Answer Keys

Handout A: First Amendment, U.S. Constitution, 1791

1. Accept reasoned responses, which might include
   - Protecting these liberties promotes individual growth and human dignity.
   - These liberties are important for the advancement of knowledge.
   - These liberties are essential for maintaining representative government.
   - These liberties help bring about peaceful social change, serving a “safety valve” function.
   - These liberties are essential for protecting all other individual rights.
   - These liberties maintain freedom of conscience.
   - These liberties have been recognized as part of the common law for hundreds of years.
   - These liberties are necessary for exercising any political rights.

Handout B: Liberty and Security: Civil Liberties and McCarthyism

1. The effort to root out communism in America during the Cold War threatened American liberties because the Smith Act and the McCarran Act restricted the rights of Americans to speak their minds, join with other like-minded people in groups, and work in government jobs. The witch-hunt atmosphere created a chilling effect that made it dangerous for people to question, or appear to question, political orthodoxy. Thousands of people found their reputations, their jobs, and their liberties in jeopardy.

2. Accept reasoned responses, which should include the following: Specific constitutionally-protected rights violated by the federal loyalty programs, HUAC investigations, and McCarthy hearings included speech, press, association, and the right to challenge their accusers in court.

3. Some Americans trampled the rights of others during the Cold War for many different reasons, which may include a sense of desperation in understanding the reasons for communist victories in Europe and Asia, a hysterical witch-hunt mentality, a desire to capitalize on these fears for political gain, a desire to gossip and spread rumors, a desire to act on a grudge, a genuine desire to cooperate in finding dangerous enemies.

Handout C: House Un-American Activities Committee Mission Statement, 1948

1. Students are likely to say that HUAC did not carry out its work in an “undirected, uncensored, and unprejudiced” way. In the inquisition-like atmosphere of their investigations, anyone called to testify before HUAC was already presumed to be guilty of some dangerous activity or opinion.

2. The presumption of guilt and the lack of an opportunity to face one’s accusers suggest that HUAC violated its mission statement.
Handout D: The Alien Registration Act of 1940, also called the Smith Act (Excerpts)

1. Specific actions prohibited under the Smith Act included
   • Advocating, helping, or teaching the desirability of overthrowing the U.S., state, or local government by force or violence.
   • Organizing or joining a group aimed at overthrowing the government,
   • Printing, publishing or distributing literature that promotes the overthrow of the government.
   • Participating in a conspiracy to commit any of the actions listed.

2. Students may suggest that the Smith Act violated freedom of speech, press, assembly, and association.

Handout E: Internal Security Bill of 1950, also called the McCarran Act (Excerpts)

1. The McCarran Act, which required registration of communist organizations, prohibited the following actions
   • Conspiring or agreeing with another person to contribute to the establishment of a totalitarian dictatorship.
   • For members of communist organizations to work for the U.S. government or defense facilities, or to apply for or use a passport
   • For communist organizations to conduct their business secretly or to resist the required registration and yearly reports
   • For communist organizations to mail or broadcast anything without labeling it as sponsored or distributed by a communist organization

2. According to Section 1b, the McCarran Act was not intended to limit free speech and press; however, in its implementation it did limit free speech, press, and association.

3. If you were a communist or had been one in the past, the sections of the law that might ease your mind are Sections 1b, 4f, and 13.1.

4. A student who says he/she would veto the McCarran Act might list ways in which the law violated constitutional principles or guarantees. A student who would sign the law might refer to national security concerns during the Cold War when communism seemed to be gaining ground in Europe and Asia.

5. Accept reasoned responses.

Handout F: Truman’s Veto of the Internal Security Bill, September 22, 1950 (Excerpts)

1. Truman’s main objections to the McCarran Act were as listed below. Responses should express student opinion regarding Truman’s reasoning.
   • It was impractical; communist organizations were unlikely to register.
   • The registration requirements imposed a threat against speech, press, and assembly.
• The law suppressed opinion and belief.

• The result would be the stifling of views on controversial subjects. “The free expression of opinion, coupled with government by popular consent, leads to national strength and human advancement.”

• Section 22 amounted to thought control by requiring the deportation of any alien who distributes any written matter advocating totalitarianism.

2. Students may say that Congress overrode the president’s veto because of the level of anti-communist hysteria in the nation in 1950.

3. Truman saw the McCarran Act as “a step toward totalitarianism” because, as he wrote: “There is no more fundamental axiom of American freedom than the familiar statement: In a free country, we punish men for the crimes they commit, but never for the opinions they have...[W]e will destroy all that we seek to preserve, if we sacrifice the liberties of our citizens in a misguided attempt to achieve national security.”

4. The law would delight the communists, Truman wrote, because “it would make a mockery of the Bill of Rights and of our claims to stand for freedom in the world.”

Handout G: Excerpts from Chief Justice Vinson’s Majority Opinion, Dennis v. United States (1951); a 6 – 2 Decision

1. Students should paraphrase each of following quotes.

- Courts must weigh the degree of evil as well as considering the likelihood that the evil will be successful, in order to decide to what extent free speech must be limited in order to avoid the danger.

- Some may argue that a conspiracy is not a real danger because it is merely preparation. The majority decision maintains that it is the conspiracy itself which creates the danger because it works to bring all the necessary components into place in order to overthrow the government when the time is right.

2. Students should explain whether they agree with the Court’s majority that the Smith Act did not violate the constitutional rights of the Communist Party leaders.

Handout H: “McCarthy Cries Again,” Collier’s, August 2, 1952

1. The Collier’s editorial (Handout H) and the concluding statement issued by Edward R. Murrow (Handout I) both express contempt for Senator McCarthy and his methods. In the Collier’s editorial, he is described as “insecure,” “less than courageous,” carrying out “wild-swinging attacks,” “not only ridiculous but dangerous.” Edward R. Murrow said that McCarthy had “confused the public mind,” “caused alarm and dismay amongst our allies abroad, and given considerable comfort to our enemies.”

The two statements are about two years apart, and conclusions are somewhat different. While the Collier’s editorial points to the “real danger of communist infiltration,” Murrow stated that the fault for the fear that McCarthy exploited was not his own creation, but “The fault...is...in ourselves.” Students should explain which statements or passages are most powerful.
2. According to McCarthy, speech should tell the truth as McCarthy understands it.
3. The *Collier’s* editorial implies that McCarthy’s action in alienating the *Times*’ chief sources of revenue was out of bounds.

**Handout J: Follow-up**

1. In *Yates v. United States*, the Court reversed the Smith Act convictions, reasoning that the law only prohibited express incitement to specific conduct. In several different decisions, the Court made the McCarran Act obsolete as each of its major provisions was overturned in favor of greater protection of civil liberties in the First and Fifth Amendments.