LET FREEDOM RING

Freedom and Security: Is There a Conflict?

NEW YORK STATE SOCIAL STUDIES CORE CURRICULUM, GRADE 11:
UNITED STATES AND NEW YORK STATE HISTORY

UNIT TWO  Constitutional Foundations For The United States Democratic Republic
I. The Constitution: The Foundation Of American Society
3. Establishing a Stable Political System
   b. Suppressing dissent (the Whiskey Rebellion, the Alien and Sedition Acts)

UNIT SIX  The United States In An Age Of Global Crisis: Responsibility And Cooperation
D. The Cold War at home
3. McCarthyism

This lesson has three parts:

PART 1  The Patriot Act
PART 2  The Sedition Act
PART 3  Anti-Communism and the Rise of McCarthyism

INTRODUCTION
To open the lesson, have students analyze the cartoon “Homeland Security Made Perfect” and answer the questions below.

QUESTIONS ABOUT CARTOON
1. What is the cartoon saying about protecting people from terrorism?
2. Who is the man at the door and what is the cartoon saying about his attitude about how to fight terrorism?
3. In 1755, Benjamin Franklin wrote: “Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.” What is the relationship between what he wrote and the cartoon?
4. Is there a conflict between protecting people’s security and their liberty? Do they need to be balanced, and, if so, how?
5. How are the American people portrayed in the cartoon and what does it suggest about the American public?
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PART 1

THE USA PATRIOT ACT: PROTECTING THE COUNTRY OR RESTRICTING OUR FREEDOMS

On September 11, 2001, Al-Qaeda terrorists attacked the United States. Using hijacked airplanes, they destroyed the World Trade Center’s twin towers, did severe damage to the Pentagon and killed nearly 3,000 people.

Americans were understandably outraged and fearful for their security in the aftermath of these attacks. The Bush Administration responded quickly to American fears with the introduction of the USA Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act).

Both houses of Congress passed this 342-page document with little debate, and many legislators did not even read the legislation before voting. In this atmosphere of fear, Congress granted broad new powers to the executive branch (the president). These included increased surveillance of ordinary citizens, surveillance of library records, people jailed without charges, and spying on religious and political organizations without evidence of wrongdoing. The question that the Patriot Act has raised is how much power should the government have to fight terrorism in the post-9/11 era and at what point does this become a violation of people’s civil liberties? The opposition to an overly powerful central government was one of the causes of the American Revolution and was the reason for the inclusion of the Bill of Rights in the Constitution.

On the next page are two documents. The first is a flyer published by the American Civil Liberties Union (c. 2002) opposing the USA Patriot Act. After the passage of the USA Patriot Act, a fierce debate arose between opponents of the Act and supporters of the Bush Administration. A leading opponent was the American Civil Liberties Union (ACLU), which describes its mission “to be the nation’s guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in this country.”
http://www.aclu.org/about/

The second document comes from a Bush-era Department of Justice Web site defending the USA Patriot Act against ACLU charges that it is a threat to American freedoms.

ACTIVITY

Break up the students into groups of five and give each both documents, removing the information identifying the sources. Students should examine each document and hypothesize what its purpose was and who its author might be. After they have done this, you can inform them of the origins of the documents and the teacher can lead a discussion based on the following questions.
LESSON V, PART 1

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DISCUSSION QUESTIONS
1. Which side of the debate between the ACLU and the Justice Department do you agree with and why do you agree with their position?
2. Have you ever had an experience when your civil rights have been violated? Describe the incident and why you think it occurred.
3. The USA Patriot Act’s full name is the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act. What is the purpose of giving the legislation such a name, what does it suggest about it and those who support it?
4. What does it suggest about those who don’t?

DISCOVERING HISTORY IN TODAY’S NEW YORK TIMES

1. Use The New York Times archive to find articles that refer to homeland security, starting with September 12, 2001, up to the present. Plot them on a timeline, placing the articles above the line, and your own annotations on each one below the line. Add a final series of paragraphs examining the changes that you note over time with respect to how the issue of homeland security is covered in The Times.

2. What is the legacy of the Patriot Act? How has life changed for ordinary Americans, given the powers that the government acquired when the act passed? Find New York Times articles about such issues as surveillance and spying, and then write to your U.S. congressional representative or senator, or to the Secretary of Homeland Security, responding to what you learn.
After the September 11, 2001, attacks, the U.S. government created the Department of Homeland Security to centralize control of government agencies which dealt with protecting the homeland. The rationale was to prevent other terrorist attacks (although similar legislation was proposed prior to September 11). D.H.S. brought the Transportation Security Administration, U.S. Customs & Border Protection, U.S. Secret Service, U.S. Citizenship & Immigration Services, U.S. Immigration & Customs Enforcement, Federal Emergency Management Agency, and the U.S. Coast Guard under the control of a Secretary of Homeland Security, who could coordinate all of these agencies and better protect the country.
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#### Freedom and Security: Is There a Conflict?

**USA Patriot Act**

<table>
<thead>
<tr>
<th>The USA PATRIOT ACT and Government Actions that Threaten Our Civil Liberties</th>
<th>New legislation and government actions take away our freedom</th>
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<tbody>
<tr>
<td>Expands terrorism laws to include “domestic terrorism” which could subject political organizations to surveillance, wiretapping, harassment, and criminal action for political advocacy.</td>
<td>With great haste and secrecy and in the name of the “war on terrorism,” Congress passed legislation that gives the Executive Branch sweeping new powers that undermine the Bill of Rights and are unnecessary to keep us safe. This 342-page USA PATRIOT Act was passed on October 26, 2001, with little debate by Members of Congress, most of whom did not even read the bill. The Administration then initiated a flurry of executive orders, regulations, and policies and practices that also threatened our rights.</td>
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<tr>
<td>Expands the ability of law enforcement to conduct secret searches, gives them wide powers of phone and Internet surveillance, and access to highly personal medical, financial, mental health, and student records with minimal judicial oversight.</td>
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<tr>
<td>Allows FBI Agents to investigate American citizens for criminal matters without probable cause of crime if they say it is for “intelligence purposes.”</td>
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<td>Permits non-citizens to be jailed based on mere suspicion and to be denied re-admission to the US for engaging in free speech.</td>
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<tr>
<td>Suspects convicted of no crime may be detained indefinitely in six month increments without meaningful judicial review.</td>
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<tr>
<th>The USA PATRIOT Act:</th>
<th>What rights are being threatened?</th>
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<tr>
<td>Expands terrorism laws to include “domestic terrorism” which could subject political organizations to surveillance, wiretapping, harassment, and criminal action for political advocacy.</td>
<td>First Amendment - Freedom of religion, speech, assembly, and the press.</td>
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<td>Expands the ability of law enforcement to conduct secret searches, gives them wide powers of phone and Internet surveillance, and access to highly personal medical, financial, mental health, and student records with minimal judicial oversight.</td>
<td>Fourth Amendment - Freedom from unreasonable searches and seizures.</td>
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<td>Allows FBI Agents to investigate American citizens for criminal matters without probable cause of crime if they say it is for “intelligence purposes.”</td>
<td>Fifth Amendment - No person to be deprived of life, liberty or property without due process of law.</td>
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<tr>
<td>Permits non-citizens to be jailed based on mere suspicion and to be denied re-admission to the US for engaging in free speech.</td>
<td>Sixth Amendment - Right to a speedy public trial by an impartial jury, right to be informed of the facts of the accusation, right to confront witnesses and have the assistance of counsel.</td>
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<tr>
<td>Suspects convicted of no crime may be detained indefinitely in six month increments without meaningful judicial review.</td>
<td>Eighth Amendment - No excessive bail or cruel and unusual punishment shall be imposed.</td>
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<tr>
<th>New Federal Executive Branch Actions</th>
<th>The government is allowed to monitor communications between federal detainees and their lawyers, destroying the attorney-client privilege and threatening the right to counsel.</th>
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<tr>
<td>• 8,000 Arab and South Asian immigrants have been interrogated because of their religion or ethnic background, not because of actual wrongdoing.</td>
<td>New Attorney General Guidelines allow FBI spying on religious and political organizations and individuals without having evidence of wrongdoing.</td>
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<td>• Thousands of men, mostly of Arab and South Asian origin, have been held in secretive federal custody for weeks and months, sometimes without any charges filed against them. The government has refused to publish their names and whereabouts, even when ordered to do so by the courts.</td>
<td>President Bush has ordered military commissions to be set up to try suspected terrorists who are not citizens. They can convict based on hearsay and secret evidence by only two-thirds vote.</td>
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<td>• The press and the public have been barred from immigration court hearings of those detained after September 11th and the courts are ordered to keep secret even that the hearings are taking place.</td>
<td>American citizens suspected of terrorism are being held indefinitely in military custody without being charged and without access to lawyers.</td>
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<th>What can be done?</th>
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<tr>
<td>This lack of due process and accountability violates the rights extended to all persons, citizens and non-citizens, by the Bill of Rights. It resurrects the illegal COINTELPRO-type programs of the ’50’s, ’60’s, and ’70’s, where the FBI sought to disrupt and discredit thousands of individuals and groups engaged in legitimate political activity.</td>
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**The American Civil Liberties Union**, along with thousands of organizations and individuals concerned with protecting our civil rights and civil liberties, is campaigning to ensure that our rights are not a casualty of the war on terrorism.

Join us in this effort to regain our hard-won freedoms.

- Support a resolution in your city rejecting the USA PATRIOT Act, joining your city with others across the country in upholding the Bill of Rights.
- Contact your elected representatives and the President to express your opposition to the USA PATRIOT Act.
- Send letters to local newspapers. Organize discussions in your schools, organizations and religious institutions.

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http://www.aclu.org/FilesPDFs/patriot%20act%20flyer.pdf
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Freedom and Security: Is There a Conflict?

Dispelling Some of the Major Myths about the USA PATRIOT Act

Myth: The ACLU claims that the Patriot Act “expands terrorism laws to include 'domestic terrorism' which could subject political organizations to surveillance, wiretapping, harassment and criminal action for political advocacy.” They also claim that it includes a “provision that might allow the actions of peaceful groups that dissent from government policy, such as Greenpeace, to be treated as ‘domestic terrorism.”’ (ACLU, February 11, 2003; ACLU fundraising letter, cited by Stuart Taylor in "UnPATRIOTic," National Journal, August 4, 2003)

Reality: The Patriot Act limits domestic terrorism to conduct that breaks criminal laws, endangering human life. “Peaceful groups that dissent from government policy” without breaking laws cannot be targeted. Peaceful political discourse and dissent is one of America’s most cherished freedoms, and is not subject to investigation as domestic terrorism. Under the Patriot Act, the definition of “domestic terrorism” is limited to conduct that (1) violates federal or state criminal law and (2) is dangerous to human life. Therefore, peaceful political organizations engaging in political advocacy will obviously not come under this definition. (Patriot Act, Section 802)

Myth: The ACLU has claimed that “Many [people] are unaware that their library habits could become the target of government surveillance. In a free society, such monitoring is odious and unnecessary . . . The secrecy that surrounds section 215 leads us to a society where the ‘thought police’ can target us for what we choose to read or what Web sites we visit.” (ACLU, July 22, 2003)

Reality: The Patriot Act specifically protects Americans’ First Amendment rights, and terrorism investigators have no interest in the library habits of ordinary Americans. Historically, terrorists and spies have used libraries to plan and carry out activities that threaten our national security. If terrorists or spies use libraries, we should not allow them to become safe havens for their terrorist or clandestine activities. The Patriot Act ensures that business records — whether from a library or any other business - can be obtained in national security investigations with the permission of a federal judge.

Examining business records often provides the key that investigators are looking for to solve a wide range of crimes. Investigators might seek select records from hardware stores or chemical plants, for example, to find out who bought materials to make a bomb, or bank records to see who’s sending money to terrorists. Law enforcement authorities have always been able to obtain business records in criminal cases through grand jury subpoenas, and continue to do so in national security cases where appropriate. In a recent domestic terrorism case, for example, a grand jury served a subpoena on a bookseller to obtain records showing that a suspect had purchased a book giving instructions on how to build a particularly unusual detonator that had been used in several bombings. This was important evidence identifying the suspect as the bomber.

In national security cases where use of the grand jury process was not appropriate, investigators previously had limited tools at their disposal to obtain certain business records. Under the Patriot Act, the government can now ask a federal court (the Foreign Intelligence
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Surveillance Court, if needed to aid an investigation, to order production of the same type of records available through grand jury subpoenas. This federal court, however, can issue these orders only after the government demonstrates the records concerned are sought for an authorized investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a U.S. person is not conducted solely on the basis of activities protected by the First Amendment.

Congress reviews the government’s use of business records under the Act. Every six months, the Attorney General must “fully inform” Congress on how it has been implemented. On October 17, 2002, the House Judiciary Committee issued a press release indicating it is satisfied with the Department’s use of section 215: “The Committee’s review of classified information related to FISA orders for tangible records, such as library records, has not given rise to any concern that the authority is being misused or abused.”

Myth: The ACLU claims that the Patriot Act provision about delayed notification search warrants “would allow law enforcement agencies to delay giving notice when they conduct a search . . . . This provision would mark a sea change in the way search warrants are executed in the United States.” (ACLU, October 23, 2001)

Reality: Delayed notification search warrants are a long-existing, crime-fighting tool upheld by courts nationwide for decades in organized crime, drug cases and child pornography. The Patriot Act simply codified the authority law enforcement had already had for decades. This tool is a vital aspect of our strategy of prevention — detecting and incapacitating terrorists before they are able to strike.

In some cases, if criminals are tipped off too early to an investigation, they might flee, destroy evidence, intimidate or kill witnesses, cut off contact with associates or take other action to evade arrest. Therefore, federal courts in narrow circumstances long have allowed law enforcement to delay for a limited time when the subject is told that a judicially approved search warrant has been executed. This tool can be used only with a court order, in extremely narrow circumstances when immediate notification may result in death or physical harm to an individual, flight from prosecution, evidence tampering, witness intimidation, or serious jeopardy to an investigation. The reasonable delay gives law enforcement time to identify the criminal’s associates, eliminate immediate threats to our communities and coordinate the arrests of multiple individuals without tipping them off beforehand. In all cases, law enforcement must give notice that property has been searched or seized.

The Supreme Court has held that the Fourth Amendment does not require law enforcement to give immediate notice of the execution of a search warrant. The Supreme Court emphasized “that covert entries are constitutional in some circumstances, at least if they are made pursuant to a warrant.” In fact, the Court stated that an argument to the contrary was “frivolous.” Dalia v. U.S., 441 U.S. 238 (1979)

http://www.usdoj.gov/archive/ll/subs/u_myths.htm
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PART 2

THE SEDITION ACT OF 1798

In 1798, President John Adams signed into law three pieces of legislation passed by the Federalist majority in Congress. They justified these laws to protect the United States from revolutionary France, which had been battling the United States on the seas in what was known as the Quasi War. But the Federalists also designed these laws to attack the supporters of their Democratic-Republican (Jeffersonian) rivals, specifically pro-Jefferson newspapers and immigrants. Newspapers at this time were very partisan and Republican newspapers viciously attacked Federalists in their pages. To silence them, Federalists passed the Sedition Act, making it a crime to criticize the government in a “false, scandalous and malicious” manner. (After its passage, there were 25 prosecutions and 10 convictions under the Sedition Act, most of them Republican newspaper editors.)

Congressman Matthew Lyon of Vermont was the first person to be tried under the Sedition Act. Lyon had earlier gained notoriety by spitting in the face of Congressman Roger Griswold, a staunch Federalist. Lyons was convicted and sentenced to four months in prison after he wrote that under President Adams, “Every consideration of the public welfare was swallowed up in a continual grasp for power, in an unbounded thirst for ridiculous pomp, foolish adulation and selfish avarice.”

The Federalists also feared immigrants who were likely to be supportive of the French (and Democratic-Republicans), who were attracted to Jefferson’s support of equal opportunity and his attacks on elites. To weaken immigrant political power, Federalists passed the Alien and the Naturalization Acts. The former gave the president the power to deport any alien (non-citizen) deemed “dangerous to the peace and safety of the United States.” The latter increased the number of years for an immigrant to become a citizen from five to 14 years, reducing the political power of recent immigrants.

In the election of 1800, Jefferson defeated Adams, in part because of the unpopularity of the Alien and Sedition Acts, and voters elected a Republican majority to Congress. The Sedition Act was set to expire on March 3, 1801, the day before Jefferson was inaugurated and the new Congress did not renew it.

QUESTIONS ABOUT THE SEDITION ACT

1. What is an act?
2. What is outlawed by this Act in Section 2?
3. After reading the Sedition Act, what similarities are there between it and the USA Patriot Act?
4. Why do you think the Sedition Act expired on March 3, 1801?
5. Write down something that you think would be illegal if the Sedition Act law were in effect today. Explain why you think it would be illegal.

1 Although the First Amendment was in effect, it had little bearing on this debate. The historian Eric Foner wrote in “The Story of American Freedom,” “Yet the Bill of Rights aroused little debate or enthusiasm on ratification and for decades was all but ignored.”
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The Alien, Naturalization and Sedition Acts were partisan attempts by Federalists to silence their political opponents. The responses to the Acts were similarly partisan. The first document is an article from the newspaper The Albany Centinel. Newspapers were very different in the late 18th century. They had small circulations and were directed toward merchants and others involved in trade. They were too expensive for artisans or mechanics to buy themselves. However, it was likely that a semi-weekly newspaper had multiple readers. They were also very partisan, publishing strong attacks of their political opponents. (In that way, they might resemble modern-day cable news or talk radio such as MSNBC’s Keith Olbermann, a liberal, or talk radio host Rush Limbaugh, a conservative.

The other document is a broadside, a single sheet, usually printed on one side, meant for widespread distribution. This broadside was a document printed by John Armstrong and published in Poughkeepsie, New York. Armstrong was an officer in the Continental Army during the War for Independence. He served briefly as a U.S. senator, then as Minister (Ambassador) to France, 1804–1810, and as a brigadier-general and then Secretary of War during the War of 1812.


QUESTIONS ABOUT THE CENTINEL

1. A line below the nameplate of the newspaper reads, “a few rods south of City Hall.” What is a rod? (British measurement = 5.5 yards) Why does the paper advertise its location in this manner? What is it trying to suggest about itself?
2. What is the position of the Albany Centinel in the debate over the Sedition Act? Do you think it is a Federalist or Republican newspaper?
3. What does the Centinel suggest people do if they don’t like the administration?
4. How does the Centinel define patriotism and sedition?
5. According to the Centinel, how might the writer of the editorial be deemed a traitor?
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EXTENSION ASSIGNMENT
Have students fill out the chart below and write an essay comparing the Sedition Act to the USA Patriot Act or write a two-panel cartoon in support of or opposition to the Acts.

“LEGISLATING SECURITY — THEN AND NOW”

<table>
<thead>
<tr>
<th>Event(s) and issue(s) leading to its passage</th>
<th>Sedition Act of 1798</th>
<th>USA Patriot Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presidential administration</td>
<td></td>
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<tr>
<td>What it did</td>
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<tr>
<td>Supporters and their reasons</td>
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<tr>
<td>Critics and their reasons</td>
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<tr>
<td>What happened to it?</td>
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</table>

QUESTIONS ABOUT JOHN ARMSTRONG
1. What does Armstrong compare the results of the Sedition Act to? Why does he make this analogy?
2. List three reasons why the Sedition Act was a danger to freedom of speech and the press?
3. The American Revolution was fought in the belief that the central government (the British Monarchy) was too powerful and tyrannical. Explain how Armstrong’s opposition to the Sedition Act is similar.
4. What limits, if any, do you think there should be on freedom of the press?
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DISCOVERING HISTORY IN TODAY’S NEW YORK TIMES

1. Today the equivalents of broadsides are published in reader letters in newspapers and in many forms online. Read some of the letters to the editor in The New York Times, and some reader comments appended to Times articles on the Web, and analyze them – which ones are most effective and why? Then send in your own letter and/or post a comment about an issue, and an article, that you care about.

2. If the Sedition Act of 1798 were still in effect, what actions and forms of speech would be prohibited? How would our society be different? Go through one day’s issue of The New York Times in its entirety, marking articles and sections of articles that would not be publishable, and those that mention acts and statements that could neither be made publicly nor reported, under the Sedition Act. Then re-read the remaining content and write a first-person narrative from the perspective of a person who knows only that information, commenting on the day’s news.
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Sedition Act

Statute II.

July 14, 1798.

Chap. LXXIV.—An Act in addition to the act, entitled “An act for the punishment of certain crimes against the United States.”

Sec. 2. And be it further enacted, That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by

Fifth Congress. Sess. II. Ch. 75. 1798.

the constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage or abet any hostile designs of any foreign nation against the United States, their people or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

Sec. 3. And be it further enacted and declared, That if any person shall be prosecuted under this act, for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.

Sec. 4. And be it further enacted, That this act shall continue and be in force until the third day of March, one thousand eight hundred and one, and no longer: Provided, that the expiration of the act shall not prevent or defeat a prosecution and punishment of any offence against the law, during the time it shall be in force.

Approved, July 14, 1798.
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VOCABULARY
anarchist, approbated, traitor, sedition, Jacobin

The Albany Centinel, October 12, 1798 (Federalist Opinion)

The Albany Centinel

[No. 30 of Vol. II.]
FRIDAY, OCTOBER 12, 1798
[THREE DOLLARS PER ANNUM]

PUBLISHED EVERY TUESDAY AND FRIDAY BY
LORING ANDREWS, PRINTER TO THE STATE,
AT THE PRINTING OFFICE IN COURT STREET,
A FEW RODS SOUTH OF THE CITY HALL:
WHERE SUBSCRIPTIONS COMMUNICATIONS,
&C. FOR THIS PAPER WILL BE RECEIVED

Whatever American is a friend to the present
administration of the American Government, is
undoubtedly a true republican, a true patriot: For the
administration, is, of necessity, elected by a majority
of the people — their proceedings are voluntarily
approbated by a majority of the people, and their
measurers are authorized by a majority of themselves.
— Whatever American opposes the Administration is
an Anarchist, a Jacobin and a Traitor. If men dislike
the present Officers of our Government: let them vote
for others at the next election; but if the present are
elected again; it is a proof the hearts of the majority
are with them — and all honest men will afford them
support — exercising only the constitutional mode of
changing men and of course measures. It is patriotism
to write in favor of our government — it is sedition to
write against it.
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VOCABULARY

disapprobation, disrepute, insinuate

John Armstrong criticizes the Sedition Act in a broadside published in Poughkeepsie, N.Y., 1798

To the Senate and Representative of the United States, in Congress Assembled . . .

By this law the citizens of these states are prohibited, under the severest penalties, from expressing ever their disapprobation of any part of the conduit of the President, or of either house of Congress through the medium of the press; and whatever has in the smallest degree a tendency to bring either into disrepute is liable to be punished by fine and imprisonment. What stronger, what more precise definition of slavery can be given than this? The genius of this law pervades all its details, the crime is so defined, that we know not when we become guilty of it; for in the wide range of political opinion, how many thing may be innocently said, how many even usefully suggested, which may be so construed as to incur these penalties? With a jury of partisans, warmed by zeal, and heated by contention, selected by an officer in the appointment of the President, and holding that appointment during the pleasure of the president, what opinion can be safe? To question the integrity, to doubt the wisdom, to assert or even to insinuate the ignorance of the chief magistrate, leads directly to ruin; and yet it will scarcely be deemed impossible that a president may be a profligate man or vicious magistrate; that he may be weak in intellect, or wanting in information; but, under the operation of this law, the most enlightened nation upon earth, must not only bear these imperfections with patience, they must also conceal them with care; to hint them to a neighbour, expose you to fine; to breathe them to a brother subjects you to imprisonment.

http://hdl.loc.gov/loc.rbc/rbpe.22400900
Library of Congress, Rare Book and Special Collections Division.
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PART 3

ANTI-COMMUNISM AND THE RISE OF MCCARTHYISM

Even as World War II came to a close in 1945, the United States and the Soviet Union were engaged in a power struggle. By 1946, the Soviet Union had brought most of Eastern Europe into its sphere of influence. In a landmark speech at Westminster College in Fulton, Missouri, on March 4, 1946, former British Prime Minister Winston Churchill used the phrase “Iron Curtain” to describe the division of Europe between the Communist and non-Communist world. Russian historians have dated the beginning of the Cold War to Churchill’s speech. To give students background on the origins of the Cold War, you might want to open the lesson with his speech. To view an edited version of the video with the full text go to: http://www.winstonchurchill.org/learn/speeches/speeches-of-winston-churchill/120-the-sinews-of-peace.

McCarthyism refers to a pervasive political culture of fear and paranoia. After World War II, the wartime alliance between the Communist Soviet Union and the United States broke down as each vied for power and influence. By the late 1940s, the Soviet Union had consolidated its control in the countries it had liberated from Nazi Germany during World War II and placed Communist dictatorships in power. Tensions between the United States and its allies and the Soviet or Communist bloc increased, erupting into a full-fledged civil war on the Korean peninsula in 1950.

In the United States, Communists and Communist sympathizers became suspect. In 1947, the Truman Administration ordered federal employees to take loyalty oaths and began investigations into people suspected of ties to Communism. In 1950, over Truman’s veto, Congress passed the Internal Security Act, which forced Communist and Communist front organizations to register with the government and allowed the government to arrest those suspected of subversive activities.

Without showing evidence for his charge, Senator Joseph McCarthy (R-Wisconsin) exploited this anti-Communist atmosphere by declaring in a 1950 speech in Wheeling, West Virigina that there were 205 Communists working in the State Department. McCarthy never proved his charges. As chairman of the Senate Committee on Government Operations, he fostered a climate of fear, which allowed him to investigate an array of government agencies. But he went too far when he attacked the U.S. Army. He was censured by the senate and removed from his chairmanship.

The House Committee on Un-American Activities (HUAC) represented another front against Communism. In 1947, 10 directors and screenwriters invoked their First Amendment rights and refused to testify before the committee. They were later found guilty of contempt of Congress. A blacklist developed: writers, actors and directors could not find work or were denied work in movies or television if they were suspected of being Communists or Communist sympathizers.

HUAC directed much of its activity at the media. On nationally televised hearings, it demanded that suspected Communists in film, radio and television testify regarding their
LET FREEDOM RING

membership in the party or in front organizations. “Have you now or have you ever been a member of the Communist Party” led some to take the Fifth — refusing to testify based on the Fifth Amendment right against self-incrimination. Those who did so were labeled “Fifth Amendment Communists and barred from work in their profession.

While there were spies for the Soviet Union in the United States, few, if any, testifying before HUAC had spied for the Soviet Union. Many had been attracted to the Communist Party or its front organizations, because of its support for racial equality, economic justice, labor unions and believed that the Soviet Union was creating a new and better way of life. But a culture of fear, arising out of the Cold War, nuclear weapons and a general fear of dissent led to attacks on Communists and their sympathizers. The witch hunts, as their opponents called them, destroyed the careers and lives of thousands of people who were not guilty of any crimes.

OPENING ACTIVITY

Before handing out the Herblock cartoon, ask students to write three words that describe what American and un-American means to them. After they have examined the cartoon, students can compare their answers.

QUESTIONS ABOUT HERBLOCK’S CARTOON

1. Create a list of everything that is happening in the cartoon.
2. Who are the people in the car and what is Herblock saying about them?
3. What does un-American mean?
4. Discuss whether it is possible to reach a consensus on what defines being American or un-American.

“ENEMIES FROM WITHIN”: SENATOR JOSEPH R. MCCARTHY’S ACCUSATIONS OF DISLOYALTY

Wisconsin Republican Joseph R. McCarthy first won election to the Senate in 1946 during a campaign marked by much anti-Communist Red-baiting. Partially in response to Republican Party victories, President Harry S. Truman tried to demonstrate his own concern about the threat of Communism by setting up a loyalty program for federal employees. He also asked the Justice Department to compile an official list of 78 subversive organizations. As the midterm election year got underway, former State Department official Alger Hiss, suspected of espionage, was convicted of perjury. McCarthy, in a 1950 speech to the Republican Women’s Club in Wheeling, West Virginia, mounted an attack on Truman’s foreign policy agenda by charging that the State Department and its Secretary, Dean Acheson, harbored “traitorous” Communists. There is some dispute about the number of Communists McCarthy claimed to have known about. Though advance copies of this speech distributed to the press record the number as 205, McCarthy quickly revised this claim. Both in a letter he wrote to President Truman the next day and in an “official” transcript of the speech that McCarthy submitted to the Congressional Record 10 days later, he uses the number 57. Although McCarthy displayed this list of names both in Wheeling and then later on the Senate floor, he never made the list public.
LET FREEDOM RING

QUESTIONS ABOUT JOSEPH MCCARTHY’S LINCOLN’S BIRTHDAY SPEECH AT WHEELING, WEST VIRGINIA

1. According to McCarthy, who is the “final all-out battle” between and who is winning?
2. Whom does he accuse of betraying the nation? Why might it be a good political strategy to attack this group?
3. Does McCarthy seem more interested in the threat of Communism or in attacking Truman and the Democrats for being soft on Communism?
4. McCarthy repeatedly uses the phrases “communistic” and “atheistic” in a way that makes it clear he feels both are anti-American and anti-patriotic. Is he defended in this by the Constitution itself? What gives him the confidence to use these terms in a negative fashion?

QUESTIONS AND ACTIVITIES ABOUT PETE SEEGER TESTIMONY

1. What was the House Committee on Un-American Activities and what was the purpose of the subcommittee?
2. Pick a section of Seeger’s testimony and have two students do a dramatic reading. Ask students for their reaction to the reading of the testimony.
3. List three examples of evidence being used against him.
4. Seeger, unlike many other witnesses, does not take the Fifth (in which a witness refuses to testify based on her/his Fifth Amendment right not to self-incriminate). What is his argument for refusing to answer the Committee’s question?
5. Seeger does not directly mention it in the text, but on which Amendment in the Bill of Rights is Seeger refusing to answer questions?

QUESTIONS AND ACTIVITIES ABOUT PAUL ROBESON TESTIMONY

1. Pick a section of Robeson’s testimony and have two students do a dramatic reading. Ask students for their reaction to the reading of the testimony.
2. What does the Committee think Robeson did which is not legal?
3. List three examples of why Robeson thinks “I am here today.”
4. Why does Robeson say “You gentleman belong with the Alien and Sedition Act”?
5. Explain the following quote from Robeson to the Committee, “Gentlemen, I still say that. This United States Government should go down to Mississippi and protect my people.”

CONCLUDING LESSON

1. Compare the testimony of Pete Seeger and Paul Robeson in these areas:
   A. the reasons they were called before HUAC
   B. their responses to the questions put before them
   C. their legal approach
   D. the philosophy/politics that led to their legal approach
   E. expressed opinions of the Communist Party
2. Having read the transcripts, do you feel each man deserved the punishment he received for his statements or actions? Why?

1 The Fifth Amendment says that “No person shall be . . . compelled in any criminal case to be a witness against himself . . .”
LET FREEDOM RING

HOMEWORK

Prepare a journal entry that either Robeson or Seeger might have written after he gave his testimony. Have him reflect on what occurred, his attitude towards the proceedings, and his feelings about the treatment he received.

DISCOVERING HISTORY IN TODAY’S NEW YORK TIMES

1. Read through The Times for a week – or search a recent one-week period in the online archives – and clip all instances in which someone makes an accusation using the terms “communist” or “socialist.” Create a chart for each mention, noting for each one the speaker and the context, the apparent reasons for the depiction, and the effect. Then write an analysis paper. Questions to consider include these: Why do you think people still accuse others of communism and socialism? Is it effective? Why or why not? How do these incidents compare with the Red Scare?

2. What is U.S. international policy with respect to non-democratic nations? Read Times articles that describe our policies regarding at least three such nations. How do our foreign relations with non-democratic nations compare with the events of the Cold War? What lessons from that time should be remembered and applied to current foreign policy? Write a letter to the U.S. State Department commenting on U.S. policy on one specific nation, citing the relevant Times articles and what you have learned about the Cold War to make your points.

3. Clip at least 10 photos of musicians and actors in the Arts and Style sections of The New York Times. Then imagine that five of them have been blacklisted for political reasons. Write an Arts column providing commentary on the loss to the arts and entertainment world caused by the blacklisting of these artists.
LET FREEDOM RING

Freedom and Security: Is There a Conflict?


"IT'S OKAY --- WE'RE HUNTING COMMUNISTS"
A 1947 Herblock Cartoon, © The Herb Block Foundation
LET FREEDOM RING

Freedom and Security: Is There a Conflict?

Ladies and gentlemen, tonight as we celebrate the 141st birthday of one of the greatest men in American history, I would like to be able to talk about what a glorious day today is in the history of the world. As we celebrate the birth of this man who with his whole heart and soul hated war, I would like to be able to speak of peace in our time — of war being outlawed — and of world-wide disarmament. These would be truly appropriate things to be able to mention as we celebrate the birthday of Abraham Lincoln . . .

Today we are engaged in a final, all-out battle between communistic atheism and Christianity. The modern champions of communism have selected this as the time, and ladies and gentlemen, the chips are down — they are truly down.

Lest there be any doubt that the time has been chosen, let us go directly to the leader of communism today — Joseph Stalin. Here is what he said — not back in 1928, not before the war, not during the war — but two years after the last war was ended: “To think that the Communist revolution can be carried out peacefully, within the framework of a Christian democracy, means one has either gone out of one’s mind and lost all normal understanding, or has grossly and openly repudiated the Communist revolution . . .”

Ladies and gentlemen, can there be anyone tonight who is so blind as to say that the war is not on? Can there by anyone who fails to realize that the Communist world has said the time is now? . . . that this is the time for the show-down between the democratic Christian world and the communistic atheistic world?
LET FREEDOM RING

Unless we face this fact, we shall pay the price that must be paid by those who wait too long.

Six years ago, . . . there was within the Soviet orbit, 180,000,000 people. Lined up on the antitotalitarian side there were in the world at that time, roughly 1,625,000,000 people. Today, only six years later, there are 800,000,000 people under the absolute domination of Soviet Russia — an increase of over 400 percent. On our side, the figure has shrunk to around 500,000,000. In other words, in less than six years, the odds have changed from 9 to 1 in our favor to 8 to 5 against us.

This indicates the swiftness of the tempo of Communist victories and American defeats in the Cold War. As one of our outstanding historical figures once said, “When a great democracy is destroyed, it will not be from enemies from without, but rather because of enemies from within . . .”

The reason why we find ourselves in a position of impotency is not because our only powerful potential enemy has sent men to invade our shores . . . but rather because of the traitorous actions of those who have been treated so well by this nation. It has not been the less fortunate, or members of minority groups who have been traitorous to this nation, but rather those who have had all the benefits that the wealthiest nation on earth has had to offer . . . the finest homes, the finest college education and the finest jobs in government we can give.

This is glaringly true in the State Department. There the bright young men who are born with silver spoons in their mouths are the ones who have been most traitorous . . .

I have here in my hand a list of 205 . . . a list of names that were made known to the Secretary of State as being members of the Communist Party and who nevertheless are still working and shaping policy in the State Department . . .

As you know, very recently the Secretary of State proclaimed his loyalty to a man guilty of what has always been considered as the most abominable of all crimes — being a traitor to the people who gave him a position of great trust — high treason . . .

He has lighted the spark which is resulting in a moral uprising and will end only when the whole sorry mess of twisted, warped thinkers are swept from the national scene so that we may have a new birth of honesty and decency in government.

http://historymatters.gmu.edu/d/6456
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Joseph McCarthy to President Harry Truman, February 11, 1950

In the Lincoln Day speech at Wheeling Thursday night, I stated that the State Department harbors a nest of Communists and Communist sympathizers who are helping to shape our foreign policy. I further stated that I have in my possession the names of 57 Communists who are in the State Department at present. A State Department spokesman promptly denied this, claiming that there is not a single Communist in the department. You can convince yourself of the falsity of the State Department claim very easily. You will recall that you personally appointed a board to screen State Department employees for the purpose of weeding out fellow travelers — men whom the board considered dangerous to the security of this nation. Your board did a painstaking job, and named hundreds which had been listed as dangerous to the security of the nation, because of communist connections.

While the records are not available to me, I know absolutely of one group of approximately 300 certified to the Secretary for discharge because of communism. He actually only discharged approximately 80. I understand that this was done after lengthy consultation with the now-convicted traitor, Alger Hiss. I would suggest, therefore, Mr. President, that you simply pick up your phone and ask Mr. Acheson how many of those whom your board had labeled as dangerous Communists he failed to discharge. The day the House Un-American Activities Committee exposed Alger Hiss as an important link in an international Communist spy ring, you signed an order forbidding the State Department’s giving any information in regard to the disloyalty or the communistic connections of anyone in that department to the Congress.

Despite this State Department black-out, we have been able to compile a list of 57 Communists in the State Department. This list is available to you but you can get a much longer list by ordering Secretary Acheson to give you a list of those whom your own board listed as being disloyal and who are still working in the State Department. I believe the following is the minimum which can be expected of you in this case.

1. That you demand that Acheson give you and the proper congressional committee the names and a complete report on all of those who were placed in the department by Alger Hiss, and all of those still working in the State Department who were listed by your board as bad security risks because of their communistic connections.

2. That you promptly revoke the order in which you provided under no circumstances could a congressional committee obtain any information or help in exposing Communists.

Failure on your part will label the Democratic Party of being the bedfellow of international communism. Certainly this label is not deserved by the hundreds of thousands of loyal American Democrats throughout the Nation, and by the sizable number of able loyal Democrats in both the Senate and the House.

Source: U.S. Senate, State Department Loyalty Investigation Committee on Foreign Relations, 81st Congress; Joseph McCarthy to President Harry Truman, February 11, 1950, Congressional Record, 81st Congress
http://historymatters.gmu.edu/d/6456
LESSON V, PART 3

LET FREEDOM RING

Freedom and Security: Is There a Conflict?

Pete Seeger sings at the opening of the Washington, D.C., labor canteen, sponsored by the Federal Workers of America, a radical union which was part of the Congress of Industrial Organizations (C.I.O.), February 1944. First lady Eleanor Roosevelt sits between two sailors. He is singing to an integrated audience, when most of Washington, D.C., was still segregated.

“I HAVE SUNG IN HOBO JUNGLES, AND I HAVE SUNG FOR THE ROCKEFELLERS”:
PETE SEEGER REFUSES TO “SING” FOR HUAC

During the Cold War era, the House Committee on Un-American Activities (HUAC) interrogated more than 3,000 government officials, labor union leaders, teachers, journalists, entertainers and others. They wanted to purge Communists, former Communists, and “fellow travelers” who refused to renounce their past and inform on associates from positions of influence within American society. Among the Committee’s targets were performers at events held in support of suspect organizations. Pete Seeger acquired a love of American folk music while traveling through the South in the 1930s with his father, a musicologist and classical composer, and as an employee in the Library of Congress’ Archive of American Folk Song. As a folksinger motivated by concerns for social justice, cross-cultural communication and international peace, Seeger performed songs from diverse sources to many kinds of audiences, and in 1948 campaigned for Progressive Party candidate Henry Wallace as part of the folk music organization People’s Songs. In the following testimony before HUAC, Seeger refused to invoke the Fifth Amendment, protecting citizens from self-incrimination. Instead, he insisted that the Committee had no right to question him regarding his political beliefs or associations. This strategy resulted in prison terms for contempt of Congress for the Hollywood Ten in 1947. Seeger himself was sentenced to a year in prison for contempt, but he never served any of his sentence and the verdict was reversed in 1962. Nevertheless, Seeger remained on a network television blacklist until the late 1960s.

From History Matters: http://historymatters.gmu.edu/d/6457/
LESSON V, PART 3

LET FREEDOM RING

Freedom and Security: Is There a Conflict?

Seeger Testimony

HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES
August 18, 1955

A Subcommittee of the Committee on Un-American Activities met at 10 a.m., in room 1703 of the Federal Building, Foley Square, New York, New York, the Honorable Francis E. Walter (Chairman) presiding.

Committee members present: Representatives Walter, Edwin E. Willis, and Gordon H. Scherer.

Staff members present: Frank S. Tavenner, Jr., Counsel; Donald T. Appell and Frank Bonora, Investigators; and Thomas W. Beale, Sr., Chief Clerk.

. . . MR. TAVENNER: Mr. Seeger, prior to your entry in the service in 1942, were you engaged in the practice of your profession in the area of New York?

MR. SEEGER: It is hard to call it a profession. I kind of drifted into it and I never intended to be a musician, and I am glad I am one now, and it is a very honorable profession, but when I started out actually I wanted to be a newspaperman, and when I left school —

CHAIRMAN WALTER: Will you answer the question, please?

MR. SEEGER: I have to explain that it really wasn’t my profession; I picked up a little change in it.

CHAIRMAN WALTER: Did you practice your profession?

MR. SEEGER: I sang for people, yes, before World War II, and I also did as early as 1925.

MR. TAVENNER: And upon your return from the service in December of 1945, you continued in your profession?

MR. SEEGER: I continued singing, and I expect I always will.

MR. TAVENNER: The Committee has information obtained in part from the Daily Worker indicating that, over a period of time, especially since December of 1945, you took part in numerous entertainment features. I have before me a photostatic copy of the June 20, 1947, issue of the Daily Worker. In a column entitled “What’s On” appears this advertisement: “Tonight – Bronx, hear Peter Seeger and his guitar, at Allerton Section [of the Bronx] housewarming.” May I ask you whether or not the Allerton Section was a section of the Communist Party?
LET FREEDOM RING

MR. SEEGER: Sir, I refuse to answer that question whether it was a quote from the New York Times or the Vegetarian Journal.

MR. TAVENNER: I don't believe there is any more authoritative document in regard to the Communist Party than its official organ, the Daily Worker.

MR. SCHERER: He hasn't answered the question, and he merely said he wouldn't answer whether the article appeared in the New York Times or some other magazine. I ask you to direct the witness to answer the question.

CHAIRMAN WALTER: I direct you to answer.

MR. SEEGER: Sir, the whole line of questioning —

CHAIRMAN WALTER: You have only been asked one question, so far.

MR. SEEGER: I am not going to answer any questions as to my association, my philosophical or religious beliefs or my political beliefs, or how I voted in any election, or any of these private affairs. I think these are very improper questions for any American to be asked, especially under such compulsion as this. I would be very glad to tell you my life if you want to hear of it.

MR. TAVENNER: Has the witness declined to answer this specific question?

CHAIRMAN WALTER: He said that he is not going to answer any questions, any names or things.

MR. SCHERER: He was directed to answer the question.

MR. TAVENNER: I have before me a photostatic copy of the April 30, 1948, issue of the Daily Worker which carries under the same title of “What's On,” an advertisement of a “May Day Rally: For Peace, Security and Democracy.” The advertisement states: “Are you in a fighting mood? Then attend the May Day rally.” Expert speakers are stated to be slated for the program, and then follows a statement, “Entertainment by Pete Seeger.” At the bottom appears this: “Auspices Essex County Communist Party,” and at the top, “Tonight, Newark, N.J.” Did you lend your talent to the Essex County Communist Party on the occasion indicated by this article from the Daily Worker?

MR. SEEGER: Mr. Walter, I believe I have already answered this question, and the same answer.

CHAIRMAN WALTER: The same answer. In other words, you mean that you decline to answer because of the reasons stated before?

MR. SEEGER: I gave my answer, sir.
LET FREEDOM RING

CHAIRMAN WALTER: What is your answer?

MR. SEEGER: You see, sir, I feel –

CHAIRMAN WALTER: What is your answer?

MR. SEEGER: I will tell you what my answer is.

(Witness consulted with counsel [Paul L. Ross].)

I feel that in my whole life I have never done anything of any conspiratorial nature and I resent very much and very deeply the implication of being called before this Committee that in some way because my opinions may be different from yours, or yours, Mr. Willis, or yours, Mr. Scherer, that I am any less of an American than anybody else. I love my country very deeply, sir.

CHAIRMAN WALTER: Why don’t you make a little contribution toward preserving its institutions?

MR. SEEGER: I feel that my whole life is a contribution. That is why I would like to tell you about it.

CHAIRMAN WALTER: I don’t want to hear about it.

MR. SCHERER: I think that there must be a direction to answer.

CHAIRMAN WALTER: I direct you to answer that question.

MR. SEEGER: I have already given you my answer, sir.

MR. SCHERER: Let me understand. You are not relying on the Fifth Amendment, are you?

MR. SEEGER: No, sir, although I do not want to in any way discredit or depreciate or depredate the witnesses that have used the Fifth Amendment, and I simply feel it is improper for this committee to ask such questions.

MR. SCHERER: And then in answering the rest of the questions, or in refusing to answer the rest of the questions, I understand that you are not relying on the Fifth Amendment as a basis for your refusal to answer?

MR. SEEGER: No, I am not, sir . . . .
LET FREEDOM RING

MR. TAVENNER: I assume then that you heard me read the testimony of Mr. [Elia] Kazan about the purpose of the Communist Party in having its actors entertain for the benefit of Communist fronts and the Communist Party. Did you hear that testimony?

MR. SEEGER: Yes, I have heard all of the testimony today.

MR. TAVENNER: Did you hear Mr. George Hall's testimony yesterday in which he stated that, as an actor, the special contribution that he was expected to make to the Communist Party was to use his talents by entertaining at Communist Party functions? Did you hear that testimony?

MR. SEEGER: I didn't hear it, no.

MR. TAVENNER: It is a fact that he so testified. I want to know whether or not you were engaged in a similar type of service to the Communist Party in entertaining at these features.

(Witness consulted with counsel.)

MR. SEEGER: I have sung for Americans of every political persuasion, and I am proud that I never refuse to sing to an audience, no matter what religion or color of their skin or situation in life. I have sung in hobo jungles, and I have sung for the Rockefellers, and I am proud that I have never refused to sing for anybody. That is the only answer I can give along that line.

MR. TAVENNER: Did you sing at functions of the Communist Party, at Communist Party requests?

MR. SEEGER: I believe, sir, that a good twenty minutes ago, I gave my answer to this whole line of questioning.

MR. TAVENNER: Yes, but you have now beclouded your answer by your statement, and I want to make certain what you mean. Did you sing at the Communist Party functions which I have asked you about, as a Communist Party duty?

MR. SEEGER: I have already indicated that I am not interested, and I feel it is improper to say who has sung my songs or who I have sung them to, especially under such compulsion as this.

MR. TAVENNER: Have you been a member of the Communist Party since 1947?

(Witness consulted with counsel.)

MR. SEEGER: The same answer, sir.

CHAIRMAN WALTER: I direct you to answer that question.

MR. SEEGER: I must give the same answer as before . . .
MR. SCHERER: Do you understand it is the feeling of the Committee that you are in contempt as a result of the position you take?

MR. SEEGER: I can't say.

MR. SCHERER: I am telling you that that is the position of the Committee . . .

MR. SEEGER: I decline to discuss, under compulsion, where I have sung, and who has sung my songs, and who else has sung with me, and the people I have known. I love my country very dearly, and I greatly resent this implication that some of the places that I have sung and some of the people that I have known, and some of my opinions, whether they are religious or philosophical, or I might be a vegetarian, make me any less of an American. I will tell you about my songs, but I am not interested in telling you who wrote them, and I will tell you about my songs, and I am not interested in who listened to them.

http://www.peteseeger.net/HUAC.htm
LET FREEDOM RING

Freedom and Security: Is There a Conflict?

Paul Robeson as Shakespeare’s Othello, Theatre Guild Production, Broadway, 1943-44

“YOU ARE THE UN-AMERICANS, AND YOU OUGHT TO BE ASHAMED OF YOURSELVES”:
P AUL ROBESON APPEARS BEFORE HUAC

Many African-American witnesses subpoenaed to testify at the House Committee on Un-American Activities (HUAC) hearings in the 1950s were asked to denounce Paul Robeson (1888–1976) in order to obtain future employment. Robeson, an All-American football player and recipient of a Phi Beta Kappa key at Rutgers, received a law degree at Columbia. He became an internationally acclaimed concert performer and actor as well as a persuasive political speaker. In 1949, Robeson was the subject of controversy after newspaper reports of public statements that African-Americans would not fight in “an imperialist war.” In 1950, his passport was revoked. Several years later, Robeson refused to sign an affidavit stating that he was not a Communist and initiated an unsuccessful lawsuit. In the following testimony to a HUAC hearing, ostensibly convened to gain information regarding his passport suit, Robeson refused to answer questions concerning his political activities and lectured bigoted Committee members Gordon H. Scherer and Chairman Francis E. Walter about African-American history and civil rights. In 1958, the Supreme Court ruled that a citizen’s right to travel could not be taken away without due process and Robeson’s passport was returned.
LET FREEDOM RING

Freedom and Security: Is There a Conflict?

Testimony of Paul Robeson before the House Committee on Un-American Activities, June 12, 1956

THE CHAIRMAN: The Committee will be in order. This morning the Committee resumes its series of hearings on the vital issue of the use of American passports as travel documents in furtherance of the objectives of the Communist conspiracy . . . .

Mr. ARENS: Now, during the course of the process in which you were applying for this passport, in July of 1954, were you requested to submit a non-Communist affidavit?

Mr. ROBESON: We had a long discussion — with my counsel, who is in the room, Mr. [Leonard B.] Boudin — with the State Department, about just such an affidavit and I was very precise not only in the application but with the State Department, headed by Mr. Henderson and Mr. McLeod, that under no conditions would I think of signing any such affidavit, that it is a complete contradiction of the rights of American citizens.

Mr. ARENS: Did you comply with the requests?

Mr. ROBESON: I certainly did not and I will not.

Mr. ARENS: Are you now a member of the Communist Party?

Mr. ROBESON: Oh please, please, please.

Mr. SCHERER: Please answer, will you, Mr. Robeson?

Mr. ROBESON: What is the Communist Party? What do you mean by that?

Mr. SCHERER: I ask that you direct the witness to answer the question.

Mr. ROBESON: What do you mean by the Communist Party? As far as I know it is a legal party like the Republican Party and the Democratic Party. Do you mean a party of people who have sacrificed for my people, and for all Americans and workers, that they can live in dignity? Do you mean that party?

Mr. ARENS: Are you now a member of the Communist Party?

Mr. ROBESON: Would you like to come to the ballot box when I vote and take out the ballot and see?

Mr. ARENS: Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.
LET FREEDOM RING

THE CHAIRMAN: You are directed to answer the question.

(The witness consulted with his counsel.)

Mr. ROBESON: I stand upon the Fifth Amendment of the American Constitution.

Mr. ARENS: Do you mean you invoke the Fifth Amendment?

Mr. ROBESON: I invoke the Fifth Amendment.

Mr. ARENS: Do you honestly apprehend that if you told this Committee truthfully —

Mr. ROBESON: I have no desire to consider anything. I invoke the Fifth Amendment, and it is none of your business what I would like to do, and I invoke the Fifth Amendment. And forget it.

THE CHAIRMAN: You are directed to answer that question.

MR, ROBESON: I invoke the Fifth Amendment, and so I am answering it, am I not?

Mr. ARENS: I respectfully suggest the witness be ordered and directed to answer the question as to whether or not he honestly apprehends, that if he gave us a truthful answer to this last principal question, he would be supplying information which might be used against him in a criminal proceeding.

(The witness consulted with his counsel.)

THE CHAIRMAN: You are directed to answer that question, Mr. Robeson.

Mr. ROBESON: Gentlemen, in the first place, wherever I have been in the world, Scandinavia, England, and many places, the first to die in the struggle against Fascism were the Communists and I laid many wreaths upon graves of Communists. It is not criminal, and the Fifth Amendment has nothing to do with criminality. The Chief Justice of the Supreme Court, Warren, has been very clear on that in many speeches, that the Fifth Amendment does not have anything to do with the inference of criminality. I invoke the Fifth Amendment . . . .

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THE CHAIRMAN: This is legal. This is not only legal but usual. By a unanimous vote, this Committee has been instructed to perform this very distasteful task.

Mr. ROBESON: To whom am I talking?

THE CHAIRMAN: You are speaking to the Chairman of this Committee.

Mr. ROBESON: Mr. Walter?
LET FREEDOM RING

THE CHAIRMAN: Yes.

Mr. ROBESON: The Pennsylvania Walter?

THE CHAIRMAN: That is right.

Mr. ROBESON: Representative of the steelworkers?

THE CHAIRMAN: That is right.

Mr. ROBESON: Of the coal-mining workers and not United States Steel, by any chance? A great patriot.

THE CHAIRMAN: That is right.

Mr. ROBESON: You are the author of all of the bills that are going to keep all kinds of decent people out of the country.

THE CHAIRMAN: No, only your kind.

Mr. ROBESON: Colored people like myself, from the West Indies and all kinds. And just the Teutonic Anglo-Saxon stock that you would let come in.

THE CHAIRMAN: We are trying to make it easier to get rid of your kind, too.

Mr. ROBESON: You do not want any colored people to come in?

THE CHAIRMAN: Proceed . . .

Mr. ROBESON: Could I say that the reason that I am here today, you know, from the mouth of the State Department itself, is: I should not be allowed to travel because I have struggled for years for the independence of the colonial peoples of Africa. For many years I have so labored and I can say modestly that my name is very much honored all over Africa, in my struggles for their independence. That is the kind of independence like Sukarno got in Indonesia. Unless we are double-talking, then these efforts in the interest of Africa would be in the same context.

The other reason that I am here today, again from the State Department and from the court record of the court of appeals, is that when I am abroad I speak out against the injustices against the Negro people of this land. I sent a message to the Bandung Conference and so forth. That is why I am here. This is the basis, and I am not being tried for whether I am a Communist, I am being tried for fighting for the rights of my people, who are still second-class citizens in this United States of America. My mother was born in your state, Mr. Walter, and my mother was a Quaker, and my ancestors in the time of Washington baked bread for George Washington’s troops when they crossed the Delaware, and my own father was a slave. I stand here struggling for the rights of my people to be full citizens in this country. And they are not. They are not in Mississippi. And they are not in Montgomery, Alabama. And they are not in Washington. They are nowhere, and that is why I am here today. You want to shut up every Negro who has the courage to stand up and fight for the rights of his people, for the
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rights of workers, and I have been on many a picket line for the steelworkers too. And that is why I am here today . . . .

Mr. ARENS: And while you were in Paris, did you tell an audience there that the American Negro would never go to war against the Soviet government?

Mr. ROBESON: May I say that is slightly out of context? May I explain to you what I did say? I remember the speech very well, and the night before, in London, and do not take the newspaper, take me: I made the speech, gentlemen, Mr. So-and-So. It happened that the night before, in London, before I went to Paris . . . and will you please listen?

Mr. ARENS: We are listening.

Mr. ROBESON: Two thousand students from various parts of the colonial world, students who since then have become very important in their governments, in places like Indonesia and India, and in many parts of Africa, two thousand students asked me and Mr. [Dr. Y. M.] Dadoo, a leader of the Indian people in South Africa, when we addressed this conference, and remember I was speaking to a peace conference, they asked me and Mr. Dadoo to say there that they were struggling for peace, that they did not want war against anybody. Two thousand students who came from populations that would range to six or seven hundred million people.

Mr. KEARNEY: Do you know anybody who wants war?

Mr. ROBESON: They asked me to say in their name that they did not want war. That is what I said. No part of my speech made in Paris says fifteen million American Negroes would do anything. I said it was my feeling that the American people would struggle for peace, and that has since been underscored by the President of these United States. Now, in passing, I said—

Mr. KEARNEY: Do you know of any people who want war?

Mr. ROBESON: Listen to me. I said it was unthinkable to me that any people would take up arms, in the name of an Eastland, to go against anybody. Gentlemen, I still say that. This United States Government should go down to Mississippi and protect my people. That is what should happen.

THE CHAIRMAN: Did you say what was attributed to you?

Mr. ROBESON: I did not say it in that context.

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1 Mississippi Senator James O. Eastland was an ardent anti-Communist and segregationist. He often tied the civil rights and labor movements to Communism. His own state, Mississippi, was a bastion of white supremacy and the most rigidly segregated state in the United States.
MR. ARENS: I lay before you a document, containing an article, “I Am Looking for Full Freedom,” by Paul Robeson, in which is recited a quotation of Paul Robeson.

MR. ROBESON: That is fine.

MR. ARENS: This article appears in a publication called The Worker, dated July 3, 1949.

MR. ROBESON: That is right.

MR. ARENS: (reading) : “At the Paris Conference I said it was unthinkable that the Negro people of America or elsewhere in the world could be drawn into war with the Soviet Union.”

Mr. ROBESON: Is that saying the Negro people would do anything? I said it is unthinkable. I did not say that there [in Paris]: I said that in The Worker.

Mr. ARENS: I repeat it with hundredfold emphasis: they will not. Did you say that?

Mr. ROBESON: I did not say that in Paris, I said that in America. And, gentlemen, they have not yet done so, and it is quite clear that no Americans, no people in the world probably, are going to war with the Soviet Union. So I was rather prophetic, was I not?

Mr. ARENS: On that trip to Europe, did you go to Stockholm?

Mr. ROBESON: I certainly did, and I understand that some people in the American embassy tried to break up my concert. They were not successful.

Mr. ARENS: While you were in Stockholm, did you make a little speech?

Mr. ROBESON: I made all kinds of speeches, yes.

Mr. ARENS: Let me read you a quotation.

Mr. ROBESON: Let me listen.

Mr. ARENS: Do so, please.

Mr. ROBESON: I am a lawyer.

Mr. KEARNEY: It would be a revelation if you would listen to counsel.

Mr. ROBESON: In good company, I usually listen, but you know people wander around in such fancy places. Would you please let me read my statement at some point?

THE CHAIRMAN: We will consider your statement.

Mr. ARENS: I do not hesitate one second to state clearly and unmistakably: I belong to the American resistance movement which fights against American imperialism, just as the resistance movement fought against Hitler.
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Mr. ROBESON: Just like Frederick Douglass and Harriet Tubman were underground railroaders, and fighting for our freedom, you bet your life . . . .

Mr. ARENS: Now I would invite your attention, if you please, to the Daily Worker of June 29, 1949, with reference to a get-together with you and Ben Davis. Do you know Ben Davis?

Mr. ROBESON: One of my dearest friends, one of the finest Americans you can imagine, born of a fine family, who went to Amherst and was a great man.¹

THE CHAIRMAN: The answer is yes?

Mr. ROBESON: Nothing could make me prouder than to know him.

THE CHAIRMAN: That answers the question.

Mr. ARENS: Did I understand you to laud his patriotism?

Mr. ROBESON: I say that he is as patriotic an American as there can be, and you gentlemen belong with the Alien and Sedition Acts, and you are the nonpatriots, and you are the un-Americans, and you ought to be ashamed of yourselves.

THE CHAIRMAN: Just a minute, the hearing is now adjourned.

Mr. ROBESON: I should think it would be.

THE CHAIRMAN: I have endured all of this that I can.

Mr. ROBESON: Can I read my statement?

THE CHAIRMAN: No, you cannot read it. The meeting is adjourned.

Mr. ROBESON: I think it should be, and you should adjourn this forever, that is what I would say . . .


http://historymatters.gmu.edu/d/6440

¹ Benjamin Davis was an African-American lawyer and political activist. A graduate of the Harvard Law School, he became a Communist after his involvement in a civil rights case in Georgia in 1930. He came to New York in 1935 and became editor of the “Negro Liberator” and later “The Daily Worker.” He won election to the New York City Council as a Communist in 1943 and 1945. In 1949, he and ten other Communists were convicted under the Smith Act, which made it illegal to advocate the overthrowing of the government. Davis was serving a prison term when Robeson answered this question.