

Board of Education v. Barnette, which struck down the mandatory flag salute. Chafee also defended Clyde W. Summers, a conscientious objector who was denied admission to the Illinois bar as a result of his pacifism. He spoke out against segregation in the American Bar Association, and waged relentless war against most of the legal outrages of the Cold War-McCarthy era, including the prosecution of leading communists under the Smith Act and the passage of the Internal Security Act of 1950.

Professor Smith covers these important episodes with thoughtfulness and meticulous care. Once they have been exhausted, however, his book labors under the difficulty of maintaining interest in the career of a professor whose work consisted mainly of less dramatic events like teaching classes, grading bluebooks, and organizing and revising casebooks. The preparation of *Cases on Equity* is not material from which even a master craftsman can fashion a great biography. Zechariah Chafee was a productive, humane, and altogether sterling professor of law, a good husband and a caring father, who suffered many of the ills that afflict other academics, including financial problems, the suicide of a son, and a nervous breakdown, but apart from his confrontations with the federal government over first amendment issues, his life remained rather ordinary. That he was not Louis Brandeis, Felix Frankfurter, William O. Douglas, or even James Landis, is not Professor's Smith's fault. What Chafee's life may have lacked in panache it more than made up for in integrity, fair play, and old-fashioned decency.

NO IVORY TOWER: McCARTHYISM AND THE UNIVERSITIES. Ellen W. Schrecker.¹ New York, N.Y.: Oxford University Press. Pp. 437. \$20.95.

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Heroic behavior was a rare commodity during the brief heyday of Senator Joe McCarthy. Without "naming names," let's look at the record. A general disobeyed a President and then wrapped himself in the flag of a country upon whose soil he had not trod in fourteen years. The next year (1952) a presidential candidate failed to defend a general (and a friend) who had been unfairly smeared by the junior senator from Wisconsin. Once safely in the White House, the erstwhile candidate proceeded to wrap himself in the

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mantle of his office while he waited for the senator from Wisconsin to trip over his own dairying stool in his search for one more culprit.

At the other end of the political spectrum, a one-time (and perhaps not yet former) Communist went to jail denying that he was, or ever had been, a party member. He, too, came well wrapped: in the long, but fraying, coattails of FDR and the New Deal, which, he said, was the real target of his accusers.

This surely was "scoundrel time," and one of the most fearlessly vocal of those scoundrels was a well-known playwright who very much did fear going to jail. Always well wrapped in something other than a Republican cloth coat, she (does that hint finally give it away?) made an ostentatious display of her noncompliance with HUAC, followed years later by a highly memorable display of her very selective memory.

If there was a hero prowling about the political thicket we label "McCarthyism," perhaps it was Senator Ralph Flanders of Vermont. From his vantage point on the same side of the senatorial aisle, Flanders had observed McCarthy's growing recklessness. In 1950, the year in which McCarthyism opened on the road in Wheeling, West Virginia, Flanders felt ambivalent about McCarthy's assault on the Truman administration: true, the Democrats were "soft on communism," but only "5-10%" of McCarthy's accusations could be sustained by his own evidence.

By 1954 Flanders had grown increasingly impatient with McCarthy's preoccupation with the "small details" of domestic communism and frustrated by Eisenhower's refusal to tackle McCarthy head-on. Convinced that the "man doesn't cut as much mustard as he used to," Flanders decided to challenge McCarthy himself. Too much was at stake: "Whole countries are now being taken over by the communists . . . In truth, the world seems to be mobilizing for the great battle of Armageddon . . ." And what had been McCarthy's contribution? Let Flanders speak: "[McCarthy] dons his war paint. He goes into his war dance. He emits war whoops. He goes forth to battle and proudly returns with the scalp of a pink dentist."

That blushing jawsmith was one Irving Peress of the United States Army. "Who promoted Peress?" was the question of the hour, or at least the minute, for believing McCarthyites everywhere. No longer was there an Owen Lattimore or a Phillip Jessup or a John Stewart Service to sustain McCarthy. There was only this seemingly ludicrous charge.

Ellen Schrecker's *No Ivory Tower* provides no solutions to the Peress puzzle. No schools of dentistry were included on her investi-

gative itinerary. However, she does offer her own inadvertent version of the apparently ridiculous Peress question: "Who hired Himstead?" Ralph Himstead was the ineffectual executive director of the American Association of University Professors. As such, he presided—or, more accurately, failed to preside—over the American professoriat's official response to McCarthyite attacks on academia. Across the country members of the leftist intelligentsia found themselves suddenly unwanted within the ivory tower. Many were denied tenure; others were dismissed despite having tenure. Many of these were blacklisted, though no formal blacklist was known to be in force. (However, no college president could bring himself to be quite as blunt as John Wayne, who denied the existence of a Hollywood blacklist in terms that only a Hollywood cowboy could understand: "There was no blacklist at the time. . . . The only thing our side did that was anywhere near blacklisting was just running a lot of people out of the business.")

There were no John Waynes cleaning out fouled nests among the ivory towers of academe, but there were lost jobs—and fouled nests—nonetheless. And the villains of the story included not only timid and unprincipled administrators, but also many of those whose academic nests were either disturbed or no longer there to be well feathered.

Schrecker's contentions aside, there were few acts of commendable bravery on her side of the academic barricades. And just which side is she on? Perhaps her lengthy enemies list provides a clue. In very McCarthyite fashion she indicts all right-wing university trustees, all weak-kneed administrators, and almost all liberal (but not sufficiently anti-anti-Communist) professors. She has only an eyedrop of sympathy for those left-wing professors who held onto their perches by denying their own pasts or by "naming names" of those who had once been part of their now tainted pasts. And, oh yes, she has few kind words for the hapless Mr. Himstead.

Not even McCarthy tried to argue that Irving Peress posed a danger to American security. He simply wanted to expose the Army's disinterest in tracking down security cases. Nor does Schrecker blame all of the timidity of the academy's response to McCarthyism on one Ralph Himstead. Instead, she sees him as symptomatic of the large problem of inaction on the part of those who were entrusted with the care and cultivation of academic freedom.

Her book is intended as an extended brief against her designated enemies of academic freedom. In fact, her concluding chapter is a very focused brief against the AAUP, which was

“delinquent in policing the education industry during the height of McCarthyism.” Schrecker offers few excuses for the offending organization and its “puzzling inertia.” And ignorance was not one of the few: “The organization knew what was going on.”

Schrecker repeatedly claims to be “puzzled” by Himstead’s failure to come to the immediate defense of targeted professors. In fact, she is not mystified at all. To be sure, she does suggest that his bad health, his inability to delegate authority, and his fears of impending financial disaster for the AAUP might have contributed to his tardiness. But the heart of her argument is not at all mysterious. Ralph Himstead, it seems, “desperately sought” to prevent the AAUP from any identification “with the political left.”

This fear led Himstead to refrain from censuring the University of Washington for firing its Communist teachers. This same fear contributed to his reluctance to release a report on the California Loyalty Oath. Here Schrecker is more infuriated than puzzled: “If there was any issue on which the academic community would have rallied behind a strong stand, this was it.” The teachers who lost their jobs because they refused to sign this oath were “liberals, not communists,” and the issues at stake were professional, not political: tenure and the faculty’s control of its own selection processes.

Whatever the reason for the AAUP’s “legacy of inaction,” Schrecker leaves little doubt of her contempt for it. That contempt extends beyond Himstead and the AAUP to the “majority of the nation’s college professors” who cowered before the intrusion of McCarthyism into the ivory tower. Just as McCarthy himself was essentially unconcerned with the fate of—or facts surrounding—Irving Peress, so too is Ellen Schrecker anxious to probe beyond the inadequacies of one man and one organization. McCarthy’s target was postwar liberalism, whether that phenomenon took the form of a battling Harry Truman or an embattled U.S. Army. Schrecker’s target is really the same. In summing up her investigation of poor Mr. Himstead she suggests that his procrastination may have provided a convenient cover for academic liberals within the AAUP and across the country.

Liberals! The word brought a sneer to Joe McCarthy’s lips, and the same word causes disdain to drip from Schrecker’s pen. To McCarthy, liberals were Communists in no great hurry. To Schrecker, liberals were in a very great hurry to overturn American values in the name of anti-communism. McCarthy’s liberals were ready to give away the free world; hers were prepared to throw overboard basic American freedoms. Liberals within the AAUP

were "like liberals everywhere" in that they "adhered to the ideology of Cold War anti-communism, with its emphasis on the primacy of national security over individual rights." Such a sweeping generalization reminds one of the man who accused the Truman administration of hiding Communists under the White House rug.

Schrecker repeatedly denies that her heroes either insisted in their classrooms upon intellectual conformity to the revolutionary cause or converted their lecterns into Marxist soapboxes. "Openly recruiting students," she claims, "was considered beyond the pale." This may well have been true, especially given Schrecker's description of the strict line of separation between faculty and student Party units. But open recruitment and subtle proselytizing are not the same thing.

Schrecker repeatedly expresses dismay at inquiries and even dismissals without so much as a half-hearted attempt on the part of administrators to determine whether the accused professors had actually tried to indoctrinate their students. Yet surely she would have been even more dismayed by administrative monitoring of classroom presentations. In a sense university authorities were damned if they did and damned if they didn't. In any case, it is unrealistic to expect a highly politicized teacher of, say, history, to avoid trying to convert his students. It makes little sense to say that a Communist can be a good professor of political science, but only if he refrains from trying to convert his students.

In truth, this is a maddening book filled with almost equal parts dense footnotes and bald assertions. It is also a book that is strangely unfilled and unfulfilling. Littered throughout it are open gaps (some admitted and others not) in her evidence. Case after case is paraded before the reader, who is asked to assume that any investigation was by definition an unholy investigation. Precious little biographical material is offered to buttress the analysis of individual cases. We are simply asked to sympathize with her chosen victims without being permitted to decide for ourselves if they actually deserve victim status.

Schrecker is quick to condemn Sidney Hook for demanding that the academy rid itself of Communists without first examining what Communist professors actually did or thought. She, however, is guilty of a similar sin of investigative omission. Perhaps the problem is a lack of evidence. Schrecker herself concedes that little is known of Communist party activities within American universities. Party membership, after all, was a closely guarded secret.

Contemporary historians, Schrecker ruefully sighs, need the very confessions that HUAC and college administrators wanted to

obtain in the early 1950s. In the absence of such confessions she is quite willing to extend the benefit of every doubt to the secretive and the silent.

Hook was not as forgiving. In the name of keeping one's own house in order Sidney Hook was anxious to rid the universities of Communists before outsiders took on that task. In the name of preserving diversity within the collegial house Schrecker is willing to pretend that the Communist party was an agent for pluralism within and without the academy.

In general terms we are asked to believe that academic Communists were a pretty tame lot. Those who joined the Communist party during the 1930s apparently did so because of "family background" or "peer pressure." It was a kind of campus fraternity where ideas, not beer, flowed freely. Few members were revolutionaries. And only a few more were deeply interested in the fate of the Soviet Union. If there was a universal motive for rushing the Communist fraternity in the mid-1930s it was in the name of the fight against fascism. Hitler was "by far the Party's single most effective recruiter."

Schrecker tries hard not to trivialize the decision to join the Communist party, but at the same time she insists that becoming a party member was not quite the momentous decision that latter day McCarthyites (whether liberal or conservative) assumed it must have been.

Once in the party, Schrecker's faculty members were granted greater autonomy than the party normally accords its members. After all, these people were intellectuals. Exchanging ideas was their stock in trade. They could organize their own study groups without direction from above. Fraternities had their bull sessions; comrades engaged in "lively" debates. And both could retain fond memories of good talk. The intellectual side of party life, one campus ex-Communist recalled, was the "best part of it all."

Party membership, as Schrecker describes it, was almost a lark. The decision to join was made by warm-hearted anti-fascists, not by hardened revolutionaries. Membership itself was long on expression and short on repression. Even exits from the party were seldom painful. Many of the academics who populate these pages—and who de-populated a waning Popular Front—apparently left the party for the same reason that Heywood Broun balked at becoming a socialist: there were simply too many meetings to attend. According to Schrecker, the party lost many members to the ordinary demands of academic life: "publish or perish" had replaced "workers of the world unite" as the rallying cry of campus Communists,

who presumably could no longer spare the time to discuss, much less lead, the revolution.

It is curious—and disheartening—to learn from Schrecker that the Nazi-Soviet Pact did not cause an exodus from the party among its supposedly more intellectual (and independent?) members. Surprisingly, many more departed during the heady days of the wartime Soviet-American alliance. As Schrecker puts it, “war work was Party work.” When academics enlisted for military service and dropped out of the universities, they also dropped out of the Communist party. Many never returned.

Those who remained had to confront the ugly reality of Stalinism for the first time. The noted sociologist Robert Bellah was a Harvard undergraduate and a Communist party member in 1949. By then it was impossible to ignore the purges and the gulag. No longer could one excuse Stalinist excesses in the name of protecting the Soviet Union. And no longer could Bellah ignore a witchhunt within the party itself: “I remember being visited by a couple of members [who] asked such things as, ‘have you ever been hungry?’ If your class background wasn’t working class, as mine certainly wasn’t, that was already suspect . . . [I]n a period of increasing persecution from without, the Party itself was engaged in a real intra-party witchhunt. So I became, in effect, inactive in the fall of 1949.”

Schrecker is uninterested in exploring the political thicket that was the “intra-party witchhunt”; instead she is preoccupied with the quarry bagged during the McCarthy witchhunt. The heart of her book is the heyday of McCarthyism nationally, which coincided with the blackening of her ivory towers.

And where were those towers? Primarily on Ivy League, Big Ten, and west coast campuses. Were these the only institutions of higher learning in which right-wing boards and left-wing professors co-existed poorly? Clearly not. Schrecker claims thoroughness for the cases she studied, but she makes no pretense of offering a comprehensive examination of the impact of McCarthyism within all—or even most—ivory towers. Hers is a study of those elite institutions which towered over the academic landscape.

Was the response of elite schools to the demands of McCarthyism more or less aggressive than the response of lesser colleges? We are left only with the broad implication that if these enlightened citadels of higher learning could behave so poorly, then there was little hope of fair treatment for dissident faculty anywhere.

But was the issue really as simple as the right to dissent from the prevailing anti-Communist consensus? Schrecker would have

us believe so. She is willing to grant that the Communist party was a "rigid, doctrinaire, secretive organization." But she is not willing to concede that students, administrators, trustees, and fellow faculty members had a right to know that some members of the campus community were members of a rigid, doctrinaire, secretive organization.

The president of the University of Washington, Raymond Allen, insisted that academics "have special obligations [that] involve questions of intellectual honesty and integrity." One of those obligations was disclosure of Communist party membership. Allen then went on to argue a different, but related, point: communism, "because of its demand for strict adherence to the Party's line," interferes with the quest for truth, "which is the first duty of the teacher."

Schrecker states the Allen position only to dissent from it and to lament the dismissal of three University of Washington professors who had either lied or refused to answer when initially questioned about their Communist party affiliation. In the midst of the investigation two of the three, Joseph Butterworth and Herbert Phillips, finally did admit that they were still party members. That revelation led directly to their dismissal. The third, psychologist Ralph Grundlach, was, according to Schrecker, a "stubborn man, a rebel of sorts," and a member of every Popular Front organization in the Seattle area. But was he a party member? Schrecker thinks not, but she doesn't know for sure. President Allen didn't know. And no reader of this book will ever know. Grundlach would only tell Allen that it was all but impossible for him to deny that he was a party member, since "one of the definitions of a Communist is a person that denies he is a communist." When Allen pressed him for a direct answer, Grundlach refused to be direct: "No one could prove that I was, but I could not prove that I wasn't."

Ralph Grundlach was a stubborn man. Soon he would be a stubborn man without a job. President Allen, with the support of his faculty investigative committee, fired Grundlach. While conceding that it was impossible to prove that Grundlach had belonged to the party, Allen argued that "he has at the very least been one of that special group of Party workers who deliberately do not become Party members so that they may better serve the purposes of the Party." Schrecker finds Allen's statement absurd on the face of it. But was Allen wrong? She certainly hasn't proved that he was.

Was Ralph Grundlach treated unfairly? Possibly, but only possibly. Were there excesses of zealotry on the part of those who

held power within the ivory tower? No doubt. Should one automatically sympathize with the plight of ex-professor Grundlach? Not on the basis of what Professor Schrecker has told us. Grundlach apparently was an ornery cuss, as well as a productive scholar. He may also have been a “political radical” with a “passion for social justice.” Beyond all that, we know only that he took a certain pleasure in playing a very serious game of cat and mouse with his colleagues and superiors. And he lost.

Were his future University of Washington students losers as well? We will never know. Ralph Grundlach may well have been an excellent teacher and a committed radical with a refined sense of fairness when it came to dealing with his students, his causes, and everyone’s ideas. We just don’t know. Much more needs to be revealed, by the Ralph Grundlachs then, and by the Ellen Schreckers now, before any honest judgment can possibly be made.

We know only that we are being asked by Professor Schrecker to suspend all judgment, to extend every sympathy, to give all benefits of every doubt, to those who lied about or refused to reveal their Communist party connections. Why? No doubt many sincere individuals joined the party in the mid-1930s in a fit of anti-fascist idealism. And of course, many of those same people drifted away from the party in subsequent years. Of course, the party was a “highly unpopular political movement” before, during, and after the heyday of McCarthyism. Of course, Joe McCarthy was wrong: the greater danger to American security was not internal subversion, but the Red Army.

Still, why should those who were not forthcoming about their Communist party connections be accorded victim status? Heroes they certainly weren’t. Any victimization they brought on themselves.

A youthful fling with communism between, say, 1929 and 1936 is understandable, even excusable. A refusal to leave the party after the first round of public purges is less understandable, if still forgivable. Failure to find the first exit after the revelation of the Nazi-Soviet Pact is not at all understandable and barely forgivable. Where does that leave those who remained, whether out of blind faith or dull subservience, to explain—or explain away—Stalinist expansion of Soviet prisons and Soviet power? Not among the ranks of heroes or victims.

Schrecker, however, believes that she has chronicled numerous stories of heroes and heroines who were victimized by a mindless, needless, devastating academic purge. First generation New Leftist that she is, Schrecker is determined to rescue the reputations, if not

the careers, of these first generation Old Leftists. She has not succeeded. *No Ivory Tower* is a book that is strangely unable to provoke feelings of sympathy for its designated victims of McCarthyism. Here are people who lost their means of earning a livelihood. But these are also people about whom we know far too little. Whether the fault is theirs or Schrecker's is beside the point.

To her, those who claimed the fifth amendment privilege are to be routinely commended, while those who named names are to be roundly condemned. In either case, no one should have been fired. Sidney Hook disagreed then—and presumably he would disagree now. His argument is simple and correct: those who invoked immunity against self-incrimination should have been dismissed, while those who balked at naming names should have been retained. Hook, the author of *The Hero in History*, published in 1943, found nothing heroic about either category of reluctant behavior. But he was willing to pay heed to, if not honor, the “scruples” of those ex-Communists or fellow travelers who did not wish to testify against others or who did “wish to express their disapproval of congressional investigators.” Fair enough.

At the same time, Hook thought that a professor who refused to answer questions about his or her party membership had forfeited the right to teach. Given his commitment to teaching and to academic freedom, he found it “utterly mysterious” why any professor would resort to the fifth amendment, thereby sacrificing the opportunity to profess the truth. Schrecker's history has not removed the mystery.

There is one additional mystery that also remains unsolved. Why were university administrators so intent upon monitoring outside speakers, whether Communist, non-Communist, or ex-Communist? Concern over tenured or untenured faculty was one thing. Concern over who should lecture on a campus ought to have been quite another. Unfortunately, it was not. Between 1939 and 1941 Harvard, Dartmouth, Cornell, Vassar, NYU, Princeton, Oberlin, Swarthmore, and Smith all barred Communist party leader Earl Browder from speaking. A decade later Harvard tried, but failed, to cancel an appearance by Owen Lattimore.

At one time or another during the early 1950s novelists Howard Fast and Pearl Buck, *Nation* editor Carey McWilliams, and German Communist Gerhart Eisler were refused permission to speak at various schools. In 1952 University of Minnesota President James Morrill blocked a Paul Robeson concert on that campus. On occasion students themselves withdrew invitations to controversial speakers. None of these decisions can have been other

than short-sighted and wrong-headed. Any university community needs ongoing debate (as opposed to routinized indoctrination) engaged in by acknowledged advocates (as opposed to hidden dissemblers) of whatever point of view.

Schrecker is rightly critical of those decisions which actually contributed to the stifling of alternative ideas and free debate. But nowhere does she record any display of totalitarian excess to rival an incident that occurred on the Northwestern University campus on April 13, 1985. On that evening Adolfo Calero, then a key figure within the hierarchy of the Nicaraguan contras, was scheduled to speak under the auspices of two university organizations. In fact, he was never given an opportunity to speak.

Instead, those who had waded through numerous picketers were treated to a lecture by Professor Barbara Foley of the university's Department of English. Foley opened with the announcement that Calero was a "monster [who] had the blood of thousands on his hands. . . ." Then she declared that her designated demon had no right to speak. She added that "we are not going to let him speak," and he "should feel lucky to get out of [Harris Hall] alive."

At this juncture Calero arrived at the hall. As he reached the stage someone other than Foley threw red liquid at him. In the ensuing tumult Calero was silenced by a "shout-down" (in which Foley acknowledges her vocal participation) before he was escorted, speechless, from the hall by university security personnel. Joseph Epstein, a colleague, though not a soulmate, of Foley, has written at some length of the affair. It was, Epstein soberly concludes, "not a memorable night for 'dialogue' at Northwestern University."

Despite her behavior, Foley remains a member of her university's English Department. In fact, since the "Calero Event" she has survived a departmental tenure vote at which any discussion of her political views was ruled out of order. The administration thought otherwise only to have the faculty rally behind one of their own and against their ritualistic enemy. The story has yet to end, but to this point Professor Foley, unlike many of her ideological compatriots from another era, continues to profess from a university classroom.

Would Schrecker regard the Foley case as a victory for academic freedom? One shudders at the prospect of hearing her reply. While waiting for an answer—and word on the fate of Barbara Foley at the hands of her tyrannical superiors—one can agree with Professor Schrecker that the university is "no ivory tower." Rather, it is a battleground, a battleground littered with victims,

some real and some more imagined, some corporeal and some not; and it is a battleground sadly lacking in heroes.

Thirty-five years ago the left found itself in retreat on campus after campus. Today the left has retreated *to* the campus. Perhaps the account of that sea change will someday be told in a sequel to *No Ivory Tower*. In this companion volume, Schrecker's victims will have transformed themselves into Epstein's tyrants. In it, the purged left of the early fifties will have given way to the entrenched left of the mid-eighties. And in it, there will be stories of victims and opportunities for heroes.

Adolfo Calero and freedom of speech are victims in a way that Ralph Grundlach and freedom of silence were not. So, too, is Joseph Epstein a man of courage in a way that Ralph Flanders was not quite. Granted, Flanders and Epstein both raised their voices against the ideological conformists and witchhunters of their respective generations. But Flanders battled only a United States senator who happened to be a buffoon, a sometimes malevolent buffoon, but a buffoon nonetheless. Epstein, on the other hand, has taken on deadly serious enemies within the professoriat. For that considerable task he will require much praise, not to mention a suit of armor and a sense of humor. After all, the seldom gentle university world is no ivory tower.

DECISION IN PHILADELPHIA: THE CONSTITUTIONAL CONVENTION OF 1787. Christopher Collier¹ and James Lincoln Collier.² New York, N.Y.: Random House/Reader's Digest Press. 1986. Pp. xvi, 331. \$19.95.

THE FIRST AMENDMENT: THE LEGACY OF GEORGE MASON. Edited by T. Daniel Shumate.³ Fairfax, Va.: George Mason University Press. 1985. Pp. 201. \$15.00.

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The bicentennial celebration of the Constitution will probably not be as trying as the observances in 1976 or the centennial rededication of the Statue of Liberty. Toilet seats emblazoned with the

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