

Monday, November 17, 2008

A nasty thing happened on the way to the forum.

Â Â Bill of RightsÂ (From public domain.)Â When I was born in 1963,Â the Cold War raged, the Cuban Missile Crisis had diminished from its flashpoint only six months earlier,Â and the Hollywood movie studios' Â pathetic capitulation to the House Un-American Activities Committee ("HUAC") had unraveled starting around six years earlier andÂ accelerating at rapid speed in 1960 with Kirk Douglas's insistence that Universal Studios name blacklisted Dalton Trumbo as the screenwriter of Douglas's Spartacus film production. Clearly, the 1954 censure of Communist witchhunter Senator Joe McCarthy had not stopped the blacklisting train. Â As Arthur Miller's 1953 CrucibleÂ shows, out of fear, society constantly engages in witchhunts and the suspension of others' basic rights in an effort to mollify those fears. We see it today with theÂ United States government's campaigns against terrorism and illegal drugs. We saw it with the Communist witchhunts and before that with the United States government's World War II imprisonment of those with Japanese ancestry for no other reason than their Japanese ancestry.Â Eight months before McCarthy's censure, Senator Estes Kefauver and associates even went as far as skewering horror comics. No time period is immune from such governmental madness. We must stand up to it at all times, even when the price of doing so is high. . Â Why did the Hollywood film studios banish those who were thought to have been Communists at some time and those who refused to name names before the HUAC? Was it a fear that doing otherwise would have invited further government censorship? Was it the same kind of fear that led the Hollywood movie studios to institute the movie ratings system? Â Hollywood blacklisting started in earnest in 1947 with the HUAC hearing of the so-called "Hollywood Ten", all of whom at first refused to testify, and got prison sentences as a result. During the more than ten years that followed, blacklisted screenwriters were able to continue working under pseudonyms and by paying people to front as the writers of the material. Actors and actresses, however, could not be helped by pseudonyms and fronts. Some moved to Europe to escape the blacklists. Â Multitalented actor Zero Mostel, for instance, Â was blacklisted in the 1950's, and returned in the 1960's with a triumphant vengeance with stellar performances in the film A Funny ThingÂ Happened on the Way to the Forum and Fiddler on the Roof. Some articles say he painted while blacklisted. Painting apparently was his first love. (As an aside, Mostel was friends with -- and apparently shared a painting studio at one time withÂ -- my late great uncle andÂ talented painter Alex Redein; I learned of this only after both had passed.) Â The wounds inflicted on the victims of Hollywood's blacklists were re-opened with the Oscar's very controversial lifetime achievement award in 1997 to Elia Kazan, who named names to the HUAC.Â Sadly, the United States Supreme Court, in the late 1950's, affirmed the conviction ofÂ a subpoena recipientÂ for refusing to answer HUAC's questions. No case seems to have overturned that opinion. Barenblatt v. Crowley, 360 U.S. 109 (1959). Â Moving beyond the entertainment world, in 1951, the United States Supreme Court upheldÂ a conviction under the Smith Act forÂ efforts to activate a Communist party in the United States. Dennis v. U.S., 341 U.S. 494 (1951). The parallels are striking with the federalÂ government's current relentless prosecutions of those allegedly involved in peripherally assisting organizations advocating terrorism. Â As the Constitution continues being shredded, how much will you stick your neck out for what you believe is right, anytime the government tries to urinate on people's basic rights? Jon Katz.Â

Posted by Jon Katz in Constitutional Law at 00:00

Despite the awfulness of HUAC, it's important to remember that there really was a Communist plot to take over Hollywood. Joseph Stalin had ordered his spies to infiltrate Hollywood, which he naturally saw as the greatest propaganda machine in the world, and some people in Hollywood were willing to help him.

Most of the action took place in the fight to control the important Hollywood labor unions, where the Communists were beaten back by regular American labor organizers, i.e. liberal Democrats.

The Communists had a few successes. Except during World War II---when the Russians were our allies---they never got Hollywood to produce pro-Communist propaganda, but they did manage quell some anti-communist works. Dalton Trumbo was a bigshot in the Communist Party USA, and he's taken credit for stopping a number of anti-communist movies from being produced. It was wrong for the government to go after him, but he's not a hero of free speech.

For the most part, of course, the Communists failed to take over Hollywood, although HUAC had nothing to do with that. Heck, during its early days as an anti-Nazi organization it was headed by a guy who later turned out to be on the Soviet payroll. It was a crazy time.

Anonymous on Nov 17 2008, 02:10

Thanks, Windy, for your comment.

Plenty of people who attract the work of civil libertarians are not themselves devotees of civil liberties for all. I don't have info. on Trumbo to draw my own conclusions of his devotion or not to civil liberties.

HUAC's work invited false accusations of communist activity, including with the pressure to name names or to face a contempt of

Congress prosecution. McCarthy was a professional practitioner of multiple untruths at best and lies at worst

I think it is unconstitutional to outlaw Communist activity. It's a different story to outlaw the use of force to overthrow government. (Of course, it's an activity used overseas by the U.S. government repeatedly.)

Thanks agin for commenting. Jon
Anonymous on Nov 17 2008, 15:58