



Are you now or have you ever been? Opening the records of the McCarthy investigations[☆]

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Abstract

Sealed for 50 years, the transcripts of the executive session hearings conducted by Senator Joseph R. McCarthy, as chairman of the Senate Permanent Subcommittee on Investigations in 1953 and 1954, were recently opened for research. The Senate Historical Office edited the transcripts for publication by the Government Printing Office and on the Internet. The hearings provide new insights into the senator's methods of operations. While they started out reasonably, the hearings quickly descended into paranoia, conspiracy theory, and merciless badgering of witnesses by the senator and his chief counsel, Roy Cohn. The closed hearings served as dress rehearsals for televised public hearings, and also gave Senator McCarthy an opportunity to release selected information to manipulate his media coverage. They conclude with the Army-McCarthy hearings that ultimately led to the senator's censure.

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The term "McCarthyism" has come to mean "any investigation that flouts the rights of individuals," usually involving character assassination, smears, mudslinging, sensationalism, and guilt by association (Safire, 1993, p. 441). It was first employed in March 1950 by the *Washington Post's* editorial cartoonist Herblock, as a label for his drawing of a tar bucket.

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Before long, “McCarthyism” became so universal that even Senator McCarthy adopted it—although he defined it as “the fight for America” (McCarthy, 1952). Applied broadly to the highly publicized anti-Communist movement that followed World War II, “McCarthyism” has tended to confuse McCarthy’s investigations with those of the House Un-American Activities Committee and the Senate Internal Security Subcommittee. McCarthy, for instance, had nothing to do with investigating Hollywood, Alger Hiss, or Julius Rosenberg. The Senate Historical Office hoped to rectify some of that confusion with the publication of all of Senator McCarthy’s previously closed executive session hearings as chairman of the Senate Permanent Subcommittee on Investigations. This marked the first significant release of unpublished documentation of McCarthy’s crusade.

Senator McCarthy became chairman of the Permanent Subcommittee in January 1953, at the beginning of the 83rd Congress, during President Dwight D. Eisenhower’s first term. McCarthy chaired the subcommittee for 2 years until his censure by the Senate in December 1954, and the shift in the Senate majority to the Democrats in January 1955. Senate Republican leaders had encouraged McCarthy’s crusade during Harry Truman’s administration, but with a Republican in the White House, they hoped to divert the senator into more traditional investigations of corruption and mismanagement that the Permanent Subcommittee on Investigations normally handled. 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 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, often televised, but 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. It compiled 8969 pages of executive session testimony, compared to 5671 pages of public hearings. Transcripts of the public hearings were published within months, while those of the executive sessions were sealed and deposited in the National Archives and Records Administration.

The Senate created its Historical Office in 1975, with Richard Baker as Historian. I became Associate Historian in 1976, and soon afterwards the office received a request from a historian at my alma mater, the City College of New York, Professor James F. Watts, who sought access to McCarthy’s closed hearings. Not knowing anything about the collection’s size and scope, I went to the National Archives and began pulling boxes. I compiled an inventory of the dates and subjects of the executive sessions and the names of the witnesses, and submitted the request to the subcommittee with a suggestion that it consider releasing and publishing the entire collection. However, the subcommittee felt the events were still too recent. Several of the members of the McCarthy subcommittee were still serving in the Senate, and many of the witnesses were still living. Soon afterwards, the subcommittee formally sealed the records for 50 years under provisions of Senate regulations on access to official records. The 50th anniversary would occur in January 2003. In anticipation of this, in 2001 the Senate Historical Office went back to the Permanent Subcommittee and proposed editing all of the transcripts for

the 83rd Congress for national distribution, to make access more equitable to historians, political scientists, and interested citizens. Senator Susan Collins, a Republican of Maine, who then chaired the subcommittee, agreed to our request. Later in that Congress, when party control of the Senate shifted, Senator Carl Levin, a Democrat from Michigan, took over as chairman and provided the project with bipartisan support.

We brought copies of all the transcripts back from the archives to our office and scanned them to edit and store the information digitally. Professional stenographers who worked under contract to the Senate had produced the transcripts. The transcripts were as accurate as the stenographers could make them, but since neither senators nor witnesses reviewed their remarks—as they would have for published hearings—they did not have the opportunity to correct misspelled names or misheard words. Several different stenographers who handled hearings in Washington, New York, and Massachusetts prepared the transcripts, employing occasional variations in style. We sought to reproduce the transcripts as close to their original form as possible, deleting no content, but correcting such apparent errors as the stenographer's turning the town of Bethpage, New York, into a name, Beth Page. Brief editorial notes at the beginning of each hearing place the subject matter into historical context and indicate whether the witnesses later testified in a public session. We noted witnesses' birth and death dates, making use of the online Social Security Death Index. We determined that all of the senators, most of the staff, and almost all of the witnesses were now deceased.

The transcripts start out reasonably enough, but soon descend into paranoia, conspiracy theory, and merciless badgering of witnesses, sometimes by Senator McCarthy, but more often by his chief counsel, the 26-year-old Roy Cohn. When other senators were present, McCarthy and Cohn acted with more restraint. Democrats resigned from the subcommittee in protest over McCarthy's arbitrary rule, however, and other Republican senators often did not attend when McCarthy held hearings outside of Washington with little advance notice. By operating 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" (Griswold, 1955, p. 67).

Roy Cohn lacked previous legislative experience and tended to run hearings more like a prosecutor before a grand jury, collecting evidence to make his case in an open session. He rarely offered witnesses much chance to explain themselves fully. McCarthy and Cohn also tended to call middle and lower ranking government officials and work from the bottom up. Republican Senator Karl Mundt, a veteran investigator who had previously served on the House Un-American Activities Committee, urged Cohn to call top administrative officials who could explain the policies and rationale of the government agencies under investigation, but Cohn generally ignored that advice. 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 why anyone might have attended a meeting, signed a petition, or contributed to an organization with any Communist affiliation.

Cohn recruited his friend, G. David Schine, as the subcommittee's unpaid "chief consultant." They indulged themselves to an unusual degree for Senate staff, choosing not to work in the subcommittee's crowded office, but instead to rent spacious quarters for themselves in a nearby private office building. They sought access to the "Senate Baths," a

health facility reserved exclusively for senators (the request was denied). When the subcommittee met in New York, Schine made his family's limousine and suite at the Waldorf Astoria available for its use. As an 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 sometimes presided in Senator McCarthy's absence, with the chief counsel addressing him as "Mr. Chairman." Schine continued his associations with the subcommittee even after his induction into the Army that November—an event that would trigger the epic Army-McCarthy hearings the following year (Watt, 1979, pp. 107–108, 130).

The executive session transcripts show how the hectic pace and controversial nature of the subcommittee hearings overwhelmed the staff. Of the 12 staff members that McCarthy inherited, only four remained by the end of the year—an investigator and three clerks. Of the 21 new staff he added during 1953, 6 did not last the year. The subcommittee held hearings without adequate preparation, counting on Cohn's aggressive questioning to drive witnesses into confessing or into taking the Fifth Amendment, which McCarthy interpreted as an admission of guilt. "No real research was ever done," wrote Robert F. Kennedy, who resigned from the subcommittee's staff and was later rehired as the minority counsel. "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" (Kennedy, 1960, p. 307).

McCarthy and Cohn made it clear that they were not simply looking for individuals who had once been Communists, but for active and ongoing subversion and espionage. They conducted hearings on the State Department, the Voice of America, the U.S. overseas libraries, the Government Printing Office, and the Army Signal Corps. No matter what the agency or subject, they believed that any tactic was justifiable in combating an international conspiracy, and they grilled the witnesses accordingly.

The transcripts offer a view of McCarthy behind closed doors, away from the TV cameras. By hearing witnesses privately, committees can avoid misidentification and determine how forthcoming witnesses are 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 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." "The 'secret' hearings were, after all, quite a show," Adams commented, adding that the transcripts were rarely released to the public (Adams, 1983, pp. 53, 60, 66). 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.

Inclusion as witnesses in these volumes does not indicate guilt. Some of the witnesses had been Communists; others had not. Some cooperated by providing names and other information; others did not. Some testified on subjects entirely unrelated to Communist subversion or espionage. For those witnesses who did appear in public, the closed hearings

served as dress rehearsals, but about a third of the witnesses called in executive session did not appear at any public hearing. Senator McCarthy often defined such witnesses as having been “cleared.” Why were some brought into public session and others not? Some turned out to be cases of mistaken identity. In some cases, there was little evidence against the witnesses. Some of them defended themselves so resolutely that the chairman chose not to confront them publicly. Those who confessed their political errors or stonewalled by taking the Fifth Amendment were far more likely to testify in public.

A few witnesses were prominent writers, like the novelist, Dashiell Hammett; the poet, Langston Hughes; and the composer, Aaron Copeland. They were called for having received Fulbright scholarships or having written books that wound up on the shelves of the U.S. Information Libraries overseas, which made them vulnerable to McCarthy’s scrutiny of petitions they had signed, groups they had affiliated with, and questionable political ideas in their writing. Hammett took the Fifth Amendment. He had been a member of the Communist Party and was not about to “name names” of others. Langston Hughes admitted that he had been attracted to Communism in the 1930s and explained why, as an African American, he had felt alienated from the American system. Yet, having changed his politics after a disillusioning visit to the Soviet Union, Hughes agreed that his earlier books should not be in government libraries. Hammett and Hughes returned to testify in public. Aaron Copeland, by contrast, said he was never a Communist despite having signed numerous petitions for “fellow traveling” causes. He defended his right to do so, spoke eloquently, and neither stonewalled nor backed down. Not wanting witnesses to look good at his expense, McCarthy did not call Copeland into a public session.

Another witness who stood up to McCarthy in the closed hearings was Sherrod East, an archival specialist in military records at the National Archives. He had served on an Army loyalty board, and McCarthy got word that East’s home had once been used for a fund-raiser during the Spanish civil war. East explained that he had lent his farm near Greenbelt, Maryland, for a friend to hold a party, without realizing it would be a fund-raising event. When McCarthy accused him of hiring a Communist as a doctor in Greenbelt during World War II, East explained that doctors had been in short supply during the war, and that the community health center had hired the doctor in spite of his politics, regarding him as something of a crank, but the best they could do under the circumstances. By standing up to McCarthy behind closed doors, East was not called to give public testimony.

The most recurring phrase in the executive session hearings was not “Are you now or have you ever been a member of the Communist party?” That was the mantra of the public hearings. In the closed hearings, the most frequent phrase was, “In other words.” This prefaced the chairman’s relentless rephrasing of witnesses’ testimony into something with more sinister implications than they intended. Senator McCarthy had a tendency toward hyperbole, and witnesses objected to his use of inappropriate or inflammatory words to characterize their testimony. The release of the closed hearings finally gives historians an opportunity to compare what McCarthy heard inside the hearings and the exaggerated claims he made to reporters waiting on the outside.

Senator McCarthy regularly informed witnesses of their right to decline to answer if they felt an answer might incriminate them. He then interpreted a refusal to answer as an

admission of guilt. He encouraged government agencies and private corporations to fire anyone who took the Fifth Amendment before a congressional committee. If witnesses attempted to cite any other constitutional rights, the chairman warned that they would be cited for contempt of Congress. In researching the fate of the witnesses who were cited for contempt, or for perjury, we found that not a single person who appeared before McCarthy's committee went to jail for accusations McCarthy brought against them. Either the Justice Department declined to prosecute or the courts threw out the cases. After McCarthy's investigations ended, the Supreme Court handed down three sweeping decisions in 1957 that essentially confirmed that the Bill of Rights still applied to those subpoenaed by a congressional committee.

The five volumes of closed hearings end with investigators themselves being investigated. In the fall of 1953, McCarthy and Cohn turned their attention on the U.S. Army. At the same time, the Army drafted G. David Schine as a private. Senator McCarthy appeared glad to see Schine go, but Cohn became obsessed with winning special favors for his friend, pressuring Army officials to give him light duty and frequent passes. The Army accused McCarthy of using his hearings to blackmail them into special treatment for Schine. McCarthy countercharged that the Army was holding Schine hostage to derail his hearings. Once McCarthy's subcommittee opened an investigation of these charges, he had to step aside as chairman. The publicly conducted Army-McCarthy hearings made TV history, and several closed-door sessions relating to them have now been released.

In reviewing his own testimony during the Army-McCarthy hearings, Roy Cohn saw characteristics that had managed to elude him during his previous year as subcommittee counsel. "I was rambling, garrulous, repetitive," he admitted. "I was brash, smug, and smart-alecky. I was pompous and petulant." Cohn had a similarly negative assessment of his chairman's performance: McCarthy "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-phase. His language toward his opponents was often less than parliamentary. 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 the senator 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." McCarthy "would neglect to do important homework and consequently would, on occasion, make challengeable statements." These qualities were amply revealed to television audiences and exploited by the army's wily counsel, Joseph Welch (Cohn, 1968, pp. 181, 208, 223, 275, 277).

The Senate Historical Office hopes that the release of the executive session transcripts will stimulate new scholarly research on Senator McCarthy and "McCarthyism." Given current concerns about civil liberties, the timing of the release was fortuitous. The hearings cast new light on the threat to civil liberties that can arise during a period of national fear. The release of the documents was not an effort to celebrate government's triumphs, but an exercise in

reviewing its mistakes. As Senators Carl Levin and Susan Collins stated in their preface: “These hearings are a part of our national past that we can neither afford to forget nor permit to reoccur” ([Permanent Subcommittee on Investigations, 2003](#), p. xii).

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