told them that she had seen "a woman by the name of Annie Lee Moss on the list of card-carrying, dues-paying members." However, Markward could

[7] John G. Adams, *Without Precedent: The Story of the Death of McCarthyism* (New York: W. W. Norton, 1983), 79, 129.

not recall having met Moss personally. Moss, an African American, had worked in a government cafeteria before getting a job as an Army Signal Corps communications clerk at the Pentagon in 1950. She had been cleared by loyalty boards of the General Accounting Office in October 1949 and by the army in January 1951. In September 1951, the FBI raised questions about Moss, and offered Markward's testimony as evidence, but the army did not reopen the case. Senator McCarthy described Moss herself as "not of any great importance," but he demanded to know: "Who in the military, knowing that this lady was a Communist, promoted her from a waitress to a code clerk?" Due to ill health, Moss did not attend an executive session and made her first appearance before the subcommittee at a televised public hearing on March 11, 1954.[8]

The army described Annie Lee Moss' position as a relay machine operator who received and transmitted "unintelligible code messages." When the charges against her became public, the army first transferred her to a supply room and then suspended her entirely. At the public hearing, Moss denied having been a member of the Communist party, having paid any dues, or having attended any party meetings. She testified that her late husband had received copies of the *Daily Worker,* although she was uncertain whether they had been addressed to him or to her. Moss had paid dues to a cafeteria-workers' union in 1943, but could not say whether the union had any Communist party connections. Appearing frail and perplexed at the hearing, she seemed an unlikely espionage agent even to Senator McCarthy, who left midway through her testimony. The hearing was replayed on Edward R. Murrow's popular *See It Now* television program and proved a public relations blow to the chairman. The army eventually reinstated Annie Lee Moss, placing her in its finance and accounts office. In 1958 the Subversive Activities Control Board confirmed Markward's assertion that Moss' name had appeared on the Communist party rolls in the mid-1940s. But the board conducted no further investigation of Moss, and the following year it concluded that "Markward's testimony should be assayed with caution."[9]

Reporter Ethel Payne, who covered the case for the *Chicago Defender,* an African-American newspaper, described Annie Lee Moss as a humble person of limited education. "The three things in her life were her son, her grandson, and her church, beside her job. And other than that, she knew little about the world outside. She was a widow. In those days, when the Communist Party was really campaigning in black areas to recruit blacks to join the Communist Party, they were very active. I know in Chicago, when people were evicted, Communists would come and move their furniture and everything else back into these houses, and they would bring baskets of food. They launched a serious campaign in the black community. Well, Mrs. Moss' husband was one of those who had been contacted by the Communists. He was just a simple working man, but they

[8] Permanent Subcommittee on Investigations, *Army Signal Corps—Subversion and Espionage,* part 8 (Washington, D.C.: Government Printing Office, 1954), 314–29.

[9] Thomas C. Reeves, *The Life and Times of Joe McCarthy* (New York: Stein and Day, 1982), 548–50, 667–69, 766–67; David M. Oshinsky, *A Conspiracy So Immense: The World of Joe McCarthy* (New York: Free Press, 1983), 381–85, 401–3; Arthur Herman, *Joseph McCarthy: Reexamining the Life and Legacy of America's Most Hated Senator* (New York: Free Press, 2000), 333–37.

were sending him free subscriptions to the *Daily Worker,* the organ of the Communist Party. And I don't know what he did with them, but when he died, they kept coming, these papers, and they piled up on her back porch, some with the wrappings still on them. She never paid any attention to it; the Bible was her thing."[10]

The Peress and Moss cases further eroded Senator McCarthy's relations with the army. Then the controversy escalated when the army charged that McCarthy and Cohn had demanded special privileges for the subcommittee's former chief counsel, David Schine. Ruth Watt, chief clerk of the subcommittee since 1947, had observed that Cohn and Schine operated outside the normal rules for Senate staff. Rather than work out of the subcommittee's limited quarters, they had rented office space in a nearby office building. Schine, as a consultant, was not on the subcommittee's payroll and could not be reimbursed for his expenses. Watt noted his tendency to place long-distance calls to notify friends whenever he expected live television coverage of the subcommittee's hearings. "Then when the bill came, it was personal, I wasn't going to pay it," she explained. "So Roy Cohn ended up paying his telephone bills." Schine once signed Senator McCarthy's name to a letter to the Senate Rules Committee asking permission for Cohn and Schine to have access to the "Senators' Baths," a pool and steam room reserved exclusively for senators. When the chairman of the Rules Committee informed Senator McCarthy that the request could not be granted, McCarthy, who had known nothing about it, simply nodded and said he knew that and would inform his staff.[11]

That pattern of seeking special privilege continued after Schine was drafted into the army as a private. Schine made numerous requests for passes and release from basic training, which Cohn demanded of army officials. Senator McCarthy, by contrast, seemed indifferent to special treatment for Schine. During a monitored telephone conversation in November 1953, Senator McCarthy had told Army Secretary Stevens: "For God's sake, don't put Dave in service and assign him back to my committee. If he could get off weekends—Roy—it is one of the few things I have seen him completely unreasonable about. He thinks Dave should be a general and work from the penthouse of the Waldorf." Secretary Stevens had expected Senator McCarthy to turn the Fort Monmouth investigation over to the army after the initial inquiry, but began to suspect that Roy Cohn was pursuing the investigation more aggressively as leverage to win favors for Private Schine.[12]

The resulting Army-McCarthy hearings were played out before televised audiences. Only a few closed-door executive sessions were held. Rather than leading the questioning, both Senator McCarthy and Roy Cohn were called upon to testify. Reviewing his own testimony, Cohn saw things that had managed to elude him during his previous year as subcommittee counsel. "I was rambling, garrulous,

[10] Ethel Payne oral history, 1987 Washington Press Club Foundation, 39–40.

[11] Ruth Watt oral history, 107–8; Nicholas von Hoffman, *Citizen Cohn* (New York: Doubleday, 1988), 177–78.

[12] Special Subcommittee on Investigations of the Government Operations Committee, *Special Senate Investigation in 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 10 (Washington, D.C.: Government Printing Office, 1954), 377–78.

repetitive," he admitted. "I was brash, smug, and smart-alecky. I was pompous and petulant." Cohn had a similarly negative assessment of Senator McCarthy's performance at the hearings: "He complained bitterly of being interrupted . . . and yet he came charging in on everyone else's testimony time and again with his 'point of order, Mr. Chairman, point of order.' He used the words so often they were taken up by countless comedians and had a vogue as a national catch-phrase. His language toward his opponents was often less than parliamentarian. He was verbally brutal where he should have been dexterous and light; he was stubbornly unwilling to yield points where a little yielding might have gained him advantage; he frequently spoke before thinking of the effect of his words; he was repetitious to the point of boredom." Cohn recognized that McCarthy was addicted "to dramatic techniques in presenting information," and was "impatient, overly aggressive, overly dramatic. He acted on impulse. He tended to sensationalize the evidence he had." The Senator "would neglect to do important homework and consequently would, on occasion, make challengeable statements." These were the qualities that McCarthy revealed to television audiences, and that the army's counsel Joseph Welch employed so effectively against him.[13]

Investigating Communists in the Defense Industry

The Army-McCarthy hearings consumed the better part of the session and delayed other subcommittee business, but Senator McCarthy was anxious to develop a new investigation of Communist involvement in the defense industry. Both before and after the Army-McCarthy hearings, the subcommittee looked into the activities of the United Electrical, Radio, and Machine Workers (UE), which had organized workers at General Electric and Westinghouse plants. UE had once been the third largest union in the Congress of Industrial Organizations (CIO). In 1941, UE president James B. Carey had been defeated for reelection largely after refusing to follow the Communist party's line on foreign policy. The union had supported the war effort throughout World War II, but in 1946 it conducted a massive strike against GE for increased wages. During the Eightieth Congress (1947–1948) enactment of the Taft-Hartley Act required union leaders to sign non-Communist affidavits, and several top UE officials had refused to comply. In 1948 the House Un-American Activities Committee had investigated the UE and heard testimony that the union's secretary-treasurer Julius Emspak and director of organization James J. Matles were members of the Communist party. Both Emspak and Matles cited the Fifth Amendment in refusing to answer the committee's questions. Senator McCarthy entered in the debate in 1950 when he denounced the United Electrical union as "one of America's worst security risks," and accused the UE of representing the "interests of the Kremlin" rather than of GE workers and management.

Prior to the subcommittee's investigation, the Senate Labor Committee had also looked into the role of Communists in the UE. By then the CIO had expelled the UE for being Communist dominated.

[13] Roy Cohn, *McCarthy* (New York: New American Library, 1968), 181, 208, 223, 275, 277.

A rival International Union of Electrical, Radio, and Machine Workers (IUE), headed by the UE's former president Carey, won elections in most General Electric plants, although the UE remained the bargaining agent at GE plants in Lynn, Massachusetts; Erie, Pennsylvania; and Schenectady, New York. In 1952 and 1953, articles in the *Saturday Evening Post* and *Reader's Digest* had linked the UE with "spies in our defense plants." In 1954, the IUE defeated the UE for the right to represent GE workers in Schenectady. As a result of this turmoil, General Electric concluded that its labor problems stemmed in large part from poor communications with its employees and the community. In September 1954, GE hired the actor Ronald Reagan (who at that time was known as a liberal anti-Communist) to promote better public relations through speaking engagements and by hosting its weekly television program, General Electric Theater.[14]

Aftermath

Although Senator McCarthy had planned to resume holding executive and public sessions in Boston after the Army-McCarthy hearings had ended, Senate Republican Leader William F. Knowland denied permission for committee hearings to be held outside of Washington for the remainder of the session. At that juncture, the subcommittee also underwent major changes in its staff.

Under pressure, Roy Cohn resigned as chief counsel in August 1954. Cohn never again held a government post. As a private attorney he was frequently reprimanded for unethical conduct, and was tried and acquitted in 1964, 1969, and 1971 on charges of conspiracy, bribery and fraud. He was eventually disbarred in 1986, just prior to his death. In his books and later interviews, Cohn conceded that Senator McCarthy's "penchant for the dramatic" and exaggerated claims and accusations had invited much of the critical storm that engulfed them, but he always insisted that McCarthy had performed "a substantial service to the country by alerting the country to the menace of communism when most people in this country were not tuned in to how deadly it was." Cohn discounted charges that their investigations had ruined people and cost them their livelihood. "Name one," he challenged. Looking back, Cohn concluded: "I can live to be 300 years old and do all sorts of things. . . . and when I die, when I'm referred to, it's going to be as Joe McCarthy's counsel."[15]

G. David Schine, whose army service caused so much commotion, disengaged from the political sphere and spent the rest of his life in Hollywood as a motion picture producer, winning an Academy Award for *The French Connection*. He also made a guest appearance as himself on a television episode of *Batman*. In 1996 Schine

[14] *Congressional Record*, 81st Cong., 2nd sess., A7002; Herbert R. Northrup, *Boulwarism: The Labor Relations Policies of the General Electric Company, Their Implications for Public Policy and Management Action* (Ann Arbor: University of Michigan Bureau of Industrial Relations, 1964), 7–49; Ronald L. Filippelli and Mark McColloch, *Cold War in the Working Class: The Rise and Decline of the United Electrical Workers* (Albany: State University of New York Press, 1995), 141–66; and Ronald W. Schatz, *The Electrical Workers: A History of Labor at General Electric and Westinghouse, 1923–60* (Urbana: University of Illinois Press, 1983).

[15] Cohn, *McCarthy*, 94–95; *New York Times*, August 3, 1986; *Washington Post*, December 22, 1985.

and his wife died in the crash of a small plane piloted by one of their sons.

As Cohn and Schine departed from the subcommittee, Robert F. Kennedy, who had resigned from the staff in 1953, returned as minority counsel. Kennedy wrote the final report on the Army-McCarthy hearings and then became chief counsel when Democrats took the majority in the next Congress. He rose to national prominence as counsel during the labor racketeering investigations, managed his brother's presidential campaign, served as attorney general, and was elected senator from New York in 1964. As a senator he served on the Government Operations Committee but not on the Permanent Subcommittee on Investigations. In 1968, Robert Kennedy ran for the Democratic nomination for president of the United States. On the night that he won the California primary, he was assassinated in Los Angeles' Ambassador Hotel, by coincidence one of the Schine family's chain of hotels.

In July 1954, Vermont Republican Senator Ralph Flanders introduced a resolution calling for the censure of Senator Joseph R. McCarthy for conduct unbecoming a senator. The resolution was referred to a select committee chaired by Utah Republican Senator Arthur Watkins. In September, after the Senate had recessed, the Watkins committee issued a report recommending the senator's censure. Following the November congressional elections, when Democrats won narrow majorities in both the Senate and House, the Senate returned in a lame duck session to debate the Watkins report and vote on censure. Friends from both parties appealed to Senator McCarthy to avoid censure by apologizing for his conduct, but he would hear none of it. On December 2, 1954, the Senate voted 67 to 22 to condemn McCarthy's conduct for having been "contrary to senatorial tradition." With his party losing the majority, McCarthy also lost the chairmanship of the Permanent Subcommittee on Investigations. Reporters ignored his speeches and press releases and his name disappeared from the front pages. His health and spirit declined rapidly and he died in 1957 at the age of forty-eight.

Senator McCarthy's most lasting legacy came in the form of judicial review of the rights of witnesses before congressional investigations. The chairman's single-minded focus on possible sedition and espionage had made him impatient over governmental efforts to treat the accused with due process. When informed that rules of the Civil Service Commission forbade the release of details of any loyalty hearing, Senator McCarthy said: "I do not care what is in any loyalty review board memorandum. This man is ordered to produce certain information. He will produce it or his case will go to the grand jury." The loyalty boards, he insisted, "are not running this committee. The senators on the committee are running it."

Along those lines, the senator defined the constitutional right against self-incrimination as incriminating in itself. He instructed witnesses that they could claim the Fifth Amendment only if they honestly felt that answering would incriminate them. Then he took the position that anyone who claimed self-protection had admitted guilt, and demanded that they be dismissed from any government-related employment.

At the time that Senator McCarthy made these assertions, the weight of judicial precedent was on his side. Dating back to the Teapot Dome investigations, the Supreme Court had ruled in *McGrain* v. *Daughtery* (1927) that a congressional committee could subpoena anyone, even those who were not government officials or employees, to testify. 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. In 1940, Congress passed the Alien Registration Act (or Smith Act) that had made it illegal to advocate overthrowing the government by force or violence. In 1948 the Justice Department indicted 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." In *Dennis* v. *U.S.* (1951), the Supreme Court upheld those convictions on the grounds that the government's power to prevent an armed rebellion enabled it to subordinate free speech. During the next six years, the government indicted 126 individuals for being members of the Communist party. Congress had also passed the Mundt-Nixon Act in 1950, which barred Communist party members from employment in defense facilities, denied them passports, and required them to register with the Subversive Activities Control Board. In *Rogers* v. *U.S.* (1951) the Supreme Court ruled that a witness who admitted having been treasurer of a local Communist party could not claim privilege under the Fifth Amendment when asked to whom she had given her records. Her initial admission had waived her privilege and she was guilty of contempt for failing to answer.

These rulings supported Senator McCarthy's operating assumption that those who belonged to the Communist party were committed to overthrowing the government by force and violence, and that those who claimed the Fifth Amendment must be guilty of the accusations made against them. He believed that the subcommittee gave him license to interrogate anyone regarding any possible links to communism, and that nothing could be too private or personal in nature to escape notice. The need to uncover disloyalty, in his mind, justified all means available, including the verbal abuse and intimidation of witnesses, and the firing of suspected subversives without due process.

In 1957, the Supreme Court acted to restrict the government's ability to prosecute under the Smith Act and broaden the rights of congressional witnesses. On June 17, 1957, a majority led by Chief Justice Earl Warren handed down a series of sweeping decisions. In *Yates* v. *U.S.* (1957) it reversed the convictions of fourteen Communist party members under the Smith Act, finding that joining the Communist party was not tantamount to advocating the overthrow of the government by force and violence. Thereafter, the Justice Department ceased all further indictments under the Smith Act. In *Watkins* v. *U.S.* (1957), the Supreme Court bolstered the rights of witnesses by insisting that an investigating committee had to demonstrate a legislative purpose in order to justify probing affairs, that public "education" was insufficient reason to force witnesses to answer questions under the penalty of being held in contempt, and that the Bill of Rights applied to anyone subpoenaed by a congressional committee. Despite Senator McCarthy's repeated threats that witnesses would be imprisoned for perjury or contempt, not a single witness went to jail for testimony given to the subcommittee during his chairmanship. Several were tried for contempt, but their convictions were all overturned on appeal.

It was a noticeably subdued and cooperative Joseph McCarthy who attended the organizational meeting of the Permanent Subcommittee on Investigations on January 24, 1955, as ranking minority member rather than chairman. In that executive session (not included in these volumes since it occurred outside of the Eighty-third Congress), the new chairman, Senator John McClellan, announced his intention to address unfinished business left pending from the previous Congress. As Senator McClellan turned to Senator McCarthy and to James Juliana, the new minority counsel, they engaged in these valedictory remarks:

Senator MCCLELLAN. Let me say to you now that you two are certainly familiar with these files, and I mean the things that are unfinished and need attention. We want your wholehearted cooperation, Joe and Jim, in calling to our attention what in your judgment needs further work of this committee. I am not familiar with them.

I want your wholehearted cooperation in these matters because there is no desire on my part to evade any responsibility that we have here. We are going through with it, whatever comes before us. I am not interested in any Democrat who has in the present administration or in the past administration as such, in no action that smacks of corruption or waste or inefficiency or anything else. I am prepared to defend or shield and I do not—there are a lot of things I don't know, and of course the work of the committee will find some other things as we go along. I am sure that every member of this committee will go into anything that needs our attention and any duty with which we are charged. I invite your wholehearted cooperation in this field.

Beyond that now, I have nothing further.

Senator MCCARTHY. I have already instructed Jim here to give you all the available information. He cannot do that just on the spur of the moment, but I think the chair knows that I have not tried to protect either the Eisenhower administration or the Truman administration. As far as I am concerned, I agree with the chair that politics plays no part in this. If we find a wrongdoing, I certainly will call it to your attention.

DONALD A. RITCHIE,
U.S. Senate Historical Office.