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2008

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## Recommended Citation

Stephen M. Underhill, "J. Edgar Hoover, Speech Before the House Committee on Un-American Activities (26 March 1947)," *Voices of Democracy* 3 (2008): 139-161.

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J. EDGAR HOOVER, "SPEECH BEFORE THE HOUSE COMMITTEE  
ON UN-AMERICAN ACTIVITIES" (26 MARCH 1947)

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Abstract: J. Edgar Hoover fought domestic communism in the 1940s with illegal investigative methods and by recommending a procedure of guilt by association to HUAC. The debate over illegal surveillance in the 1940s to protect national security reflects the on-going tensions between national security and civil liberties. This essay explores how in times of national security crises, concerns often exist about civil liberties violations in the United States.

Key Words: J. Edgar Hoover, Communism, Liberalism, National Security, Civil Liberties, Partisanship

From Woodrow Wilson's use of the Bureau of Investigation (BI) to spy on radicals after World War I to Richard Nixon's use of the renamed Federal Bureau of Investigation (FBI) to spy on U.S. "subversives" during Vietnam, the balance between civil liberties and national security has often been a contentious issue during times of national crisis.<sup>1</sup> George W. Bush's use of the National Security Agency (NSA) to monitor the communications of suspected terrorists in the United States is but the latest manifestation of a tension that spans the existence of official intelligence agencies.<sup>2</sup>

The tumult between national security and civil liberties was also visible during the early years of the Cold War as Republicans and Democrats battled over the U.S. government's appropriate response to the surge of communism internationally. Entering the presidency in 1945, Harry S Truman became privy to the unstable dynamic between Western leaders and Josef Stalin over the post-war division of Eastern Europe.<sup>3</sup> Although only high level officials within the executive branch intimately understood this breakdown, the U.S. press sensed international discontent and pushed the issue with the president. When Truman refused to offer an official comment, the Republican Party portrayed Democrats as "communist sympathizers" during the 1946 midterm elections.<sup>4</sup> This political strategy helped such anti-communist congressional leaders as Richard Nixon and Joseph McCarthy win their political races for the U.S. House of Representatives and the U.S. Senate respectively.<sup>5</sup>

The combined commitment to national security *and* partisan politics complemented J. Edgar Hoover's well established anti-communist leanings, which surfaced decades earlier during the first red scare.<sup>6</sup> Even though the director projected a non-partisan image publicly, he used his position as FBI Director to support the U.S. government's efforts to contain communism, at least domestically, while exhibiting partisan tendencies by depicting liberals as communist sympathizers.<sup>7</sup> Such tactics were

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Last Updated: January 2008

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Voices of Democracy, ISSN #1932-9539. Available at <http://www.voicesofdemocracy.umd.edu/>.

evident in a massive public "education" campaign conducted by the FBI beginning in 1946—a campaign that included Hoover's address on March 26, 1947, to the House Committee on un-American Activities (HUAC), entitled, "The Communist Menace."<sup>8</sup> Hoover's reputation as an "expert" on the Communist Party facilitated the circulation of this speech, as "politicians, journalists, academics, and opinion leaders of all political persuasions adopted his formulations and recycled them in countless speeches, position papers, judicial decisions, and magazine and newspaper articles."<sup>9</sup>

In addition to pursuing members of the Communist Party, the FBI's anti-communist education program also targeted domestic media outlets and educational institutions. As explained in a February 27, 1946, memorandum from Assistant Director D. Milton Ladd to Hoover, the FBI's campaign sought to disseminate "educational material" through "available channels" to influence "public opinion."<sup>10</sup> The campaign created nearly four-hundred media-directed items, including films, radio and television programs, books, as well as articles in law reviews, news magazines, pop-cultural magazines, and newspapers. The campaign's scope and substance reflected the tactics of a domestic propaganda campaign, and was associated directly with Hoover and the FBI, beginning in 1946 and continuing until the director's death in 1972.<sup>11</sup>

The FBI's propaganda campaign was designed to preempt objections to illegal tactics. In the late 1930s, the FBI began cataloging American citizens who were suspected communists in its "Security Index." The FBI had planned to roundup these individuals in case war with the Soviet Union broke out. However, both the Index and the plan were illegal.<sup>12</sup> According to the Senate Select Committee to Study Governmental Operations (Church Committee), "the 'educational' purpose was to undermine communist support among 'labor unions,' 'persons prominent in religious circles,' and 'the liberal elements' [i.e., civil liberties proponents], and to show 'the basically Russian nature of the Communist Party in this country.'"<sup>13</sup> These materials also aimed to enhance "the bureau's image as a disinterested, nonpartisan, fact-gathering investigative agency."<sup>14</sup>

Hoover sought to expedite arrests and prosecutions of suspected communists by silencing objections to the bureau's violations of civil liberties.<sup>15</sup> To accomplish this end, the FBI moved to discredit liberal voices in the public sphere by working toward an anti-communist consensus in American public opinion.<sup>16</sup> This campaign involved a coalition of conservative Democrats and Republicans working to expose alleged communist ties and sympathies, resulting in a restriction of civil liberties among many of those targeted.

This study, thus, situates Hoover's speech in the Cold War context of 1947. It examines how J. Edgar Hoover's 1947 speech played a role in the FBI's larger domestic propaganda program by constructing the Communist Party as an illegal and invasive organization, liberals as communist dupes, and the FBI as a politically disinterested arm of the Justice Department. Under these auspices, Hoover's HUAC recommendations helped neutralize those championing civil liberties in response to the FBI's stepped up anti-communist campaign and worked to guard the nation's security by purging communists from American institutions.

### *Crisis and Response*

Among many other duties, Hoover was charged with securing the nation from foreign agents sabotaging the defense industry and infiltrating the federal government.<sup>17</sup> In this capacity, the director faced a challenging national security exigency that he prioritized over protecting civil liberties. The menace Hoover conveyed was associated with the alleged communist activity in the United States that he aligned with the larger communist peril emanating from the Soviet Union and other international regions.

The threat of domestic communism had long weighed on Hoover's mind. In the spring of 1919, radical anarchists mailed over thirty bombs to the homes and offices of government and business officials, including Attorney General A. Mitchell Palmer's house on June 2.<sup>18</sup> Uncertain of where the bombs originated, the attorney general warned of an upcoming violent communist revolution slated for May 1, 1920, and pledged "'aggressive warfare'" against domestic communism.<sup>19</sup> The attorney general's commitment to defend the nation came at a time when he sought the Democratic Party's nomination for president; he also fought congressional attempts to downsize his department.<sup>20</sup>

That year, a young Hoover was selected by the attorney general to direct the Justice Department's newly formed anti-radical General Intelligence Division (GID).<sup>21</sup> By November, the GID "had completed a classification of over 60,000 'radically inclined' individuals in the 'ultraradical movement' . . . Hoover had turned himself into the government's first resident authority on communism, a reputation he jealously guarded for the rest of his long life."<sup>22</sup>

Palmer coordinated raids against alleged communists, who were primarily Russian immigrants, during November of 1919 and January of 1920. In December, the Justice Department deported 300 "radicals" that were rounded up the previous month, including Emma Goldman and Alexander Berkman, with little resistance from the legal community.<sup>23</sup> Hoover assumed the second round of deportation cases would prove as successful, telling the *New York Times* that 3,000 of the 3,600 radicals taken into custody in January were "perfect" deportation cases.<sup>24</sup> However, the Justice Department was met with a publicized legal battle that destroyed the reputation and presidential aspirations of Attorney General Palmer, which included a House investigation of his arrest and deportation procedure.<sup>25</sup>

In the spring of 1920, stories circulated of civil liberties violations and inhumane treatment of suspects, which implicated the GID and brought attention to the attorney general's methods.<sup>26</sup> The Justice Department argued that Communist Party membership was a deportable offense; consequently, it rounded up communists wherever and however it could find them—party rallies, on party rolls, and through newspaper accounts.<sup>27</sup> However, the Assistant Secretary of Labor Louis Post, who was charged with reviewing the deportation cases, and many leaders of the legal community, including future Supreme Court Justice Felix Frankfurter, challenged the Justice Department's evidence and procedures. Palmer responded to his challengers by claiming that they

were communist sympathizers, "liars," and were deliberately assisting the impending communist revolution.<sup>28</sup> However, Palmer's red-baiting tactics failed when the Federal Court ruled on June 23, 1920, that the attorney general's procedure violated civil liberties statutes and that Communist Party membership did not make aliens subject to deportation.<sup>29</sup> The revolution never materialized, Palmer resigned in disgrace, and the GID was dismantled.<sup>30</sup>

The Palmer raids taught a lesson about American anti-communist frenzy. A nation that feared revolution supported its Justice Department. But, an anti-communist law-enforcement leader found guilty of violating the civil liberties of suspects could be forced from office. Therefore, a communist threat could be used to generate and maintain power for law enforcement officials as long as the threat lasted, providing the public trusted authorities not to abuse their power. This formula could include silencing civil liberties proponents who brought attention to constitutional violations.

The timing of Hoover's address before HUAC was thus prescient. Communists, for example, held leadership positions in the Congress of Industrial Organization (CIO) throughout the 1930s and early 1940s.<sup>31</sup> After Stalin and Hitler signed the German-Soviet Non-aggression Pact on August 23, 1939, American communists "triggered strikes in the unions they controlled against industries making defense materials" for Germany's adversaries, namely, Great Britain and France.<sup>32</sup> In 1941, an FBI informant revealed a KGB espionage cell operating in Washington, D.C., which included eighteen federal employees.<sup>33</sup> And, on March 11, 1945, the Office of Strategic Services (OSS) discovered an amassed collection of classified military documents belonging to the State Department, the Navy, and the OSS in the offices of *Amerasia*, a scholarly journal edited by a known communist associate.<sup>34</sup>

By November of 1945, Elizabeth Bentley had exposed the Silvermaster spy ring, which implicated Alger Hiss, and detailed communist operations inside the federal government.<sup>35</sup> In 1947, eleven Communist Party leaders were convicted in New York for "advocating the violent overthrow of the government."<sup>36</sup> And, in 1948, the Army learned of 349 enemy agents working within the federal government. This list included Judith Coplon, a Justice Department employee who spied for the Soviet Union from 1945 until her arrest in 1948.<sup>37</sup> In sum, Hoover was charged with the difficult task of protecting the country from a clear and present national security threat that covertly infiltrated the U.S. government as well as the private sector. Such a threat offered an opportunity to enact his official duties with the full weight of the public's support behind him, aiding in the expansion of the agency in the process.

In response to the national security exigencies, Hoover developed and supported what the Church Committee later labeled "surreptitious methods." These tactics included mail openings, censorship of mail, breaking-and-entering, burglary, bugging, and wire-tapping.<sup>38</sup> The surreptitious methods were implemented without the knowledge or consent of the attorney general and were considered illegal by many, including certain congressional leaders as well as court officials.<sup>39</sup>

Consequently, Hoover repeatedly lost constitutional challenges over FBI wiretapping activities in the 1930s. The *Federal Communications Act of 1934* stated that "no person not being authorized by the sender shall intercept any communication and

divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communication to any person."<sup>40</sup> Justice Department officials, however, chose to interpret the clause as pertaining only to corporations and private individuals and not to law enforcement agents.<sup>41</sup> This interpretation was rebuffed by the Supreme Court in *Nardone v. United States* (1937). The ruling stipulated that the ban against wiretapping "embraces federal agents engaged in the detection of crime."<sup>42</sup> The director lost again as the U.S. Supreme Court ruled in *Nardone v. United States* (1939) that "evidence procured by tapping wires in violation of the Communications Act of 1934 is inadmissible" in court.<sup>43</sup>

Those concerned with civil liberties worked to use these rulings to curb the FBI's questionable methods. Attorney General Robert Jackson<sup>44</sup> announced to the press on March 18, 1940, that he:

Reinstated the provision of the [FBI] manual which prevailed until 1931. . . This action is required in order that the rules governing the Federal Bureau of Investigation shall conform to the decisions of the Supreme Court in recent cases, which have held interception and divulgence of any wire communication to be forbidden by the terms of the Communication Act of 1934. These decisions have in effect overruled the contentions of the Department that it might use wire tapping in its crime suppression efforts.<sup>45</sup>

This maneuver, along with others discussed below, pitted Jackson against both FDR and Hoover. For the director, it demonstrated an alarming challenge from the champions of civil liberties.

Although the illegality of wiretapping was confirmed, the president rebuked his attorney general and encouraged Hoover to continue his wiretapping procedures. In a memorandum to Jackson dated May 21, 1940, Roosevelt wrote:

I am convinced that the Supreme Court never intended any dictum in the particular case, which it decided to apply to grave matters involving the defense of the nation . . . You are, therefore, authorized and directed in such cases as you may approve, after investigation of the need in each case, to authorize the necessary investigating agents that they are at liberty to secure information by listening devices direct to the conversation or other communications of persons suspected of subversive activities against the government of the United States, including suspected spies. You are requested furthermore to limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens.<sup>46</sup>

This directive did not legalize wiretapping; rather, it articulated the president's interest in intelligence gathering on behalf of the nation's security, which proved more important than his concerns over possible civil liberties violations. When Truman became president in 1945, the director needed the president's endorsement in order to continue FBI wiretaps. Hoover ultimately reworked FDR's directive for Truman,

removing Roosevelt's clause: "You are requested furthermore to limit these investigations so conducted to a minimum and to limit them insofar as possible to aliens." Thus, Truman seemingly agreed to less restrictive FBI wiretaps than FDR intended.<sup>47</sup>

Jackson, however, did not give up on challenging the president's and the FBI's constitutional violations. In a memorandum to HUAC dated December 10, 1940, Jackson advised:

In determining whether to refer cases for prosecution, it will be helpful to bare in mind that no convictions can be obtained in the courts because of activities, however objectionable or injurious to the public interest, unless they also violate a specific federal statute and can be established by technically admissible evidence legally obtained.<sup>48</sup>

This statement emphasized that though the president condoned questionable procedures, such evidence would be inadmissible in court. This distinguished between the investigation and prosecution of subversives, and suggested that such prosecutions were handicapped by the investigatory methods.

The attorney general also tried to limit the FBI's scope of influence. In an undated memo addressed to all departmental heads, titled "Rules for Inter-Departmental use of Federal Bureau of Investigation," Jackson mandated that:

The subject matter of investigations which the FBI has authority to undertake do not extend beyond charges of suspicion or crime, or of definite subversive activity which does not consist of views or expressions of opinion, but of overt acts of incriminating evidence.<sup>49</sup>

By limiting investigations to suspicion of crime and clear subversive activity, Hoover's general intelligence gathering mechanism would be restricted. However, the attorney general's plan was once again rejected.

The Roosevelt administration successfully pressured Jackson to abandon his standard. In a memorandum to Hoover dated April 4, 1941, Jackson stated: "I had no thought to restrict or alter in any manner the internal operation of the FBI or the Department of Justice, or its *right* to proceed in all the fields in which it has been operating."<sup>50</sup> Instead, Jackson adopted a procedure to facilitate wiretapping and agreed to remain quiet about his continued opposition.<sup>51</sup>

### *Defining the Anti-Communist Campaign*

A savvy bureaucrat, J. Edgar Hoover delivered "The Communist Menace" at a politically charged moment. Republican J. Parnell Thomas controlled HUAC, Truman had expanded his new deal policies and espoused his Doctrine,<sup>52</sup> George Kennan had delivered his "Long Telegram,"<sup>53</sup> Winston Churchill had unveiled the "Iron Curtain,"<sup>54</sup> domestic anti-communism was surging, and federal employee loyalty oaths became law

via Executive Order 9835, intensifying national security fears.<sup>55</sup> Together, these factors created the complex context for Hoover's identification of the communist menace—a context that was resistant to civil liberties.

### HUAC and the New Dealers

Created in 1938, HUAC responded to the growing presence of fascism, Nazism, and communism in America; communists were particularly feared to have taken over the Congress of Industrial Organization and other labor unions.<sup>56</sup> The committee's chair, conservative Texas Democrat Martin Dies, suggested that the committee was necessary because these groups supported the underlying principle of dictatorship, "rather than the American conception that government is created for the benefit of mankind."<sup>57</sup> HUAC's mission was designed to conduct investigations:

of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversion and un-American propaganda that is instigated from foreign countries or of a domestic origin and attack the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.<sup>58</sup>

Thus, HUAC shared the FBI's concerns over domestic communist activities.

HUAC's tactics, however, were also controversial and highly charged. Under Dies, HUAC pioneered many of the techniques later associated with McCarthyism; it charged 1,121 government employees with disloyalty and "encouraged extremist witnesses, ignored sound rules of evidence, smeared political opponents, and made clever use of the press."<sup>59</sup> Democratic Congressman John Rankin led HUAC in 1945 and 1946; Rankin allegedly "despised Communists, socialists, liberals, new dealers, civil libertarians, intellectuals, blacks, aliens, and Jews with fervor."<sup>60</sup> And Republican J. Parnell Thomas chaired HUAC in 1947 and 1948 before going to prison in 1949 for defrauding the government in excess of \$8,000.<sup>61</sup> Thomas was also suspicious of new dealers and earned a reputation for verbally abusing witnesses.<sup>62</sup> Thus, from the start, HUAC was seen by many as an extremist coalition of conservative Democrats and Republicans politically interested in attacking liberals.

New to the presidency, Truman promoted policies that fueled HUAC's attacks against liberals. In September of 1945, for example, Truman proposed a Twenty-One-Point Plan to continue Roosevelt's Economic Bill of Rights, which included the "rights" of full employment, medical care, and decent housing. The president also pressured Congress to make permanent the Fair Employment Practices Committee (FEPC) and notified Congress that he was going to expand Social Security and pursue a national health program.<sup>63</sup> Surprising to Republicans and Democrats alike, this signified a commitment to post-World War II new deal politics, further broadening the federal bureaucracy. These liberal measures antagonized Democrats and Republicans alike who sought conservative reforms in a time when communism was spreading globally.<sup>64</sup>



## The Communist Exigency

Of course, one of the key exigencies for the growing fear of communism at home was the spread of communism abroad. On February 22, 1946, George Kennan, the highest-ranking official in the U.S. embassy in Moscow, delivered the "Long Telegram" that proposed a policy of communist containment. He advised that Russia was "impervious to logic of reason, and . . . is highly sensitive to logic of force. For this reason it can easily withdraw—and usually does when strong resistance is encountered at any point."<sup>65</sup> On March 5, 1946, Winston Churchill delivered "Sinews of Peace" in Fulton, Missouri, further contributing to the growing anti-communist atmosphere. Churchill portrayed communism as both an internal and external threat rooted in secrecy and devoted to enslaving societies and draining them of their resources, replacing regionalism with a centralized government, and disrupting Christian civilization. He stated that "an iron curtain has descended across [Europe]," confining cities "not only to Soviet influence but to a very high and, in many cases, increasing measure of control from Moscow."<sup>66</sup> These two texts helped frame the underlying assumptions of U.S. policies toward communism both at home and abroad for the remainder of the Cold War.

The communist issue quickly became a matter that would divide liberals and leave the Democratic Party vulnerable to attack. Ralph B. Levering, et al. explain: "In polls about domestic communists in summer 1946, more than 75% of those with opinions supported strong measures (including imprisonment and killing) to limit communist activities in America."<sup>67</sup> This sentiment threatened the Democratic Party, because domestic communists commingled with some liberal Democrats who championed civil liberties. Generally speaking, to advocate civil liberties was to make room for communist elements in America. Levering, et al. explains that 1946 "was a bad year for communists, for fellow travelers, and for Democratic politicians who had received support from communists and their sympathizers."<sup>68</sup> In short, ties with communists were liabilities for Democrats.

Capitalizing on Cold War tensions and rising public fears over domestic communism, the Republican Party ran a nationally coordinated congressional mid-term campaign in the fall of 1946 that emphasized the necessity of combating domestic subversion. Republicans such as Richard Nixon and Joseph McCarthy "did not hesitate to charge . . . that the new deal Democrats, if not actually communists themselves, were leading the country to socialism at home and surrender abroad."<sup>69</sup> The Republican Party swung the election, as the GOP captured a 57 seat majority in the House and a 6 seat majority in the Senate.<sup>70</sup>

The potency of the communist issue created a platform for conservative Democrats and Republicans, which marginalized those concerned with civil liberties, helping to foster a divide within the Democratic Party. Such division is evident in Truman's decision to dismiss former vice president and commerce secretary Henry Wallace on September 20, 1946. Instead of condemning domestic communism, Wallace advocated civil liberties and a policy of collective security that called for cooperation

between nations. However, "in the United States collective security was the most important part of the communist line. The communists urged collective security as the only true peace policy."<sup>71</sup> Albert Fried explains that Truman struggled to maintain positive relations with Wallace "to avoid a split with [civil liberties proponents] who, after all, constituted an important segment of the Democratic Party and whose support he needed against an increasingly rancorous Republican opposition."<sup>72</sup> However, the split occurred as the president dismissed Wallace, and aligned the Democratic Party with national security interests over civil liberties. Wallace, in turn, joined the Progressive Party, ran for president in 1948, and welcomed the support of American communists.<sup>73</sup>

On March 12, 1947, the president further contributed to the anti-communist fervor by delivering what became known as the Truman Doctrine. Cementing Kennan's containment philosophy, the Truman Doctrine transformed local conflicts in Greece and Turkey into sites of struggle between world communism and the forces of democracy. Truman's address committed the U.S. military to preventing the further expansion of the Soviet Union through his concerns over the domino effect. In addition, Truman's address furthered the anti-communist fervor as the president detailed the nation's Cold War blueprint and voiced aggressiveness toward the communist threat.<sup>74</sup>

On the home front and in response to HUAC's charges of communist spies in the federal government, Truman issued Executive Order 9835 on March 21, 1947. The order mandated that federal employees take loyalty oaths, swearing that they were loyal to the United States of America only. The executive order heightened fears over an undefined communist presence in the U.S. government and furnished HUAC with still more avenues of investigatory power.<sup>75</sup>

This climate of anti-communism targeted communists, fellow travelers, socialists, and civil liberties advocates, which inspired a conservative Democratic and Republican political ascendancy in the early years of the Cold War.<sup>76</sup> Six days after Truman signed the order requiring loyalty oaths, Hoover delivered his address to HUAC.

### *J. Edgar Hoover's Communist Menace*

The director's speech assumed that any American who did not prioritize national security before all else represented an enemy of the state, because s/he opposed the strictest anti-communist measures. His approach concealed the constitutional debate over surreptitious methods, and framed anyone who would chose to debate his measures a communist or an unsuspecting communist sympathizer.

Hoover's address emphasized his responsibility in protecting America's national security interests emerging during the early Cold War years—an authority that had been explicitly granted by President Roosevelt years earlier. In a presidential directive issued to "All Federal Departments and Agencies" dated June 26, 1939, FDR wrote: "It is my desire that the investigation of all espionage, counterespionage, and sabotage matters be controlled and handled by the Federal Bureau of Investigation of the Department of Justice, the Military Intelligence Division of the War Department, and the Office of Naval Intelligence of the Navy Department."<sup>77</sup> Similar to Palmer's tactics many years prior,

Hoover used his authority to warn against communist revolution, propaganda, and infiltration. The director was officially invited to serve in an advisory role before HUAC. The committee's chair, J. Parnell Thomas, introduced the significance of Hoover's speech:

Mr. Hoover has been invited to appear before the committee to give his views on the subject of communism and how it can best be dealt with. The threat presents not only a domestic problem, but an international problem. It is to my mind the most serious threat facing the world today. The Committee on un-American Activities, therefore, welcomes Mr. Hoover's testimony today because we are sure that he can furnish information and suggestions which will be most helpful to the committee in reporting legislation to the house.<sup>78</sup>

Thus, the "Communist Menace" speech represented an opportunity for the director to extend an anti-communist platform sponsored by members of Congress. More specifically, Hoover's testimony would become part of HUAC's considered "bills to curb or outlaw the Communist Party of the United States."<sup>79</sup>

#### The Communist Mission

Hoover developed communism as a menacing threat, committed to global domination by force. He explained that "the communists have been, still are, and always will be a menace to freedom, to democratic ideals, to the worship of God, and to America's way of life" (71).<sup>80</sup> He argued that communism "stands for the destruction of our American form of government; it stands for the destruction of American Democracy; it stands for the destruction of free enterprise; and it stands for the creation of a 'Soviet of the United States' and ultimate world revolution" (13).

The director described the motives and strategies of the Communist Party, which exacerbated its global threat:

In the recent years, the communists have been very cautious about using such phrases as "force and violence;" nevertheless, it is subject of much discussion in the schools and in party caucuses where they readily admit that the only way in which they can defeat the present ruling class is by world revolution. The communist, once he is fully trained and indoctrinated, realizes that he can create his order in the United States by bloody revolution. (16)

Statements like these permeated the text as Hoover constructed the American Communist Party as an extension of the Kremlin, with loyalty to the USSR. This message reinforced the bureau's propaganda strategy later discussed by the Church Committee to demonstrate "the basically Russian nature of the Communist Party in this country."<sup>81</sup>

The director also addressed the illegal nature of American communism. The Alien Registration Act of 1940 outlawed the pronouncement of "force or violence" against the U.S. government.<sup>82</sup> Hoover explained such a policy:

On May 28, 1942, Hon. Francis Biddle, then attorney general, in reviewing the deportation proceedings of Harry Bridges, found that the Communist Party from the time of its inception in 1919 believes in, advises, advocates and teaches the overthrow by force and violence of the Government of the United States. (19)

Although Biddle concluded that the American Communist Party's teachings violated the Act, the party itself would not be outlawed until the Communist Control Act of 1954.<sup>83</sup>

Hoover also contended that membership in the American Communist Party by government employees was unlawful. Congress passed the Hatch Act in 1939 which outlawed government employees from having membership in parties or organizations advocating the overthrow of the U.S. government.<sup>84</sup> Accordingly, the director reported to HUAC that "for the purpose of investigation, the attorney general has ruled that a number of organizations in addition to the Communist Party are subversive under the Hatch Act because of Communist influence" (53). Hoover, thus, clarified the ways in which communists could be prosecuted in the United States, which also limited where and how they could operate.

#### Infiltration and Propaganda

Hoover's restriction of communist space introduced the communism-as-contagion metaphor. He warned that liberals and progressives were easily contaminated by communist propaganda and infiltration techniques, unwittingly demonstrating loyalty to the USSR and unwittingly supporting a communist revolution in America. In Paul A. Chilton's discussion of Cold War contagion logic, he explains that "if communism is an invasive organism, contagious sickness, or malignant growth, it may follow that the body politic should be sanitized, or that the disease should be stopped, or the cancer excised."<sup>85</sup> Hoover warned HUAC that "communism, in reality, is not a political party. It is a way of life—an evil and malignant way of life. It reveals a condition akin to disease that spreads like an epidemic; and like an epidemic, a quarantine is necessary to keep it from infecting the nation" (71). As such, he feared "for the liberal and progressive who has been hoodwinked and duped into joining hands with the communists" and lamented the "manner in which [communists] have been able to enlist support often from apparently well-meaning but thoroughly duped persons," deceived by communist propaganda (66, 12). Such portrayals of liberals and progressives led some critics to denounce Hoover's partisan connotations.<sup>86</sup>

The director further explained how communism spread through infiltration and propaganda. He stated:

The communists have never relied on numerical strength to dominate a labor organization. Through infiltrating tactics they have in too many instances captured positions of authority. Communists have boasted that with 5 percent of the membership the communists, with their military, superior organizational ability and discipline, could control the union. (46)

He expanded this argument by naming those liberal institutions he believed were susceptible to communist propaganda and infiltration. As mentioned above, the Church Committee reported that the FBI's propaganda campaign particularly targeted labor unions, religious circles, and other "liberal elements." Accordingly, he expressed fears that "ministers of the gospel," "school boards and parents," and "American labor groups" were "infiltrated, dominated or saturated with the virus of communism," because they may have already swallowed the "poisonous pill of communist propaganda" (68-70).

The director furthered this line of argument by constructing communists as masters of propaganda. Hoover claimed that "the communists have developed one of the greatest propaganda machines the world has ever known" (33). This included major motion pictures, radio programs, newspapers, and pamphlets, which mirrored Hoover's own communication tactics through the FBI (26).

The fear of communist propaganda led the director to specifically target the film industry. He argued that American communists "launched a furtive attack on Hollywood in 1935" (40). Hoover warned of an "effort to infiltrate [their] labor unions," because "the party is content and highly pleased if it is possible to have inserted in a picture a line, a scene, a sequence, conveying the communist lesson, and more particularly, if they can keep out anti-communist lessons" (40, 42).

### Treachorous Liberals and Progressives

Although Hoover warned that propaganda may have *unwittingly* hoodwinked and duped liberals and progressives, he also claimed that such naiveté did not excuse these alleged traitors from their culpability. He argued:

The burden of proof should be placed on those who consistently follow the ever changing, twisting party line. Fellow travelers and sympathizers can deny party membership but can never escape the undeniable fact that they have played into the communist's hands, thus furthering the communist cause by playing the role of innocent, gullible, or willful allies. (32)

He reached this conclusion through conflating liberalism with communism, and determined that liberals may be even more dangerous to America than communists. Hoover stated:

What is important is the claims of communists themselves that for every party member there are ten others ready, willing, and able to do the party's work. Herein lays the greatest menace of communism. For there are the people who infiltrate and corrupt various spheres of American life. So rather than the size of the Communist Party, the way to weigh its true importance is by testing its influence, its ability to infiltrate . . . The open, avowed communist who carries a card and pays dues is no different from a security standpoint than the person

who does the party's work but pays no dues, carries no card, and is not on the party rolls. In fact, the latter is a greater menace because of his opportunity to work in stealth. (29-31)

Thus, according to Hoover, liberals, progressives, and communists were joined in their efforts to overthrow the U.S. government as communist propaganda allegedly caused them to unwittingly transfer their loyalty to the Kremlin. This maneuver named liberals and progressives as the "greatest menace of communism," which made these groups a national security threat; this in turn undermined their credibility to champion civil liberties.

Linking liberals and progressives to the Communist Party was an argument strategy that he exhibited elsewhere. In a speech before the American Legion delivered the previous September, he stated:

The fact that the Communist Party in the United States claims some 100,000 members has lulled many Americans into feelings of false complacency. I would not be concerned if we were dealing with only 100,000 communists. The communists themselves boasts that for every Party member there are ten others ready to do the Party's work. These include their satellites, their fellow travelers and their so-called progressive and liberal allies. They have maneuvered themselves into positions where a few communists control the destinies of hundreds who are either willing to be led or have been duped into obeying the dictates of others.<sup>87</sup>

The Church Committee charged that Hoover really was not overly fearful of the communist influence on progressives and liberals. Rather, the committee charged, he was most alarmed by the "'flood of propaganda from Leftists and so-called Liberal sources'" about the FBI's use of questionable investigation techniques, such as the Security Index.<sup>88</sup> That is, the director understood that powerful liberals like Attorney General Robert Jackson could use the FBI's constitutional violations to curb Hoover's control; a maneuver that happened to Attorney General Palmer twenty-seven years earlier with the GID's civil liberties violations. Therefore, Hoover blamed liberals and progressives for swallowing the poisonous pills of communist propaganda to weaken their civil liberties' commitments. This attack on liberals and progressives demonstrated a clear instance of Hoover stepping in to partisan territory to defame a group that threatened his power.

Furthermore, this instance of partisanship is not isolated. According to Assistant Director of the FBI William C. Sullivan, Hoover involved himself in electoral politics to keep liberals from gaining office and offered conservatives damaging information about their liberal opponents to remove them from office.<sup>89</sup> On April 23, 1945, Hoover sent the White House "partisan political intelligence concerning key liberals who feared that Truman would reject Roosevelt's political agenda."<sup>90</sup> In the 1948 presidential election, Hoover supplied information to Republican challenger Thomas E. Dewey to defeat Truman.<sup>91</sup> During the 1952 presidential election, Hoover supplied vice-president hopeful

Richard Nixon with information suggesting that Democrat, Adlai E. Stevenson, who was running for president, "had been arrested in Illinois and Maryland for homosexual offenses."<sup>92</sup> Ronald Kessler explains that Hoover decided that influencing presidential elections was good for him and good for the bureau.<sup>93</sup>

### The FBI Solution

The Palmer years taught that public trust of law enforcement translated to increased support during national security crises so long as officials did not abuse their authority. To this end, Hoover billed the FBI as a politically disinterested, fact-finding agency controlled by the attorney general. Before HUAC, he expressed such sentiments explicitly:

The FBI is essentially an investigative agency. It is our duty to get the facts. We do not establish policies—that is the responsibility of higher authority. We do not make decisions as to prosecutions—that is the responsibility of the attorney general, his assistants, and the various United States attorneys. (4)

Such a depiction of neutrality offered a better position from which to critique liberals and to deflect charges circulating in the press of a "rift between J. Edgar Hoover and liberals in the Department of Justice."<sup>94</sup> His address, thus, characterized the FBI as serving the nation, transcending, thus, any sense of partisanship.

The director also presented the FBI as a solution to the communist menace. He boasted that the bureau met the country's national security interests during World I and War II:

[T]he FBI has been charged by presidential directive dated September 6, 1939: "to take charge of investigative work in matters relating to espionage, sabotage" . . . [In meeting] the Nazi, Fascist, Japanism threat to our internal security . . . there was not one successful enemy-directed act of sabotage during the war, and enemy espionage was kept under complete control. (6)

Such accomplishments were invaluable given the recent memory of the Nazi threat in particular. Hoover further elaborated the crisis, arguing that communists in 1947 were "seeking to weaken America just as they did in the era of obstruction when they were aligned with Nazis. Their goal is the overthrow of our government" (64).

To combat this re-emergent threat, Hoover recommended cooperation between the FBI and HUAC, because their objectives were closely related. He explained "the aims and responsibilities of the House Committee on un-American Activities and the Federal Bureau of Investigation are the same—the protection of the internal security of this nation" (1). Hoover ultimately advised that HUAC engage in a practice of communist exposure. He asserted: "I feel this committee could render a great service to the nation through its power of exposure in quickly spotlighting existing [communist] organizations and those which will be created in the future" (62). The director offered the committee

a list of fourteen questions to review as a test "to establish the real character of such organizations" (63).<sup>95</sup> He pitted Americanism against communism, and explained that exposure would help the uncontaminated and "sincere liberal . . . drive out of the ranks of liberal organizations communists who have infiltrated."<sup>96</sup> The director explained that "liberals" can trust HUAC to focus the "spotlight on [communist] groups and individuals" because "once communists are identified and exposed . . . the public will take the first step on quarantining them so they can do no harm."<sup>97</sup> Once exposed, communists could no longer surreptitiously influence liberals into promulgating the Kremlin's political mission.

Hoover's recommendations re-enforced HUAC's activities as the committee quickly began its investigation of communist propaganda and allegations of communist infiltration into Hollywood unions.<sup>98</sup> On October 23, 1947, Ronald Reagan, President of the Screen Actors Guild, testified before HUAC that:

There has been a small group within the Screen Actor's Guild which has consistently opposed the policy of the guild board and officers of the guild, as evidenced by the vote on various issues. That small clique referred to has been suspected of more or less following the tactics that we associate with the Communist Party.<sup>99</sup>

And, on October 24, 1947, after labor agitators went on strike against Walt Disney Studios in support of better working conditions, Walt Disney testified that communists led his animators to strike in an effort to take over his studios. When asked if he believed any of his strikers were communists, Disney responded:

Well, I feel that there is one artist in my plant, that came in there, he came in about 1938, and he sort of stayed in the background, he wasn't too active, but he was the real brains of this, and I believe he is a [c]ommunist. His name is David Hilberman . . . I looked into his record and I found that, number 1, that he had no religion and, number 2, that he had spent considerable time at the *Moscow Art Theatre* studying art direction, or something.<sup>100</sup>

The testimony of Reagan and Disney before HUAC foreshadowed the strategy of guilt by association where accusations were confused as communist exposure.<sup>101</sup>

The reverberations of encouraging such strategies were long lasting. Some claim, for example, that corroboration between the FBI and anti-communist leaders violated the civil liberties of targeted U.S. citizens and also represented a partisan weapon wielded by Democrats, Republicans, and Hoover. Fried argues that "Hoover and his assistants routinely fed slanderous data to favored outlets: newspaper columnists, ideological yokemates in various walks of life, and grand inquisitors, McCarthy among them." In the process, Fried concludes, "Hoover's FBI [committed] flagrant illegalities."<sup>102</sup> In M.J. Heale's study of HUAC in the 1940s and 1950s, he also explains that there was a:



strong partisan dimension to red scare politics. Nationally, the Republican Party used the communist issue to harass the Truman Administration, and in . . . rightwing groups used it to undermine progressive formations (as Truman supporters also used it to undermine Henry Wallace's Progressive party). The politics of exposure suited these partisan purposes.<sup>103</sup>

Elaborating the partisan ends further, Kenneth O'Reilly argues that the FBI "cooperated closely with HUAC" in a "series of spectacular hearings launched in 1947 to expose communist influence in the entertainment industry; in labor unions; in federal, state, and local government; and in the nation's schools and universities."<sup>104</sup> Thus, the conflation of communism and liberalism ultimately held out partisan consequences, particularly against those who championed civil liberties. In the process, anti-communist forces attempted to heighten national security by restricting civil liberties for certain individuals.<sup>105</sup>

Joseph McCarthy would employ similar strategies in the U.S. Senate as he chaired both the Committee on Government Operations and the Subcommittee on Investigations.<sup>106</sup> Hoover worked with McCarthy, using the FBI to infiltrate organizations and gather material designed to neutralize political opponents.<sup>107</sup> Hoover delivered unevaluated intelligence to McCarthy through back channels, while McCarthy attacked alleged communists through insinuation and guilt by association.<sup>108</sup> Assistant Director Sullivan explained:

During the Eisenhower years the FBI kept Joe McCarthy in business. Senator McCarthy stated publicly that there were communists working in the State Department. We gave McCarthy all we had, but all we had were fragments, nothing could prove his accusations. For a while, though, the accusations were enough to keep McCarthy in the headlines.<sup>109</sup>

Thus, in an age accented by treason, espionage, and sabotage, Hoover, HUAC, and McCarthy spotlighted suspected communists and sympathizers to help expose their potential threat and protect American institutions from propaganda and communist infiltration. This practice simultaneously discouraged liberals from voicing dissent, which furthered the partisan aims of Republicans and conservative Democrats.

### *A Legacy of Framing Dissent*

Within his "Communist Menace" address, Hoover linked civil liberties proponents and communists, and advised HUAC to expose them as inadvertent pawns of the Kremlin. The power of this association was evident in President Truman's framing of Henry Wallace as un-American during his 1948 presidential campaign, stating that he "would rather lose the Presidency than accept the support of Mr. Wallace and 'his Communist followers.'"<sup>110</sup> Liberals were effectively divided, and those interested in civil liberties were discredited by the suggestion that they were un-patriotic and easily duped by communist propaganda.

By conflating liberalism and communism, anti-communists succeeded in moving the Democratic Party away from the defense of civil liberties. In the midst of an emerging domestic threat, President Truman's response to Wallace further marginalized progressives within the Democratic Party, simultaneously promoting a Democratic Party that prioritized national security over civil liberties.<sup>111</sup> Such an ideological shift left Democrats vulnerable to Republican attack, as red-baiting became a powerful electoral and partisan tool. Athan Theorharis explains:

In response to McCarthyite attacks on the loyalty of its personnel, the Truman Administration became obsessed with establishing its anti-communist credentials . . . [McCarthyites] hoped ultimately to discredit Truman to the extent that he could not be re-elected, and the Democratic Party at large to the extent that it would suffer a major congressional defeat.<sup>112</sup>

Consequently, President Truman worked to demonstrate that he was sufficiently tough on communism, which moved his Democratic administration toward an a more strident anti-communist position.

A similar struggle is ongoing in a post-9/11 America, where Republicans frame Democrats and liberals as a threat to the nation's security. On September 28, 2006, the Republican controlled Congress defeated Democrats in passing President Bush's "warrantless wiretapping program," which denies habeas corpus appeals. Republican House Speaker J. Dennis Hastert wrote, "Democrat Minority leader Nancy Pelosi and 159 of her Democrat colleagues voted today in favor of MORE rights for terrorists." He later stated, "For the second time in just two days, House Democrats have voted to protect the rights of terrorists." Republican House Majority leader John Boehner agreed with this sentiment, framing civil liberty concerns as "the Democrats irrational opposition to strong national security policies."<sup>113</sup>

Such rhetorical strategies frame civil liberties as a threat to national security and discredit dissent as bolstering an international menace. This tactic echoes the rhetoric of Hoover, who weakened liberal dissent by labeling it communist propaganda. The same tensions between national security and civil liberties continue to divide the nation by partisan lines today. For example, presidential hopeful Rudolph Giuliani stated on April 24, 2007, that Democrats "do not understand the full nature and scope of the terrorist war against us" and that if they were elected the United States would suffer "more losses."<sup>114</sup> Giuliani's warning illustrates the on-going dilemma that emerges during times of national security crisis reminiscent of both Palmer and Hoover—a dilemma that historically enhances the nation's security as it limits the civil liberties of suspected enemies and those who oppose such strident measures.

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thank Dr. J. Michael Hogan for reviewing an earlier draft of this unit and making helpful suggestions. Lastly, he would like to thank Jill Cornelius Underhill for her assistance at the National Archives, College Park.

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