

*First Prize Winner Division One (100 level courses)*

Jennifer Lessin

English 102

Today we are witnessing unprecedented attacks on civil liberties in the name of fighting terrorism. As President George W. Bush prepares the country for war, I thought it would be important to examine the infamous McCarthy Era and compare it to what is happening today. McCarthy succeeded in whipping this country into a frenzy over the fear of Communism. This frenzy resulted in thousands of innocent people having their lives destroyed after someone labeled them a communist or communist sympathizer. By the end of the whole ordeal, McCarthy failed to expose a single communist working in the United States government (“An American Inquisitor”).

The actions of the Bush Administration since September 11, 2001 have been chillingly similar to McCarthy’s actions. In both cases, a major leader has stepped forward and used labels to frighten and scare people into silence. Both men believed that it was their duty to determine who the bad guys were and then set about ridding the country (or the world in Bush’s case) of them. The communists of yesterday have become the Muslims or terrorists of today. Both men have raised the concern of national security over the rights and freedoms of the people, and in the process they’ve attempted to re-write or re-interpret the Bill of Rights. McCarthy used the House on Un-American Activities Committee to spread fear and destroy people’s lives. Bush

has more tools in his arsenal. Since September 11<sup>th</sup>, the USA PATRIOT Act has been passed, the American Council of Trustees and Alumni (ACTA), has developed a black list of educators, and the Department of Homeland Security has been created. We must learn from our past, not repeat it.

An anti-communist sentiment was beginning to grow in the United States in the 1940s. Just after World War II began in 1939, the Hatch, Voorhis and Smith Acts were passed, all designed to go after the Communist Party of the United States. The Smith Act was the first peacetime sedition act in American history. It legalized attacks on free speech and made it illegal to “advocate or teach” the overthrow of the government or to join any organization that did (Schrecker).

It’s important to consider the second paragraph of the Declaration of Independence which speaks of governments deriving their power from the consent of the governed. It goes on to state “That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it...” The Smith Act goes completely against statements made by the founding fathers of the United States. But the United States was at war and people were scared, so the laws were passed anyway.

In the early 1940s the United States entered into an alliance with the Soviet Union to fight Hitler during World War II, but this alliance quickly dissolved once the war ended. As soldiers came home, the anti-communist propaganda was whipped up again. By 1947, the Hollywood Ten were called before the House on Un-American Activities Committee (HUAC) and by the end of the year they were fired and blacklisted from Hollywood. Lists of subversive groups and individuals were being prepared by government offices, universities, and “patriotic” organizations across the country. In 1949, the University of Washington dismissed three

professors for alleged communist connections while other universities began imposing loyalty oaths on the faculty. By the end of the decade, the United States was obsessed with loyalty oaths. These oaths weren't about affirming loyalty to the country, so much as they were about denying association with vaguely defined organizations (McWilliams xi). If you worked in a government job, for a university, a union, or in Hollywood, you were required to take a loyalty oath. Those who refused often couldn't find work for ten to twenty years in their field and had their livelihoods destroyed.

In 1950, Joseph McCarthy made a speech in Wheeling, WV alleging the presence of Communist agents in the State Department. The Cold War had begun, and by this point people were beginning to accept the idea that subversives don't deserve the same rights as others. An individual's opinions and beliefs were no longer protected by the government. It was perfect timing for a witch hunt to begin.

That same year, the Tydings Commission was set up to investigate McCarthy's claims. In June, the Committee determined McCarthy's charges were false, labeling him a "hoax and a fraud" in their majority report. But McCarthy was an enigmatic man who nurtured his image as a farm boy and war hero. He had won a tremendous amount of support from the Republicans and their constituents. According to William F. Buckley, his popularity reached to 65% to 70% during this time ("An American Inquisitor").

In 1954 the Army-McCarthy hearings began. McCarthy's popularity had gone to his head and he went so far as to claim that the Army was hiding Communists in its ranks. During the trial, the Army refuted McCarthy's claims and said he was trying to pressure them to give favors to David Schine who was in the Army at that time and had been a former assistant to

Senator McCarthy. The 36-day trial was televised and had a huge impact on the general population of the United States.

During the trial McCarthy described networks of professors across the nation who were receiving their orders from Moscow and who wanted to destroy the nation and its youth (“Death of a Witch Hunter”). McCarthy was full of wonderful propaganda that scared people, but he didn’t have much in the way of facts. Each time he was asked to explain where he got his information, he refused to say. Yet he continued to insist that others name names. The turning point of the trial was when Joseph Welch, an attorney with impeccable patriotic credentials, looked at McCarthy and said:

Until this moment, Senator, I think I never really gauged your cruelty or your recklessness. Let us not assassinate this lad further, Senator. You have done enough. Have you no sense of decency, sir, at long last? Have you no sense of decency? (Breiman)

By the end of the trial, McCarthy looked like a fool and was completely discredited. On December 2, 1954, the Senate passed a resolution that condemned McCarthy’s conduct. While he remained in Congress until his death three years later, Senators often ignored him or walked out of the room when he spoke (“Death of a Witch Hunter”).

In the decades since McCarthy, there have been numerous denunciations of the McCarthy Era and it is viewed as an embarrassing stain on United States history. This makes it even more disconcerting when I see our current President act frighteningly similar to Joseph McCarthy. In Breiman’s article [On McCarthyism at Berkeley](#) he explains “McCarthy gathered power by constructing an enemy within. His charge, endlessly repeated, was that our society was filled with spies and subversives working to overthrow the American system.” This is

disturbingly similar to what President George W. Bush is doing today. He has been working overtime to create a hysteria against terrorism in this country. Anyone who has questioned his approach has come under attack. For example, Bill Maher, host of the popular television show *Politically Incorrect*, lost his job after “he and a guest agreed that whatever else the hijackers were, they were not ‘cowardly’” (Campbell). This is just one example of the many journalists who have lost their jobs for comments made after September 11<sup>th</sup>. At the same time, professors are being warned to watch what they say by Lynne Cheney’s group ACTA. Let’s look at some of these new developments.

Since September 11, 2001 there have been enormous changes in the structure and power of the United State’s government. These changes include the passage of the USA PATRIOT Act and the implementation of the Department of Homeland Security. President Bush has called this the “most extensive reorganization of the federal government since the 1940s.” This is a telling statement. One of the main focuses of the Department of Homeland Security is to turn the FBI into a “domestic CIA” according to US Attorney General John Ashcroft.

The USA PATRIOT Act was signed into law on October 26, 2001, just six and a half weeks after the terrorist attack on the World Trade Center and the Pentagon. The country was still reeling in fear from the attack when Attorney General John Ashcroft pushed the law through Congress. Ashcroft had sent his original proposal to Congress soon after the attacks and demanded that it be enacted within THREE days. When this didn’t happen, Ashcroft publicly suggested that Congress members would be held responsible for any terrorist attacks that occurred while the bill was being debated (Weich 1). Ashcroft’s proposal was revised and titled the USA PATRIOT Act. Along with the pressure Ashcroft was placing on Congress, the law was passed at the same time most Congressional offices were closed due to an Anthrax scare that

paralyzed the House and Senate. Most members of Congress weren't even able to read the final version of the Act before it was signed into law (Weich 4). Much of the Act was discussed in private, behind closed doors. The standard practices of committee vote and floor debate were shorted or left out of the legislative process all together (Weich 13).

The USA PATRIOT Act has made significant changes in the civil rights of individuals in the United States. Secrecy and surveillance has become the norm. The checks and balances that this country is founded on have been eroded or eliminated completely. The Administration and Congress have succeeded at weakening the judicial checks on government excess that are founding principals of this country. This includes "a well financed machinery of surveillance, which allows the government to wiretap telephone calls, read faxed and e-mailed messages, computer files, and every other communication of any and every citizen" (Mojab). It's quite scary when you think about the implications of this new legislation. In addition, the USA PATRIOT Act encourages racial profiling of Arabs and South Asians as a key tactic in fighting the War on Terrorism. This is especially significant in light of the many racial profiling cases that law enforcement officers have faced over the last five years.

A few weeks after the passage of the USA PATRIOT Act, the American Council of Trustees and Alumni (ACTA) issued a report detailing quotes from professors and students across the country who questioned the need to go to war. ACTA was founded in 1995 by Lynne Cheney (Vice President Dick Cheney's wife) and Senator Joseph Lieberman. It is "a joint undertaking of Republicans and culturally conservative Democrats" (Young) that work with alumni, donors, trustees and education leaders. After many people responded with charges of creating a McCarthy-like blacklist, ACTA decided to remove the names of professors from their

report, although the report still identifies the professor's title which often makes it possible to identify the professor.

ACTA is trying to paint a picture of extreme radicalism pervading the atmosphere of universities across the country. It's quite strange because in reality, after September 11<sup>th</sup>, there has been an atmosphere of blind patriotism and singling out those that voice any kind of dissent. Critics of the ACTA report "point out that anti-war fervor has been notoriously lacking on most campuses and that the list is heavy on vague, not particularly radical statements about breaking the cycle of violence and finding alternatives to war" (Young). In their efforts to create a new McCarthyism on campus, ACTA has turned reality on its head.

In the opening pages of the report it says: "While America's elected officials from both parties and media commentators from across the spectrum condemned the attacks and followed the President in calling evil by its rightful name, many faculty demurred. Some refused to make judgments. Many invoked tolerance and diversity as antidotes to evil. Some even pointed accusatory fingers, not at the terrorists, but at America itself" (Martin 1). According to ACTA, promoting tolerance and diversity, or asking why people could be so angry at the United States is subversive. It's deplorable that they've rushed to silence people who are grappling with responses to the terrorist attack. It has the effect of creating fear and self-censorship on university campuses across the nation. Yet college campuses are where we are supposed to have a free exchange of ideas. ACTA even criticized a statement by Jesse Jackson when he spoke at Harvard Law School encouraging students to "build bridges and relationships, not simply bombs and walls." As Julianne Malveaux said in her article The New McCarthyism, this "is also part of a trend that has seen significant erosion of our civil liberties, all in the name of 'safety.' We topple down a slippery slope, though, when we allow the FBI to listen in on privileged

conversations between an accused and his attorney [...] or when we condemn people simply for expressing an opinion that is not shared by the majority.”

To better understand the new powers that have been given to the FBI and other governmental bodies, we need to look at the Department of Homeland Security that was established on May 30, 2002. According to President Bush, the Department’s mission is “securing the homeland of America and protecting the American people.” The American Civil Liberties Union (ACLU) notes that the implementation of the new Department includes ending the requirement that law enforcement officials have some kind of evidence before engaging in certain investigative activities. Now, the FBI can freely infiltrate religious organizations and places of worship, monitor online chat rooms and read message boards even if it has no evidence a crime has been committed.

This is particularly disturbing since evidence has surfaced that the FBI had forewarning of the September 11<sup>th</sup> attacks and failed to analyze and act on that information. In light of this new evidence, the Senate recently approved an independent commission to investigate governmental failures related to the September 11<sup>th</sup> attacks (Lumpkin). Laura W. Murphy, Director of the ACLU’s National Office in Washington, said “The government is rewarding failure...When the government fails – as it increasingly appears to have done before September 11 – the Bush Administration’s response is to give itself new powers rather than seriously investigating why they failures occurred” (ACLU Press Release 5/30/02).

The FBI now has enormous power to spy on its own citizens without having to show any evidence of law breaking. As I recall, during the 2000 elections, the Republicans ran on a campaign of LESS government involvement. Is this their definition of less government involvement? History shows us that when the government expands its powers of domestic

surveillance, more often than not its used to “violate the freedoms guaranteed to the American public by the Constitution and the Bill of Rights” (Murphy). McCarthyism wasn’t just an aberration, COINTELPRO operations in the late sixties and early seventies harassed and spied on peace and civil rights groups even though very few members of these groups were ever charged with a crime. In 1986, a federal court ruled that COINTELPRO was responsible for the theft of 12,600 documents, 20,000 illegal wiretap days and 12,000 bug days (Murphy).

On June 1, 2002 as Bush was speaking at West Point’s graduating ceremony, he spoke of transforming the military so it is able and ready for pre-emptive action at any point. This includes being able to strike another country without specific provocation, public explanation or declaration of war. It appears that President Bush no longer values the opinions of the citizens of this Country; he has declared the power to act as he likes, and is preparing the military to serve his desires.

The Bush administration wants us to hear the word terrorist and suddenly stop thinking for ourselves. Once we hear the word terrorist we are supposed to go along with any and all decisions made by a man who didn’t even win the popular vote in his election. This is hauntingly similar to the way the word communist was used during McCarthy’s time. Bush wants us to forget the last 60 years of history. There has been denouncement after denouncement of McCarthy era, yet Bush hopes we haven’t learned our lesson yet. Let us show him he is wrong. Let us not go along blindly into the most open-ended declaration of war this country has ever seen.

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