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Combating Hysteria: Blacklisting in Los Angeles, California

June 5, 1959 dawned on Los Angeles with all the pleasant lethargy of a summer Friday. Ruth Bishop did not want to wake up, but a persistent knocking rent through her sleep. Groaning, she squinted at the clock - 7:00 AM. As the knocking grew steadily louder and more impatient, Ruth stumbled out of bed and headed downstairs to address the ruckus on her front porch, disquiet rumbling in her stomach.

It was a Long Beach policeman. Holding a subpoena to appear before the House Committee on Un-American Activities. Standing there, fully awake now in the chill morning air, Ruth Bishop felt her uneasiness give way to anger. She knew of HUAC, having heard the name fearfully whispered by her colleagues and felt its presence in every suspicious stare she received from her students. Fueling Cold War hysteria, HUAC accused innocent people of Communist loyalties, infiltrated their private lives, and punished them.

The educational system bore the brunt of government interference. The nation could not afford to contaminate children's minds with subversive teachings. HUAC descended upon the schools, purging the classrooms with false accusations and ruining reputations of upstanding citizens. This organization destroyed the livelihoods of countless teachers under the mask of the American Flag. Now it had come for her. Ruth refused to accept the injustice. "Keep your subpoena," she told the policeman.

He frowned, "if you don't take it now, I will have to serve it at your school."

Ruth grabbed the broom leaning on her doorframe. "And if you do, I will surely strike you with anything handy," she spat back.

He handed her the subpoena. With a deep feeling of disgust, Ruth threw both the subpoena and the broom down the porch. She shut the door in the policeman's face to complete her gesture. Thoroughly outraged, she prepared for the school day with the sharp emphasis of efficiency to each of her movements.

Approximately five hours later, Ruth Bishop sat in a holding cell, fuming. Three police officers had burst into her classroom, brandishing a warrant charging assault, battery, and resistance of an officer. At the police station, they booked, stripped, and searched her. At 2:00 PM, a court arraigned her.

The social repercussions materialized swiftly. The police released a distorted version of events to the press. Reporters swarmed her house, demanding a quote from the crazed Communist teacher who had struck police officers with a "barrage of blows." ⁱ

In one day, the suspicion of subversive activities irreversibly tarnished Ruth Bishop's reputation. At the height of the Red Scare, HUAC jeopardized jobs, relationships, and social status with a mere subpoena. Although government officials justified their investigations with the war on Communism, targets of HUAC investigations lamented the subsequent violations on their civil rights. Blacklisting spawned a bitter debate as each side, convinced of their own moral authority, fought to protect democratic values.

This research paper will explore the battle between anti-Communist agencies and their

targets. It will first illustrate the manifestation of McCarthyism in the life of Frances Eisenberg, a teacher at the center of the resistance movement against the HUAC, using the historiography of Martha Kransdorf's *Matter of Loyalty: The Los Angeles School Board vs. Frances Eisenberg*. Next, an in depth analysis of primary sources from the Florence M. Sloat collection #1034 from the UCLA Department of Special Collections provides a case study of how blacklisting impacted Los Angeles, California in the 1950's.

Considering sources written by both government officials and civil rights activists, this paper will attempt to determine the validity of each argument using the logic of the courts, specifically the Supreme Court case *Barenblatt vs. United States*. As guardians of the Constitution, court justices constantly search for the most democratic balance between individual rights and the common good. Their rulings concerning Red Scare controversies serve as a moral compass for national policy.

Blacklisting contains three important themes: the violation of the Bill of Rights by the government, the consequent Civil Rights activism by teachers, and the battle in the courts. In order to protect democracy, HUAC and other government institutions violated due process rights and the First Amendment. Whether intentional or not, HUAC's actions transformed American professionals into second-class citizens by depriving them of a full set of rights. Many teachers, faced with such a contradiction to their life's work, protested these civil rights violations through organized protests, meetings, publications, and lawsuits. Although they drew both community support and national attention, organizations such as the Teacher's Defense Fund struggled to influence the national agenda. Despite clear inner turmoil, even the courts ruled in favor of the Board of Education. While government officials continued to save the nation from Communist threats, a cloud of suspicion, fear, and paranoia enveloped California's educational system.

True to its foundation of hysteria, the Red Scare allowed the government to irrationally persecute American citizens. In Matter of Loyalty: Los Angeles School Board vs. Frances Eisenberg, Martha Kransdorf chronicles the impact on Frances Eisenberg, whose teaching career was irreparably damaged by government investigations. She concludes that the government enacted extreme and irrational precautions against subversive activities at the expense of constitutional rights. Eisenberg, believing that national policy violated her right to privacy, remained silent during her hearing. However, the Superior Court of California sided with the Board of Education in their investigation, interrogation, and dismissal of Eisenberg in 1953. The District Court of Appeals upheld this decision, and the California Supreme Court voted against hearing the case.

In addition to persecution at the hands of government authorities, Eisenberg faced social abuse as a result of blacklisting. In overstepping the boundaries of the Constitution, the government indirectly condoned and amplified blatant racism. Student John Gunn noted that his peer who had testified against Eisenberg had, “during the time he was on the paper and afterwards, express[ed] extreme hatred for Mrs. Eisenberg because she is a Jew.”ⁱⁱ Instead of defending the provisions for racial and ethnic equality under the 14th Amendment, the government used racially motivated testimony to convict Eisenberg. National paranoia allowed unwarranted accusations to contaminate the legal system. Out of a job, reputation in tatters, and betrayed by the ideology she had devoted her life to teaching, Eisenberg focused her efforts on protecting civil rights. She organized the Teachers’ Defense Committee, worked to raise funds for future litigation, and informed fellow citizens of unconstitutional government activities.

Despite the glaring presence of false testimony and witnesses with ulterior motives, the dependence of Communist investigations on personal interviews allowed bias to influence

Committee decisions. Similarly, in court, where judges and jury must trust the witness to speak the truth, false statements impeded the judiciary's ability to reconcile conflicting interests of the nation. Kransdorf notes that despite Eisenberg's activism, lower courts frustrated her efforts to obtain justice for herself and other accused teachers. The judges reasoned the clear and present danger to the United States legitimized policies suppressing civil rights. Kransdorf reveals a fundamental contradiction of McCarthyism: in order to protect democracy, the government must engage in undemocratic activities.

Kransdorf's personal interaction with Florence Sloat and Frances Eisenberg, two major characters in the fight against the House Committee of Un-American Activities, shapes her bias against the ideologies of the Red Scare. Her work analyzes blacklisting from Eisenberg's perspective. While she invests great detail in describing key players on the Teachers Defense Committee, Kransdorf merely refers to the government impersonally as the Tenney Committee and the Burns Committee. In order to understand the other end of the struggle, this paper will analyze a letter by Francis Walter, head of the House Committee of Un-American Activities. In addition, a publicized statement by Alfred Corey, who takes a moderate and logical stance on blacklisting, explains the reasoning of the government in upholding national security.

The threat of Communism to American democracy seemed tangible, imminent, and terrifying during the Cold War. Confronted with the urgent need to reinforce both international and domestic defenses against infiltration, the federal government temporarily suspended individual rights. Committees and local law enforcement consistently violated due process rights in their invasive investigations of the educational system. Fearful that HUAC could misconstrue any unpatriotic statement or action, teachers could not freely exercise free speech, press, association, or assembly. The suffocating atmosphere of paranoia in the educational atmosphere

inherently repressed academic freedom. Government officials, however, refused to admit the validity of public criticism. Regardless, every level of government consistently violated the bill of rights: on the national level by the House on Un-American Activities, on the state level by legislators, on the local level by law enforcement, and even on the personal level as society gained permission to suppress teachers' rights.

Legislation establishing HUAC and state anti-Communist committees assigned these congressmen unchecked power to violate due process rights. In order to maximize efficiency, HUAC created a hearing process similar to military tribunals used for enemy combatants in war zones, where officers serve as both the judge and the juror. This system circumvented the courts, allowing government committees to interrogate, try, and punish suspected Communists at their own discretion. To further amplify the legal power of these committees, California legislators passed the Dilworth Act in 1953, which mandated that any public education employee who refused to answer politically charged questions posed by legislators or school administrators "shall be guilty of insubordination...and shall be suspended and dismissed." ⁱⁱⁱ The Dilworth Act specifically targets and punishes teachers for exercising their right to remain silent, assuming guilty until proven innocent. The government essentially fabricated a separate justice system for teachers by ignoring the right to a fair trial by jury. Committee members were not bound to the strict guidelines of the 4th through 8th Amendments; instead they enjoyed the unconditional authority to interfere with lives citizens'.

The haphazard protocol of government hearings exacerbated the violation of due process rights. The subjectivity which characterized Frances Eisenberg's persecution in 1953 seemed to only strengthen as HUAC gained momentum. When the Board of Education summoned eight teachers for questioning in 1954, these trials resulted in their dismissal without proper legal

procedure or justification. Although the Board honored the right to counsel, they prohibited the lawyers from “addressing the Board, questioning the Board or speaking in behalf of their clients, upon threat of eviction from the hearings.”^{iv} These constraints reduced the right to counsel to a mere technicality, stranding the teachers in a complex legal system. In addition, the Board made no charges and denied the teachers their right to face their accuser. For refusing to participate in the violation of their rights, the teachers lost their jobs and reputations. In this manner, the government deprived individuals of their livelihood without due process of law.

The government’s failure to adhere to due process of law augmented the simultaneous repression of the First Amendment in schools. The founding fathers considered the rights to free speech, press, assembly, and association essential to democracy. They exercised these freedoms to gain support during the revolution and listed them first in the Bill of Rights. However, government investigations, made unpredictable by their disregard for constitutional procedures, often muffled First Amendment as teachers watched their colleagues publicly humiliated and scorned. The Friend Committee on Legislation, a civil rights organization, noted that “fear of the same fate undoubtedly has an inhibiting effect on .. free association and political action.”^v Unable to defend their true beliefs without risk of immediate castigation, teachers personally abridged their First Amendment rights. They avoided expressing controversial opinions and participating in groups that society perceived as radical, which included labor unions and civil rights organizations. HUAC effectively stripped teachers of their political clout as active citizens, forcing them to forfeit Constitutional guarantees in the name of democracy.

Teachers, painfully aware that the government had stripped them of their inalienable rights, could no longer inspire inquiry into controversial issues. In fact, education during the Red Scare even avoided fundamental issues of democracy. In protesting the destruction of academic

freedom, an August 1959 pamphlet cites that “one substitute teacher was afraid to discuss the Bill of Rights in class.”^{vi} Educators avoided topics that could generate debate, topics labeled as controversial and possibly subversive. Instead, the classroom symbolized a monotony of dry facts, where the malicious presence of constant suspicion spoke louder than the day’s lesson. The Los Angeles Federation of Teachers stipulated that “mental and nervous fatigue” kept teachers from fulfilling the job they were “trained to do, the job of giving our young people the fullest and finest education.”^{vii} The constricted school curricula, censored by both the government and teachers’ paranoia, severely diminished the academic value of schools. The anti-Communist agenda forced the educational system to propagate only the patriotic perspective of complex issues, molding a generation of students into unquestioning citizens.

The heavy burden of Communist hysteria created a suffocating educational environment. Blatant government interference distorted the school atmosphere and distracted students from their studies. Some California schools hired former members of the FBI or military intelligence to creep around the classrooms.^{viii} The goal of public schools shifted from providing the optimal learning environment to weeding out Communist influences. Often government investigations coincided with the educational atmosphere. When HUAC subpoenaed 110 teachers during the last days before the summer vacation of 1959, it denied the right to a speedy trial, leaving teachers with no means to clear their name. A brochure by the ACLU wonders “The proposed hearings were originally scheduled for the summer vacation. Is it significant that they have been postponed until September 15, the second day of school?”^{ix} The questionable schedule allowed students to witness the transformation of their teachers into second-class citizens and undermined the authority of the educational faculty. By postponing the hearings, the government directly exposed students to blacklisting and in doing so, contaminated an academic

sanctuary with political agendas.

Despite indisputable evidence of Civil Rights violations, government officials felt fully justified in conducting their investigations and hearings. Foreign influences threatened democracy, the fundamental principle of American government. Francis Walter, chairman of HUAC, believed not only that he had permission to resort to extreme measures in times of national crisis, but also that his actions effectively unveiled Communist conspiracies. In a letter to state officials, Walter boasts that an earlier report released by HUAC “revealed several ramifications of the Communist conspiracy in California” and confesses “we feel that we are doing a creditable job.” However, Walter denies Corey’s previous request for concrete evidence of subversive activities, explaining that “most of the factual material in this field was developed from confidential sources which could not be disclosed without jeopardizing security procedures and the identity of informants.”^x Although Walter confidently proclaims his faith in HUAC’s ability to root out subversive influences from American society, he also fails to provide any specific examples of HUAC’s success. While the federal government may have made legitimate progress in their investigations, statements released by their officials only vaguely depicts their effectiveness.

While California state agencies condoned certain measures against Communist attacks, they did not approve of the extreme civil rights violations committed by HUAC. Alfred Corey, secretary of the California Teacher’s Association, defends his organization against public criticism in a statement released in 1959. He portrays an organization of moderation. Instead of conducting committee hearings, the CTA had suggested “that administration of the Dilworth Act questions should suffice.” In the interests of the nation, HUAC must suspend some rights. However, instead of erasing all constitutional limits, government officials must draw new ones.

While establishing a distinction between the ideals of the CTA and those of the government, Corey refutes the vocal protests against all government interference, explaining that “unless a teacher had personally advocated loyalty to another government or the overthrow of our own, the current turmoil is unrelated to academic freedom.”^{xi} The CTA believes that if teachers harbor no subversive tendencies, then government investigations would not severely impact their teaching or personal rights. Corey presents to the public a voice of reason in times of national hysteria. Shying away from either extreme, the CTA attempts to reach a compromise between HUAC’s obligation to protect against subversion and the teachers’ calls for civil rights.

Confronted with possible Communist infiltration, the American government resorted to the suspension of democratic principles they sought to protect. HUAC members believed that the hearings would save the nation from the grip of Communism. At the other end of the dialogue, teachers grew increasingly outraged as the government first disregarded due process rights, then the First Amendment. In reaction to these civil rights violations, teachers attempted to salvage, reclaim, and protect their social status through organized protest. During HUAC hearings, subpoenaed individuals declined to answer questions that breached the right to privacy and the right to association. Teachers within the LAUSD formed the Teachers Defense Committee (TDC). Outside organizations and influential individuals, disturbed by the turmoil in the educational system, lent their voice of support. Community organizing allowed teachers to counter the hypocrisies of government policy.

HUAC hearings represented a battle between two methods of protecting democracy: government officials ensuring national security through interrogating suspected Communists and teachers defending democratic freedoms through resisting government interference. Teachers quickly realized that cooperation would not salvage their careers or their reputations. An

anonymous letter to Helen Miller, Secretary of the Northern California Teacher's Defense Committee, observes that current government tactics "is a weapon designed to frighten and silence us. Is it wise or intelligent, then to suppose that we can make any kind of compromise with them--hoping for clearance?"^{xiii} Through an arbitrary selection of evidence, HUAC dismissed teachers at wanton. Even if teachers managed to clear their name, the mere history of government investigation would continue to haunt their careers as public suspicion. This relentless intimidation by government officials led some teachers to believe that HUAC had shifted in its motives. Perhaps HUAC in reality targeted teachers only because the public education epitomized free thought and thus could easily breed dissension. Distrust in the government further polarized the debate on the constitutionality of blacklisting, forcing individuals to either support HUAC or criticize it.

The blacklisting debate quickly spread throughout the state. As Ruth Bishop groggily opened her front door to confront a HUAC subpoena, 70 teachers in Southern California and 40 teachers in Northern California received the same rude awakening.^{xiii} Teachers asserted their right to protest during hearings by refusing to answer invasive questions. Perhaps realizing the futility of cooperation, teachers plead the First Amendment freedom of speech and remaining silent. In the same anonymous letter to Helen Miller, the author urges teachers to collectively voice their dissent through silence. He believes that if "most of us now subpoenaed were to quietly and firmly refuse to have anything whatsoever to do with the Committee, it would be the death of that nefarious cancer." Similar to civil disobedience demonstrations, the author asks his audience to jeopardize their livelihoods in order to fight for their beliefs. The HUAC could interpret silence as an admission of guilt, and refusal to speak would leave teachers defenseless against witnesses testimonials that fabricate evidence of their Communist activities. However,

the author finds the committee hearings so obtrusive and unacceptable that he advocates complete noncompliance with government authorities.

Civil rights activists rallied the teachers in protesting governmental trespasses on constitutional boundaries. University of California students, witnessing the persecution of their teachers, quickly launched organizations such as the Students for Educational Freedom. Additional local protest groups arose in Palo Alto, Hayward, Decoto, San Francisco, and other major cities across California. These grassroots organizations revealed a great potential for community activism. In LAUSD, teachers formed the Teachers' Defense Committee to garner community support and raise funds for litigation. Teachers who lost their jobs, such as Frances Eisenberg and Ruth Bishop, joined this organization to collectively voice their protest. The TDC rallied teachers and other civil rights organizations by providing efficient communication and organization. Ruth Bishop, after her entanglement with the local law enforcement, publicized the message of the TDC with her personal anecdote. In its July 20, 1959 newsletter, the TDC claims that in each of her public appearances, Ruth Bishop and her attorney "showed so clearly the un-American character of the investigation of the committee."^{xiv} Speaking on liberal programs such as the Dan Lundberg show, the Lew Irwin broadcast, and the KPFK broadcast, Ruth Bishop exposed the hidden inconsistencies of government procedure. Unable to give a fair testimonial during her hearing, she instead testified to the public. While Bishop furthered the goals of the TDC in raising public awareness, the TDC also aided her in amplifying the support for her individual plight. The TDC and individual teachers collaborated to educate the public of the contradictions in blacklisting.

However, contrary to Kransdorf's faith in TDC's effectiveness, the organization's financial instability hints at the absence of strong support base. While the TDC allowed teachers

to network with outside civil rights groups and the public, a lack of resources severely limited its ability to achieve concrete success in litigation or legislation. In the same 1959 newsletter, the treasury reports “to date we have raised about \$3,400.00 and have spent about \$1,235.00 leaving some \$2,160.00...some have not begun to contribute.”^{xv} Compared to the extensive resources available to HUAC, the fiscal reserve of the TDC seemed grossly inadequate to turn the tide against the government. The current balance of \$2,160.00 cannot even fund new lawsuits by the ACLU to confine HUAC to strictly legislative functions. Although TDC members “voted unanimously to be clients,” the suits would cost \$2,500.00.^{xvi} Realistically, the TDC could not reasonably expect their members, many of whom have lost their jobs, to contribute to its funding. However, such fiscal worries reflected hesitancy in both teachers and the community to sacrifice the necessary resources to combat government agencies. The organization could not generate the community support necessary to accomplish its ultimate goals. Public awareness, distinct from public activism and involvement, changed nothing. Crippled by resources insufficient to initiate definitive legal progress, the TDC wallowed in inertia.

Despite the limits of TDC, teachers attracted the attention and support of household names. These influential figures used their fame to nationally denounce government investigations. In her N.Y. Post column, Eleanor Roosevelt commented on the subpoenaing of 110 teachers throughout California in early June, 1959. She dryly noted that “also included were teachers of retarded children, and this seems a little far-fetched since it is so difficult to teach retarded children anything, let alone communism.” Able to access a wider audience than teachers in California, Roosevelt affected the national consciousness in ways that the TDC could not. She emphasized the logical inconsistencies of government procedure, appealing to the reader’s common sense rather than to their morality. Arriving at the conclusion, “war is no longer an

excuse for carrying on this kind of investigation,” Roosevelt argued that concerns for national security no longer necessitate HUAC.^{xvii} Meanwhile, Albert Einstein publicly supported the teachers on the behalf of intellectual freedom. He advised teachers to refuse to testify, asserting “it is shameful for a blameless citizen to submit to such an inquisition,” and if teachers evaded such sacrifice, then “the intellectuals of this country deserve nothing better than the slavery which is intended for them.”^{xviii} Einstein approached blacklisting from an intellectual’s perspective. His arguments inherently assumed that teachers should not stoop to the immoral, unprincipled level at which the government operates. In contrast to Roosevelt, who spoke to the general population, Einstein addressed the educated and those directly impacted by government investigations. Einstein and Roosevelt assisted the teachers in convincing a wide audience of the negative aspect of blacklisting. Their support allowed teachers a voice in the public discourse over blacklisting.

Larger organizations such as religious groups and labor councils also supported the teachers’ struggle to gain Civil Rights. The AFL-CIO concluded that the HUAC committee has “no other purpose than to investigate for investigation’s sake.”^{xix} These groups, each possessing a history of repression by higher authorities, realized the serious implications of blacklisting for teachers. To them, blacklisting represented yet another example of the repression and marginalization they had battled even before the advent of the Red Scare. Anti-Communist hysteria evolved despite the well-established efforts of civil rights groups such as the AFL-CIO to guarantee equal opportunity to the socially disadvantaged. As a result, national coalitions could contribute little to the cause, having already invested their effort in Civil Rights activism for those very freedoms that HUAC had infringed.

Members of the TDC recognized the potential for community organizing and aimed to

enact change through legislation and legal precedent. However, the TDC lacked the resources needed to expand beyond LAUSD. Local organizations supporting subpoenaed teachers across the state encountered similar difficulties in generating a large support base. Meanwhile, centralized organizations with the power to mobilize had struggled to guarantee civil rights long before the Red Scare and could provide little additional support. While the teachers welcomed the support of their students, community organizations, national coalitions, and influential public figures, history textbooks speak of no American uprising in response to blacklisting.

With such controversy over government interference and guaranteed individual rights, blacklisting inevitably found its way into court. Teachers filed civil suits against the government, believing that court justices, well versed in Constitutional law as well as the Bill of Rights, would rule in their favor without hesitation. Given the unusual social context of national hysteria, however, the courts experienced turmoil in determining the most constitutional national policy. Although the Supreme Court eventually ruled in favor of government agencies in *Barenblatt v. United States*, the decision reflected the validity of both arguments for national security and for civil rights.

Teachers first filed suit on the grounds that the HUAC trespassed important and well-established constitutional boundaries. On November 18, 1958, Lloyd Barenblatt, a university professor, appealed his conviction for refusing to answer questions, arguing that HUAC methods violated his individual rights as well as the scope of legislative powers. In court, he “objected generally to the right of the Subcommittee to inquire into his ‘political’ and ‘religious’ beliefs or any ‘other personal or private affairs’ or ‘associational activities.’” In addition to citing the First, Ninth, and Tenth Amendments, he also argued that HUAC disregarded “the prohibition against bills of attainder and the doctrine of separation of powers.”

^{xx} Legislation criminalizing the right to remain silent, maintains *Barenblatt*, specifically targets teachers with a strong belief in democratic principles and constitutes a bill of attainder - legislation which convicts citizens without the benefit of a trial. Moreover, by assigning all responsibility for investigating, interrogating, and convicting citizens to one committee, HUAC violates the separation of powers. Attacking the fundamental premise and procedure of HUAC, *Barenblatt* undermines the constitutionality of the entire committee. Early arguments thus advocated the dissolution of HUAC and the unconditional guarantee of civil rights. The Supreme Court justices disapproved of such an extreme indifference to national security, upholding *Barenblatt*'s conviction in a 5-4 decision on June 8, 1959. Despite the ultimate outcome, the justices provided guidelines to prevent unnecessary violations of the Bill of Rights.

Barenblatt v. United States exemplifies the careful consideration and differing opinions of court justices on the blacklisting debate. Supreme Court Justices were evenly divided, deciding in favor of the government by only a difference of one vote. Associate Justice John Marshall Harlan delivered the majority opinion of the court. After considering the rights of teachers, Harlan concludes that their mere occupation cannot exempt teachers from investigation: "an educational institution is not a constitutional sanctuary from inquiry." Justices in favor of blacklisting believe that every American citizen has the duty to cooperate with the government in times of national crisis. In case of LAUSD, HUAC targeted teachers due to the frightening implications of a compromised educational system. As citizens, these accused teachers had the obligation to sacrifice their personal pride and identity in order to protect their country. While Harlan deemed HUAC constitutional, he proscribed the "pillorying of witnesses" by exposing them to public derision and abuse, and the use of "dragnet procedures" through the creation of a system similar to a criminal manhunt. By specifying the vague powers of HUAC, Harlan limited

the scope of committee powers in order to prevent unnecessary violations of civil rights. ^{xxi}

The thorough reasoning by the court justices allowed teachers to continue challenge the authority of the government in court. Undeterred by the final outcome of *Barenblatt v. United States*, teachers continued to file suit against HUAC, postulating that the committee even violated the more lenient guidelines set by the Supreme Court. In August of 1959, a few months after the *Barenblatt* decision, the ACLU filed suit on behalf of former arts and crafts teacher Florence M. Sloat. Attorneys A.L. Wirin and Fred Okrand accused HUAC of pillorying witness and using dragnet procedures.^{xxii} HUAC investigations often subjected schools and teachers to undue publicity, releasing names to the press, at times even before the teachers discovered that they had been subpoenaed. Meanwhile, the summoning of 110 teachers in California to hearings resembled too closely the distribution of warrants for criminal activities. Severely impacted by HUAC investigations, Sloat was able to seek recourse due to the complexity and compromise of previous court decisions. Instead of completely supporting one extreme, justices attempted to reach the most democratic balance by specifically defining the extended power of HUAC.

Opinions by the four dissenting justices in the *Barenblatt* decision further fueled initiatives to garner community support. Chief Justice Earl Warren and Associate Justices Hugo Black, William O. Douglas, and William J. Brennan agreed that HUAC did not have the permission to violate basic human rights. Referring back to the Constitution, Black finds that the First Amendment clearly protects free speech, press, association, and assembly, regardless of the social climate. He then examined the impact of blacklisting on teachers in a social context and found the suppression of their First Amendment rights through “exposure, obloquy, and public scorn.” Black finds that the “chief aim, purpose and practice of the House Un-American Activities Committee as disclosed by its many reports, is to try witnesses and punish them.” ^{xxiii}

The justice concludes that the HUAC deviated from its initial mission to protect the nation from Communist threats, instead hoarding undue power to manipulate citizens' lives through their control over public discourse. The disparate conclusions of Justices Harlan and Black illustrate the fine balance between national security and civil rights. In 1959, the balance tipped slightly in favor of national security. However, the close decision signals the court's expectation of an eventual shift toward individual rights in times of peace.

Ironically, the *Barenblatt* case indicated progress for teachers. Civil rights groups constantly quoted the dissenting opinions in their pamphlets denouncing blacklisting. In a June 1959 brochure, the Citizens Committee to Preserve American Freedoms urged readers to join a protest, reiterating the question of whether "we will have the confidence and courage to be free" that Justice Black posed in his dissent.^{xxiv} Instead of halting civil rights activism, the *Barenblatt* decision fueled it. On the part of the government, HUAC diluted its presence in response to the harsh reprimands dispensed by court justices. After the ruling, HUAC Chairman Francis Walter announced that "he will transmit names and information to the local school boards so that they may interrogate the teachers and then send the copies of the transcripts to the committee."^{xxv} By passing the responsibility of investigations to school administrations, Walter created an additional level of bureaucracy and shifted public criticism for government interference onto the local school boards. This political gesture indicated that while the government still targeted teachers, officials slowly realized the controversy and outcry surrounding each committee hearing. Through articulating the terms on which the committee could conduct its investigations, the Supreme Court dispelled much of the intimidation associated with its vaguely defined powers. In the end, the *Barenblatt* decision marked a step in resolving blacklisting in the United States.

Much of the controversy over blacklisting arises from the debate on how best to protect democracy, the very essence of America. Government officials, sharply aware that foreign ideas could contaminate the minds of citizens, defended their country by tightening national security. In order to unmask Communist conspiracies, the legislators implemented policies that necessarily suspended individual rights. The targets of these investigations decried the HUAC as an oxymoron: meant to secure democracy yet itself a threat to democracy. Championing individual rights, teachers and civil rights activists worked to protect democracy from domestic threats.

The clash between the common good and individual rights increasingly polarized the debate over national policy, revealing the insidious effects of uncompromising dogma in American society. Both groups refused to evaluate the rationality of the opposing arguments. Government officials, focused on apprehending Communist spies, conducted investigations that often stripped teachers of their humanity - of their rights, their livelihood, and their reputations - without due recourse. On the other hand, teachers called for the unconditional guarantee of civil rights for their profession. Blinded to concerns for national security by the overwhelming social repercussions of government interference, teachers worked tirelessly to abolish measures protecting public education from subversion. In hindsight, the apparent lack of Communist activity in California schools allows the public to easily dismiss government activities as yet another unnecessary expansion of federal power. However, at the time, hysteria permeated every aspect of America. The ruckus caused by civil rights activists dampened the people's faith in the government at a time when the nation most needed to unify against foreign attacks. Both government agencies and their targets, swept into polar extremes in this great debate, lost sight of their original intent. Ultimately, neither the trampling of civil rights by government

investigations nor the challenges to government authority by teachers saved democracy.

When the question of civil rights versus national security finally materialized before the Supreme Court, the justices balanced the interests of both parties. Determining that the present national context called for the suspension of certain rights, the court tipped slightly in favor of government policy. At the same time, the justices ensured that the officials would not cross the fine line separating necessary measures from undemocratic repression. As a result, the ruling led to a more equal balance of social power as HUAC halted its direct involvement with investigations and teachers continued their protests. In their final decision, the Supreme Court underscored the importance of compromise, a principle that gives democratic principles both cohesiveness and adaptability. Although the Red Scare no longer holds current modern American society in the grips of hysteria, national controversies will undoubtedly continue to draw divides where compromise should stand. In the passionate battle over Cold War hysteria, the two opposing groups damaged the very principle they sought to cherish. Future generations must realize, as mob rule threatens common sense, that despite the minute differences in rationale, every citizen shares with the next the same investment in American democracy.

ⁱ Ruth Bishop, "A Statement of What Has Happened to Me," June 8, 1959, Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 3).

ⁱⁱ Page 52. Martha Kransdorf, *A Matter of Loyalty: The Los Angeles School Board vs. Frances Eisenberg* (San Francisco: Caddo Gap Press, 1994): Ch. 1 - 6, 1 - 96

ⁱⁱⁱ Women for Legislative Action: *Education Panel*, January 20, 1954, Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 1).

^{iv} Women for Legislative Action: *Education Panel*, January 20, 1954, Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 1).

^v Friend Committee on Legislation. "Statement Concerning the House Un-American Activities Committee." Los Angeles, 1959. Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 4).

^{vi} Teacher's Defense Fund, pamphlet, August 1959, Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 6).

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- vii Los Angeles Federation of Teachers, *L.A. Teacher* 13.7 (October '53): Entire, 1 - 8. GE 24 Seminar 6, "Education and Social Justice," Spring 2009, Week 6.
- viii Teacher's Defense Fund, pamphlet, August 1959, Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 6).
- ix ACLU, Brochure, circa 1959, Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 3).
- x Francis Walters to Arthur Corey, August 21, 1959, Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 6).
- xi Arthur F. Corey, "FACTS About the CTA and the Walter Committee," August 1959, Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 6).
- xii Helen Miller on behalf of the Northern California Teacher's Defense, August 26, 1959, Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 6).
- xiii "It Wasn't so Urgent after All." *San Francisco Chronicle* 12 June 1959, Editorials sec. Print. Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 2).
- xiv Teachers Defense Committee. Newsletter, July 20, 1959. Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 4).
- xv Teachers Defense Committee. Newsletter, July 20, 1959. Florence M. Sloat Collection 1034, UCLA (Box 1, Folder 4).
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