

HOLLYWOOD'S BLACKLISTS

A Political and Cultural History

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The Hearings of 1947

OPENING REMARKS

The implications of the events which took place in Washington in October 1947 and which were to usher in a period of fear, betrayal and a concerted attack on civil liberties cannot be fully grasped without a brief discussion of the activities of HUAC during the period 1938–44 when presided over by Martin Dies, a conservative Democrat from Texas.

Dies is notorious for his denunciation of Hollywood in 1938 as a den of ‘premature anti-fascists’, meaning that he was not opposed to Fascist regimes until they waged war on the US. Future blacklistee, writer Paul Jarrico, was proud of the insult.¹ Research has shown that Dies maintained close relations with various Fascist and anti-Semitic organisations which supported his single-minded attacks on subversives (read: Communists). The Ku Klux Klan, the pro-Nazi American Bund, a convicted Nazi agent and William Dudley Pelley, founder of the fascist Silver-shirts, all expressed their agreement with Dies’ anti-Communist agenda (Pomerantz 1963: 25; O’Reilly 1983: 40–1). Two months *after* the US had entered the war, the following statement was made by the Federal Communications Commission (11 February 1942):

Representative Dies received as many favorable references in Axis propaganda in this country as any living American public figure. His opinions were quoted by the Axis without criticism at any time. (Pomerantz 1963: 25)

On 23 May 1939 the pro-Nazi George Deatherage was called to testify before the Dies Committee in one of its rare investigations of an ‘-ism’ other than

Communism. He refused to give any information concerning the identity of the members of his Knights of the White Camellias, including the number of members, on the grounds that to do so would be to break his oath (Pomerantz 1963: 27). This brought no reaction from HUAC, whereas appeals to the Constitution by the Hollywood Ten – a gesture more legal and serious than an oath to a secret society – brought down the full wrath of the Committee upon their heads.

Dies was a member of the white supremacist Ku Klux Klan, as was J. Parnell Thomas, HUAC Chairman in 1947. Hardly surprising, then, that Committee members John Rankin and John Wood should call the KKK '100% American' (Wesley 1961: 15). Moreover, Dies was a disciple of the first Chairman of HUAC, Hamilton Fish, an ardent pro-Nazi who considered Communists a danger because of their support for complete equality between whites and blacks, including intermarriage (Braden 1963: 17).² And it was Hollywood denizens close to the gangsters who invited Dies to investigate the film industry:

it is worth nothing that it was George Brown who initially invited Dies to Hollywood and it was Herb Sorrell, a genuine hero of many rank and file workers in the studios, who fired the first volley at Dies, noting that the senator would do better to investigate Bioff than communists. (Nielsen and Mailes 1995: 65)³

A historian has pointed out that the presence of Dies was part of the employers' strategy to forestall radical unionism and that their union collaborators gave Dies the names of alleged Communists to be investigated (Buhle 1999: 116). Dies met with Jack L. Warner in an attempt to have an anti-Communist message slipped into *Confessions of a Nazi Spy* and writer John Wexley tells of how Warner invited him to 'work in something about the pinkos', which Wexley refused to do (McGilligan and Buhle 1997: 713).⁴ On 17 February 1940 Dies published in the Hearst press an article entitled 'The Reds in Hollywood' which in turn led to an editorial 'urging the committee to look into Communism in motion pictures' (Pizzitola 2002: 367–8).⁵

If Dies finally decided that the actors he had interrogated – Humphrey Bogart, James Cagney and Fredric March – were not tainted, his investigation was only the highly visible tip of an institutional iceberg whose activities were carefully concealed: the FBI. While HUAC vociferated on stage, Hoover worked in the wings building up his files against subversives. America's leading specialist on the FBI has stated that, from the 1920s on, 'FBI investigations focused not on espionage but on Communist influence in American society' (Theoharis 2002: 139). Hoover's obsession was with cultural and ideological attacks on the social order *from within*, not with armed

attacks from without. Thus in April 1941 he sent a memo to the Attorney General himself:

These subversive groups direct their attention to the dissemination of propaganda and to the boring from within processes, much of which is not a violation of a Federal Statute at the time it is indulged in, but which *may become* a definite violation of law in the event of a declaration of war or *the declaration of a national emergency*. (Theoharis 2002: 140; emphasis added)

This was Hoover's mindset: a hypothetical emergency justified illegal tactics such as wiretaps and break-ins to keep tabs on people whose only crime was thinking differently. In order to cover his tracks, Hoover resorted to special procedures:

These procedures ensured that records of illegal conduct or of the dissemination of information were not incorporated in the FBI's Central Records System. Such records were routed to senior FBI officials and maintained in their secret office files. These dissemination activities could not have succeeded, in any event, without the witting cooperation of reporters, members of Congress, and prominent anti-Communist activists who accepted Hoover's strict condition not to disclose the FBI as their source. (Theoharis 2002: 142)

Hoover had been interested in Communism in Hollywood since the 1930s, but only the 'labour activist' variety. By 1942, however, he had come to believe that pro-Soviet and anti-Fascist films proved that the CP exerted an influence in Hollywood (Theoharis 2002: 151–3). The next step was logical: in 1943 Hoover's agents broke into the offices of the Los Angeles Communist Party and photocopied the membership files of the Hollywood section. Repeated break-ins up to 1947 enabled the FBI to verify whether Communists had continued their membership and to identify new recruits:

These lists enabled FBI agents to identify, by October 1947, 47 actors, 45 actresses, 127 writers, 8 producers, and 15 directors as former or current Communist party members. (Theoharis 2002: 155)

Readers will note the date: October 1947, the beginning of the Hearings. Hoover also received reports from the Los Angeles office of the FBI, relating how Hollywood Communists were able to 'spread propaganda', 'force the making of motion pictures which glorify the Soviet Union' and pressure producers to make 'motion pictures delineating the Negro race in most favorable terms' (Theoharis 2002: 154). The authors of such reports were able to ignore that the Soviet Union was America's ally and to slip in their own racist prejudices hostile to the Constitution.

In October 1944 Hoover briefed the Attorney General: 'Given the ideological tenor of Hoover's report and his failure to cite any instance of illegal conduct, an unimpressed attorney general did not even respond' (Theoharis 2002: 156). At this point in history, for the Attorney General Communist activity was not synonymous with illegal activity.⁶ That HUAC planned to investigate Hollywood as early as 1945 suggests that the Motion Picture Alliance, formed the previous year, had made overtures to the Committee to return to Hollywood, but that this had fallen through because Hoover had no intention of having the FBI linked with the investigation. He was determined to investigate Communism in Hollywood but also to dictate his conditions. However, Hoover's conviction of the need to expose Communism in Hollywood led him to change his mind and to leak his information covertly – and illegally – to HUAC Chairman J. Parnell Thomas and Robert Stripling.⁷ Both Thomas and Stripling had travelled to Los Angeles in 1945, but it was not until 1947 that Hoover reversed his earlier decision and asked his assistant director to extend '*every* assistance to this committee' (Hoover's emphasis). Duly grateful, Thomas assured Hoover that no information would pass beyond him as Chairman and 'requested leads and information of value to the Committee' (Theoharis 2002: 157–60). The scene was set for the Hearings of October 1947 to take place.⁸

HUAC was just one of the Committees mandated by Congress to investigate a particular topic, in this case: un-American activities, now limited to Communist activities. A Committee was temporary and was expected to report back to Congress and propose legislation, which Congress might act on or not: 'Precedent, unbroken since the founding of the Republic, had established that investigating committees are not constituted as permanent bodies' (Donner 1961: 17). With the resignation of Dies in 1944, HUAC risked being discontinued. This was to reckon without Representative Rankin who, leaping onto the bandwagon of national security, managed to get Congress to make HUAC a permanent fixture. This boost to its power gave the members of the Committee – Southern Democrats and conservative Republicans united in their hatred of unions, civil rights and the New Deal – the chance to devote themselves, not to partial investigation, but to partisan exposure:

In 1947 the Committee explained that its function was to 'expose activities by un-American individuals and organizations which, while sometimes being legal, are nonetheless inimical to our American concepts and our American future'. (Donner 1961: 56)

Legal activities were thus branded 'un-American' so that one particular vision of American society would prevail:

It was not enough to be American in citizenship or residence – one must be American in one's thoughts. There was such a thing as Americanism. And lack of right thinking could make an American citizen un-American. (Wills 1976: 18)

There was no ambiguity concerning Chairman Thomas's vision of America – 'more business in government and less government in business' – nor was there any doubt about his (ab)use of the powers invested in him. A HUAC Chairman was potentially judge and jury: he subpoenaed citizens to appear before him and asked them questions. As this was not a court of law, witnesses did not have the right to have their lawyer cross-examine other witnesses. Moreover, what witnesses stated could not be used against them outside the room where the hearings took place, which meant that a slur on a person's character went unchallenged. We shall see this happening again and again during the 1947 Hearings:

The committee usurped the functions of the grand jury without the protective secrecy of that body by making charges publicly in a purported effort to obtain information. The committee was able to punish people for acts or associations that would not be regarded as crimes in a court of law. The punishment was the loss of their livelihood and the annihilation of their reputations.

In this sense the committee conducted trials rather than hearings. (Vaughn 1996: 175; emphasis added)⁹

THE HEARINGS

The Committee's brief was to investigate Communist infiltration of the motion-picture industry, but it soon transpired that the meaning of both 'Communism' and 'infiltration' was problematic. Was HUAC trying to prove members of the Hollywood community were members of the CP or that some diffuse Communist presence had led to movies being turned into propaganda? Since Jack L. Warner and Louis B. Mayer admitted that they had made pro-Soviet propaganda films during the war, other criteria had to be found. It was clear from the outset that HUAC had decided in advance who was 'friendly' (= cooperative) and who was 'hostile' (= uncooperative).¹⁰ It was the FBI who drew up the lists of the 'friendly' and the 'hostile', which allowed HUAC, during their visit to Hollywood in May 1947, to interview those who were to appear before it in Washington in October. Many of the 'friendly' witnesses belonged to the Motion Picture Alliance, including its President, director Sam Wood, and actor Adolphe Menjou, as well as leading figures in the Screen Playwrights, such as Rupert Hughes and James Kevin McGuinness. Other key

witnesses were actors Gary Cooper and Robert Taylor, writer Ayn Rand and Lela Rogers (mother of actress Ginger Rogers).¹¹

Originally there had been nineteen 'unfriendly' witnesses listed, although only ten were actually called: writers Alvah Bessie, Lester Cole, Ring Lardner, Jr, John Howard Lawson, Albert Maltz, Sam Ornitz and Dalton Trumbo, directors Herbert Biberman and Edward Dmytryk, and producer Adrian Scott.¹² Those who were not called were writers Richard Collins, Gordon Kahn and Waldo Salt, director Lewis Milestone, writer-director Robert Rossen, writer-producer Howard Koch, actor-director Irving Pichel and actor Larry Parks.¹³ Why these and not others, given the numbers of Communists known to the FBI (and hence to HUAC)? Several reasons have been suggested. Most of the Ten were Jews. None had a war record; after all, berating a war hero wearing his medals for the occasion would not go down well with the public. Bessie was the only member of the film community to have fought in Spain on the Loyalist side. Cole and Lawson had brought attention to themselves as militant unionists during the 1930s, Scott and Dmytryk had just made the anti-anti-Semitic *Crossfire* (1947). Trumbo was the highest-paid writer in the industry because his films were commercially successful (doubtless as propaganda too). Nor must the sheer vindictiveness of the Alliance be neglected.¹⁴ Its members were summoned first.

Some indication of what HUAC was willing to accept as testimony and what values were being defended can be garnered from remarks made by friendly witnesses. *The Hollywood Reporter* (27 October) quoted director Sam Wood of the Alliance who named four directors who tried to 'steer us into the Red river', a supposedly witty reference to the recent Western starring Alliance member John Wayne.¹⁵ The directors were Dmytryk of the Ten, Pichel of the Nineteen, John Cromwell and Frank Tuttle.¹⁶ Asked whether he thought Cromwell was a Communist, actor Adolphe Menjou said he did not know, adding after prompting from Stripling: 'he acts an awful lot like one'. He then went on to refer to a discussion he had with Cromwell about the future of capitalism (Bentley 2002: 122–3). Cromwell was never given the chance to reply.¹⁷ Menjou was both confused and confusing over the question of Communist propaganda. Firstly, he congratulated the Alliance for preventing 'an enormous amount of sly, subtle, un-American class-struggle propaganda from going into pictures', then, replying to a question about how propaganda could be portrayed, stated that it would be possible to subvert a film 'by a look, by an inflection, by a change in the voice. *I have never seen it done, but I think it could be done*' (Bentley 2002: 122; emphasis added). On the basis of a mixture of opinions, hearsay and intuition Menjou had been designated as an expert. At the outset of the proceedings, Thomas had refused Bartley Crum, one of the Ten's lawyers, the right to cross-examine, which led Crum to remark

sarcastically on 'the Americanism of the procedure' (Los Angeles *Daily News*, 20 October).

Menjou indulged in some name dropping, citing actors Edward G. Robinson, Hume Cronyn, Alexander Knox and Paul Henreid as 'associates of Sorrell in the Hollywood union fight', claiming Sorrell was a Communist (Hollywood *Citizen-News*, 21 October). Thus appeared early on the dubious notion of 'guilt by association', destined to become a basic weapon with which to (brow)beat unfriendly witnesses in the future.¹⁸ Similarly, actor Robert Taylor (who appeared the day after Menjou) talked of 'a certain group of actors and actresses whose every action would indicate to me that, if they are not Communists, they are working awfully hard to be Communists'. He then gave the names of actress Karen Morley and actor Howard Da Silva: 'He always seems to have something to say at the wrong time' (Bentley 2002: 137).¹⁹ Taylor's testimony is revealing as an unwitting example of the complicity that existed between HUAC and the friendly witnesses. Stripling asked the actor if he had ever participated in a picture containing Communist propaganda. Taylor replied: 'I assume we are now referring to *Song of Russia*' (Bentley 2002: 137–8). 'We', not 'You'. If Taylor and Stripling had not already rehearsed the questions and answers, Taylor would not have made this revealing slip, indicating as it does an identification with Stripling's position and a common desire to incriminate the film as propaganda.²⁰

Taylor was also an exponent of hearsay: 'several writers' were 'reputedly fellow travellers or possibly Communists'. However, he could give only one example: Lester Cole, 'reputedly a Communist. I would not know personally' (Bentley 2002: 139). The transcript of the Hearings fails, however, to note yet another slip of the tongue, perfectly audible in the newsreel recording of the Hearings included in the documentary *Hollywood on Trial*. Taylor does not say 'I know of several writers . . .' but: 'I know several writers – I know of several writers'. This is revealing. Taylor never accused anyone of *being* a Communist: 'of' betrays the role of hearsay which, through endless reiteration, took on the aura of truth, thus replacing an open accusation. According to *Variety* (29 October), Taylor was asked to reconcile the statement that he wouldn't work with a Communist and the fact that his last film had been written by Lester Cole. Taylor 'hemmed and hawed', then claimed his remark referred to stars only.²¹ Actor Gary Cooper was also prone to discussing matters of which he had no first-hand knowledge, giving the distinct impression of being naive, even ridiculous: he was unable to remember the titles of supposedly Communist-tainted scripts he had turned down, 'because most of the scripts I read at night' (Bentley 2002: 148). Although this may seem like low but sinister farce, recent research casts new light on Cooper's testimony. Unlike other witnesses, he did not mention a single name, which infuriated Alliance President Sam Wood.

Cooper's later behaviour when making *High Noon* in 1951 – despite all forms of pressure exerted on him, he supported writer Carl Foreman, who was subpoenaed to appear before HUAC, through to the bitter end – indicated a moral sense singularly lacking at the time and a refusal to deprive people of their livelihood, despite political differences (Byman 2004: 58–60, 71–90).²²

Lela Rogers, mother of actress Ginger, accused the film *Tender Comrade*, directed by Edward Dmytryk in 1943 from a script by Dalton Trumbo, of being Communist propaganda because of the line her daughter had to say: 'Share and share alike, that's democracy.' Mrs Rogers made this accusation on HUAC's visit to Hollywood in May 1947 and did not repeat it in October (Kahn 1948: 43–4). This is the most quoted remark of the Hearings, which is unfortunate: at *no* point in *Tender Comrade* does Ginger Rogers speak this line in this form. She suggests to three friends – each of the young married women is the 'tender comrade' of her husband, abroad fighting – that, instead of renting an apartment each, they should pool their resources and rent a house.²³ This is certainly a case of defending social housing for working people. Later Rogers makes a remark that infuriated the Right: in case of disagreement, they should take a vote.²⁴ These are her actual words:

We could take a vote. We could run the joint like a democracy. If anything comes up, we'll just call a meeting . . . We could sell one car and use the other on a share-and-share-alike basis.

The notion of sharing everything, including sacrifices, in order to help the war effort is made explicit by their housekeeper, significantly a Jewish refugee from Nazi Germany. She is displeased when the butcher gives her bacon beyond the legal rations as this means depriving others, especially soldiers. So 'share and share alike' takes on an international dimension, one of solidarity. Although such elements are an obvious attack on free enterprise and profiteering, what Rogers and the housekeeper defend cannot be abstracted from the context of a World War. Trumbo was not being a Communist here but simply giving a patriotic history lesson.

That HUAC was coming to Hollywood as trouble-shooters with certain left-wingers in their sights was an open secret, and the Nineteen hired lawyers to ascertain how best to react. However, the producers too were under fire, for allegedly having allowed Communists to slip propaganda into their films. Their lawyer, Paul McNutt, requested that the Committee subpoena the films incriminated so as to prove their point concerning subversive content: 'On behalf of the producers I represent, I urge committee members not to accept second or third hand opinion on these films' (*Variety*, 21 October 1947). If I insisted on the way Mrs Rogers misquoted the remark in *Tender Comrade*, it is because such inaccuracies, however minor, when added to hearsay were to

destroy careers. McNutt's request was echoed by W. R. Wilkerson, the anti-Communist editor of *The Hollywood Reporter*. With the films in their possession, the Committee had only to 'look at them and then determine the question as a result of the inspection'. Made the day before the Hearings opened, this suggestion, like the official request of McNutt, fell on deaf ears.

In this the Committee was more than helped by producer Jack L. Warner. He had already testified during the preliminary hearings held in Los Angeles in May where he gave the names of Warner Brothers writers under contract whom he suspected of attempting to '[inject] Communist propaganda' into films. By October, however, he had changed his mind on a number of cases and asked to rectify matters, but certain names remained on the list, essentially those of the Nineteen (Kahn 1948: 12–16). The Committee's main concerns were to get Warner to justify a blacklist and ask it to outlaw the CP. Representative Vail put this question to the producer: 'Would you be deeply interested in providing a livelihood for the individual who was attempting by subversive methods to destroy this form of government?' (Kahn 1948: 22). This is a convoluted way of asking 'Are you in favour of a blacklist?' Warner, however, showed no interest in the matter, so Vail's colleague Representative McDowell moved on to the matter of the CP: 'You know during Hitler's regime they passed a law in Germany outlawing Communism and the Communists went to jail. Would you advocate the same thing here?' McDowell had obviously forgotten World War II and that Warner was a Jew. Nor had he viewed *Confessions of a Nazi Spy*. To his credit, Warner riposted: 'Everyone in this room and everyone in the world knows the consequences of that type of law' (Kahn 1948: 22). However, Warner finally said he wanted the CP to be made illegal, but on the question of a blacklist he was more careful:

I agree to it personally, Mr. Congressman, but I cannot agree so far as the [Motion Picture] Association is concerned. I can't for the life of me figure where men could get together . . . to deprive a man of his livelihood because of his political beliefs. (Kahn 1948: 26)

Outlawing the CP was HUAC's chief obsession and one of their most redoubtable adversaries was Arthur Garfield Hays, counsel for the American Civil Liberties Union (ACLU), a lawyer specialising in constitutional law and an adamant anti-Communist: he considered them 'crackbrained' (Bentley 2002: 247). He was summoned before a Subcommittee of HUAC (chaired by Richard Nixon) and allowed to make a statement which extends over five pages of Bentley's volume. Here are some of his remarks:

The Bill of Rights guarantees the freedom to advocate changes in the American form of government, to belong to a political party for that

purpose, and to run for office. Any denial of these freedoms for Communists inevitably challenges the rights of all political minorities. (249)

We have plenty of legislation today to stop all Communist activity if we could prove that the party and the members thereof advocate force and violence. (251)

This kind of legislation [outlawing the CP] seems to me to be wholly un-American, indicates lack of faith in our institutions, would arouse fear and timidity, and invite attacks upon sincere liberal thought. (251)

The method of the Fascists, of Hitler and Mussolini, was to stir up a Red scare and then repress the liberties of the people in order to save them from the Reds. (253)

At one point he was corrected by Representative McDowell when he referred to 'the Un-American Committee'. Hays persisted: he had called it that when Dies was Chairman, accusing the latter of being 'a dangerous man' seeking to 'stir up a Red scare' (271). Thus the considerable change in the political climate over a decade had not changed the opinions of an expert on the Constitution.²⁵

The Nineteen and their lawyers decided to challenge the Committee's determination to inquire into a citizen's private opinions as a violation of the First Amendment of the Constitution (1791):

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The lawyers had reason to believe that such a tactic had every chance of succeeding, given legal precedent. In a decision dating from 1942, Justice Hugo Black had written: 'I view the guarantees of the First Amendment as the foundation upon which our government structure rests and without which it could not continue to endure as conceived and planned' (Wagman 1991: 56). The following year Justice Robert H. Jackson had stated:

If there is any fixed star in our constitutional constellation it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion, or force citizens to confess by word or act their faith therein.²⁶

Ben Margolis, one of the group's lawyers, pointed out later that taking a stand on the First was considered 'a respectable position' by 95 per cent of the population.²⁷ Ring Lardner, Jr has written that the unanimous decision to take the First and therefore to refuse to answer any questions was modified when

another of their lawyers, Robert Kenny, suggested the following tactic: 'I want you not to refuse to answer a question but say you're trying to answer it in your own way' (Lardner 2000: 119). One reason for this argument was that a refusal to answer could lead to a citation for contempt and therefore to prison.

It is sufficient to read the transcripts of the Hearings and, especially, to view the newsreel footage to understand how things backfired for the unfriendly witnesses. It was immediately clear that the leeway granted the friendly witnesses was not to be extended to them and that they had to answer 'yes' or 'no' to the question: 'Are you now or have you ever been a member of the Communist Party?' The first to take the stand, John Howard Lawson, asked to be allowed to read a prepared statement. Thomas asked to see it, started to read it and refused, declaring it irrelevant to the Hearings.²⁸ When he was asked the question about membership in the CP, he started to give a speech, only to be cut off by the Chairman's gavel. The question was repeated and Lawson replied: 'I'm forming my answer in the only way any American citizen can frame', before being cut off by Thomas who said: 'Then you deny, you, you refuse to answer that question?' This is another slip of the tongue. Lawson admitted and denied nothing and his 'refusal' was relative: he refused to answer in the way imposed on him. He was told to 'stand away from the stand'.

This confrontation was repeated, with variations, when Lawson's colleagues took the stand. Lester Cole was asked if he belonged to the SWG: to have answered 'yes' would have been to concede the Committee's right to question him on his union affiliations, protected like politics and religion by the First. Cole responded thus: 'I'd be very happy to answer that question. I believe the reason the question is being asked . . .'. At this point Thomas started banging the table with his gavel and shouting 'No!' *Hollywood on Trial* shows that he wielded his gavel to the accompaniment of 'no' thirteen times. We can distinguish a slight smile (of resignation?) on Cole's face. Trumbo was luckier and succeeded in making the following remark: 'The rights of American labor to inviolably secret membership lists have been won in this country by a great cost of blood and a great cost in terms of hunger.' The mild-mannered Adrian Scott simply stated that he couldn't answer the questions put to him in the way demanded. Edward Dmytryk raised the question of the Constitution and the right to think. 'So you refuse to answer the question?', Thomas put in. 'I don't refuse, I'm answering in my own way', replied the director. Herbert Biberman engaged in what became a contest between the gavel of Thomas and the force of his own lungs.

Albert Maltz fared better, thanks to a brilliant ruse on his part. When asking to be allowed to read the statement he had prepared, he said: 'May I ask whether you asked Gerald L. K. Smith to see his statement before you allowed him to read it?' (Smith was the notorious anti-Semite and supporter of HUAC.)

Thomas read Maltz's statement, then allowed Maltz to read it. He listed the films he had written and how well they had been accepted both by the Academy of Motion Picture Arts and Sciences and the armed forces, denounced Thomas and Rankin for being opposed to anti-lynching laws and for supporting the Ku Klux Klan, stated that he would not have been hauled before the Committee if his name had been General Franco and concluded thus: 'The American people are going to have to choose between the Bill of Rights and the Thomas Committee. They cannot have both. One or the other must be abolished in the immediate future.' He was then asked the usual question about belonging to the CP, stated his belief that the question was improper and was dismissed by Thomas: 'Typical Communist line' (Kahn 1948: 87–90).

One commentator has written: 'The central rationale for guaranteeing freedom of expression is that unfettered exchanges of opinion will ultimately lead to truth' (Wagman 1991: 109). This may be idealistic but at least insists on the right to express oneself. This right was flouted by Thomas who, in his preliminary remarks, promised to be 'fair and impartial' but granted to the friendly witnesses rights he denied to the unfriendly ones. Present in the court were twenty-nine members of the motion-picture industry who had flown to Washington to show their hostility to the Committee's Hearings. They belonged to the Committee for the First Amendment, set up as soon as it transpired that Hollywood was under attack by HUAC. Four men were behind the CFA: directors John Huston and William Wyler, writer Philip Dunne and actor Alexander Knox.²⁹ Its first public petition denouncing HUAC was published in *The Hollywood Reporter* and signed by thirty-five Hollywood personalities. One week later a further petition bearing 350 signatures appeared in *Daily Variety*.³⁰ The most famous star present in Washington was Humphrey Bogart who made this statement (reproduced in the documentary *The Legacy of the Blacklist*, 1987):

This is Humphrey Bogart. We sat in the Committee Room and heard it happen. We saw it. We said to ourselves: it can't happen here. We saw American citizens denied the right to speak by elected representatives of the people. We saw police take citizens from the stand like criminals after they'd been refused the right to defend themselves. We saw the gavel of the Committee Chairman cutting off the words of free Americans. The sound of that gavel, Mr. Thomas, rings across America, because every time your gavel struck it hit the First Amendment to the Constitution of the United States.³¹

The controversial nature of the Hearings and the celebrity of the accused led to much press comment. The Motion Picture Association of America made out a list of over 250 newspaper editorials 'denouncing the Thomas

Committee and/or commending the position of the motion picture industry'.³² If these editorials make fascinating and revealing reading, certain ambiguities are already present, including the precise meaning of the formula 'commending the position of the motion picture industry'. The MPAA book of cuttings opens with editorials from the New York *Herald Tribune* (22 October and 1 November 1947), a conservative Republican newspaper. Sober yet sarcastic, they smote Thomas hip and thigh, referring to 'an abundance of unsubstantiated charges' and 'some dizzying new definitions of Communism', then pointed out:

. . . this prying is forbidden by the Constitution . . .

. . . Not Hollywood but Congress is being investigated here, and once again the testimony indicates that the system of Congressional investigating committees needs overhauling.

The editorials published in the New York *Times* (23 October and 2 November) raised three key issues. Firstly, nobody can force a witness to declare his affiliation to a party which is legally recognised. Secondly, even 'the most degraded criminal' has the right to cross-examine. Thirdly, did the Committee intend moving on to Broadway, the radio and the press, not to mention the private convictions of 'labor unions, physicians, lawyers, scientists and country storekeepers'?³³ This last point was also made by the Atlanta, Georgia, *Journal* (28 October): 'the principles of free speech and free press are meaningless unless they apply to people who disagree with the government'.

The question of the difference between a court of law and a Committee of Congress was taken up by the Washington *Post* (5 November 1947). Stating that 'Congress has an obligation not to encroach upon the realm of the judiciary', the editorial refers to the language used by the Committee: 'One of the committee's lawyers inadvertently told witnesses that they were 'charged' with communism, *as if they had been before a court*' (emphasis added). The editorialist of the Denver *Post* (22 October) was of the opinion that 'attorneys for all interested parties at all congressional hearings should be extended the privilege of cross-examination', adding crucially: 'Some congressional committees do allow the cross-examination of witnesses'. This particular aspect of HUAC's behaviour and Thomas's arrogance and rudeness towards Paul McNutt and Bartley Crum shocked many observers. One editorialist even wrote that the 'hearings more closely resemble purge trials in Russia than judicial or legislative proceedings in the United States' (Toledo, Ohio, *Blade*, 28 October).

Two striking editorials appeared in the Chicago *Sun* (23 October 1947) and the Rutland, Vermont, *Herald* (29 October). The former was uncannily prophetic:

When an atmosphere of suspicion and hatred is established, you get people turning on each other, questioning their friends and even themselves, wondering if their thoughts run in the accepted 'American' channel, secretly asking whether somebody's convictions are his own or those of a party line.

That is the most un-American thing of all – the silent intimidation, the unexpressed pressure to conform, the official reaching out to control thoughts. Until lately it was considered a basic element of Americanism that a man could think and speak as he pleased. Some day, when the current hysteria has passed, it may be so considered again.

The second editorial concentrated on the question of hearsay, where the person slurred could not sue for slander: the witness was protected by the status of the Committee. The editorialist went further by referring to 'prejudiced testimony', thus raising the fundamental question of the settling of scores and of antagonism based on political differences. The editorial is eloquently entitled 'The "Un-American" Committee'. The editorialist of the Marion, Ohio, *Star* (30 October) summed things up: 'Nothing the Reds can do in this country is half so fearful as the things Americans might do if they lost sight of the vital importance of their civil liberties.'

For other editorialists the problem with HUAC lay in its inability to go beyond generalities. The Philadelphia *Inquirer* (22 October 1947) took it as self-evident that Communists were influencing the content of films and accepted at face value what had been claimed by the friendly witnesses; the problem with the testimony of Menjou is that he named no films, despite the fact that 'a concerted and earnest attempt' had been made to subvert the screen. There was only one solution: 'naming names, and citing actual performances'. The Aberdeen, Washington, *World* (24 October) called for the Communists to 'be identified and their names blazoned over the country'. The Sunbury, Pennsylvania, *Item* (28 October) called on Hollywood to efface 'the red tinge' from films, while the Los Angeles *Herald and Express* (24 October) considered it the Committee's duty 'to clear the air of subversive propaganda'. The Cleveland *Plain Dealer* (29 October) accepted the Committee line that the Ten had refused to testify. Even more forthright, the New York *Daily Mirror* congratulated Thomas for uncovering the 'skulduggery' of the Communists and asked him to 'drive these *vermin* out of one of America's greatest industries' (emphasis added).

Behind many of the editorials, however, lay the implicit assumption that, should X turn out to be a Communist, then the Committee had done its job and Hollywood was within its rights to dispense with his services. Thus there crept into discourse the notions of 'guilt' and 'innocence', insidiously

implying in this context that being a Communist was a sign of the former. The editorial of the *Durham Sun* (24 October 1947) was entitled 'Not Only the Guilty Who Are Made to Suffer'. Its sole concern was a fear that people 'branded as Communists' were going to see their careers suffer if they were not members of the Party, implying that it was acceptable to deprive a 'bona fide Communist' of his livelihood. Similarly, the Asheville, North Carolina, *Times* (29 October) wrote that 'such inquiries are likely to start witch-hunts, liable to work irreparable harm to individuals who are entirely innocent'. The logic is limp: witch hunts are justifiable when they expose the 'guilty', such as Communists. The groundwork was being laid for what was to come: the abandonment by most liberals of any attempt to protect rights *as such*, only those of the 'innocent': non-Communists or ex-Communists. In his Foreword to the volume published by the American Civil Liberties Union (Miller 1952: 11), liberal playwright Robert Sherwood denounced 'the cruel and inhuman publicity to which many decent, non-Communist American artists have already been subjected'. Clearly Communist artists were not 'decent' and could be happily subjected to such 'cruel and inhuman publicity'. We shall see that this opinion, commonplace among liberals by 1950, was in the process of becoming the received wisdom once the Hearings closed.

This impression was gained from the testimony of one witness in a position to defend the Ten: Emmet Lavery, President of the SWG. He was in a unique position before HUAC: considered an unfriendly witness, while not being a member of the Nineteen. As President of the SWG he had become synonymous with Communism in the eyes of the Committee, for whom union struggles were subversive (= hostile to business); and he had been denounced as a 'Communist masquerading as a Catholic' by the vindictive writer and Alliance member, Rupert Hughes. Morrie Ryskind of the Alliance had stated before the Committee that the SWG was under Communist domination. When Lavery asked if he would have the opportunity to reply, he received from Chairman Thomas the following answer: 'Without objection, the Chair will give you permission to reply to those. That is just why you are here. Charges have been made against you and your organization' (Bentley 2002: 171). The ambiguous passive voice is as eloquent as the word 'charges': we have seen that a Committee of Congress is *not* a court of law and everyone knew who was making the charges, although Thomas could not admit it and simultaneously claim to be 'fair and impartial'.

Lavery, a lawyer by training, volunteered spontaneously that he was not a member of the CP, adding: 'I am not sure, as a student of constitutional law, whether the Committee does have the authority to demand it of me' (Bentley 2002: 172). Asked whether he was 'aware of any Communist infiltration within the Screen Writers' Guild', he replied that he was 'willing to make the

assumption' that there was, adding that the SWG had members of the extreme Left and the extreme Right but that most were in the 'liberal center'. By refusing the notion of 'infiltration', Lavery was patently trying to demolish the Committee's pre-conceived notions. Similarly, when asked if 'action should be taken' to remove Communists from the Guild, he replied: 'it would be disastrous for a guild to attempt to project a standard of conduct not yet embodied in the law by the Congress of the United States' (Bentley 2002: 177). However, Lavery had already agreed with J. Edgar Hoover: outlawing the CP would drive it underground. This remark was unfortunate because it implied that for Lavery too the CP represented a threat. Likewise, when asked about the 'influence' of Lawson, Trumbo, Maltz, Bessie, Ornitz and Biberman (who had already appeared), Lavery made the mistake of replying that they did not 'control' the guild, thus placing his reply on the terrain chosen by the Committee, although he denied such control existed. Had Lavery kept to the word 'influence', he could have continued to deny the notion of 'infiltration' and thus potential control, whereas his anxiety to defend the SWG ended by giving the impression that it had indeed been infiltrated and come close to being controlled by Communists.³⁴

Which brings us back to the mantra of 'Communist propaganda'. Both Jack L. Warner and Louis B. Mayer had suffered on the stand because of pro-Soviet films they had made during the war, *Mission to Moscow* by the former, *Song of Russia* by the latter. Originally, in May 1947, Warner had tried to put the blame for *Mission to Moscow* on Roosevelt and former American Ambassador to Moscow, Mr Davies. This was an excellent way of 'proving' that the New Deal was influenced by Reds and how prone to Red propaganda Hollywood was. However, by October Warner admitted that his brother Harry had contacted Ambassador Davies about turning his book *Mission to Moscow* into a film. So much was made of this because of the controversial nature of the film: not praise for the courage and sacrifice of the Soviets but a paean of praise to Stalin and a justification of his regime, including the notorious 'purge' trials where Stalin started to eliminate internal opposition to his regime.³⁵ Basically, however, for Warner Brothers, the film was part of the war effort, as was the MGM production *Song of Russia* which preached love and understanding (the film is a love story involving an American conductor and a Soviet peasant). What was at stake here was censorship, but in a very particular sense. During his testimony friendly witness James Kevin McGuinness stated that anti-Communist films should be made, a remark which functioned as an opening gambit. Thomas asked: 'will these public hearings aid the industry in giving it the will to make these pictures?' McGuinness concurred. The next step had also been carefully rehearsed, with the witness agreeing with the Committee that anti-Communist films might be distributed as 'a patriotic and public duty'

through schools and churches, should Hollywood be approached to help such an undertaking (Suber 1966: 48–9). Thus HUAC sought to transform Hollywood and its films into a vector of propaganda, while simultaneously dictating the content of films, exactly what it was accusing the Left of doing, but without proof.

THE AFTERMATH

The Hearings over, the Committee recommended that the Ten be cited for contempt of Congress. Two major statements were made in the days that followed. One was by Emmet Lavery concerning the coming SWG election. His

implicit message was that the Ten had knowingly harmed Guild interests by linking the writers' unions with communism in the public mind; that is, they had deliberately associated their refusal to answer the question about Guild membership with their refusal to answer the question about Communist Party membership. (Ceplair and Englund 1980: 294)

In calling for an All Guild Slate, Lavery was effectively calling for the defeat of all left-wing elements within the SWG. This was promptly denounced by four of the Nineteen – Cole, Collins, Kahn and Lardner – but supported by novelist and screenwriter James M. Cain who pointed out that the accusations of Communism were true and that the SWG had to exclude 'all politics' from its activities (Ceplair and Englund 1980: 294–5). Lavery's call was discussed in the Los Angeles *Herald Express* (7 November 1947): the Guild was 'to confine its interests in [*sic*] matters concerned with the writing profession and refrain from labor, political and other extraneous activities'. How could a Guild – or union – not be concerned with 'labor'? Elementary: by refusing to consider itself a union.³⁶

The second statement was by Martin Quigley, the conservative, Catholic owner and editor of the *Motion Picture Herald* (8 November 1947).³⁷ Quigley raised the spectre of HUAC public hearings to come and evoked the 'disrepair' of the motion-picture industry. He considered that an investigation of 'propaganda hostile to the United States and its institutions' was proper but that HUAC appeared 'to have been supplied with a wealth of misinformation', particularly that concerning the presence of such propaganda. The pro-Soviet films of the war years now seemed 'ridiculous' but to investigate them was 'absurd'.³⁸ Quigley also made the telling point that distributors and public would never have accepted un-American propaganda, indicating that he rejected HUAC's claim about movies disseminating Communist propaganda. More revealing is his remark that, long before HUAC descended on Hollywood, it was known that there were Communists in Hollywood: 'The

employing firms had not, of course, been hiding the accused persons and in most instances their Communistic inclinations were not only known but well-known.'

Two aspects of the Hearings had tarnished the image of the Ten: what many considered their undignified behaviour; and the 'revelation' that they were members of the CP. Actress Marsha Hunt confirmed that the members of the CFA were 'belittled and made to look foolish' by the press, that Bogart was 'angry at the way we were treated and at what we had seen', but that 'we were also sorry that a few of the Nineteen had been so shrill and defiant in their demeanor. It hadn't helped their case' (McGilligan and Buhle 1997: 317). As far as being CP members is concerned, faint-hearted liberals pretended they never knew in order to be shocked by the ghastly truth, thus presenting themselves with a sort of escape route by which they could abandon the comrades and become pure Americans again.³⁹ The revelation before HUAC that the Ten were card-carrying Communists, made by a former FBI agent summoned as a witness, covered up the fact that the information had been obtained *illegally* and would have caused HUAC considerable embarrassment, had the right to cross-examine been granted. But there was no way the Ten's lawyers could ascertain whether a breach of ethics was involved.⁴⁰ This was therefore a stroke of genius on the part of the FBI and HUAC. The former's records 'raise disturbing questions about how secrecy, ostensibly for counterintelligence reasons, undermined limited, constitutional government based on the rule of law and order' (Theoharis 2002: 239).

Supporters of the Ten said in private that they should have called a press conference before the Hearings and declared they were members of the CP, while insisting on their constitutional right not to answer questions on their beliefs.⁴¹ Superficially, this would seem to be a good solution, but to have acted thus would have been to admit that there are circumstances in which one must state one's convictions in public: when under pressure to do so. It also lends credibility to unsubstantiated accusations. The suggestion also highlights the surreal situation in which members of the CP found themselves: if they admitted to belonging to the CP, they would suffer discrimination in the form of refusals of employment; at the same time their membership was an open secret for the FBI. The climate of suspicion, and worse, surrounding Communists and other 'subversives' was such that they were forever in a quandary.⁴²

The citation of the Ten for contempt of Congress brought grist to the mill of the witch hunters. Hedda Hopper kept up pressure by publishing in her column extracts from letters favourable to the friendly witnesses and hostile to the CFA. Westbrook Pegler excoriated his favourite *bête noire*, actor Danny Kaye (a prominent liberal and member of the CFA), whom he accused of not 'giv[ing] exactly his all during the war' (*Los Angeles Examiner*, 7 November 1947). This is

a reference to the fact the Kaye was not drafted, but Pegler carefully failed to mention two things: John Wayne did everything to avoid the draft;⁴³ and Hollywood was granted dispensation by the federal government, which did not call up everyone eligible for the draft so that the industry could continue to make entertaining movies as a patriotic gesture. Pegler added an anti-Semitic touch by giving Kaye's Jewish name. In the Los Angeles *Herald Express* (17 December), he referred to the Ten, stating that some of them worked under 'assumed names'. This is a reference to Lawson, whose father changed his Jewish name *before* Lawson was born. Pegler then evoked the film *Body and Soul*, stating: 'The star is known as John Garfield . . . as he calls himself.' He then gave his Jewish name, adding that his parents were 'Born in Russia'.⁴⁴ Pegler was not alone here. When she was involved in running the Hollywood Canteen – set up by stars to offer relaxation and entertainment to members of the armed forces passing through Los Angeles on their way home on leave – director John Ford's wife gave vent to anti-Semitic remarks in the context of 'leftists' trying to take over the Canteen. She too hated Garfield, referred to him by his Jewish name and called him a Communist (McBride 2003: 370).⁴⁵ Another Red-baiting Hearst columnist, George Sokolsky, had earlier deplored a court ruling to the effect that it was illegal to call someone a Communist unless 'provably true', adding: 'But judge or no judge, we shall find a way to protect Americans from treachery as well as stupidity' (*Herald Express*, 27 October). Insinuation and witch hunting had to take precedence over the rule of law.

Rankin used the same tactic as Pegler to attack the CFA in the House of Representatives: he listed several members, then gave their Jewish names. He was roundly applauded and on 24 November 1947 Congress voted overwhelmingly in favour of the citations for contempt: 346 for, 17 against. Anti-Semitism was now the sign of the true patriot. The verbal violence of the Hearings had unnerved the CFA: 'Throughout Hollywood the word went out that the era of political demonstrations was over. The studios could no longer afford, and would not longer tolerate, activism' (Ceplair and Englund 1980: 289–90). Most of the producers were Jews and politically conservative:

though it doesn't absolve them to say so, they were also in the grip of a deep and legitimate fear: the fear that somehow the delicate rapprochement they had established between themselves and this country would be destroyed, and with it their lives. (Gabler 1988: 374)

This is admirably put. Nativism, xenophobia and anti-Semitism together make for a heady and explosive brew, especially at a time of mounting anti-Communist hysteria based on a security syndrome. What exactly had transpired to break the delicate balance among the moguls and create a blacklist?

The answer is that Eric Johnston had come to Hollywood. In 1945 Johnston, President of the American Chamber of Commerce, took over from Will Hays as President of the Motion Picture Producers and Distributors Association (MPPDA). Hostile to the very idea of trade unions, he thus arrived in Los Angeles when the massive strike broke out and came 'espousing the ideals of liberal corporate consensus' (Munby 1999: 169). Within two years his opinions were abundantly clear:

On March 5, 1947, Johnston charged that all Communists were 'foreign agents' and asked the U.S. Congress to prevent them from holding positions of leadership in labor unions. Johnston repeated his charges before the House Committee on Un-American Activities (HUAC) on March 27, 1947. (Adler 1974: 245)

That same month Johnston declared to the industry: 'We'll have no more *Grapes of Wrath*, we'll have no more *Tobacco Roads*. We'll have no more films that show the seamy side of American life' (Munby 1999: 172). These dates are important: two months later HUAC was in Hollywood listening to testimony from friendly witnesses. In his own way Johnston was echoing the Republican equation 'the New Deal = Communism' by seeking to impose on Hollywood 'an agenda that exorcized the ghosts of New Deal political rhetoric and promoted the goals of consensus and abundance instead' (Munby 1999: 173n30). Even before Lawson inadvertently gave both the Right and the spokesman of the new 'consensus' the stick with which to beat the Left,

Johnston had presented a memorandum of his association showing it had been proposed that the association not hire any Communists, but that legal counsel had opposed it on the grounds that such a 'blacklist' would constitute conspiracy. The association dropped the proposal, though Johnston at first had favored it.⁴⁶

'Legal counsel' was Paul McNutt who called a press conference on the close of the second day of the Hearings and stated that a blacklist 'would be without warrant of law and was not in accord with the announced policy of Congress or the rulings of the Supreme Court, and could therefore involve the producers in serious legal difficulties' (Suber 1966: 39). The day before the Hearings opened Johnston, the producers, their lawyers and the Nineteen's lawyers met in a Washington hotel where Johnston denied any motion in favour of a blacklist: 'Tell the boys not to worry. There'll never be a blacklist. We're not going to go totalitarian to please this committee' (Schwartz 1982: 266-7).⁴⁷

We have already seen that collusion existed between HUAC's Chief Investigator, Robert Stripling, and certain witnesses and one historian has written that his questioning of one friendly witness, writer John Charles

Moffitt, 'inadvertently revealed that he had collaborated with certain witnesses beforehand' (Suber 1966: 35). On the very day Congress handed down its citations for contempt, the producers, their lawyers and Johnston met at the Waldorf-Astoria Hotel in New York and decided on a blacklist. Not by name: no material list ever existed, since it would indeed have been proof of a conspiracy. It took them two days, however, as certain producers, Mayer and Harry Cohn, were unhappy about losing such valuable employees. However, there were threats of boycotts, both by the professional anti-Communists of the American Legion and by Latin American countries, not to mention hostility in certain towns towards such celebrated members of the CFA as Katharine Hepburn. To these considerations must be added that of the pressure exerted by the banks.

So a statement was prepared, with legal advice, whereby the Ten were to be fired by their respective employers for conduct unbecoming. The Statement declared:

We will forthwith discharge or suspend without compensation those in our employ and we will not re-employ any of the ten until such time as he is acquitted or has purged himself of contempt and declares under oath that he is not a Communist.

The use of 'purged' showed that the United States had now incorporated a Stalinist tactic for eliminating political enemies. Moreover, it was taken for granted that Communism was illegal, thus granting the Committee a legal power which even Congress did not enjoy. The Statement went on:

We will not knowingly employ a Communist or member of any party or group which advocates the overthrow of the government of the United States by force or by any illegal or unconstitutional methods.

That, at least, is how the Statement is reproduced in various accounts but it is not what Eric Johnston actually said when he read it out before the press. I invite readers to listen carefully to the newsreel recording of this dramatic event included in the documentary *Hollywood on Trial*. For Johnston says the exact *opposite* at one point: not 'by any illegal' but: 'by any legal – illegal'. *He thus corrects what he first said*. This is an extraordinary and revealing slip of the tongue where Johnston speaks the simple truth: the Ten had done nothing *illegal* and the CP was perfectly *legal*. A little slip whereby Johnston and the producers admitted that they were part of a conspiracy and spoke the truth while denying it. Communists were to be deprived of their rights, irrespective of legal niceties.

Pegler trumpeted triumphantly: '10 down, 100 to go' (*Hollywood Citizen-News*, 15 December 1947). The author of 'The Talk of the Town' column in

The New Yorker (6 December) adopted a different line, one which was to prove prophetic: 'If the practice of inquiring into a man's beliefs becomes general, then every writer in America knows that the words he is writing today are the words he may swing for tomorrow.'⁴⁸ The same writer quotes a delightful piece of cant on the part of Johnston, to the effect that 'creative work at its best cannot be carried on in an atmosphere of fear'. This was precisely the atmosphere the Waldorf-Astoria Statement had created. An example was provided by director-producer Otto Preminger, an adversary from the outset of the blacklist. In *Hollywood on Trial* he mentions how he had dinner with Ring Lardner, Jr, and his wife the day Lardner had been informed that he was fired. The very next day friends told Preminger that he could no longer be seen in public with Lardner.⁴⁹

If this was the harbinger of things to come, even more revealing and sinister for the Left were two incidents involving future blacklistees, writers Ben and Norma Barzman. The first involved their neighbour Groucho Marx (a member of the CFA) who passed in front of their house while walking his baby daughter. He mentioned how hot it was, adding: 'Of course, it's doubly hot for you – with two kinds of heat. But don't ask me for anything more than ice cubes, which is as far as my sympathies go.' With hindsight, this was a clear warning: Communists were for the high jump and liberals were no longer going to support them.⁵⁰ The other incident concerned a young lady called Norma who drove up to the Barzman's residence to inform them that there was a deputy sheriff's car at the bottom of the hill. The police were stopping most cars and asking the drivers if they were going to a certain address. It turned out to be the Barzman's and the girl added: 'The sheriff's office is keeping an eye on the house. Subversive groups are meeting there.' Ben Barzman put two and two together: the CFA had called off that very morning a meeting to decide how to help the Ten (Barzman 2003: 96–9). Hollywood's Communists were being left to fend for themselves.⁵¹

There is evidence, however, that open opposition to Hollywood's Communists existed *before* the Hearings commenced. The organisation Americans for Democratic Action (ADA) wrote an open letter to Chairman Thomas; it was published on 25 October 1947 in *The Hollywood Reporter*. It called on HUAC not to 'help communists thru [*sic*] careless and callous investigating methods', insisting on 'fair play for all witnesses and tolerance for all viewpoints'. If not, 'you will injure both Hollywood and your committee'. The letter was signed by Hollywood's leading anti-Communist liberal, actor Melvyn Douglas and is remarkable for the way it both suspects the worst from the Committee and makes it clear that HUAC would do some good if it exposed Communists. The letter contains the following revealing observation: 'Reckless attacks on liberals committed by the House Committee on

Un-American Activities in the past have repeatedly strengthened the hand of communist agents.⁵² This desire to protect liberals alone from an irresponsible committee goes hand in hand with the kind of smear Hollywood had come to expect, not from men like Douglas, but from the Motion Picture Alliance. For the reference to 'communist agents' assumes that those who defend Communists in the belief that freedom and free speech exist for everyone are, if not actually Communists, then supporting them in some devious way. If the ADA had wanted to pre-empt the MPA, they could not have done it better – or at a worse moment for genuinely progressive ideas.

Another liberal member of the ADA was independent producer Dore Schary (see note 39), who was to distinguish himself in two very different ways in the period following the Hearings. On 24 December 1947 the *Hollywood Citizen-News* reported: 'Full support and cooperation in meeting and solving the communist menace in movie studios has been pledged a producers' committee by AFL [American Federation of Labor] studio unions.' Schary was one of the committee and Brewer a representative of the unions.⁵³ The tide in Hollywood had turned definitively against the Ten. In May 1948 appeared *Berlin Express*, produced by Schary. Although a curiosity belonging to pre-history by 1948, major shooting of the film had been completed by November 1947, which means that the film was in preparation and its script completed before the Hearings opened. *Berlin Express* is remarkable for its desire to promote understanding between the US and the Soviet Union and to support anti-Nazi forces in Germany. The film turns on the attempts by the American authorities to protect Dr Bernhardt, an anti-Nazi German economist, from attempts by a Nazi group to assassinate him. Thus, on the train from Paris to Berlin, an American agent pretends to be Bernhardt and the latter travels under a false identity. Also on the train are: Lindley, an American nutrition expert; Sterling, an English teacher; Perrot, a French businessman and former member of the Resistance; Maxim, a Soviet officer; and Lucienne, Bernhardt's secretary. When the false Bernhardt is killed and the real Bernhardt kidnapped, the others join forces to find him and unmask the Nazis.

If the Soviet officer is highly suspicious of everyone, the film is striking for the way it portrays people representing the Allies – including, crucially, the Soviet Union – putting differences and prejudices aside (Lindley and Sterling, but also Maxim) in a common struggle: to prevent Nazism from gaining a foothold in post-war Germany. It could be argued that the film gives the most noble role to America precisely to hide the fact that the American authorities in real life were busy using former Nazis to help them in the struggle with the new enemy, Soviet Russia. This is certainly the case, but the fact that Bernhardt is an anti-Nazi highlights rather a certain confusion in the film, one that stems from Schary's liberal views and his belief at the time in a form of entente with

the Soviets. This, I would argue, is at the base of a remarkable case of ambiguity. At one point we think we are in the presence of an American soldier in a forbidden zone, a night club. However, he turns out to be a Nazi in disguise. This is clearly a warning to the spectator: the enemy is everywhere. This in turn can be interpreted as the film's anti-Communist slant: behind a reassuring, patriotic exterior hides America's worst enemy. Thus *Berlin Express* comes down unwittingly on the side of the liberal adversaries of the Ten, although the ending calls for understanding between Americans and Soviets.

Meanwhile the Ten, completely isolated and abandoned by all but the most unrepentant liberals, such as Carey McWilliams, prepared to do battle in the courts. Lester Cole filed a suit against MGM for wrongful dismissal. The trial was important for the attitude of Judge Leon Yankwich and the fact that Cole was tried by a jury which remained insensitive to anti-Communist hysteria. Thus Cole was granted the right to read the statement that HUAC had refused to hear.⁵⁴ Yankwich instructed the jury to bring in a verdict in favour of Cole because of the behaviour of none other than Eric Johnston:

Lester Cole was made to suffer a penalty not for what his employers thought of him, but for a dogmatic attitude on the part of Johnston, who insisted his doxy was orthodoxy and everyone else's was heterodoxy. (Cole 1981: 300)

On 24 March 1948, months before the trial took place, the Los Angeles *Herald Express* reported that studio lawyers had requested the judge be disqualified from hearing Cole's suit. Eddie Mannix of MGM claimed Yankwich 'had expressed opinions favoring the 10 suspended men' during a reception at a private residence. This was denied by the hostess.⁵⁵ Nevertheless, it showed that Sokolsky was in earnest when he wrote that Red-baiters were not going to be stopped by legal niceties. In his testimony Louis B. Mayer himself defended Cole's conduct, which was decisive in the judge's instructions. The *Los Angeles Times* reported that Cole was now back on the payroll of MGM, but 'whether or not he is assigned to work on a story is beside the point'. The California *Eagle* reported that both Cole and Yankwich received threats after the verdict, the latter being told to return to Russia.⁵⁶

The Ten were found guilty of contempt of Congress when they appeared individually before judges and were sentenced to a fine of \$1,000 and a year's imprisonment, the maximum for a misdemeanour.⁵⁷ The next stage was an *amicus curiae* brief in favour of Lawson and Trumbo, an appeal to the Supreme Court, prepared by Carey McWilliams and Alexander Micklejohn and signed not only by scores of Hollywood personalities but also writer Norman Mailer, art historian Erwin Panofsky, nuclear physicist Linus Pauling, concert pianists Arthur Rubinstein and Artur Schnabel and twenty-two law

professors at Harvard Law School. Interviewed in *The Legacy of the Blacklist* Ben Margolis stated that everyone involved in their defence considered that they had a very good chance of a positive verdict being given by the Supreme Court, given the number of liberal judges sitting. However, by the time the case came up for consideration, two liberal judges had died and been replaced by more conservative ones. The Court decided not to hear the case and in 1950 the Ten started to serve their sentences.⁵⁸ When they emerged in 1951, the second round of Hearings was already under way in Hollywood. These Hearings, and the extreme changes that had taken place nationally and internationally between 1947 and 1950, are the subject of the next chapter.

NOTES

1. Jarrico, OH, p. 112, UCLA.
2. The publications of Braden and Wesley are kept in the Special Collections, Young Reading Library, UCLA.
3. Information contained in two issue of the trade journal *Variety*, January 1940.
4. On this film, see Chapter 2.
5. I refer readers to the reference to Dies in Chapter 2.
6. In 1954 the Communist Control Act made membership of the CP a violation of the law. The Act was struck down by a Supreme Court decision in 1961.
7. Stripling had worked as an investigator for Dies from 1938 and both he and Thomas were members of the committee in 1944, the date of Dies' resignation.
8. When Philip Dunne received a copy of his own file, he found an Office Memorandum addressed to Hoover, dated 13 September 1947 and 'relating to Philip Dunne which will be submitted to Congressman Thomas' (Dunne 1992: 352).
9. A similar view was expressed at the time by Alan Barth, an editorial writer for the *Washington Post*, who highlighted 'the real defect' of HUAC: 'the concept that Congress may properly punish, by publicity, activities which it cannot constitutionally declare criminal'. Quoted in Miller 1952: 134–5.
10. The trade press used the epithet 'unfriendly', which stuck.
11. Presumably Mrs Rogers was competent to judge because she was her famous daughter's mother.
12. An eleventh person was called: exiled German playwright Bertolt Brecht. As a foreigner, he could not refuse to answer questions. He denied having belonged to a Communist Party anywhere, ran rings around the Committee who thanked and excused him. He left America immediately and settled in East Germany.
13. See the chapter 5.
14. Howard Koch observed that he was not called because HUAC knew he was not a member of the CP. That fact allowed him to defend the CP, without necessarily being in agreement, which infuriated the Alliance: Koch was seen as a link between the Communist Left and the mainstream of the industry. (Howard

- Koch, OH, pp. 95, 97, AFI). Moreover, on 26 November 1947, after the Hearings were over, Koch wrote a 'Letter to my fellow workers in the motion picture industry' where he stated that he reserved the right, at some future hearing of HUAC, to refuse to state that he was not a member of the CP. William Wyler Papers, folder 591.
15. Wood also claimed in his testimony that 'subversives' had made a constant effort to get control of the Guild. This elicited a telegram of protest sent to the Speaker of the House of Representatives on 22 October 1947 by the following officers of the SDG: George Stevens, John Huston, John Ford, William Wyler, Billy Wilder and George Sidney. Ford thus disavowed his fellow Alliance member Wood. Roger McDonald Papers, Box 1, HUAC folder, MHL.
 16. Tuttle was named as a Communist and appeared before HUAC in May 1951 as a friendly witness, naming names. For reasons which I have been unable to discover, Pichel was neither named nor called to testify but continued making films until his death in 1954.
 17. Cromwell was never named but was blacklisted in 1951. He returned to directing in 1958. See Chapter 3 for his clash with Jack Warner.
 18. Cronyn took refuge on the stage for most of the 1950s. On Knox, see Chapters 3 and 7. On the others, see Chapter 7.
 19. Both were named and blacklisted as a result of the Hearings of 1951–52, as was Morley's husband Lloyd Gough. His last film was *Rancho Notorious* (1952) where he played the cowboy who rapes and murders the hero's wife. Unable to eliminate Gough from the film, the producers removed his name from the credits (McGilligan and Buhle 1997: 471–2).
 20. A local newspaper, the Burbank *Evening Review* (Warner Brothers Studios were located in Burbank), printed in its issue of 24 October 1947 a photo of George Murphy, Robert Montgomery and Ronald Reagan of the SAG 'conferring shortly before the hearings got under way' with Robert Stripling. They were obviously posing for photographers. Jack L. Warner Papers, Box 43, HUAC folder.
 21. Jack L. Warner Papers, Box 43, HUAC folder.
 22. As Byman points out, Foreman was supported by Cooper and the star's financial backer, a Republican businessman. He was abandoned by liberal producer Stanley Kramer.
 23. See also Chapter 2.
 24. Trumbo was a trade unionist.
 25. The formula 'Un-American Committee' has been attributed to John Howard Lawson by Thom Andersen and Noël Burch. This is now confirmed by the front cover of Gerald Horne's book which shows Lawson parading with a placard bearing the inscription: 'I am a writer blacklisted by the Un-American Committee'. On the day the Hearings opened *Variety* referred to 'the Un-American Committee', calling it 'a rabble-rousing body.' Jack L. Warner Papers, Box 43, HUAC folder.
 26. Alexander Knox Collection, Box 2, blacklist folder, MHL.
 27. Ben Margolis, OH, p. 183, UCLA.

28. All those who took the stand made the same request. The lawyers, expecting a refusal on the part of Thomas, had seen that the statements were distributed to the press before their clients were called.
29. Dunne had the honour of being considered a Communist by the FBI for writing the script of *How Green was my Valley* (John Ford, 1941), considered pro-union.
30. Jack L. Warner Papers, Box 43, folders 8, 29.
31. The film does not say when and where Bogart made this strong statement, but it is safe to assume that it was during a radio interview or the press conference called by the members of the CFA at their hotel and which, according to actress Marsha Hunt, 'was well-attended' (McGilligan and Buhle 1997: 316).
32. The complete list, as well as copies of many of these editorials, is held in the Jack L. Warner Papers, Box 43, folders 1–3.
33. A prophetic question. This is what HUAC did from 1951 on.
34. Lavery's SWG colleague, Philip Dunne, was critical of his behaviour, then and later (Dunne 1992: 204, 213).
35. Essentially this meant Trotsky and his followers. Trotsky fled the Soviet Union for Mexico where one of Stalin's henchmen finally killed him. Trotsky's American supporters were outraged by the film, as were many liberals and conservatives.
36. We shall see in Chapter 7 how the SWG ceased even to exercise its professional commitments in its bargaining with management over such an essential point as credits.
37. Document conserved in the William Wyler Papers, folder 591.
38. In the prepared statement he read before HUAC in October Warner stated that *Mission to Moscow* 'was made for the war effort and not for posterity'. Jack L. Warner Papers, 'Red Investigation' folder.
39. Liberal independent producer Dore Schary was quoted by *The Hollywood Reporter* (30 October 1947) as being 'shocked' to discover the Ten were CP members but considered Scott and Dmytryk 'above reproach'.
40. In a court of law evidence obtained illegally would be dismissed and could lead to a mistrial.
41. Actor Gene Kelly adopted the only decent attitude concerning Lawson: 'What if he is a Communist?' (Horne 2006: xvi).
42. Hollywood in general and the studio bosses in particular knew perfectly well who the Communists were. The union activities of Lawson and the reactions to the Nazi–Soviet Pact were known to all.
43. When Wayne died in 1979, director William Wyler had a letter published in *Newsweek* (6 August) where he referred to Wayne as a 'great American hero fighting for God and country in all services in all wars. And it was all done before cameras in Hollywood and on safe location. That's damn good acting!' William Wyler Papers, folder 694.
44. After the Hearings Dalton Trumbo started to receive hate-mail addressed to 'Jew-lover Trumbo'. Incredibly, Trumbo's agent suggested to him a year later that he should meet up with Pegler in order to talk 'freely' about the motives that prompted the Ten to adopt the attitude they did before HUAC. This indicates just

how isolated the Ten were and what influence people like Pegler exerted (Trumbo 1970: 68, 114).

45. We shall see the role played by John Ford himself in Chapter 7.
46. Thomas L. Stokes, Los Angeles *Daily News*, 29 October 1947. Jack L. Warner Papers, Box 44, folder 32. Stokes deserves to be remembered as a consistent adversary of anti-Communist hysteria.
47. Friendly witness McGuinness stated in his testimony that he 'would regret that any man was deprived of his livelihood for his political opinions, no matter how abhorrent those opinions are to me' (Suber 1966: 48). The word 'regret' both avoids any accusation of conspiracy and implies that such a blacklist could come into existence.
48. William Wyler Papers, folder 591.
49. Preminger's courage can be judged from the following. Liberal writer Philip Dunne decided to resign from Fox on hearing Lardner had been fired. Lardner told him not to 'do anything foolish' and he changed his mind. Dunne was disgusted with the way his SWG colleagues attacked and abandoned the Ten and to the end of his life felt he should have resigned (Dunne 1992: 212, 220).
50. Another future blacklisted, writer Allen Boretz, confirmed this by stating that Groucho was typical of Social Democrats: people who meant well but were 'lackadaisical' (McGilligan and Buhle 1997: 118).
51. Norma was to become famous as Marilyn Monroe.
52. Document conserved in the William Wyler Papers, folder 686 ('Political').
53. Jack L. Warner Papers, Box 43, HUAC folder.
54. Civil Rights Congress Papers, Box 1, folder 31 (Lester Cole), SCL.
55. Jack L. Warner Papers, Box 43, HUAC folder.
56. Civil Rights Congress Papers, Box 1, folder 31.
57. Biberman and Dmytryk did not appear before the same judge as the others. They were fined \$500 and given six months' imprisonment.
58. Trumbo has written that Supreme Court Justice Frankfurter 'went out of his way to state that refusal to hear the appeal of the Ten could not be interpreted as approval of the lower court's decision that they must go to jail' (Trumbo 1970: 366). Unfortunately, as decisions were to show for some years, not even Supreme Court Justices were exempt from the ideological prejudices of the period. Two were: Hugo Black and William Douglas. Their names deserve to be remembered.