

# 'Running with the Hounds': Academic McCarthyism and New York University, 1952–53

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*This paper is an anatomy of an inquisition. It examines the Cold War persecution of Edwin Berry Burgum, a university professor and literary theorist. Whilst his professional competence was consistently applauded, his academic career was abruptly destroyed. His 'fitness to teach' was determined by his political beliefs: he was a member of the American Communist Party. The paper argues that New York University, an institution that embodied liberal values, collaborated with McCarthyism. Using previously overlooked or unavailable sources, it reveals cooperation between NYU's executive officers and the FBI, HUAC and the Senate Internal Security Subcommittee. Through its focus on one individual, the paper illuminates larger themes of the vulnerability of academic freedom and the bureaucratic processes of political repression.*

At one o'clock on the afternoon of 13 October 1952, a telegram was delivered to Edwin Berry Burgum, literary critic, Associate Professor of English at New York University (NYU), and founding editor of *Science & Society*. It permanently wrecked his life. The instructions given to Western Union were to 'Drop If Not Home', but Burgum was home, at his Upper West Side Manhattan apartment, on that fateful day. The telegram was from his Chancellor, Henry T. Heald, and it read:

I regard membership in the Communist Party as disqualifying a teacher for employment at New York University . . . Because of your refusal to answer questions before the United States Senate Internal Security Subcommittee regarding your connection or former connection with the Communist Party, I hereby suspend you from your duties at New York University.<sup>1</sup>

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We do not know Burgum's immediate reaction but it must have included astonishment: he had only completed his testimony, during which he 'took the Fifth', two hours earlier.<sup>2</sup> The speed of the Chancellor's action, the lack of protection afforded by constitutional rights, and the relationship between political affiliation and fitness to teach, form the backdrop to this story of persecution. It is a disturbing story not only because of the dark shadow it threw over a previously distinguished academic career and the personal tragedy that it probably precipitated, but also because of what it reveals about university governance in the age of McCarthyism. Although Burgum was the only NYU faculty member subpoenaed to appear before the Senate Internal Security Subcommittee (or McCarran Committee), his case was barely known beyond the academic community. However, to historians of this period, it provides a sharp silhouette of the fragility of academic freedom, and illuminates the bureaucracy of political repression: the institutional processes by which a particular university, renowned for its defence and promotion of liberal values, sacrificed those values on the altar of anti-communism.

Several studies have focused on the impact of McCarthyism on educational institutions. These include works by Countryman, Cauter, Foster, Lewis, Saunders and Schrecker.<sup>3</sup> However, there are very few studies that have focused squarely on the persecution of individual academics during the McCarthy era; most notably Lewis on Owen Lattimore at Johns Hopkins University and, to a lesser extent, McCormick on Luella Mundell at Fairmont State College.<sup>4</sup> Even fewer have focused on individual academic communists, and here the exception is Holmes on Alex Novikoff at the University of Vermont.<sup>5</sup> Yet Schrecker has argued that 'the most useful scholarship' on McCarthyism is 'the study of individual cases that reconstruct the processes through which the nation's public and private institutions collaborated with and contributed to the anti-Communist crusade'.<sup>6</sup> This paper will advance that scholarship. Moreover, Burgum's unsettling story needs to be told, for his case has been almost entirely overlooked. In part six of Cauter's 700-page *The Great Fear*, which focuses on the purging of the educators, for example, Burgum received 13 lines,<sup>7</sup> while Schrecker's *No Ivory Tower* was completed before the records of the Burgum case were opened. Indeed, those records, on which this paper draws, have not previously been used in scholarly studies. This analysis will focus not only on the impact on an individual, but also on the perspectives of the academic administrators – a feature largely absent from Schrecker's and Holmes' studies.

Edwin Berry Burgum (known as 'Berry' to friends and colleagues) was born in Concord, New Hampshire, on 4 March 1894. He was educated at Dartmouth College (BA, 1915), Harvard University (MA, 1917) and the University of Illinois (PhD, 1924).<sup>8</sup> He commenced his academic career at NYU in the autumn of 1924.<sup>9</sup> For the next 28 years, he wrote prolifically. His published books included *The Literary Career of Edward Bulwer Lord Lytton* (1926), *The New Criticism: An Anthology of Modern Aesthetics and Literary Criticism* (1930), *Ulysses and the Impasse of Individualism* (1941), *The Works of James Joyce* (1947) and *The Novel and the World's Dilemma* (1947). He was also a regular contributor to literary journals such as *Accent*, *Antioch*

85 *Review*, *Kenyon Review* and *Virginia Quarterly Review*. But, and this was his undoing, he was also the editor of a Marxist journal, *Science & Society*, that he helped found in 1936. Moreover, his innumerable book reviews, critical essays and opinion pieces appeared not only in the *New York Times*, but also in several communist ‘front’

90 publications: *Jewish Life*, *Labor Defender*, *Mainstream* and *New Masses*. It is unclear precisely when Burgum joined the Communist Party (CP). His FBI file, obtained in 2009, was created in 1942, after he testified before a stormy hearing of the Rapp–Coudert Committee in 1941 and obliquely denied past or current membership of the CP. The Rapp–Coudert Committee, known as New York’s ‘little Dies Committee’,

95 purged New York college faculties of innumerable suspected communists. Its use of informers, its inquisitorial techniques and even its personnel were replicated or redeployed by its successor committees, especially the McCarran Committee which similarly focused on identifying and exposing ‘subversive influences’ in educational institutions.<sup>10</sup> On each occasion, in 1941 and 1952, Burgum was the only NYU professor to be subpoenaed by both committees.

100 In 1941 he was subpoenaed because he was an official of a union that the Rapp–Coudert Committee wished to destroy: the New York College Teachers Union, Local 537 of the American Federation of Teachers. It was formed in January 1938 and Burgum became its first president. With nearly 1000 members it was the biggest union of college educators in America.<sup>11</sup> Much was made of a photograph taken of Burgum

105 marching with the union on May Day 1938.<sup>12</sup> This same photograph became an exhibit in NYU’s case against Burgum in 1953. In 1941 he refused to sign a waiver of immunity – he wished ‘to avail myself of any legal right I may have’ – and survived.<sup>13</sup> In 1952, he invoked the Fifth Amendment and was incriminated. Burgum had long

110 been animated by ideals of social justice: in 1935, for instance, he helped organize a rent strike amongst tenants of Knickerbocker Village on the Lower East Side, edited the Tenants’ Association paper, *The Knickerbocker News*, and campaigned for expanded educational opportunities.<sup>14</sup>

115 In addition to his prolific pen and political activism, Burgum was an inspiring teacher. When he was suspended a vast number of students wrote personal letters, many passionate and heartfelt, to the Chancellor about his classes. It is worth rescuing them from the correspondence files because, in contrast to the quiescence, silence or apathy of Burgum’s faculty colleagues, these students were prepared to stand up publicly for Burgum. Bonnie Badler took his Contemporary Novel course; she was

120 ‘agitated and shocked’ to learn of his suspension. ‘It was the one class’, she told the Chancellor, ‘I couldn’t wait to go to – for one lecture was better than the next. I had him last term too, for aesthetics, and although I threw the notes out from my other classes I kept his because of their content (for they were too good to ever throw away).’<sup>15</sup> For Lee Gillen, contact with ‘this brilliant man was so rewarding that I shall

remember him always’. She also took his Contemporary Novel course and found it ‘such an edifying experience that still fresh in my memory are the stimulating discussions which marked every session.’<sup>16</sup> Another current student, David Solomon, took every undergraduate and graduate course Burgum taught and found him ‘one of

the warmest, most decent-minded men I have ever known ... I owe him an intellectual debt which I can never re-pay';<sup>17</sup> while Felix Sper described him as 'the embodiment of impeccable integrity'.<sup>18</sup> Eight of Burgum's past and present students signed a collective letter describing him as 'a brilliant, fair-minded critic' who provided a challenging but 'most rewarding' classroom experience.<sup>19</sup> Numerous others referred variously to his 'inspiring', 'memorable', 'stimulating' and 'popular' classes, which 'always filled early' and which left indelible intellectual imprints. Many, like Robert Gold, were 'deeply grieved'.<sup>20</sup> Reading these letters it becomes clear that, insofar as educators can shape students' attitudes to learning and outlooks on life, a whole cohort if not generation, of English students at NYU were deprived of Burgum's erudition. In this way the removal of Burgum touched the lives of hundreds, perhaps thousands of young Americans. In this way, too, McCarthyism gouged the academic landscape.

Although there were frequent insinuations that Burgum's political philosophy shaped his scholarship and entered his classroom, not a shred of evidence was found or presented by Pollock to support this. Burgum emphatically told the Senate Faculty Committee hearing that 'I deny that I have ever used the classroom to indoctrinate communism ... I have never followed dictation from any source either in my writings or my teaching'.<sup>21</sup> It also proved difficult to discern the influence of Marxism punctuating his many publications, acquired and perused by Pollock in search of incriminating traces. Burgum, it seems, was no Raymond Williams. Even Pollock's legal counsel acknowledged that Burgum's preoccupation with psychological analysis in his 1947 *The Novel and the World's Dilemma* meant that he did not seem to follow 'the Marxist line'.<sup>22</sup>

Burgum's 'fitness to teach' was not a concern of the McCarran Committee in 1952. But it was his appearance before that committee which triggered the chain of events that turned his life inside out. Its official title was the Senate Internal Security Subcommittee but it was known after its first chair, the powerful Pat McCarran (D-Nevada, nicknamed the 'Senator from Madrid' for his pro-Franco sympathies<sup>23</sup>). It was a subcommittee of the Senate Judiciary Committee, established by the 1950 Internal Security Act, which was framed by McCarran.<sup>24</sup> The Subcommittee operated in tandem with the equally formidable Permanent Subcommittee on Investigations of the Senate Committee on Government Operations, chaired by Senator Joseph McCarthy, and the Permanent House of Representatives Committee on Un-American Activities (HUAC). From 8 September to 13 October 1952, McCarran's sights were fixed on 'Subversive Influence in the Educational Process'.

There would appear to be three interlocking reasons why the McCarran Committee subpoenaed Burgum. First, Rapp-Coudert. As we have seen, Burgum escaped the clutches of the Rapp-Coudert Committee, which precipitated the creation of his FBI file. Since this committee was in many respects a precursor to the McCarran Committee, it is arguable that Burgum was not erased from institutional memory. Indeed, a former communist and Teachers Union activist, Benjamin Mandel, directly

assisted both the Rapp–Coudert Committee and the McCarran Committee, to which he had been appointed Director of Research.

165 Second, the FBI. Louis Budenz, the ex-editor of *Daily Worker*, professional anti-communist and serial government witness, named Burgum in 1946 as a ‘concealed Communist’.<sup>25</sup> That identification was recorded in Burgum’s FBI file in mid-1950, accompanied by a request to ‘bring subject’s activities up to date’.<sup>26</sup> The subsequent report, dated 16 January 1951, was 22 pages long. In compiling this report, the FBI agent at the New York office was authorized to contact ‘any of your confidential informants’ at NYU. Accordingly, an informant of ‘known reliability’ confirmed that  
170 Burgum was a ‘concealed Communist Party member’.<sup>27</sup> Given the FBI’s close cooperation with HUAC by the late 1940s,<sup>28</sup> it is highly likely that this cooperation extended to the McCarran Committee in the early 1950s. The FBI Responsibility Program, under which derogatory personal and political information on, inter alia, state college professors and public school teachers was disseminated to employers and,  
175 presumably, Senate investigating committees, had also commenced in 1951.<sup>29</sup>

Third, the University itself. In addition to NYU informants assisting the FBI, there was also the NYU Chancellor. For 11 months, from 1 January 1951, when he replaced Harry Woodburn Chase,<sup>30</sup> until February 1952, when Henry T. Heald was appointed,  
180 the reins of NYU were held by James Loomis Madden. Thereafter he was Vice-President.<sup>31</sup> Madden played a not insignificant role in the dismissal of Professor Lyman Richard Bradley, chair of the German Department at NYU and treasurer of the Modern Language Association. Bradley was not a communist but had been cited for contempt by HUAC in 1946 for refusing to surrender certain financial records and consequently served three months’ imprisonment in 1950. His dismissal (as well as the flight of Burgum’s English Department colleague, Margaret Schlauch, to Poland in 1951<sup>32</sup>) is outside the scope of this paper, but Bradley’s FBI file contains an astonishing document that throws new light on the targeting of Burgum. On 5 March 1951  
185 Madden telephoned the office of J. Edgar Hoover. According to the note made of that call, he stated that ‘Mr. Hoover would know him’, that he would be in Washington on 7 March and would ‘appreciate an appointment with the Director to pay his respects and to discuss the Lynn [sic] R. Bradley case at the University’.<sup>33</sup> The meeting was held at FBI headquarters on 7 March and Madden was met by an assistant to the Director who told him that Hoover was ‘testifying on the Hill’ and was unavailable. Although  
190 the Bradley case was discussed in some detail, there was another purpose to Madden’s visit, and it transcended Bradley. The notes of the meeting then contain a remarkable statement. It is remarkable not merely because Madden assumed it would remain private and therefore he could speak freely. It is also remarkable for what it reveals  
195 about the management of NYU; about the readiness of its most senior administrator to practise duplicity and potential persecution. Rarely do successful deceivers and persecutors leave footprints. Here, one has. The memorandum, sent to Hoover’s confidante and assistant director, Clyde Tolson, recorded the following:  
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He wanted the Director to know that as long as he was [BLANK] at New York University he wanted to clean up the campus as much as possible and he has the opportunity now in view of the fact that the University's budget will be down next year due to less enrollments because of the draft situation [due to the Korean War] and that some of the courses will have to be dropped and this gave him the opportunity of cutting off the staff any professors who might be of a suspicious or subversive category. He stated that if there was anything the Bureau could do whatsoever in the way of furnishing him [leads] personally not at the University but at his office at the Metropolitan Life Insurance Company . . . they would be the basis for him to take any action that might be needed to clean up the school.

The memorandum concluded with the recommendation that the FBI Security Division (New York Office) determine which members of staff at NYU were either members of the CP or 'security index subjects' and that Agent Scheidt 'personally contact' the Chancellor and pass on to him 'such data which could then be the basis of an independent investigation' of communist activity at NYU.<sup>34</sup>

An NYU paper carried a report, albeit without corroboration, that Heald had investigated Burgum *before* he was subpoenaed by the McCarran Committee.<sup>35</sup> Even if this were not the case, and even if the McCarran Committee already intended to subpoena Burgum through its access to extant Rapp–Coudert files and/or intelligence forwarded by the FBI, it is quite conceivable that an investigatory committee into communist educators may have been given Burgum's name by NYU's administrators. Relations between some administrators and some Congressional investigators were close. The Vice-Chancellor and Karl E. Mundt were on a first-name basis. Mundt, a Republican Senator from South Dakota, was a powerful member of McCarthy's feared Government Operations Committee and Investigations Subcommittee. He thanked 'sincerely' the Vice-Chancellor for his 'gracious and encouraging' correspondence regarding the Burgum case and added: 'I am greatly gratified by the splendid leadership being provided by New York University in a very important field of present-day academic activities.'<sup>36</sup> Of course, none of this was known to Burgum when he testified before the McCarran Committee on 13 October 1952 and stated that 'New York University has always had a very sensible and liberal policy. I should say it has one of the most liberal charters' and has always practised 'the free flow of ideas'.<sup>37</sup>

Before this public testimony, however, was the private testimony to the closed Executive Session of the McCarran Committee three weeks earlier, on 25 September. Transcripts of this testimony are unavailable, but a summary, contained in Burgum's recently released FBI file, is. Burgum foreshadowed his subsequent stance. He was asked if he had ever belonged to the Communist Party; Burgum refused to answer by invoking the Fifth Amendment. As Burgum, and a great many other witnesses before anti-communist Congressional committees, were to discover, taking the Fifth did not provide any bulwark against employers' persecution. It was not 'freedom's bastion'.<sup>38</sup> Indicative of the symbiotic connection between the McCarran Committee and the FBI, the FBI compared the testimony from this Executive Session with its own data developed during its 'Security Matter–C investigation'.<sup>39</sup> It made 'appropriate



Photostats' of Volume 6 of the transcript and returned it to the McCarran Committee.<sup>40</sup>

Because Burgum was an uncooperative witness at the Executive hearing, he was subpoenaed, again, to appear before a public hearing on Monday 13 October. Having commenced on 8 September, this was to be the final day of the Subcommittee's hearings. When he entered the Federal Court House in Foley Square, he was cheered by 200 university students who chanted 'Pat McCarran, Hit the Sack. We Want Our Professors Back', and 'Get the Committee out of our City'.<sup>41</sup> Rhyming slogans could not save Berry Burgum. He invoked the Fifth Amendment 15 times. Senator Willis Smith (D-North Carolina) was one of Burgum's interrogators; Senator Homer Ferguson (R-Michigan) was the other. Also present was a member of NYU's administrative staff, James Armsey, who quickly conveyed the gist of the proceedings to the Chancellor. Burgum vacated the witness chair at about 11am and returned to his apartment at 110 West 94th Street in time to receive that fateful telegram from the Chancellor. Of those who appeared before the McCarran Committee Burgum was the sole professor from a private university to be suspended. When asked by a NYU paper if he thought he would be fired, Burgum's reply was circumspect: 'NYU has long been a liberal college. It still is at the present time.'<sup>42</sup> He would soon change his mind.

Consistent with the close relationship existing between Burgum and his students, he wrote to them the day after the hearing. 'I deeply regret', he stated, 'that I am unable to continue as your teacher because I have been forbidden to appear before my classes by Chancellor Heald.' He then explained his position: his refusal to cooperate was 'a matter of principle' since the McCarran Committee had no moral or constitutional grounds for attacking the 'right to private opinion and social action'. Indeed, it was so 'ruinous' of American democracy that 'no honorable citizen can be expected to cooperate with it'.<sup>43</sup> The student body rallied. On 17 October a meeting was held in Washington Square, a letter of protest to the Chancellor was drafted and signed by 72 students, and a Student Organizing Committee for Academic Freedom was formed.<sup>44</sup> From a makeshift office in nearby West 4th Street, this committee planned further mass meetings and mapped out its campaign. It then distributed thousands of mimeographed leaflets, conducted at least three debates, organized a symposium ('In Defence of the Open Mind'), appeared before Student Council, visited all active NYU clubs, circulated 102 petitions and mobilized fellow students to protest outside Vanderbilt Hall where the University Senate hearings were held.<sup>45</sup> The NYU administration was sufficiently concerned by this Committee that the Vice-Chancellor, Harold O. Voorhis, requested an informant from the Registrar's Office to attend one of its meetings. If he were seeking evidence of 'an outside agency'<sup>46</sup> he would be disappointed. The resultant report noted that 'There seems to be no financial support from outside inasmuch as the hat was passed to help defray expenses'.<sup>47</sup> Voorhis was also concerned by a leaflet entitled 'Defend Prof. Burgum', issued by the Labor Youth League. He again requested assistance from the Registrar's Office to locate the source of this 'tripe': 'Is there any way we can trace this or check up on Labor Youth League?'<sup>48</sup>

After an investigation yielded nothing, Voorhis concluded that ‘It is manifestly a red outfit through and through and it may or may not be a student enterprise.’<sup>49</sup>

At first glance Heald’s suspension of Burgum was a curious decision. At Harvard University, Chancellor James Conant had recently upheld the right of dissent, directly criticized ‘governmental agencies’ which inquired into educational institutions, and argued that the damage done to the university by an investigation aimed at ‘finding a crypto-communist would be far greater than the conceivable harm such a person might do.’<sup>50</sup> At Columbia University, whose status and prestige NYU envied, two professors (Stern and Weltfish) had appeared before the same set of hearings of the McCarran Committee. Both took the Fifth; neither was suspended.<sup>51</sup> The same applied at Rutgers University, which initially, at least, actually supported one of its professors (Finley) *after* he took the Fifth.<sup>52</sup> NYU was under no obligation, unlike New York’s public colleges, to comply with any federal, state or municipal law or regulation requiring action against Burgum. His refusal, on professional legal advice, to answer certain questions asked of him by a Congressional committee could not reasonably be considered a ‘breach of duty’ to the University (as alleged in Heald’s telegram) since an obligation to answer such questions was never a condition of his employment. Burgum had not been cited, indicted or sentenced; legally, he was guilty of nothing. His only ‘crime’ was to take the Fifth – something the McCarran Committee grudgingly accepted but the NYU Chancellor did not. Burgum certainly seemed qualified as ‘fit to teach’. As a renowned Harvard University academic told Heald, ‘no complaint has been made about Professor Burgum as a teacher. He has not indoctrinated anybody. His scholarship is good. He enjoys good professional standing. He has the confidence and respect of many of your faculty.’<sup>53</sup>

Heald himself came to NYU from the Illinois Institute of Technology with a reputation for a ‘hardheaded’ defence of political tolerance and academic freedom.<sup>54</sup> This was confirmed by his address to the NYU Alumni Federation on 27 March 1952 prior to formally commencing duties, in which he deplored ‘the irresponsible charges made against university faculty members because someone thinks they represent an unpopular point of view.’<sup>55</sup> Heald’s appointment, then, seemed consistent with a tradition of liberal values of which NYU was a bastion and proud custodian. When he moved against Burgum, one of Heald’s former Illinois colleagues, who had praised his previous ‘courageous civic leadership’, now bemoaned his ‘retreat’ before the McCarran Committee.<sup>56</sup> So why did he do it?

There exists no one document that explains Heald’s motivation, so we must hypothesize. Leaving aside the possibility that his immediate predecessor, James Madden, a stranger to liberal values, had his ear, two overlapping reasons emerge. The first was financial. When Heald was angrily asked, ‘Is your University so poverty-stricken that it must throw a man to the wolves to remain solvent?’<sup>57</sup> the question, when stripped of its emotion, was legitimate. In late September 1952 – less than a month before the Burgum affair blew up – NYU launched the most ambitious building and development programme in its history.<sup>58</sup> Presumably, this was part of the incoming Chancellor’s brief. Expansion costs money – the budgetary estimate was



\$102 million – so hand-in-glove with this programme was a major public relations campaign to garner business support. As one paper noted, ‘this is a time when [NYU] is sorely in need of funds, and must look for them from outside elements – elements that will look with sharp eyes before investing.’<sup>59</sup> It seems plausible to assume that Heald was conscious of donors, benefactors and investors to whom he could demonstrate his tough anti-communist credentials by acting quickly and decisively against a resident communist. As one NYU paper put it, in suspending Burgum, Heald moved ‘NYU’s stock up in the gilt-edged category’, while another believed Heald took ‘the only feasible course considering the new building expansion program.’<sup>60</sup> Less generously, other papers referred to NYU ‘compromis[ing] with principle in order to expand its facilities’ and Heald reassuring the public of its ‘impregnability from Communist infiltration’ in order to ‘insure community support for its program of development.’<sup>61</sup>

But more tellingly, Heald, who thought of himself as a ‘hard-headed businessman,’<sup>62</sup> delivered a speech to the State Chamber of Commerce on 6 November 1952 in the financial district. Entitled ‘A Chance to Serve’, it was the centrepiece of the university’s public relations and fund-raising campaign and explicitly sought the support of private business. The lengthy and somewhat predictable speech had been written some time previously but subsequently Heald added an ‘insert’. It dealt with the threat of communism and how the Communist Party could not be considered ‘just another political party’. He stated: ‘Businessmen sometimes ask me if our educational institutions are hot-beds of communism . . . I can assure you that this is simply not the case.’<sup>63</sup> In other words, businessmen could endow or support New York University with confidence. He had taken care of Burgum, who was, in this larger scheme, expendable. Heald did not spell out his recently acquired credentials. They were by now well known. NYU’s Office of Information Services disseminated this insert and it received considerable publicity.<sup>64</sup> He reproduced this same speech when he addressed the opening session of the annual meeting of the American Institute of Electrical Engineers on 19 January 1953.<sup>65</sup>

The financial imperative implies pragmatism. But the second motivating factor, ideological conviction, involves principle. Heald, it seems safe to conclude, was an archetypal Cold War liberal.<sup>66</sup> His action against Burgum was consistent with, not a betrayal of, his principles. In his mind, there was no contradiction between, for example, the AAUP’s most recent statement on academic freedom and tenure<sup>67</sup> and his denial of those customary rights to Burgum, if Burgum were a communist. ‘He is not the same as any other person expressing an unconventional opinion. He cannot claim academic freedom because he has forsaken his claim to academic freedom. He is restricted to a line of thinking and action dictated by a foreign power.’<sup>68</sup> His views closely approximated those of Sidney Hook, the founder of the American Committee for Cultural Freedom in January 1951 (an offshoot of the Congress for Cultural Freedom, formed in June 1950 by Melvin Lasky), and the chairman of the Philosophy Department at NYU. Heald corresponded regularly with Hook during this period. By then, the internationally recognized Hook was a highly influential voice at NYU.

In late October 1952 he wrote a long philosophical article that dominated all NYU papers when it appeared. It revolved around what he termed were the two central questions of the Burgum case: ‘(1) Is membership of the Communist Party a legitimate ground for excluding a teacher from the profession? (2) Is refusal to answer questions about membership in the Communist Party a legitimate ground for expulsion.’<sup>69</sup> His affirmative answers to both provided Heald with an authoritative intellectual underpinning.<sup>70</sup> The second of Hook’s two issues was linked to the first. As Heald stated, because educational institutions must be ‘seriously concerned’ about the communist affiliations of its teachers, ‘it becomes the duty of all teachers to cooperate fully with duly constituted authorities investigating communism’. But he went one step further: ‘To do less as a faculty member is to create reasonable doubt as to one’s fitness for the role of teacher in a free society.’<sup>71</sup> Here we get to the heart of the matter. Burgum *was* unfit to teach because of his political beliefs. Invoking the Fifth Amendment provided him (and countless others) with no refuge or protection. Paradoxically, it self-incriminated him. Via ‘guilt by association’, it ‘exposed’ him so he could then be penalized. This, of course, was central to the *modus operandi* of the congressional committees in the McCarthy era.<sup>72</sup>

That Heald believed that NYU was no place for a communist was demonstrated by his response to a private letter from Herbert Philbrick. Philbrick was a professional anti-communist, a former FBI double-agent, key witness at the Smith Act trials of CP leaders in 1949, and the author of the just-published *I Led Three Lives: Citizen, Communist, Counterspy*. He congratulated Heald for his ‘forthright’ stand on communism (he had read a newspaper report of the ‘A Chance to Serve’ address) and wished that there were other university leaders ‘of your caliber’ who ‘felt the same way’. He then recommended that universities take much more initiative and ‘fire the subversive teacher long before a Congressional committee moves in.’<sup>73</sup> Replying to Philbrick, the Chancellor knew of ‘the excellent work’ he had done and found himself in ‘complete agreement’ with his ‘helpful suggestions.’<sup>74</sup> This was the first time the two communicated; as we shall see, it was not the last.

Burgum formally requested a university hearing on his suspension. Initially he was not especially pessimistic: ‘Possibly, I will get my job back.’<sup>75</sup> He simultaneously requested the appropriate faculty committee, the Board of Review of Washington Square College, to conduct the hearing.<sup>76</sup> The Board unanimously agreed to accept this responsibility, noting that it was ‘specifically charged with the duty of protecting the interest of the faculty of Washington Square College in matters of tenure.’<sup>77</sup> Ominously, on 24 November, the University Council overruled this custom and resolved that the University Senate (potentially, a far less sympathetic body) assume jurisdiction of the case.<sup>78</sup> Burgum protested, but in vain.<sup>79</sup> The Chancellor’s statement to the Council included verbatim the text of that inserted section on communism in his address to the Chamber of Commerce. He recommended that the Senate review the suspension, James Madden moved the motion, and the Council acquiesced.<sup>80</sup> But the Council had additional business. The Chancellor distributed a letter written to himself that same day, 14 November, from the Dean of Washington Square College,

Thomas Pollock.<sup>81</sup> That letter was concerned not with reviewing Burgum's suspension, but with calling for his dismissal: 'Since in my judgment Dr Burgum is unfit to teach in New York University because of conduct unbecoming a teacher I recommend that his services be terminated by University Council.'<sup>82</sup> His 'conduct unbecoming' consisted of two charges. The first we know: it was a reiteration of Heald's original telegram – refusal to answer questions asked by the McCarran Committee. The second charge was unclear but is worth citing in full since it proved to be Burgum's nemesis.

2. He refused to tell the truth frankly in this connection not, in my considered judgment, because of his stated desire to uphold freedom of speech, but rather because of his fear of testifying to acts which would reveal the truth concerning the relation of himself and others to the Communist Party and subject him to criminal prosecution.

This charge was a mixture of tautology, subjectivity and false inference. Burgum was quite right to insist that, 'As a matter of elementary due process, the charge should be clear and precise so that I may be in a position to know what it is that I am expected to defend myself against.'<sup>83</sup> Heald replied to Burgum that Pollock's letter already contained the charges and that they had been 'carefully prepared and are in the judgment of Dean Pollock specific [sic]'.<sup>84</sup> We are seeing here a case of either incompetent or egregious university governance. An increasingly, and justifiably, frustrated Burgum complained that Pollock's letter contained 'personal conclusions couched in . . . allegations of fact' and that he could not tell whether that letter was merely a restatement of the charge in the original telegram or whether there was 'some other reason' and 'something different'. He further stated that he was entitled to know the 'facts' of any charge against him; 'I must therefore insist that I be informed in writing of the precise charges against me', and in sufficient time before the hearing to prepare his case.<sup>85</sup> Five weeks later, Burgum received a simple acknowledgement. There was no clarification of charges.<sup>86</sup> It was now 5 January 1953 and the hearings were scheduled for 19 January.

By the beginning of 1953, Joe McCarthy's star, if not still ascendant, had not yet dimmed. In that year he initiated 445 preliminary investigations, conducted 157 investigations and held 17 public hearings. The roving tentacles of his Senate Permanent Subcommittee on Investigations ensnared thousands. Owen Lattimore, a Johns Hopkins professor, who had been repeatedly interrogated by the McCarran Committee, had just been indicted for perjury; the Rosenbergs were appealing their death sentence; and the loyalty-security programme was about to be further tightened under Eisenhower's Executive Order 10450. Internationally, Stalin's life may have ended but the Korean War had not. In the summer of 1953, the Soviet Union exploded the world's first H-bomb, and domestic attention turned, again, to the loyalty of physicists such as J. Robert Oppenheimer. In short, red-hunting was still in full swing. Moreover, NYU (or at least its senior administrators) had now fallen into line and joined the anti-communist chorus. To use the phrase of one of Heald's

correspondents, NYU found it easier, ‘in this period of hysteria’, to ‘run with the hounds.’<sup>87</sup>

The composition of the University Senate committee that both reviewed Burgum’s suspension and decided on his dismissal was straightforward. It comprised one senior professor from each of 12 schools and colleges of NYU.<sup>88</sup> Representing Burgum’s Washington Square College was Professor Hollis R. Cooley. Two years earlier, he opposed the dismissal of Professor Bradley but, as he later remarked, ‘I shouldn’t have been so polite.’<sup>89</sup> Also present at the hearing would be Burgum; his youthful legal counsel, Martin Popper, from the New York Bar; Thomas Pollock, the Dean who brought the charges against Burgum (as he had also done against Bradley); and Pollock’s formidable legal counsel, Arad Riggs.<sup>90</sup> There was no warmth between Pollock and Cooley: he would ‘freeze’ when he saw Cooley.<sup>91</sup> Nor was there between Popper and Riggs. At an informal preliminary discussion between the two requested by Charles Hodges, the chairman of the Senate, at his apartment on 9 February 1953, they repeatedly clashed.<sup>92</sup> According to the memorandum of the meeting, it ‘broke up at 5:35 after considerable heated discussion between Popper and Riggs with little, if any, agreement.’<sup>93</sup> It was not a good omen.

The hearing of the Senate Faculty Committee opened at 2pm on Friday 18 February 1953. After the first day Hodges suffered a heart attack and was replaced as chairman. The press was excluded and an embargo on all comments was imposed. The hearings continued daily, Monday–Friday, until 6 March 1953. Throughout, a ‘tight curtain of secrecy’ was maintained.<sup>94</sup> The Committee then met a further six times, between 13 March and 8 April, to review proceedings, read the 985-page transcript and deliberate on its report to Council.<sup>95</sup> The University Senate hearing resembled the *modus operandi* of a HUAC hearing. Popper constantly punctuated proceedings with objections that evidence was not pertinent. That evidence – and there was a voluminous amount of it – linked Burgum to a wide variety of ‘front’ organizations. Indeed, Pollock’s Exhibits 45 to 62, which described each organization (including why it was believed to be a ‘front’ organization, the evidence for that belief, and the character of Burgum’s involvement in each) were all presented and discussed in detail.<sup>96</sup> Some of the detail drew on a remarkable list in Pollock’s files of every petition, letter, guest lecture, speech, sponsorship, contribution that was signed, given or made by Burgum dating back to 1933.<sup>97</sup> The research involved was prodigious, and the bulk of it was undertaken by Pollock’s ‘consultant’, the indefatigable J.B. Matthews. The fact that Pollock used Matthews indicates that NYU had firmly embraced academic McCarthyism. Joseph Brown Matthews had been an energetic and prominent CP ‘fellow traveller’ from the late 1920s until the mid-1930s, holding office in 15 ‘front’ organizations. In 1938, he turned apostate, ‘struck the trail of repentance’, published his confessional *Odyssey of a Fellow Traveller*, and became Research Director of the Dies Committee.<sup>98</sup> Fifteen years later, in June 1953, he briefly held the position of Executive Director of Senator McCarthy’s Permanent Subcommittee on Government Operations, which had interrogated Burgum. In that period, he was pivotal to the anti-communist inquisition. His contacts were wide, his knowledge was deep and his

influence was immense. By 1944, Matthews had written a seven-volume report on communist fronts; the final volume contained 22,000 names and became ‘virtually a bible for intelligence officers in the witch-hunt era.’<sup>99</sup> He has rightly been called the ‘dean of professional anti-Communists’ and the ‘*éminence grise* of the anti-Communist network.’<sup>100</sup> The vastness of his collection of CP and ‘front’ organization publications and materials, enlisted by Pollock in his case against Burgum, can be measured by the scale – 479 linear feet – of his papers at Duke University.<sup>101</sup>

Popper’s objections, that Burgum was not charged with being a member or supporter of any organization and therefore the Matthews/Pollock exhibits were irrelevant, were regularly overruled. So Riggs continued unimpeded in his effort to prove the obvious – that Burgum was a member of the CP. He introduced as evidence transcripts from the Rapp–Coudert hearings in which Burgum was identified as the editor of *Science & Society* and, *ipso facto*, a communist. As at Rapp–Coudert, much was made of a photograph of Burgum marching in the 1938 May Day Parade under the Teachers Union banner. Riggs also referred to 51 issues of the *Daily Worker* (with precise dates, pages and columns) from 6 November 1933 to 21 November 1952 in which Burgum was mentioned. An astonishing collection of photostats of no fewer than 43 issues of *New Masses* from July 1934 to January 1946, in which Burgum had an article, book review or other contribution, was presented.<sup>102</sup> An exasperated Popper stated: ‘I object to the introduction of that sort of material as pure hearsay. May I have a ruling, sir, at least one time, on the record?’ Later, he exclaimed: ‘This is not due process in any kind of proceeding. It is pernicious and evil.’<sup>103</sup> In an effort to prove Burgum’s unfitness to teach, Riggs sought to link Burgum’s classes with left-wing student activism; in other words, allege ‘an unusually close relationship between a leader in these student organizations and being a student of yours.’<sup>104</sup> It was an absurd causal correlation that ignored numerous other variables. Nevertheless, Exhibits 45 and 46, extracted from NYU administrative records from 1935 to 1943, cross-listed the names of all the student leaders with the dates, number and titles of courses they took with Burgum (but with no other lecturers).<sup>105</sup>

Not only did the hearings resemble those of HUAC, they also relied on HUAC. Riggs admitted to Popper that nearly every one of Pollock’s 62 exhibits was provided by HUAC, that ‘it took about a month to get them’, and that they were copied and returned to HUAC.<sup>106</sup> One of Pollock’s exhibits (no. 2) was a 61-page HUAC publication that identified Burgum and nine other individuals as being ‘affiliated with from 31 to 40 Communist-front organizations.’<sup>107</sup> Once again, we find evidence of cooperation between McCarthyite legislative committees and the University.

Much time was occupied with discussions of academic freedom, the Fifth Amendment, communist ideology and defining the wording, meaning and consistency of the actual charges.<sup>108</sup> No attempt will be made to summarize these protracted discussions. As the hearing entered its third calendar week, it became apparent that the two sides were not only profoundly polarized but operating from different premises, within different paradigms. For Pollock and Riggs, the aim was to demonstrate that Burgum’s association with Marxist ideas, communist-friendly

organizations or communist-related activities was both long-standing and inimical to the business of a university. For Burgum and Popper, fitness to teach had nothing to do with political beliefs as a citizen and everything to do with professional conduct and competence as a teacher. They emphasized the legitimacy of taking the Fifth, the illegitimacy of the McCarran Committee's methods, and the sacrosanct nature of tenure and academic freedom. In retrospect, it appears that Burgum and Popper concentrated on the first charge, which they believed to be the more important, and Pollock and Riggs on the second charge, which they believed easier to prove once communist connections were established.

One way in which those connections were illuminated was through 'expert' witnesses. Here we find that customary McCarthyist technique of 'smearing with the communist brush'.<sup>109</sup> Riggs first called Herbert Philbrick, now already known to the Chancellor. By now, Pollock had read Philbrick's bestselling *I Led Three Lives* and had underlined and annotated it.<sup>110</sup> As a Senate Committee member, Hollis Cooley, later recalled, 'Pollock believed the anti-communist stuff'.<sup>111</sup> Just as Philbrick's 'dramatic appearance' at the Smith Act trial of 12 CP leaders in April 1949 was not matched by his evidence,<sup>112</sup> so his testimony at this hearing fizzled out after admitting he did not know Burgum personally.<sup>113</sup> The same applied to Manning Johnson, another professional anti-communist witness. Johnson, an African-American, had been a member of the CP in Harlem from 1930 to 1940, when he resigned to work for the FBI and then, from 1941 to 1944, infiltrated several 'front' organizations. Thereafter, he worked as a 'consultant' for the Justice Department and received a substantial income (\$25 per day plus \$9 per day expenses) by testifying before HUAC, the McCarran Committee, the Subversive Activities Control Board and the Supreme Court.<sup>114</sup> The May Day parade photograph of Burgum was again introduced and, again, Burgum was identified. But he had never met Burgum and the force of his testimony was, we can assume, further diminished, when, under questioning by Popper, he confirmed earlier statements that he had lied under oath in a court of law in 1951 and would continue to lie under oath willingly and repeatedly (if necessary 'a thousand times') if the FBI requested it.<sup>115</sup> Irrespective of their efficacy, the use of such witnesses by Pollock and Riggs (and possibly sanctioned or suggested by Heald) confirms how NYU became entangled with the anti-communist crusaders, and exemplifies the bureaucratic processes of McCarthyism.

One who did not appear as a witness was Burgum's Chairman of Department, Oscar Cargill. He 'painfully' decided not to testify. 'Dear Berry, I have been thinking over my promise to testify as to your teaching ability before the University Senate, and I wish to retract it. Your abilities are not in question . . . [but] I should not wish it inferred from my appearance that I have endorsed your action.'<sup>116</sup> Fear of repercussions from the administration may not have been a concern in Cargill's case, but timidity amongst faculty (but not, as we have seen, amongst students) was endemic. A graduate assistant in the English Department, Allen Austin, was the only faculty member interviewed by the Washington Square *Bulletin* who allowed his name to be used. 'When another faculty member was told of his position, he laughed and said, "that fellow won't be



here for long.”<sup>117</sup> Similarly, when, 15 faculty members were approached by the Student Organizing Committee for Academic Freedom to provide advice; 14 refused.<sup>118</sup> The *Bulletin* editorialized about ‘a wave of mouth-shutting’ and the spread of ‘opinion lockjaw’ on the campus.<sup>119</sup> And, according to Burgum, ‘it is common knowledge that many of my colleagues discuss my case sotto voce’.<sup>120</sup> Hollis Cooley confirmed that faculty were ‘scared’.<sup>121</sup>

The formal hearing ended on 6 March 1953, but the Senate Committee met in closed session a further six times between 13 March and 8 April. The Committee submitted its report to Council on 15 April 1953. It was brief and pointed.<sup>122</sup> By a vote of 3–9, the first charge was not sustained. The Committee found that ‘no member of the teaching profession should be denied the legal protection accorded to all citizens under the Fifth Amendment of the Constitution’. This was significant given that Burgum’s refusal to answer those 15 questions was the basis of Heald’s telegram of suspension. In 1951–52, after a series of Supreme Court and District Court decisions enlarging the interpretation of witnesses’ recourse to the Fifth,<sup>123</sup> there was widespread public debate about the legal precedents, constitutional limits, and tactical legitimacy of taking the Fifth.<sup>124</sup> The Committee would not have been immune to this. Invoking the privilege against self-incrimination was, it seemed, too deeply embedded in the American legal system for this Committee to deny it.<sup>125</sup> But it was a double-edged sword. Witnesses, like Burgum, who relied on the Fifth, seemed as if they were hiding behind it in order to conceal the truth; they therefore appeared disreputable or unethical. The second charge, that he refused to ‘tell the truth frankly’, was sustained 9–3. Over Cooley’s objections, a full explanation for this decision was not given.<sup>126</sup> So, again, the report was cryptic. But it was also very vague: a teacher must be expected ‘to conduct himself so that his activities meet the tests of responsible exercises of his rights’.<sup>127</sup> Because Burgum did not, on legal advice, answer the same questions to the Senate Committee that he had refused to answer to the McCarran Committee (for fear of a contempt citation), he was again concealing the truth, and the truth could be found in ‘patterned conduct over a quarter of a century’.<sup>128</sup> Pollock’s 62 exhibits had paid off. Inferences had become facts. Evidence of teaching and scholarly qualifications, or testimonials from students, was inadmissible. Fitness to teach was gauged by political allegiance. Significantly, neither Pollock nor Riggs produced any evidence that Burgum at any time attempted to inject communist ideology into his teaching. One of the three dissentients privately commented that, in the Army (in which he had served in World War II), ‘We wouldn’t have tried a dog on charges like these’.<sup>129</sup>

Events now moved rapidly. An Executive Committee of the University Council considered the Senate report and adopted a motion (moved by ex-Chancellor Madden) that Burgum be dismissed. That motion was considered by a full meeting of the Council on 27 April along with 30-minute address from Riggs and a prepared statement from Burgum.<sup>130</sup> Council members may not have been enamoured by Burgum’s assertion that the University had become ‘the actual, but not frankly stated, arm of the [Congressional] investigating committee’.<sup>131</sup> On this occasion, veracity

surpassed diplomacy. On 30 April Council unanimously endorsed a motion, again moved by Madden, that the earlier Executive Committee motion be adopted.<sup>132</sup> Burgum's 28-year association with NYU was terminated. In quick succession, Voorhis sent Burgum a telegram, Heald made a public statement and Armsey (Information Services) issued a press release. On May Day 1953, all New York newspapers carried the news.

The ordeal of Edwin Berry Burgum was not over. Two months later, on 1 July, he was subpoenaed to appear, along with 21 other authors, before Senator McCarthy's investigations subcommittee. McCarthy's specific target was the removal of books from the nation's libraries that did not 'serve the interests of democracy'. Throughout the spring of 1953, more than 300 titles had been removed, and some burnt, from the US State Department libraries at 189 information agencies overseas. Several administrators' scalps had also been claimed.<sup>133</sup> Now he turned to the authors themselves. He was undaunted by Eisenhower's speech at Dartmouth College on 14 June warning against 'book burners' and criticizing the purging of Dashiell Hammett's detective stories. Why Burgum? Because one of his books, his 1947 *The Novel and the World's Dilemma*, was found in the US Information Services library in Paris. Burgum, now obliged to describe himself as a 'freelance' literary critic, was interrogated mainly about this book by McCarthy and his chief counsel, Roy Cohn, to discern its communist leanings.<sup>134</sup> He invoked the Fifth Amendment freely; being unemployed diminished the risks.<sup>135</sup> It is clear from his testimony that Burgum was not intimidated by McCarthy and Cohn. Nor did he shrink from self-defence. Although, in June, he had 'not yet recovered from [his] astonishment' that NYU had based its case upon the files of HUAC and 'conduct[ed] it in the same fashion',<sup>136</sup> by the winter of 1953, he was busy preparing a booklet that showcased his side of the Senate hearings. The resultant 80-page *Academic Freedom & New York University: The Case of Professor Edwin Berry Burgum* was printed in February 1954 and widely distributed. According to a NYU paper, its appearance 'fanned' the 'smoldering embers of the Burgum case'. But to a condescending Harold Voorhis, it confirmed that Burgum was 'so wedded to his beliefs that he failed to see reason' and should 'be pitied'.<sup>137</sup>

Three years later Burgum warranted pity. His wife, Mildred, whom he married in 1927, committed suicide. She had just turned 51.<sup>138</sup> According to a family member, 'the pressure and public disgrace' proved too much.<sup>139</sup> Incognito phone calls from the FBI, if recognized as such, may have contributed to this pressure; one was made to the Burgum apartment shortly before she took her own life; the call was taken by 'an unidentified woman' who confirmed that Burgum lived at the residence.<sup>140</sup> Burgum took over her psychotherapy practice. Not surprisingly he needed 'much re-education' and had difficulty adapting to an unstable income. He withdrew from political activity since it took 'all my time to earn a living'.<sup>141</sup> Nevertheless, Burgum's FBI file continued to grow. Except for his leading role in organizing a petition to President Kennedy in 1961 protesting against a Supreme Court decision upholding the Internal Security (McCarran) Act of 1950,<sup>142</sup> there was little to report. Curiously, the FBI missed Burgum's signature on a petition in 1964 concerning civil rights,<sup>143</sup> and another to

President Johnson in 1965 against the Vietnam War.<sup>144</sup> He met the Security Index criteria (and therefore his file remained active) for three reasons: invoking the Fifth before the McCarran Committee in 1952, his ‘Dear Colleague’ letter in which he showed no repentance, and ‘his long history of Communist Party affiliation and/or sympathy’.<sup>145</sup> He was judged ‘a potentially dangerous individual’ who could ‘commit acts inimical to the US’.<sup>146</sup>

Consequently, for the next two decades Burgum was monitored. Every 12 or 18 months the records of the NYPD’s Bureau of Special Services and, later, Intelligence Division (Security and Investigation Section) were checked, informants were contacted and queried, ‘pretext interviews’ were conducted, fresh photographs taken and subscribed reading matter recorded.<sup>147</sup> The final report in his thick file, a memorandum from the New York office to J. Edgar Hoover, was dated 14 June 1972; Burgum was now 78. The summary of Burgum’s ‘most recent subversive activity’ consisted of his membership of the editorial board of *Science & Society*.<sup>148</sup> There was no mention of what was, arguably, his most significant contribution – *The Novel and the World’s Dilemma*, which was reprinted in 1963 and 1965.<sup>149</sup> On 2 July 1979, Burgum died, a death perfunctorily noted by the *New York Times*,<sup>150</sup> which had so often reported his activities in the 1930s, published his book reviews in the 1940s and carried news of his encounters with inquisitors in the dark days of the early 1950s.

### Acknowledgements

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### Notes

[1] New York University Archives, Records of the Edwin Berry Burgum Academic Freedom Case, 1934–61, RG 19, Box 3, Folder 2, Telegram Heald to Burgum, 13 October 1952 [henceforth box and folder numbers only, unless otherwise indicated]. News of his suspension was carried the next day in the *Daily Compass*, the *New York Times* and the *New York Herald Tribune*.

[2] As he told a student newspaper the next day, ‘The whole affair has taken me too much by surprise to make any definite plans’. *The Education Sun*, 15 October 1952.

[3] Countryman, *Un-American Activities*; Caute, *The Great Fear*, 403–45; Foster, *Red Alert!*; Lewis, *Cold War on Campus*; Saunders, *Cold War on the Campus*; Schrecker, *No Ivory Tower*.

[4] Lewis, *The Cold War and Academic Governance*; McCormick, *This Nest of Vipers*.

[5] Holmes, *Stalking the Academic Communist*.

[6] *Ibid.*, viii (foreword by Ellen Schrecker).

[7] Caute, *The Great Fear*, 416. Caute (p. 445) estimated that, in New York alone, 321 school teachers and 58 college teachers were purged in the 1950s.

[8] Despite this American pedigree, an FBI informant later noted: ‘speaks with thick English accent, typical English type appearance resembling the late actor W.C. Fields’. US Department of Justice, Federal Bureau of Investigation, FOIPA No. 115280-000 [henceforth

FBI Burgum file], Report, 'Edwin Berry Burgum', 17 October 1963, 2. His Washington File No. was 100-113877, and his New York File No. was 100-26437.

[9] He became Assistant Professor in 1926 and Associate Professor in 1931.

[10] Schrecker, *No Ivory Tower*, 76, 83.

[11] *New York Times*, 15 January 1938.

[12] New York City Board of Higher Education Archives, New York, Transcript, Rapp-Coudert Legislative Committee Public Hearing, 8 April 1941, 961–3. This photo is reproduced in Frusciano and Pettit, *New York University and the City*, 199.

[13] Because he was employed by a private university – unlike the other witnesses from City College of New York Brooklyn College – Burgum was not subject to Section 903 of the New York City Charter, which empowered the Board of Education to summarily dismiss any public employee who took the Fifth, that is, refused to answer self-incriminating questions.

[14] *New York Times*, 12 January 1935; Transcript, Rapp-Coudert Hearing, 8 April 1941, 958–9.

[15] Badlet to Heald, 16 October 1952, Box 7, Folder 18. Ralph Leviton, a Commerce graduate in 1950 was similarly affected – 'My heart is heavy ... You make a mockery of my diploma.' Leviton to Heald, 17 October 1952, Box 5, Folder 18.

[16] Gillen to Heald, 4 November 1952, Box 7, Folder 17.

[17] Solomon to Heald, 14 October 1952, *Ibid*.

[18] Sper to Heald, 31 January 1953, *Ibid*.

[19] Letter to Heald, signed by eight students, 29 October 1952, *Ibid*.

[20] Only four current students wrote to Heald supporting the suspension; see Box 5, Folder 11.

[21] 'Transcript of Hearing on Charges Against Associate Professor Edwin Berry Burgum New York University', 683, Box 1, Folder 10.

[22] 'Statement by Professor Riggs', 20–21, attached to memorandum to Charles Hodges, 12 March 1953, Box 5, Folder 4.

[23] Carroll, *Facing Fascism*, 182, n.7.

[24] The Internal Security Act (also known as the Subversive Activities Control Act) was passed over Truman's presidential veto in September 1950; its draconian centre-piece was the establishment of a five-person Subversive Activities Control Board.

[25] Both HUAC and the FBI relied heavily on Budenz's testimony; see Budenz, *Men Without Faces*.

[26] FBI Burgum File, Correspondence to SAC [Special Agent in Charge], New York and Director, Washington, 13 June 1950.

[27] FBI Burgum File, Memorandum, SAC, New York to J. Edgar Hoover, 16 January 1951; Report, 'Edwin Berry Burgum, Security Matter – C', 16 January 1951, 1. On the other hand Burgum was 'unknown' to confidential informants T-23, T-24 and T-25 (*ibid.*, 12).

[28] In February 1946, a conference of senior FBI officials decided to provide covert support to HUAC (O'Reilly, *Hoover and the Un-Americans*, 76, 98); in 1947, assisting HUAC became 'an FBI priority' (Theoharis, *Chasing Spies*, 16); in 1949, an FBI agent, Louis Russell, became HUAC's chief investigator (Goodman, *The Committee*, 273). See also Schrecker, *Many are the Crimes*, 214–15.

[29] 'The FBI Responsibilities Program File and the Dissemination of Information File [1951-1955]', microfilm copy (#9703: 8 reels), New York University.

[30] Chase was appointed Chancellor in 1933, retired in 1950 and died in 1955.

[31] Chase, Madden and Heald were all titled 'Chancellor'. This changed to 'President' in July 1956 under Heald's successor, Carroll Newson.

[32] Schrecker, *No Ivory Tower*, 294–5.

[33] Federal Bureau of Investigation, Department of Justice, Headquarters Files 100-HQ-340005 and 100-HQ-260819 (FOIPA No.115281-000, released 2009) [henceforth FBI Bradley files], Office of Director, Message, 5 March 1951.

- [34] FBI Bradley files, 'Memorandum to Mr. Tolson', 8 March 1951. The Madden–FBI connection has been overlooked in the most relevant study, Diamond's, *Compromised Campus*. Indeed the only reference to NYU–FBI contact is a fleeting endnote (p. 347, n.35) and concerns a 1954 FBI memorandum advising NYU of the 'sex deviate practices of an instructor'.
- 725 [35] *Square Bulletin*, 24 October 1952.
- [36] Karl E. Mundt to Frank L. Howley, 4 June 1953, Box 5, Folder 14.
- [37] Testimony of Edward [sic] Burgum, *Hearings before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws, 82nd Congress, 2<sup>nd</sup> Session, on Subversive Influence in the Educational Process* (United States Government Printing Office: Washington, 1952), 13 October 1952 [henceforth *Hearings*, McCarran Committee], 276.
- 730 [38] *The Nation*, 29 September 1951 (Leonard Boudin, 'The Fifth Amendment: Freedom's Bastion').
- [39] FBI Burgum File, Correspondence, A.H. Belmont to D.M. Ladd, 19 February 1953, 'Testimony Before McCarran Committee September 25, 1952, Volume #6, Pages 63–89', 5.
- [40] *Ibid.*, 9.
- 735 [41] *New York Times*, 14 October 1952.
- [42] *Square Bulletin*, 14 October 1952.
- [43] Reproduced in *The Evening News*, 27 October 1952.
- [44] For copies of this open letter, see '72 Students on the Burgum Case', in Box 6, Folders 7 and 11. By early November the group had 150 members; see *New York University Heights Daily News*, 3 November 1952.
- 740 [45] See assorted leaflets in Box 6, Folder 7; Box 7, Folder 3.
- [46] Phrase used in memorandum, Voorhis to Vice-Chancellor David Henry, 15 October 1952, Box 6, Folder 12.
- [47] Memorandum from Registrar's Office to Voorhis, 23 October 1952 (report of the meeting attached), Box 6, Folder 12.
- [48] Voorhis to E.C.K. [Elaine C. Kashman], 15 October 1952, Box 6, Folder 12.
- 745 [49] Voorhis to Henry, 21 October 1952, Box 6, Folder 12.
- [50] *New York Times*, 23 July 1952.
- [51] As one professor asked Heald, 'Is it too much to ask that New York University emulate Columbia [University] rather than an institution that is part of a State apparatus?' John Bicknell to Heald, 18 October 1952, Box 5, Folder 6.
- [52] Schrecker, *No Ivory Tower*, 167.
- 750 [53] Howard Mumford Jones to Heald, 1 December 1952, Box 5, Folder 15.
- [54] *Time*, 23 July 1956.
- [55] Cited in *The Evening News*, 27 October 1952. He reiterated these sentiments in his commencement speech delivered on 12 June 1952 and spoke of the importance of NYU remaining 'free from pressures' outside the University. *The Education Sun*, 15 October 1952.
- 755 [56] John De Boer (Professor of Education) to Heald, 12 May 1953, Box 5, Folder 6.
- [57] Bicknell to Heald, 18 October 1952, Box 5, Folder 6.
- [58] With 37,064 students enrolled in 1951, it was already the nation's largest private university.
- [59] *Commerce Bulletin*, 15 October 1952.
- [60] *Square Bulletin*, 17 October 1952; *NYU Commerce Bulletin*, 15 October 1952.
- [61] *Evening News*, 26 January 1953; *New York University Heights Daily News*, 15 October 1952.
- 760 [62] *Time*, 23 July 1956.
- [63] 'Insert in speech "A Chance to Serve"', P–FILE (no box/folder. Henceforth, 'Insert').
- [64] See, for example, *New York Times*, 8 November 1952; *New York Herald Tribune*, 8 November 1952; *Commerce Bulletin*, 12 November 1952 ('Heald blasts communism before business confab').

- [65] *New York Times*, 20 January 1953 ('Academic Freedom Not For Reds').
- [66] See Powers, *Not Without Honour*, 199–212.
- [67] See 'Academic Freedom and Tenure, Statements of Principles', *AAUP Bulletin* 38, no. 1 (Spring 1952): 116–22.
- [68] 'Insert', 1–2.
- 765 [69] *Square Bulletin*, 29 October 1952; *Education Sun*, 29 October 1952; *NYU Commerce Bulletin*, 29 October 1952; *New York University Heights Daily News*, 5 November 1952; *Evening News*, 10 November 1952.
- [70] This was neither the first nor last time Sidney Hook wrote on this topic; see his 'What Shall We Do About Communist Teachers?', *Saturday Evening Post*, 10 September 1949: 164–8; 'Academic Integrity and Academic Freedom', *Commentary*, 8 (October 1949): 329–39;
- 770 Q3 [71] 'Indoctrination and Academic Freedom', *The New Leader*, 9 March 1953, 2–4.
- [71] 'Insert', 2.
- [72] As a communist lawyer later wrote, 'the witnesses were so many and the possible choices so few that most lawyers representing those witnesses in the early 1950s fell into habit of advising all clients to "take the Fifth"'. Rabinowitz, *Unrepentant Leftist*, 119–20.
- 775 [73] Philbrick to Heald, 10 November 1952, Box 5, Folder 14.
- [74] Heald to Philbrick, 14 November, *Ibid*.
- [75] *Education Sun*, 15 October 1952.
- [76] Burgum to Heald, 13 November 1952, Box 5, Folder 8.
- [77] Theodore Skinner (chairman of Board of Review) to Heald, 19 November 1952, *Ibid*.
- [78] Excerpt from the minutes of NYU Council meeting, 24 November 1952, Box 5, Folder 1; Box 2, Folder 2.
- 780 [79] Burgum to Heald, 2 December 1952; Heald to Burgum, 5 December 1952, Box 3, Folder 5. He also formally appealed the decision, but on 23 December, the Executive and Education Committees of University Council unanimously rejected his appeal. Minutes of meeting, Box 5, Folder 1.
- [80] 'Statement for the University Council, November 24, 1952', Box 5, Folder 2.
- 785 [81] This hints at collusion between Heald and Pollock. The letter bears hallmarks of being composed 'on the run'. Copy in Box 5, Folder 8.
- [82] Excerpt from the minutes of NYU Council meeting, 24 November 1952, 2–3, Box 2, Folder 2.
- [83] Burgum to Heald, 2 December 1952, Box 3, Folder 4.
- [84] Heald to Burgum, 5 December 1952, Box 3, Folder 5.
- [85] Burgum to Heald, 18 December 1952, Box 5, Folder 10. Emphasis original.
- 790 [86] Heald to Burgum, 5 January 1953, *Ibid*.
- [87] Harry B. Gould to Heald, 26 October 1952, Box 5, Folder 17. Gould was a New York architect and town planner.
- [88] For full details, see 'Roster of Elected Members – New York University Senate 1952–53', Box 5, Folder 3.
- 795 [89] Interview with Hollis Cooley, 4 November 1981, transcript of interview kindly loaned by Ellen Schrecker (original tape in Paul Tillett Files, Seeley G. Mudd Library, Princeton University; henceforth Cooley interview, 1981). In 1948–49 Cooley was president of the AAUP chapter at NYU.
- [90] Arad McCutchan Riggs was a 6 ft. 4 in. Law Professor at NYU (appointed 1937; retired 1964) and partner in the Madison Avenue law firm, Allin, Riggs & Shaughnessy.
- 800 [91] Cooley interview, 1981.
- [92] Once a supporter of the Left in the Spanish Civil War, Hodges had become 'very conservative' after 1940. Cooley interview, 1981.
- [93] Memorandum, 3, attached to letter, Riggs to Pollock, 10 February 1953, Box 7, Folder 1.
- [94] *NYU Commerce Bulletin*, 25 February 1953.



- [95] According to one Committee member, they were so preoccupied with this case that they 'couldn't do other things'. Cooley interview, 1981.
- [96] Untitled document (annotated 'Pollock 3/5/53'), Box 4, Folder 21.
- 805 [97] Box 4, Folders 1, 3 and 6; 'Edwin Berry Burgum', 14 November 1952, Box 6, Folder 24. For an annotated partial list of 'front' organizations to which Burgum had lent his support see Box 2, Folder 21 (Exhibits 45–62); for a full list of the 73 organizations compiled by J.B. Matthews (for which Burgum had been a signatory, sponsor, chair or member), see Box 6, Folder 24.
- [98] Kempton, *Part of Our Time*, 214 (ch.5 is devoted to Matthews); Caute, *Fellow-Travellers*, 141, 319.
- 810 [99] Caute, *Fellow-Travellers*, 325.
- [100] Schrecker, *No Ivory Tower*, 72, 151. Matthews was sufficiently eminent to be William F. Buckley Sr.'s dinner guest at the Yale University Club in 1951. Diamond, *Compromised Campus*, 170.
- [101] His links with NYU continued; see J.B. Matthews Papers, 1862–1986, Special Collections  
Q4 Library, Duke University, Box 438, Folder 11.
- [102] Now located in Box 4, Folder 13.
- 815 [103] 'Transcript of Hearing on Charges Against Associate Professor Edwin Berry Burgum New York University' (henceforth Transcript of hearing), 99, 105, 156.
- [104] Transcript of hearing, 720 (see 710–22 for this section).
- [105] See the highly sceptical response from Professor Walter Anderson, Transcript of hearing, 722
- [106] Ibid., 119, 179. These exhibits are located in Box 3, Folders 15–25, and Box 4, Folders 1–26.  
820 Burgum's 18 exhibits are located in Box 3, Folders 2–14. HUAC also forwarded Pollock a copy of its extraordinary *Guide to Subversive Organizations and Publications (and Appendix)*, House Document No. 137, 82nd Congress, 1st Session, 14 April 1951.
- [107] Committee, *Scientific and Cultural Conference*, 18. This booklet identified and named 270 individuals affiliated with one to ten front organizations. For Pollock's use of it, see Transcript of hearing, 78–81.
- 825 [108] Before the hearings formally commenced, Cooley had sought clarification of the charges, but was overruled by Hodges. Cooley interview, 1981.
- [109] Cooley's phrase (Interview, 1981).
- [110] Pollock's copy is located in Box 4, Folder 17. Unlike (it would appear) Pollock, Attorney-General, Tom Clark, later remarked: 'I thought Philbrick's book was a bunch of trash'. Cited  
830 in Steinberg, *Great 'Red Menace'*, 165.
- [111] Cooley interview, 1981.
- [112] Steinberg, *The Great 'Red Menace'*, 164.
- [113] Transcript of hearing, 734–89.
- [114] Ibid., 829–30.
- [115] Ibid., 791–803. Johnson died in 1959 with perjury charges pending.
- 835 [116] Cargill to Burgum, 10 February 1953, Box 6, Folder 25.
- [117] *Square Bulletin*, 5 December 1952.
- [118] Confidential report of meeting of Student Organizing Committee for Academic Freedom, Elaine Kashman (Registrar's Office), to Voorhis, 23 October 1952, Box 6, Folder 12.
- [119] *Square Bulletin*, 17 October 1952.
- [120] Letter, Burgum to 'Dear Colleague', 13 November 1952, Box, 4, Folder 14.
- 840 [121] Cooley interview, 1981. There was not one protest letter to Chancellor Heald from a current member of NYU faculty. However, there were 17 letters from faculty supporting Heald, ranging from the obsequious (to Heald) to the nasty (towards Burgum). See Box 5, Folder 12.

- [122] Attached to ‘Memorandum to the Professorial Members of the Faculty of Washington Square College’, 20 May 1953, in NYU Archives, Dorothy Arnold Papers, RG 19.3, Box 2, Folder 16 (henceforth Memorandum, Arnold Papers).
- [123] Beck, *Contempt of Congress*, 84–6.
- 845 [124] See, for example, *New York Times*, 7 December 1952, 26 December 1952, 30 December 1952; Leonard B. Boudin, ‘The Fifth Amendment: Freedom’s Bastion’, *The Nation*, 29 September 1951 and ‘The Constitutional Privilege in Operation’ *Lawyers Guild Review* 12, no. 3 (Summer 1952): 1–22.
- [125] For some of the vast literature on the Fifth Amendment, see Beck’s bibliography, *Contempt of Congress*, 257.
- 850 [126] Cooley interview, 1981. Cooley decided to write a lengthy (12-page) dissenting opinion. For the full text see attachment to Memorandum, Arnold Papers, Box 2, Folder 16.
- [127] ‘New York University Statement on the Suspension, Hearing, and Dismissal of Edwin Berry Burgum’, 30 April 1953, 11, Box 6, Folder 8 [henceforth NYU Statement].
- [128] NYU Statement, 12–13.
- [129] Cooley interview, 1981. Cooley did not identify him but internal evidence points to Professor 855 S. Bernard Wortis, from the School of Medicine.
- [130] For the full transcript of both, see ‘Meeting of the Council of New York University’, 27 April 1953, Box 5, Folder 1.
- [131] *Ibid.*, 34.
- [132] Minutes of Special Meeting, NYU Council, 30 April 1953, Box 5, Folder 1.
- [133] *New York Times*, 16 July 1953; Cauter, *The Great Fear*, 321–4.
- 860 [134] ‘Testimony of Edwin B. Burgum’, *Executive Sessions of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations. 83rd Congress 1st Session 1953*. Vol. 2, 1198–203. That friend of the NYU administration, Karl Mundt, was a member of this Subcommittee, but was not present during this Executive Session.
- [135] His FBI file listed him then as ‘Unemployed’, Office Memo, SAC New York to Director, 19 June 865 1953.
- [136] Letter, 22 June 1953, Box 6, Folder 27.
- [137] *New York University Heights Daily News*, 22 March 1954.
- [138] Born Mildred Rabinowich on 16 June 1906 in Pittsburg, Pennsylvania, she was also a progressive, being affiliated with the left-wing National Council of the Arts, Sciences and Professions. In February 1954, she contributed some poignant poetry (‘Four Poems’) to 870 *Contemporary Reader* (1, no. 3, 1954: 33–37), the short-lived literary journal founded and edited by her husband.
- [139] ‘Edwin Berry Burgum’, ch. 4, Burgum Family History Society, <http://www.burgumfamily.com/> (accessed 20 April 2009); confirmed by Doug Burgum, email correspondence, 23 April 2009.
- [140] Confidential Report, New York, ‘Edwin Berry Burgum’, 8 April 1957, FBI Burgum files.
- 875 [141] Questionnaire completed by Burgum [nd] in Paul Tillet Files, Seeley G. Mudd Library, Princeton; transcribed notes kindly loaned by Ellen Schrecker.
- [142] Report, with attachments, SAC, New York, to Director, Washington, 22 March 1962.
- [143] *New York Times*, 17 September 1964.
- [144] *New York Times*, 31 March 1965.
- [145] Hoover to SAC, New York, 5 March 1968.
- [146] Report, New York Office, 11 March 1966.
- 880 [147] In March 1960, no fewer than 15 informants were contacted. ‘Pretext interviews’ involved an FBI agent using a subterfuge when visiting or telephoning Burgum’s residence to confirm that he still lived at Apartment 3F, 175 Riverside Drive, to which he and his wife moved in March 1955. His subscriptions included *The American Socialist* and *Science & Society*.

- [148] This is despite two reports, on 2 June 1958 and 28 January 1963, that direct connections between *Science & Society* and the CP could not be established. See Price, 'Theoretical Dangers', 480. Burgum is still (2009) listed under the 'Editorial Honor Roll' of *Science & Society*.
- 885 [149] Published by Russell & Russell (New York, 1963) and translated into Italian and published as *History and Criticism* (Rome, 1965). That there was such continuing demand for this final work, first published six years before his dismissal, is suggestive of a notable academic career prematurely stymied and an academic field significantly deprived. Burgum's second book, *The New Criticism: An Anthology of Modern Aesthetics and Literary Criticism* (New York: Prentice-Hall, 1930) became one of the standard texts in its field for the next 15 years.
- 890 [150] *New York Times*, 3 July 1979. (There was no obituary, merely a death notice inserted, presumably, by his daughter, Naomi Smith.)

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