

Portraits in Oversight:

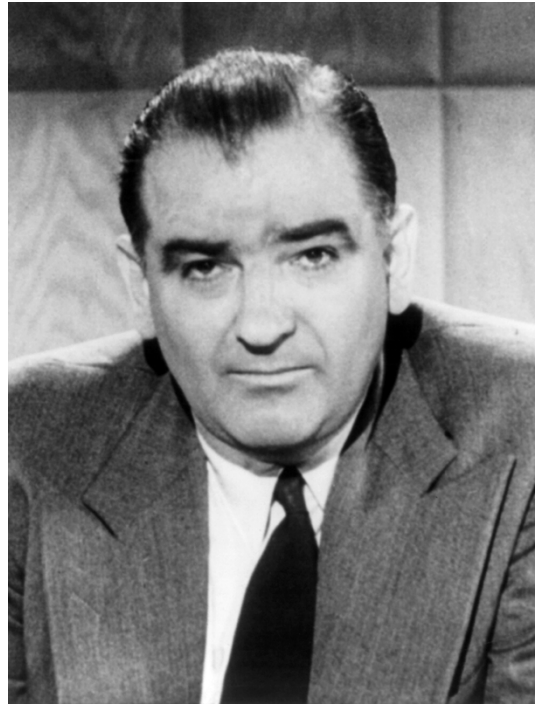
Joe McCarthy's Oversight Abuses



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[Joseph McCarthy](#) won election to the U.S. Senate as a Republican from Wisconsin in 1947, and remained a senator until his death in 1957. During his tenure, he sat on the Senate Government Operations Committee, serving as full committee chair from 1953 to 1955, and during the same period as chair of its Permanent Subcommittee on Investigations (PSI) from 1953 to 1954.

Focusing on Cold War fears of communism and subversion, Senator McCarthy became infamous for abusing his congressional oversight powers and riding roughshod over individuals' dignity and constitutional rights. Republican Senator [Susan Collins](#) of Maine later [described his PSI tenure](#) as "a shameful chapter in American history, a time when hundreds of innocent people were paraded before a Senate subcommittee, with little regard for due process or their constitutional rights, a time when character assassination, mud-slinging, and guilt by association trumped the truth and fairness."¹



Senator Joseph McCarthy, 1954 (Source: Library of Congress)

Senator McCarthy first rose to prominence in early 1950 when, in a speech in Wheeling, West Virginia, he claimed to have a list of 205 communists who worked in the U.S. State Department. He never produced this list to the press, to the public, or to the Senate Subcommittee on the Investigation of Loyalty of State Department Employees – known as the Tydings Committee – which was formed to investigate his accusations. Led by conservative Democrat [Millard Tydings](#) of Maryland, the Tydings Committee determined that the nine State Department employees actually named by Senator McCarthy during its hearings were not communists and declared the McCarthy list "a fraud and a hoax." However, simply by making the allegations, the relatively unknown senator had catapulted himself into the public eye.

He was not the first or only one to assert that spies were operating within the U.S. government. In 1947, President Harry Truman created the [Federal Employee Loyalty Program](#), which directed the FBI to investigate government employees with "membership in, affiliation with or sympathetic association with any foreign or domestic organization, association, movement, group, or combination of persons, designated by

¹ *Records of McCarthy Anti-Communism Hearings Released* – 2003-05-05 (2009, October 30). VOA News. <https://www.voanews.com/a/a-13-a-2003-05-05-25-records/393509.html>

the Attorney General as totalitarian, fascist, communist, or subversive.”² In response, almost five million federal employees filled out loyalty investigation forms between 1947 and 1953; more than 25,000 cases were investigated further, costing the government millions of dollars; and only 500 to 600 people were fired or not hired. No charges were filed against anyone.³



Herbert Block's cartoon in Washington Post on March 29, 1950 was the first documented use of the term "McCarthyism" (Source: Library of Congress)

In addition, in October 1947, the [House Committee on Un-American Activities](#) held hearings examining the so-called "[Hollywood Ten](#)," film writers who were purportedly linked to the Communist Party. [Alger Hiss](#) was accused of spying for Russia in November 1947, and [Julius and Ethel Rosenberg](#) were convicted of espionage in 1951 and executed in 1953.

Though the Red Scare had been winding down by 1950, Senator McCarthy's announcement of unnamed communists who had supposedly infiltrated the State Department reignited public fears. In response, on March 29, 1950, Herbert Block published an unflattering political cartoon depicting his actions and coining the term "[McCarthyism](#)."

Senator McCarthy's tactics were also condemned in the Senate. On June 1, 1950, [Republican Senator Margaret Chase Smith of Maine](#), despite her status as a freshman senator and the

only woman in the Senate, took to the Senate floor and delivered a 15-minute "[Declaration of Conscience](#)." In it, she appealed to her colleagues to reject McCarthyism without mentioning Senator McCarthy by name. She said:

I think it is high time that we remembered that we have sworn to uphold and defend the Constitution. I think that it is high time that we remembered that the Constitution, as amended, speaks not only of the freedom of speech but also of trial by jury instead of trial by accusation. Whether it be a criminal prosecution in court or a character prosecution in

² Exec. Order No. 9835 (1947).

³ Katznelson, I. (2013). *Fear itself: The New Deal and the origins of our time*. Liveright.

the Senate, there is little practical distinction when the life of a person has been ruined.⁴

Six other Republican senators joined her Declaration, but the group had no apparent deterrent effect on Senator McCarthy's sowing of disinformation and suspicion.

To the contrary, in January 1953, when Republicans gained control of the Senate and Senator McCarthy became chair of PSI, he intensified his misuse of his investigative authority. He hired the abrasive 26-year-old [Roy Cohn](#), one of the U.S. prosecutors who had tried Julius and Ethel Rosenberg, as his chief counsel and instructed him to search for communists in the U.S. government. He also hired Robert Kennedy, who was an ardent anti-communist, but who quit the subcommittee after he and Roy Cohn clashed and eventually got into a [fist fight](#).

Senator McCarthy's relationship with his PSI colleagues was rocky. The other members of the subcommittee were Republicans [Everett McKinley Dirksen](#) of Illinois, [Karl Mundt](#) of South Dakota, and [Charles Potter](#) of Michigan; and Democrats [Henry \("Scoop"\) Jackson](#) of Washington, [John McClellan](#) of Arkansas, and [Stuart Symington](#) of Missouri. Senator McCarthy denied them full access to the information being gathered, provided inadequate notice of hearings and meetings, and refused to allow subcommittee Democrats to hire their own staff. In addition, he embarrassed the subcommittee by engaging in outrageous conduct, including appearing inebriated at some hearings. In July 1953, the three Democratic senators resigned en masse.

Senator McCarthy plowed ahead with an [investigation](#) and 11 hearings examining the State Department's foreign-language radio station [Voice of America](#), which he alleged employed many communist sympathizers. None were found, but morale of the 2,000 employees plummeted, and one, Raymond Kaplan, committed suicide.

Senator McCarthy also launched an inquiry into U.S. Information Service Libraries around the world, causing what he called "Red books" written by communists or communist sympathizers to be removed from shelves and, in some locations, [even burned](#). The books had been donated to the troops during World War II, and given to the libraries afterwards which kept them to show the wide range of political opinions allowed in a democracy. Rather than call the curators of the collections to testify, Senator McCarthy called the authors of the "Red books," such as [Langston Hughes](#) and [Dashiell Hammett](#), and interrogated them about their values and beliefs.

In other hearings, Senator McCarthy [targeted professors](#), including those at prestigious universities such as Harvard and Columbia. In those hearings, he challenged principles of academic and intellectual freedom. As a consequence of his accusations, a

⁴ Smith, M. C. (1950, June 1). *Declaration of conscience*. U.S. Senate.
<https://www.senate.gov/artandhistory/history/resources/pdf/SmithDeclaration.pdf>

number of professors lost their jobs even though he'd provided no evidence of their communist affiliation.

During the public hearings, 106 witnesses called to testify before PSI invoked the Fifth Amendment. Senator McCarthy openly badgered witnesses who asserted their constitutional rights, stating that doing so was an admission of guilt and calling them "Fifth Amendment Communists."⁵

Senator McCarthy also attacked the military, leading to a chain of events that put him at odds with the Army and [President Dwight D. Eisenhower](#), and that eventually led to his downfall.

In July 1953, following publication of a column by Drew Pearson questioning why Roy Cohn and David Schine – hired by Mr. Cohn to work as an unpaid PSI consultant – had not been drafted for military service, Mr. Schine was drafted. Despite a request by Senator McCarthy that Mr. Schine be commissioned as an officer and released to work on the subcommittee, he was required to serve as a private in the Army. In August 1953, Senator McCarthy held PSI's first closed-door session investigating the Army, though he insisted the inquiry had begun months earlier and was not influenced by Mr. Schine's induction. Instead, he claimed to have received a phone call from an Army informant concerned about communist infiltration of the Army Signal Corps laboratories at Fort Monmouth, New Jersey. When pressed for details about that conversation, Senator McCarthy claimed he could not remember either the date of the call or the caller's name.

Earlier that year, in April 1953, President Eisenhower had issued [Executive Order 10450](#) requiring the reinvestigation of government personnel previously suspected of disloyalty. In response, the Army intelligence unit known as G-2 had reopened investigations into civilian engineers at Fort Monmouth's laboratories – where Julius Rosenberg had worked prior to his arrest – even though those employees had been cleared of charges of subversion.

Alleging that a communist spy ring was operating at Fort Monmouth, Senator McCarthy questioned several low-level civilian employees in closed session. Afterward, he told the press pool exaggerated claims about the evidence obtained from those witnesses. As a result, the Army suspended 42 Signal Corps employees, despite an FBI reinvestigation that found no evidence of a spy ring. Allegations of anti-Semitism also arose, since 39 of those suspended were Jewish.

On November 6, 1953, Senator McCarthy met with [Army Secretary Robert T. Stevens](#). Having found little actual evidence of espionage, he demanded information about the Army's loyalty boards and investigations, in defiance of [President Harry Truman](#)'s executive order requiring such information to be kept secret and President

⁵ Burns, R. A., Hostetter, D. L., & Smock, R. W. (2011). *Congress investigates: A critical and documentary history* (2nd edition). Infobase Publishing.

Eisenhower's extension of that order. Witnesses called to testify at PSI public hearings from November 24, 1953, to March 11, 1954, refused to defy the presidential order, drawing the senator's ire.

In January 1954, at the start of the second session of the 83rd Congress, Republicans held the Senate majority by a one-seat margin with two vacancies and an uncertain future. As a consequence, to ensure approval of PSI's budget, Senator McCarthy needed the subcommittee's Democrats to join his request for funds. The Democrats conditioned their support upon obtaining the right to hire their own staff. Senator McCarthy reluctantly agreed, and the Democrats hired [Robert F. Kennedy](#) as PSI's first minority counsel.



Edward Murrow in 1947 (Source: CBS Radio)

On March 9, 1954, news broadcaster [Edward R. Murrow](#) dedicated his entire evening program, [See It Now](#), to condemning McCarthyism and actions taken by the senator. As one of the most trusted journalists in the country, the broadcast drew increased public attention to Senator McCarthy's tactics. Mr. Murrow explained:

"No one familiar with the history of this country can deny that congressional committees are useful. It is necessary to investigate before legislating. But the line between investigating and persecuting is a very fine one, and the junior senator from Wisconsin has stepped over it repeatedly. His primary achievement has been in confusing the public mind as between the internal and external threats of communism. We

must not confuse dissent with disloyalty."

In the days following the broadcast, Democratic Senator McClellan provided the press with transcripts of Roy Cohn's increasingly hostile and threatening phone calls to Army officials.⁶ Senator McCarthy, in turn, accused the Army of holding Mr. Schine hostage to try to disrupt the subcommittee's investigation. Due to the growing factual disputes and claims of bias, the other PSI members voted unanimously for Senator McCarthy to step down as a member and PSI chair for the duration of the inquiry. He acceded, and PSI member Senator Mundt was appointed acting chair in his

⁶ Alvin Spivak, United Press International reporter in Grimberg, S. (2020). *McCarthy*. PBS.

place. In addition, Republican [Senator Henry Dworshak](#) of Idaho temporarily joined PSI in place of Senator McCarthy.

The Army-McCarthy hearings, which would continue for 35 days, began at 10:30am on April 22, 1954. They were broadcast live, in their entirety, on a major network, and an estimated 20 million people watched at least part of them, an enormous audience for that era. Despite losing his position on PSI, Senator McCarthy used a variety of tactics, some abusing Senate institutional norms, to dominate the hearings. First, he testified as a witness for parts of six days, producing over 300 pages of testimony. In addition, he attended all of the hearings and used his status as a senator to interrupt multiple witnesses by claiming a “point of order” and then expounding his views. He cried “point of order” so frequently that it became a catchphrase throughout the nation. For many Americans, the hearings were their first direct exposure to Senator McCarthy’s conduct, and many were shocked to see him attempt to introduce doctored photographs and documents into the record, bully witnesses, and make baseless accusations.

Some view PSI’s decision to hold public hearings – a departure from its standard use of closed executive sessions – as a calculated attempt to expose Senator McCarthy’s tactics and prevent him from controlling the narrative in the press as he so often did after holding an executive session. By allowing the the public to see the hearings in their entirety, as they occurred, PSI members limited the senator’s ability to manipulate the facts and also created a contrast between his conduct and the Army’s chief representative, an unflappable, respected attorney, [Joseph Welch](#) of Hale & Dorr.



Attorney Joe Welch and Senator Joe McCarthy at the Army-McCarthy hearings on June 9, 1954 (Source: U.S. Senate)

The [most dramatic moment](#) of the hearings came on June 9, 1954. Mr. Welch, on behalf of the Army, asked why, if it had evidence of a spy ring at Fort Monmouth, the subcommittee had not immediately informed the Army. Senator McCarthy interjected that a young lawyer at Mr. Welch’s firm, Fred Fisher, had once been a member of the “subversive” National Lawyers Guild. Prior to the hearings, concerned about that type of attack, Mr. Welch had dropped Mr. Fisher

from the defense team. He tried to move past the issue, but Senator McCarthy persisted. Mr. Welch finally responded:

Little did I dream you could be so reckless and so cruel... I fear he shall always bear a scar needlessly inflicted by you... Let us not assassinate this lad further, Senator. You have done enough. Have you no sense of decency, sir, at long last? Have you left no sense of decency?⁷

The hearings ended on June 17, 1954. The transcript runs 2,986 pages long. Robert Kennedy, who had served as the minority counsel for subcommittee Democrats during the hearings, wrote such a fair and comprehensive report of what happened that the substance of what he wrote, without the Democrats' conclusions, was adopted by the majority as the official PSI report. The report absolved the Army of wrongdoing while noting that it should have brought complaints to the full subcommittee when officials felt Senator McCarthy and staff requests had become unreasonable.

Less well known at the time but no less destructive than his targeting of Army and State Department employees was Senator McCarthy's role in the "[Lavender Scare](#)" to discredit members of the LGBTQ community working in government. In April 1953, President Eisenhower's [Executive Order 10450](#) required the investigation of government employees to protect national security, including for "criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, [or] ... sexual perversion."⁸ Senator McCarthy repeatedly linked communism and the LGBTQ community, sometimes using vulgar language.⁹ Some academics estimate that, during the 1950s, far more people lost their government jobs due to their sexuality than their political leanings. Historian David K. Johnson, author of *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government*, [stated that](#), "We will never know for sure, but partial statistics show that at least several thousand gay men and lesbians lost government jobs. The real number is probably much higher."¹⁰

On July 30, 1954, Republican Senator [Ralph Flanders](#) of Vermont introduced a resolution to censure Senator McCarthy's increasingly offensive conduct. In response, the Senate formed a bipartisan [Select Committee](#) to Study Censure Charges against Senator McCarthy, chaired by Republican Senator Arthur Watkins. Senator McCarthy attacked the committee, calling it an "[unwitting handmaiden of the Communist party](#)." On December 2, 1954, in a lame duck session called to consider the select committee's findings, the Senate voted 67 to 22 to condemn Senator McCarthy for conduct "contrary to senatorial tradition," with all Democrats voting for the [measure](#) and Republicans evenly split.

⁷ American Experience | PBS. (2020, January 2). "Have You No Decency?" | McCarthy | American Experience | PBS [Video]. YouTube. <https://www.youtube.com/watch?v=svUyYzzv6VI>

⁸ Exec. Order No. 10450, 18 Fed. Reg. 2489 (April 27, 1953).

⁹ Kostina, E. (2019). *The lavender scare: How anti-homosexual policy created an anti-democratic rhetoric* [pre-print]. Boston University. <https://doi.org/10.13140/RG.2.2.35260.69762>

¹⁰ An interview with David K. Johnson, author of *The Lavender Scare: The Cold War persecution of gays and lesbians in the federal government*. (2004). University of Chicago Press. <https://press.uchicago.edu/Misc/Chicago/404811in.html>

In November 1954, elections caused Republicans to lose control of both chambers of Congress, and Senator McCarthy never regained his position as chair of PSI. Reporters and fellow senators began to ignore him, his health declined, and he died three years later, at the age of 48, of [ailments related to alcoholism](#).

Senator McCarthy's abuse of his congressional investigative powers forced wholesale changes within the Permanent Subcommittee on Investigations:

- Investigations were required to be authorized by both the chair and ranking member;
- Minority members could initiate their own preliminary investigations;
- All members were given full access to all information obtained by the subcommittee;
- A majority vote was required to hold hearings outside of Washington, D.C.;
- Testimony could not be heard without a majority of members present; and
- Minority members could hire their own staff.



U.S. Supreme Court (Source: Getty Images)

In addition, due to litigation during the McCarthy era, the Supreme Court, under Chief Justice Earl Warren, took action to protect the rights of congressional witnesses:

- In [United States v. Rumely](#) (1953), the Court upheld the “penetrating and pervasive scope of the investigative power of Congress,” but ruled that Congress must state with particularity the jurisdiction and purpose of an investigative committee in order to hold a witness in contempt.
- In [Quinn v. United States](#) (1955), the Court held a witness’ reference to the Fifth Amendment during a congressional hearing was sufficient to invoke the privilege against self-incrimination in a criminal case.
- In [Watkins v. United States](#) (1957), the Court noted that recent congressional investigations into “the threat of subversion” had involved “a broad-scale intrusion into the lives and affairs of private citizens” and “brought before the courts novel questions of the appropriate limits of congressional inquiry.” The Court provided this warning against Congress’ encroaching on constitutional freedoms:

Abuses of the investigative process may imperceptibly lead to abridgment of protected freedoms. The mere summoning of a witness and compelling him to testify, against his will, about his beliefs, expressions or associations is a measure of governmental interference. And when those forced revelations concern matters that are unorthodox, unpopular, or even hateful to the general public, the reaction in the life of the witness may be disastrous. ... We cannot simply assume ... that every congressional investigation is justified by a public need that overbalances any private rights affected. To do so would be to abdicate the responsibility placed by the Constitution upon the judiciary to insure that the Congress does not unjustifiably encroach upon an individual's right to privacy nor abridge his liberty of speech, press, religion or assembly.¹¹

In the 15 months that Senator McCarthy chaired PSI, he called over 500 persons to appear before the subcommittee. Nearly 400 were questioned at 160 closed executive sessions, while more than 200 were questioned at public hearings, producing over 9,000 pages of transcripts. By statute, all records pertaining to congressional investigations are sealed for 50 years, so it was not until 2004 that the unpublished [McCarthy-era records](#) were unsealed. At that time, PSI Chair [Carl Levin](#) and Ranking Member [Susan Collins](#) prefaced the release of the records with a joint statement that included the following:

Senator McCarthy's zeal to uncover subversion and espionage led to disturbing excesses. His browbeating tactics destroyed careers of people who were not involved in the infiltration of our government. His freewheeling style caused both the Senate and the Subcommittee to revise the rules governing future investigations, and prompted the courts to act to protect the Constitutional rights of witnesses at Congressional hearings These hearings are a part of our national past that we can neither afford to forget nor permit to reoccur.¹²

To learn more about Senator McCarthy's oversight abuses:

- [Congress Investigates: A Critical and Documentary History, Volume Two, Chapter Six by the Robert C. Byrd Center](#)
- [Investigating Power: Timeline of McCarthyism](#)
- [McCarthy: Power Feeds on Fear \(PBS documentary\)](#)
- [McCarthyism and the Red Scare](#)
- [Sixty-five years ago, a divided Senate was called upon to judge a rogue politician](#)
- [U.S. Senate: McCarthy and the Army-McCarthy Hearings](#)

¹¹ Watkins v. United States, 354 U.S. 178 (1957).

¹² S. Rep. No. 107-84. (1953). <https://www.govinfo.gov/content/pkg/CPRT-107SPRT83869/html/CPRT-107SPRT83869.htm>

Executive Session Transcripts (unsealed in 2004)

- [Volume 1 \(1953\)](#)
- [Volume 2 \(1953\)](#)
- [Volume 3 \(1953\)](#)
- [Volume 4 \(1953\)](#)
- [Volume 5 \(1954 and Army-McCarthy hearings\)](#)
- [Index](#)



