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*“A blot upon liberty”: McCarthyism, Dr Barsky and the Joint Anti-Fascist Refugee Committee*

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## **“A blot upon liberty”: McCarthyism, Dr Barsky and the Joint Anti-Fascist Refugee Committee\***

Phillip Deery

On 4 May 1949, Dr Edward K. Barsky received some reassuring news. His reappointment as surgeon at Beth Israel Hospital in New York City, where he had worked since 1923, was confirmed for another two years. Twelve months later, the news he received shocked him, and it changed his life. He was informed by the Supreme Court of the United States that he was to commence serving a six month sentence in a Federal penitentiary. Accordingly, he became Prisoner No. 18907. Upon his release, he received further disturbing news. His licence to practise medicine would be revoked. These misfortunes had nothing to do with medical malpractice or professional incompetence. On the contrary, he was widely respected and trusted by patients, colleagues and hospital administrators. Instead, Barsky was paying the heavy price for a political decision he made in 1945 – that, as chairman of the Joint Anti-Fascist Refugee Committee (JAFRC), he would not cooperate with the House Un-American Activities Committee (HUAC). It was a fateful decision whose consequences could not be foreseen. He did not know it then, but for Edward Barsky, the domestic Cold War had started.

The aim of this paper is to use the assault on the JAFRC, and Barsky’s individual story within that, to illuminate the mechanisms of political repression during the early Cold War. The JAFRC was the first to be subpoenaed by HUAC, the first to challenge its legitimacy, and the first to set the pattern for Cold War inquisitions. In 1950, after three years of unsuccessful legal appeals, the Committee’s entire Executive Board was jailed. Barsky received the most severe sentence. It was the biggest single incarceration of political prisoners in America during the early Cold War. Upon release, Barsky lost his right to practise medicine. By early 1955, the JAFRC had dissolved: like Barsky’s career, it had been crippled by McCarthyism.

Despite widespread contemporaneous coverage in both the mainstream and Left press, the political repression of the JAFRC has escaped any systematic analysis by historians. This is surprising given Ellen Schrecker’s comments about the *Barsky v. United States* case, which was a culminating point in the JAFRC’s fight for political survival. This case, according to Schrecker, constituted a “landmark” decision in that it upheld HUAC’s power to require individuals to disclose their Communist Party affiliations and thereby permitted HUAC investigators to trample on witnesses’ constitutional rights. It represented, she argued, “a serious setback for political freedom”.<sup>[1]</sup> What little attention historians have given to the JAFRC is usually in connection with the aftermath of the Spanish Civil War, from which the JAFRC sprang, rather than to the onset of the Cold War, which oversaw its demise.<sup>[2]</sup> In contrast to the paucity of historical studies, the JAFRC has received more generous attention from the legal profession. This extends from contemporaneous case studies and Supreme Court opinions to jurisprudential scholarly works.<sup>[3]</sup>

This paper, therefore, seeks to redress this historiographical oversight. The main concern, however, is to examine the institutional processes – that ‘bureaucratic rationality of McCarthyism’<sup>[4]</sup> – by which a once-flourishing medical career was thwarted and a once-viable organisation was destroyed. Although Barsky was but one individual and the JAFRC was but one of many left wing organisations targeted by HUAC and the FBI, they epitomise the assault on the Left by American cold war warriors. In the context of McCarthyism, both were perceived threats

to national security. Barsky was a communist and the JAFRC was a communist “front”.[5] But this paper demonstrates that their punishment did not fit their “crime”, and this, perhaps, holds contemporary lessons for those who conduct the domestic “war on terror”. The paper also demonstrates that such an assault, contrary to received interpretations, commenced very early in the post-war period; for Barsky and the JAFRC the Cold War commenced in 1945, not 1947 or 1948. It should be remembered, of course, that such a bureaucratic blitz was part of a long historical trajectory. Political intolerance, the crushing of dissent, security service surveillance, deportations and imprisonment were all familiar to radical activists in the Labor movement since the 19<sup>th</sup> Century. Even HUAC, established for the first time as a standing committee through a Congressional vote[6] on 3 January 1945, had an earlier incarnation: the Dies Committee, formed in May 1938. And there is a legion of historians who have catalogued the history of anti-communist repression by the State.[7] However, the actions against Barsky and the JAFRC were an historical marker. They signalled the first flexing of political muscle by HUAC, which saw the JAFRC’s confrontation with it as a litmus test of its legitimacy. As its chairman, John S. Wood (D., Georgia) pointedly stated: “It is the purpose of our Committee to determine, once and for all, whether an organization such as the Joint Anti-Fascist Refugee Committee has the authority to defy Congress of the United States...”.[8] Because HUAC, not the JAFRC, triumphed, the framework was established for future Congressional inquisitions that were to become such an emblematic feature of McCarthyism. But first, who was Barsky and what was the JAFRC?

“Eddie” Barsky was born in New York in 1897, attended Townsend High School and graduated from Columbia University’s College of Physicians and Surgeons in 1919. He undertook postgraduate training in Europe and, on return, commenced an internship in 1921 at Beth Israel Hospital in New York, where he became Associate Surgeon in 1931, and where he established a flourishing practice.[9] In 1935, Barsky, a Jew, joined the American Communist Party, which shaped his outlook on developments in Europe. Fascism was then ascendant, but in Spain there was hope. When the generals arose against the elected Republican government in July 1936, Barsky realised, like Orwell, that this was a state of affairs worth fighting for. As he told a reporter, “I came to [Spain] for very simple reasons. Nothing complicated. As an American I could not stand by and see a fellow-democracy kicked around by Mussolini and Hitler...I wanted to help Republican Spain. I did. Is it simple or complex?”[10] As casualties mounted, and as a “powerful antifascist coalition” developed in New York,[11] Barsky acted. On “one October night” in 1936, he founded, in a friend’s home, the American Medical Bureau to Aid Spanish Democracy.[12] After frantically fund-raising and then collecting, storing and loading provisions to equip an entire hospital in Spain, Barsky – along with sixteen doctors, nurse and ambulance drivers – sailed on 16 January 1937. This was just three weeks after the first American volunteers of the Abraham Lincoln Brigade had departed. He assumed control of the medical service within the International Brigade, established and headed seven front line, evacuation and base hospitals, and refined the operating techniques of medical surgery under fire. He also pioneered a surgical procedure for removing bullets and shrapnel from chest wounds, and helped create the mobile surgical hospital that became a model for the American Army in World War II. On at least one leading International Brigadier, Steve Nelson, Barsky made “a terrific impression”. [13] In July 1937 he took brief leave from the frontlines – to return to New York to raise funds for more medical aid.[14] He addressed, in mufti, 20,000 at a rally in Madison Square Garden; a photograph of him reveals the intensity of his commitment.[15] When he returned - and he stayed until October 1938 - he was made an honorary major in the Spanish Republican Army. In 1944 he wrote the autobiographical, 302-page “The Surgeon Goes to War”, which captures his profound

empathy with the Spanish cause. When the celebrated author of *Citizen Tom Paine*, Howard Fast, first met Barsky in late 1945, he found him “a lean, hawklike man, handsome, commanding, evocative in appearance of Humphrey Bogart, a heroic figure who was already a legend”. [16] In 1950, when HUAC found him subversive, Ernest Hemingway found him saintlike: “Eddie is a saint. That’s where we put our saints in this country - in jail”. [17]

From various organizations (United American Spanish Aid Committee, American Committee to Save Refugees and American Rescue Ship Mission) and individuals (especially veterans of the Abraham Lincoln Brigade) that supported the Spanish Republic during the civil war, the JAFRC was born on 11 March 1942. [18] The driving force was Barsky. With the Loyalists’ defeat in 1939, a massive exodus of over 500,000 Republican Spanish refugees spilled over the Pyrenees into France. Most congregated in overcrowded refugee camps and then, from 1940 after the German occupation, were conscripted as labourers or sent to concentration camps. Thousands died in the Mauthausen camp. 30,000 were interned in North Africa. Approximately 18,000 who escaped incarceration fought alongside the French Resistance (as well as De Gaulle’s Free French in Algeria) and suffered disproportionately at the hands of the Gestapo. To remain in Franco’s Spain, as many former Republicans soon discovered, invited imprisonment or death. [19] Despite this some remnants stayed on, in hiding. Others escaped to Spanish-speaking countries: Portugal, Mexico, Cuba and the Dominican Republic. They lived the rest of their lives in that strange world of exile, some in a “limbo of expectation”; others sadly “locked in a sterile polemic about responsibility for their defeat”. [20] In the immediate aftermath of the Civil War, Barsky – with his direct experience behind him but his visceral attachment to Spain intact – became preoccupied with the plight of these Spanish refugees. This preoccupation led directly to the establishment of the JAFRC, and the refugees were its *raison d’être*. Under Barsky’s indefatigable leadership, the JAFRC acquired legitimacy during World War II. Licensed to provide aid by Roosevelt’s War Relief Control Board, it was granted tax-exempt status by the Treasury Department. The Committee raised funds, formed sixteen chapters (or branches) in major American cities, established orphanages, and strenuously opposed Franco’s regime. [21] As Barsky told dinner guests at the opening of the Spanish Refugee Appeal, which sought to raise \$750,000, in March 1945:

Our program consists of relief, rehabilitation, medical care, transportation and associated welfare services, in many parts of the world... Who will help [the refugees]? We! We are the only people to help them. We help them or they die. [22]

It sent thousands of dollars and tons of food, clothing and medicines to Spanish refugees in both France and North Africa. The Unitarian Service Committee and the American Friends Service Committee, a Quaker organization, distributed this relief. [23] Its work, as one report later noted, “was a work of mercy; it sheltered the homeless, fed the hungry, healed the sick”. [24] Material and legal support was given to other refugees to emigrate to one of the few countries that welcomed them – Mexico. There, a school for refugee children was built and the Edward K. Barsky sanatorium was opened when the JAFRC collected \$50,000 after a national fundraising campaign in January 1945. [25]

Eleven months later, HUAC pounced. On 10 December it subpoenaed Barsky and the JAFRC’s administrative secretary, Helen Reid Bryan, to appear before it at 10am on 19 December 1945 in Washington (this was postponed until 23 January 1946). They were to “produce all books, ledgers, records, and papers relating to the receipt and disbursement of money” by the JAFRC,

together with “all correspondence and memoranda of communications by any means whatsoever with persons in foreign countries”.[26] The Executive Board held a special meeting on 14 December and unanimously adopted a resolution “to protect the rights of this Committee and its supporters” from HUAC. It would not surrender its records. It also declared that HUAC’s demands infringed democratic rights and were “unwarranted and unjustified”. It invoked HUAC’s own terms of reference by stating that the JAFRC “is truly American in every sense of the word and can, by no stretch of the imagination, be considered un-American, subversive, or an attack upon the principles of our form of government”.[27] In early January 1946, Barsky wrote to all contributors explaining the position of the JAFRC Executive Board. He cited a recent speech by Congressman Ellis Patterson, who called for the dissolution of HUAC, which he described as a “sham” that “violated every concept of American democracy”. That a showdown with HUAC loomed was implied by Barsky’s concluding paragraph: the JAFRC was “determined to continue its humanitarian and relief work” and would “let nothing stand in the way of providing this aid”.[28] Equally, HUAC was just as determined, as we have seen, that its authority would not be defied by the JAFRC.

Why did HUAC target the JAFRC? According to J. Parnell Thomas (R., New Jersey), the trigger was an attack by the “Red Fascist”, Harold J. Laski, on the Catholic Church in Spain at a JAFRC-sponsored rally of 17,000 in Madison Square Garden on 24 September 1945. As a result, said Thomas, HUAC received “over 8,000 complaints” against Laski, the JAFRC and the Veterans of the Abraham Lincoln Brigade, and HUAC “decided to investigate the charges”.[29] (In fact the popular actor and Catholic, Frank Fay, organised a post-card campaign.[30]) For HUAC’s chief legal counsel, Ernie Adamson, the basis for investigating the JAFRC and its subsidiary Spanish Refugee Appeal was that “they both seem to be engaged in political propaganda, not relief”.[31] HUAC had jurisdiction over the “extent, character and objects of un-American propaganda activities” and JAFRC propaganda, according to HUAC chairman John S. Wood, was “of a subversive character”.[32] Opposing Franco, moreover, in which the JAFRC was engaged, was considered especially un-American and dangerous to the US by Roman Catholic red-hunters such as the “Senator from Madrid”, Pat McGarran (D., Nevada), and J. Parnell Thomas, who had close ties to the Franco regime.[33] Both subscribed to a particularly virulent form of Catholic anti-communism that stretched back to Father Coughlin in the 1930s and that now embraced powerful Catholic organizations (Knights of Columbus and Catholic War Veterans) and prelates (Cardinal Spellman, Archbishop Richard Cushing and Monsignor Fulton Sheen).[34] The long-term hatred of communism by American Catholics – fuelled by the treatment of Catholic priests both in Spain during the civil war and in “Iron Curtain” countries in the immediate post-war years – found a ready outlet in the JAFRC.

But hostility to the JAFRC went even deeper than this. Congressman Karl Mundt (R., South Dakota) argued the JAFRC was engaged not merely in disseminating un-American, anti-Franco propaganda but also in “secret and nefarious activities”.[35] What were these activities? Newly-released FBI files (discussed below) confirm – and by late 1945, they were thick – that its director, J. Edgar Hoover, believed by 1944 that the JAFRC was actually subversive. He was convinced, by two different “confidential” sources, that veterans of the closely associated Abraham Lincoln Brigade, who had been trained in military warfare, would “lead the vanguard of the revolution in this country.”[36] Funds raised by the JAFRC, ostensibly for Spaniards’ relief, would assist that goal.[37] Given the symbiotic relationship between the FBI and HUAC,[38] it is arguable that underpinning HUAC’s post-war harassment of the JAFRC was Hoover’s long-term anti-

communist crusade.

The first JAFRC member to travel to Washington and confront the Committee was its administrative secretary, Helen Bryan. She did not travel alone: a delegation of more than 200 supporters accompanied her on the overnight train from New York. When she was inside HUAC's chambers on 23 and 24 January 1946, they were lobbying seventy Congressmen.[39] Bryan, a Quaker, was a highly courageous woman. She was variously described as "saintly"; imbued with "integrity", "loyalty" and a "high-minded sensitivity"; and devoted to a "lifetime service to humanity".[40] As the nominal custodian of the records she willingly assumed full responsibility for the Board's refusal to surrender them. This tactic sought to insulate the rest of the Board from prosecution. According to Fast, it was a defensive maneuver, but legally sound. However, "if we had had any premonition that imprisonment would result from this, not one of us would have allowed Helen Bryan to take the fall".[41] Nevertheless, she took "a course of action that involved risk to herself rather than risk to others".[42] The price she paid was three months in Alderston jail. Again and again the House Committee (John Wood, the chairman; J. Parnell Thomas and Karl Mundt, both Dies Committee alumni; John Rankin; and five others) interrogated the stubborn Bryan about the whereabouts of the records. Each time she refused. They were not interested in the workings of the JAFRC. Repeatedly she attempted to read an explanatory statement. Each time she was denied, to be met with "I demand that you answer the question 'yes' or 'no'". Eventually Bryan stated: "How can our organization, created to provide relief for Spanish Republican refugees and their families... in good conscience endanger the lives of people by turning names over to your committee?"[43] She then stated she had not brought the books and records and, as a result, was cited for contempt of Congress on 24 January 1946.

The reasons, which HUAC members neither heard nor wished to hear, for Bryan's refusal to relinquish JAFRC records were threefold. First, JAFRC records were already available to the US government. As the Committee's defence attorney and former US assistant attorney general, O. John Rogge, repeatedly pointed out, both the President's War Relief Control Board and the Treasury Department had full access to JAFRC reports and records and its investigators had examined them "for a substantial period of time".[44] It would open its books to any "authoritative, impartial committee, but simply not to "this unconstitutional House committee" that was not entitled to them.[45] Second, the JAFRC questioned the constitutionality of HUAC and the scope of its jurisdiction. This was not unusual in 1945-48.[46] Then, a great many American liberals, including Congressmen, challenged the legitimacy of HUAC.[47] Even President Harry Truman criticised the purposefulness of HUAC hearings.[48] Former Vice-President Henry Wallace certainly did.[49] Finally, and most important, the financial records contained two politically volatile lists: one was a list of 30,000 American names who contributed to relief aid; the other was a list of Republican Spaniards who were receiving relief aid, including those inside Franco's Spain. Barsky, Bryan and the other JAFRC members were convinced that, if these names were disclosed to HUAC and, presumably, the FBI, the liberties of each group would be imperilled. The Board felt a strong sense of obligation to protect both domestic donors from retaliation and Spanish recipients from persecution. To do otherwise, as a Board member later recalled, would be a "heinous and totally dishonourable action".[50] A meeting of nineteen members of the Executive Board on 1 February – one of the best-attended – unanimously endorsed Bryan's non-cooperation with HUAC.[51] Without knowing it, they, too, were soon to have similar experiences. Ten days later they instructed its National Chairman, Barsky, not to produce any records or documents when it was his turn to face HUAC on 13 February.[52]

The closed, executive session of HUAC that interrogated Barsky was administratively a shambles. The transcript reveals a distinct lack of unanimity about the procedures to be followed or the degree of latitude afforded to this witness.[53] Barsky was twice asked to step outside so that members could decide on procedure. In one instance they even took a private vote. The hearing was punctuated by interruptions to HUAC's own legal counsel (seeking preliminary information on the workings of the JAFRC) from Rankin demanding an immediate "Yes" or "No" answer from Barsky regarding the records. Three members (Gerald Landis, J.W. Robinson and the Chair) favoured permitting Barsky to read his prepared statement; others (Mundt, Rankin and Thomas) did not. There was also dispute over whether or not the statement, if not read, could be incorporated into the record. Rankin's demand – "Give it to the Chairman. We will decide later whether it goes into the record or not" – prevailed. Barsky reluctantly handed over his statement, neither read nor tabled. Barsky remained circumspect and, throughout, retained his dignity.[54] Some HUAC members did not. Even at a distance of sixty-three years, their rudeness, intimidation, capriciousness and sheer bullying during these closed Congressional hearings has the capacity to astonish and shock.

The standoff between JAFRC and HUAC began to achieve public attention. In addition to the radical press, editorials and articles appeared in the *Los Angeles Examiner*, *Nation*, *New York Post*, *New York Times*, *Washington Post* and *World Telegram*. [55] The newly-formed "Citizens to Safeguard the Joint Anti-Fascist Refugee Committee", with such notables as Albert Deutsch, Dashiell Hammett and Lillian Hellman, inserted full-page advertisements in three daily newspapers, pressured the Democratic National Committee, contacted trade unions, chapters, sponsors and contributors urging action and donations, and organised a fund-raising dinner at the Waldorf-Astoria on 18 March. Two well-attended press conferences were organised. In addition Barsky personally undertook a major task: he wrote individually signed letters to every Congressman, and he did this twice, on 18 February and 8 March.[56] J. Parnell Thomas was not daunted. Indeed, reactions by Barsky and JAFRC leaders emboldened him and confirmed their guilt.

I have been on this committee from its very inception. I was on the Dies committee from the beginning to end... whenever we were attacked we [knew] we had struck pay dirt. Now we have struck pay dirt on this Barsky matter. Barsky is doing everything he possibly can... They are getting in touch with members of Congress, telling them that this is an un-American committee. They have used those words.

After labelling the JAFRC as "the leading Communist-front organization today," Thomas told the House that HUAC would be "going right to the bottom" of the JAFRC and would "thoroughly" investigate its leaders. He declared, "You can count on it that when we make our report to this Congress it will astound you all".[57]

Such bravado would prove hollow. There was no more "pay dirt" yielded, no exposé of the JAFRC leaders' clandestine communist activities, no revelation that would "astound" Congress. In fact J. Parnell Thomas would precede those leaders into jail. Although he chaired HUAC's inquisition of the Hollywood Ten the following year, in August 1948 his past fraudulent salary practices were exposed and, soon after, was indicted on charges of conspiracy to defraud the government, tried, convicted, fined \$10,000 and sentenced to eighteen months in Danbury federal penitentiary.[58]

One piece of information that Barsky provided to HUAC, upon request, was the names and addresses of all Executive Board members. This enabled the next round in the Congressional committee's offensive against the JAFRC. Notwithstanding the "personal opinion" of Benedict Wolf, the JAFRC's legal counsel, that it would be "very difficult" and "absurd" for Congress cite seventeen people,[59] this is precisely what happened. On 16 March 1946 every member of the Executive Board (in addition to Bryan and Barsky) was cited for contempt. This was hasty, precipitous action. Astonishingly, none of these individuals had been subpoenaed, none had appeared before HUAC, and none had been given any opportunity to answer any questions, even contemptuously. This over-reaching was so blatant that, when the HUAC chairman sought Congressional confirmation on 28 March, he quickly struck out their names when challenged by the radical American Labor Party Congressman, Vito Marcantonio (Ind., New York) and, more efficaciously, by "no better friend" of HUAC than the conservative Eugene Cox (D., Georgia).[60] But it was a pyrrhic victory for those supporting the JAFRC. Members of HUAC immediately went on the attack. To Mundt, the JAFRC was "honeycombed" with communists, was "bringing foreigners to America" and was "trying to destroy the things for which our flag stands"; to Thomas, the JAFRC was "a vehicle used by the Communist Party and the world Communist movement to force political, diplomatic, and economic disunity." Rankin hoped that the House would "support the committee and let the world know that we are going to protect this country from destruction at the hands of the enemies within our gates". The House complied. All the strenuous efforts of the JAFRC "pressure campaign" were in vain. The vote was a massive 339 to 4 in favour of citing Barsky for contempt of Congress.[61] That night a naïve or ignorant Benedict Wolf told the Executive Board: "Possibly it won't go any further than the District Court because of the fact that the books and records were not in the custody of Dr. Barsky".[62]

The following day, it did go further. On 29 March, all remaining sixteen Executive Board members were served with subpoenas. All appeared before HUAC and, ritualistically, all refused one by one to hand over any books and records. All were cited.[63] None was permitted legal representation. Once again, proceedings became aggressive. Recalcitrance would be met with truculence. When, for example, Professor Lyman Bradley attempted to answer a question by reading a prepared statement, a HUAC member told the chair to "just call up the marshall and send him to jail".[64] One ritual that recurred in numerous subsequent hearing and trials – "taking the Fifth" – was noticeably absent in these hearings. The fact that none invoked the Constitutional right of protection against self-incrimination, which may have saved them in 1946[65] (before "guilt by suspicion" became so ubiquitous) was sharply criticised by Howard Fast, one of those cited. Fast directed blame squarely at the JAFRC attorney, Benedict Wolf. He judged Wolf as "an unimaginative, plodding man", who, "either by intent or by his poverty of invention...failed to advise us on the use of the Fifth". According to Fast, he was responsible for the overall "woeful mismanagement" of the case, and his actions "never ceased to mystify me".[66] But Wolf genuinely believed that those cited would be cleared by the courts, that talk of jail sentences was fanciful, and that HUAC's investigatory methods (demanding financial records as opposed to "un-American propaganda") would be declared unconstitutional.[67] It was not until 1 March 1947 that O. John Rogge took over.[68] In retrospect, by then it was too late.

The Congressional confirmation of this mass contempt citation was distinguished by passionate debate for, as Helen Douglas (D., California) presciently commented, the vote "will directly affect the lives of 17 people, directly and indirectly, to the end of their days".[69] The response of the red-hunting hard-liners was predictable: "Is Congress going to be subjected to contempt by an

element in this country that is plotting day and night for the overthrow of this Government?”[70] Less predictable was this plea from Emmanuel Celler (D., NY), who had not previously voted against the citation of Barsky:

Mr. Speaker, we are making history, regrettable history, in finding innocent people guilty of contempt without trial, without jury and without the benefit of counsel. I believe we are turning our backs upon our glorious past if we pass this resolution...I predict our action will come back to plague us.[71]

However, Congress made its “regrettable history” and voted 292 in favour, 56 against and 82 abstentions.[72]

Notwithstanding these Damoclean swords, the JAFRC attempted to continue its work. Its monthly Executive Board meetings for the remainder of 1946 recorded activities such as the Women’s Division Luncheon, a hootenanny, distribution of “Street Solicitation Cans”, theatre parties, preparations for a Madison Square Garden rally, and the Christmas auction at the Waldorf-Astoria. The longest meeting, which finished at 11pm, was the 21 November meeting, and it dealt with only one item: Gerhardt Eisler. This well-known German communist and recipient of JAFRC aid was a FBI *bête noire*. Eisler used various pseudonyms – Hans Berger, “Edwards”, Julius Eisman and Samuel Liptzen – which contributed to the FBI’s conviction that he was previously a senior Comintern agent and now a figure of “paramount importance” and “unlimited authority” within the American Communist Party.[73] He had entered the United States in 1941 en route to Mexico but instead was interned. After the war, he tried again to leave, and was arrested and jailed. Hoover’s long report on Eisler was read into HUAC testimony when Eisler appeared before it in early 1947. It described Eisler as a “Kremlin terrorist” and the “Soviet mastermind in the United States” and included specific reference to checks for \$150 each signed by the JAFRC Treasurer, Lyman Bradley, regularly collected by Eisler at the JAFRC offices but endorsed by “Julius Eisman”. [74] Something shady and nefarious, if not downright conspiratorial, it seemed, was clearly afoot. It reinforced the FBI’s and, thus, HUAC’s, view of the JAFRC as subversive. But there was a more innocuous explanation: Eisler, who had been imprisoned in 1940 in a French concentration camp with other Spanish refugees, was the conduit between the JAFRC and German-born veterans of the Spanish Civil War who had become refugees during the Second World War. Twelve of these refugees named Eisler as a trustee of a fund that provided them with aid, derived from the \$150 monthly checks. That fund was established in the name of a German killed in the Spanish civil war – Julius Eisman.[75] Correctly anticipating further incarceration (following a perjury charge from 1942 and a contempt citation from 1946), Eisler illegally fled the United States on a Polish ship, *Batory*, after buying a 25 cent visitor’s pass and hiding on board until it sailed.[76]

While he hid, the Executive Board waited. Twelve months passed before the United States District Court of the District of Columbia, on 31 March 1947, indicted the JAFRC Board for contempt of Congress. The indictments charged the group with “having conspired to defraud the United States by preventing the Congressional Committee from obtaining the records”. [77] It was, in short, a conspiracy indictment. This changed a misdemeanour into a felony and thereby jeopardised the licence to practise of doctors and lawyers (who were well represented on the JAFRC Board). When appealing for funds to cover immediate legal expenses, estimated at \$17,000,[78] Barsky wrote that “This case against us is a potential threat to the civil liberties of all

Americans”.[79] On 16 June 1947, the eighteen Executive Board members of the JAFRC were brought to trial in the Federal District Court of Washington. The trial, which was to last ten days, had been delayed because Rogge charged that Justice Alexander Holtzoff was “guilty of bias and prejudice”. Indeed he was. Holtzoff had been assigned by the Department of Justice to advise the FBI when the JAFRC was first being investigated by the FBI in 1944-45. When Holtzoff refused to remove himself he made legal history: for the first time the US Court of Appeals issued a writ of prohibition against a Federal judge.[80] There was an unreliable witness as well as a prejudiced judge. At the trial, a key government witness, Robert Alexander from the Visa Division of the State Department, branded the JAFRC “subversive”. Twelve months later he was being investigated, at the request of the Secretary of State, on charges of “misconduct and dereliction of duty”.[81]

Yet, to the JAFRC, this mattered little. On 27 June 1947, after adjourning for only one hour, four men and eight women of the Federal court jury convicted all eighteen Board members of contempt.[82] Immediately after the guilty verdict, five of the sixteen members got cold feet. They “purged” their contempt by recanting and resigning from the JAFRC Board. Their sentences were suspended.[83] The remaining eleven, except Barsky, were sentenced to jail for three months and fined \$500 each; Barsky received a six-month sentence. He also received hundreds of letters of support, from Pablo Picasso in France to this unknown woman in Milwaukee: “My heart is sad by your suffering. I only wish I could give more. All the money I have to give is in this envelope. I gladly give my widow’s mite. God bless your work is my prayer”.[84] Coming before the Hollywood Ten trial and the Smith Act prosecutions, this mass political incarceration was the first since the Palmer Raids nearly thirty years before and the biggest during the McCarthy era. The eleven convicted JAFRC members served notices of appeal and were released on bond.

Appeals cost money. Simply bringing one case to the Court of Appeals would cost \$4000, so much time at JAFRC meetings was focused on fund raising, not for Spanish refugees but for self-defence: “A fund raising event, possibly in the Golden Gate Ballroom in Harlem, might be planned. Outstanding Negro and white talent could be secured. A counter proposal was made that such an event might be planned by which a larger income could be secured”.[85] In its capacity to raise funds to aid refugees, meanwhile, the increasingly besieged JAFRC suffered two body blows. First, the Committee was listed as a “subversive” organization in the first of the Attorney General’s Lists of Subversive Organizations, published on 4 December 1947.[86] The American Council of Civil Liberties, on behalf of the JAFRC, challenged procedural aspects of the List,[87] but to be on the list was tantamount to a kiss of death as far as broader community support was concerned. As I.F. Stone noted, many contributors and supporters were “frightened” to link themselves to a “disloyal” organization. [88] Until then, support had remained steadfast; a total of only two from the large list of JAFRC sponsors had resigned. Second, on 23 January 1948, the Internal Revenue Bureau informed the JAFRC that its tax-exempt status (granted on 8 February 1943) was revoked. This meant that donations could no longer be tax deductible and income tax returns since the inception of the JAFRC in 1942 must be submitted. It was little wonder that Barsky, in appealing to supporters for yet another financial contribution to support a legal challenge, felt that “we are now faced with one of the gravest crises in the history of our organization”.[89] Curiously, perhaps, recognition of this crisis could not be discerned in any of the addresses or reports heard by delegates to the two-day National Conference of the JAFRC in August. Indeed, an inverse relationship between vulnerability of position and defiance of tone pervaded discussions and resolutions.[90] But its nemesis awaited.

For the next three years following the convictions, a series of complicated but ultimately unsuccessful appeals and petitions for re-hearings were conducted.[91] The many arguments presented to the appellate courts and to the Supreme Court, mainly by Rogge, and the judgements of the various courts, will not be summarised here.[92] Suffice it to say that both the Court of Appeals for the Second Circuit (5-2) and the Court of Appeals for the District of Columbia Circuit (2-1) held that HUAC was not exceeding constitutional powers or acting in violation of First Amendment, in questioning witnesses about Communist Party membership or associations. In other words, HUAC had the right interrogate individuals about their Communist Party affiliations. In his blistering dissenting opinion, Circuit Judge Henry Edgerton wrote that the HUAC inquiry stigmatised unpopular views, abridged freedom of speech and inflicted punishment without trial.[93] Ten years later Edgerton was vindicated, but too late for the JAFRC.[94] Rogge stated, “We are concerned here with the basic democratic right to be free from intimidation with reference to one’s personal beliefs”.[95] At a JAFRC-sponsored dinner at the Astor Hotel, Rogge let fly. HUAC, he proclaimed, was “an unconstitutional body acting in an unconstitutional manner and more concerned with advancing the political fortunes of its members than in protecting American ideals”.[96] At another meeting, recorded by the FBI, he went even further. The assault on the JAFRC, he claimed, was “plainly part of the first step towards Fascism”.[97] On 29 May 1950 the US Supreme Court refused, for the second time, to review two appeals filed by Rogge.[98] That decision opened the gates to the federal penitentiary.

On the day the eleven commenced their incarceration, 7 June 1950, a solitary line of about fifty veterans of the Abraham Lincoln Brigade paraded outside the White House. Their placards read “No Jail for Franco’s Foes” and “Franco was Hitler’s Pal”.[99] A more “respectable” protest to the President was made by Francis Fisher Kane, an “old member of the Philadelphia Bar” and US Attorney General under Woodrow Wilson. He “earnestly” requested Truman to commute the sentences imposed, since imprisonment was “a denial of justice and a blot upon American liberty”.[100] Washington prison authorities, meanwhile, were itemising the clothes of their new inmates; in Barsky’s case, a green hat, blue shirt, grey and yellow necktie, and brown pants and coat.[101] He became Prisoner 18907. The eleven prisoners (Helen Bryan and Ernestina Fleischman were imprisoned separately, on 13 November 1950, after a final, unsuccessful legal appeal[102]) were drawn from a range of backgrounds – academic, legal, literary, medical, labor union and business. In addition to Barsky, the most notable members were the head of the German Department at New York University and Modern Language Association treasurer, Professor Lyman Bradley and the well-known essayist and historical novelist, Howard Fast.[103] Initially, Barsky and the other male JAFRC detainees were confined to the District of Columbia prison in Washington. The women Board members (Marjorie Chodorov, Ruth Leider and Charlotte Stern) were sent to Federal Penitentiary for Women at Alderston, West Virginia.[104] According to one commentator, “In the normal course of events [these individuals] wouldn’t see the inside of a jail, or even a courtroom, during their whole lifetime...But these are not ordinary times and these are not ordinary events.”[105] They were treated, however, very ordinarily and no different from the “common” criminal: handcuffed, stripped, processed naked, fingerprinted twice, showered, given faded blue uniforms and locked in a shared cell five by seven feet in a towering cell block. After nine days, the men were deliberately scattered.[106] Dr Jacob Auslander, a physician, joined J. Parnell Thomas, the criminal, in Danbury federal penitentiary in Connecticut; Bradley and Fast were relocated 300 miles away in the mountains of West Virginia, to a prison camp called Mill Point;[107] James Lustig, a trade unionist, went to Ashland, Kentucky; three others were remanded at the Federal Detention House in NYC.

Barsky was sent to the Federal Reformatory in Petersburg, Virginia, 400 miles from New York. There, he lost 25 lbs in weight, suffered from ulcers, was permitted only two visiting hours per month from his wife only, and was not permitted to do any medical work, only menial work. Coupled with the psychological strain of the past four years of criminal and civil litigations and appeals, his months in this remote jail must have tested his resilience. He would also have been concerned by the financial effects on his dependant wife, Vita, and two-year-old daughter, Angela, of his prolonged cessation of income.[108] A heart-felt, hand-written, two-page letter was sent to him from a dentist and acquaintance (“I don’t know if you remember me”), Samuel Anderman. The letter is worth noting because it illustrates how the persecution of the JAFRC touched a great many Americans beyond the normal reach of JAFRC or communist “front” activity. After telling Barsky that his jailing had a “profound effect” on him, Anderman continued: “There are many people like myself around, who are not sleeping easily while you and other patriotic Americans are being jailed...Be of good cheer. This period is a severe trial but every great man has had to suffer for his convictions. Your suffering is not in vain...”. This letter was returned as the sender was not listed as one of Barsky’s correspondents.[109]

Barsky was freed from Petersburg prison on 7 November. Either “good behaviour” or the numerous letters from the medical fraternity to the Federal Parole Board[110] earned him one month’s reprieve. He was just in time to greet and farewell his loyal, steadfast secretary, Helen Bryan. She began her three month sentence on 13 November. The night before, 200 friends, including Barsky, attended her farewell party at Fairfax Hall, NYC. According to one present, “it was a welcome, heart-warming occasion to see this man moving freely again, among his friends”. [111] It was the final function he attended as JAFRC Chairman. Due to “the demands of my present situation”, he resigned as officer, director and member of the JAFRC in January 1951.[112] It would have not been easy for Barsky to relinquish the organization he founded nearly a decade earlier. It was pivotal to his existence. According to a JAFRC staffer, “We never saw anybody with such single-mindedness. His entire life is wrapped up in the work of helping the refuges, in helping Spain”. [113] He himself told a reporter: “Best committee in America. No committee in America has this tradition”. The reporter noted that it was near-impossible to get Barsky off the subject of the work of the JAFRC, about which he slipped into “lyricism”. [114] So what were these “present demands”?

If he thought deprivation of freedom would end upon his release from jail, he was wrong. Another round of persecution commenced; another fight to resist it became necessary. It concerned not his political or humanitarian activities for the JAFRC, although these continued to stalk him, but his right to practise medicine. And it did not end until 1955, by which time the JAFRC announced its own dissolution. During his time in Petersburg penitentiary, Barsky’s medical licence was revoked. Upon his release, he was obliged to re-apply. To that end, the Executive Director of Beth Israel Hospital, with the approval of the Medical Board and the Hospital’s Board of Trustees, wrote to the Board of Regents of the New York State Department of Education, the body responsible for issuing – and revoking – medical licences. The letter outlined the history and length of Barsky’s appointments at the Hospital and the type of service he rendered. It continued:

Dr. Barsky is a skillful surgeon, whose medical ethics and conduct have always been beyond reproach. He is an ethical physician, imbued with the traditional Hippocratic sense of responsibility to his patients and services in their behalf. The patients at the Hospital are well served by him.[115]

The expectation, presumably, was that restoration of his licence would be a formality. But by the winter of late 1950 and early 1951, the American political landscape had permafrosted and paranoia about communism was intense.

In January 1951, the immensely powerful Board of Regents informed Barsky that it was reviewing his case and a subcommittee would decide whether a further penalty (from mere censure to revocation of licence) was to be imposed. Immediately, Barsky went on the offensive and wrote to numerous doctors, academics and Quakers requesting, if effect, character references to be posted to the Medical Grievance Committee prior to its closed hearing on 15 February. They obliged.[116] Before the hearing, Barsky's attorney, Abraham Fishbein, mounted (what seems to the historian) a compelling and superbly crafted case revolving around five separate arguments and amounting to thirteen pages.[117] At the hearing Fishbein spoke with much passion: "This man has paid the full penalty...To treat him now as a felon who commits abortions or who deals in narcotics and place him on that level, gentlemen, is too low...I beg of you, gentlemen, don't let's stoop that low to hit this man...[who has] paid in full...To do more to this man is to wreak vengeance and not to do justice".[118] On the other hand, the Assistant Attorney General of the State of New York, Sidney Tartikoff, for the Board of Regents, focused on the activities of the Joint Anti-Fascist Refugee Committee, the contempt of Congress citation, the constitutionality of HUAC and, especially, the Attorney General's List of Subversive Organizations. Considerable evidentiary weight was placed by Tartikoff on the JAFRC being listed as subversive and un-American; unfortunately for Barsky this hearing was precisely two months before the Supreme Court invalidated such listing by the Attorney General.[119] None of these issues, for which Barsky had endured five months in prison and five years of litigation, was relevant to medical competence. None of these issues involved "moral turpitude", the customary concern of the Committee. None of the dozens of testimonials counted. Barsky was found guilty of nothing, other than his failure to produce records subpoenaed by a congressional committee, which the Discipline Committee itself acknowledged was "the only method by which legal objections to [HUAC] could be judicially determined". Even Tartikoff informed the Grievance Committee "candidly and honestly" that he could find "no real evidence" that JAFRC activities were "Communitistic". [120] And, as we know, Barsky was now no longer a member of the JAFRC. All this was to no avail. The Board of Regents' Medical Grievance Committee revoked Edward Barsky's medical registration, first issued in 1919, for a period of six months. No reasons were given.

In a re-run of the legal challenges to his conviction that lasted from 1947 to 1950, Barsky launched appeals against this decision. The case was next heard by the Regents' Committee on Discipline, which overturned the suspension of Barsky's licence – there being no moral turpitude, no impeachment by evidence and therefore "no valid basis for discipline." [121] However, this decision was repudiated by the full Board, which upheld the original ruling. Barsky then sought review in the Court of Appeals of the State of New York, which affirmed the order of the Board of Regents despite noting that the Board "ignored weighty considerations and acted on matters not proper for consideration". [122] One improper matter was that List of Subversive Organizations. Barsky's last legal recourse was the Supreme Court. His lawyer prepared a detailed *Petitioner's Brief* (which included the plea, "this petitioner has suffered more than enough"). On 26 April 1954 – just three weeks before its historic *School Segregation* case [123] – the Supreme Court decided (6-3) on technical grounds not to interfere with the determinations of the Board of

Regents. The dissenting judgements of Justices Black, Douglas and Frankfurter make fascinating reading and, presumably, must have fortified Barsky. Justice William O. Douglas did not mince words: “nothing in a man’s political beliefs disables him from setting bones or removing appendixes...When a doctor cannot save lives in America because he is opposed to Franco in Spain, it is time to call a halt and look critically at the neurosis that has possessed us”.<sup>[124]</sup>

In a final, desperate act, Barsky wrote to the Board of Regents and appealed for clemency. Barsky was a self-effacing man, not given to effusive displays or the grand gesture. To an interviewer he did not display “the slightest hint of sentimentality”.<sup>[125]</sup> To his daughter, he was “very private, a shy man who did not toot his own horn”.<sup>[126]</sup> So writing the following soul-bearing letter would not have been easy. The letter also points, in a microcosmic way, to the damage inflicted on individuals who held political views contrary to the mainstream during the heyday of McCarthyism.

I have been in practice for 35 years and never once during this time have I been in any difficulty. Not a single patient could or has ever accused me of...any lack of sympathy or understanding...[and] no medical colleague who has had any contact with me, either directly or indirectly, could point to any improper actions on my part...I am not a young man and my family, a wife and young child, are completely dependent upon my earnings. I am not wealthy, and being deprived of six months income would almost completely wipe out what little savings I have. To pick up the threads of a practice after a lapse of six months would be fraught with the greatest of difficulties and obstacles...I am sure that you gentlemen can understand what havoc a six months suspension could do to a professional career.<sup>[127]</sup>

The Board was not swayed. In fact its legal counsel wrote to “caution” him on his office procedure: under the suspension order not only was he required to “desist from practice”, but his office secretary was forbidden from leaving any impression that “you are still in practice”.<sup>[128]</sup> Four days later, on 25 June 1954, the suspension of Barsky’s medical licence took effect.

In 1955, Barsky did “pick up the threads” of his practice.<sup>[129]</sup> But there was yet another act of “undiluted vindictiveness” that was committed, yet another battle he had to fight.<sup>[130]</sup> When his medical licence was revoked, unbeknown to Barsky, so too was his registration with the Workmen’s Compensation Board, which he gained in July 1935. He learnt this only when insurance companies refused to honor his invoices from workers’ compensation cases, which comprised much of his surgical work.<sup>[131]</sup> He judged the damage to his reputation and earning capacity as “extremely great”.<sup>[132]</sup> He applied for renewal of his registration, which, with a surgeon of his longevity, qualifications and unimpeachable record, would normally have been a routine formality.<sup>[133]</sup> Not so with Barsky, for Barsky was a communist. He was “amazed” by the request to appear before the Medical Practice Committee but did so, on 24 May 1955, in the hope of “expediting this matter in an amicable way”.<sup>[134]</sup> Further amazement awaited him. He was obliged to take the oath, was questioned by an attorney (who was not a member of the Committee), and the questions related to his associations with communists, not his professional capacities. Barsky had not been informed beforehand of these unprecedented procedures, nor had he recourse to legal counsel. So he stopped answering questions. On 22 July he was informed that,

because he “refused to answer certain questions which the Committee considered material and relevant”, his application for registration was rejected.[135] In what by now was a familiar route, Barsky formally appealed to the Medical Appeals Unit, informally appealed to the chairman of the Workmen’s Compensation Board (“to grant an exception so that patients operated upon by me would receive sickness disability benefits”), and enlisted the support of the “Provisional Committee of 1000 Physicians Against Imposition of ‘Loyalty’ Oaths”. [136] There is no extant record of the outcome of these appeals.

It was in this same year, 1955, that the JAFRC officially disbanded. Its death throes were punctuated by further assaults. In 1952, the Treasury Department demanded payment of the crippling sum of \$315,000 in back taxes after its tax-exempt status was revoked. In 1954, the Subversive Activities Control Board (SACB) ordered the National Committee to register the JAFRC as a Communist Party “front” organisation. It refused and faced further punitive sanctions. In early 1955, it faced investigation by the New York Joint Legislative Committee on Charitable and Philanthropic Agencies and Organizations, which was attempting, unsuccessfully, to locate and serve a subpoena on the new JAFRC chairman. Another JAFRC appeal to its beleaguered supporters could not save it. In a brief public statement the Executive Board disclosed that it had voted on 14 February in favour of its own dissolution. It cited “harassments, persecutions and prosecutions” by HUAC, SACB and the Treasury Department. These activities made it “impossible” to continue the “good and necessary relief work that we have carried on since our inception”. [137]

This statement did not mention the role of the FBI, whose records detailing its ten-year vendetta against the JAFRC have remained classified, until now. It is to this role that we shall finally turn. Nearly 1200 pages of its confidential files on the JAFRC were requested and obtained by the writer in five batches between 2007 and 2009. Those who have researched the records of security organisations in other countries will find much that is familiar: infinite details of meetings, speakers, amounts raised, membership lists, publications, correspondence, telephone conversations, mail interceptions, travel itineraries, photographs of officials, lists of financial contributors, identities of donors, patrons and benefactors, and extensive deletions. These previously untapped files constitute a case study of political repression in the modern age. That repression is an index of the cost of defiance and the strength of the forces arraigned against the JAFRC, and the JAFRC was but one of dozens, perhaps hundreds, of left wing organizations destroyed during the McCarthyist era. Put simply, the sides were not evenly matched.

The FBI’s relentless pursuit of the JAFRC commenced before World War II had ended and well before the Cold War had started. Three examples suggest the flavour of the hunt. First, on 18 January 1945, FBI Director, J. Edgar Hoover, contacted the head of the State Department’s Division of Foreign Activity. Hoover made this official aware of a plan by the JAFRC to bring Pablo Picasso to the US and, more ominously, that Picasso had recently joined the French Communist Party. The source – “confidential and reliable” – was an FBI informant inside the JAFRC; he or she was joined by dozens of other informants throughout the next ten years, and the intelligence they provided was voluminous. Second, on 21 February 1945, Hoover disseminated to senior FBI officers information received from the Military Intelligence Division of the US Army concerning the activities of Spanish communists inside France. In particular it emphasised the National Union of Spanish Republicans, formed in Vichy France in November 1942 and identified members of its Central Committee, with whom the JAFRC was in contact. Third, on 7

March 1945, the Director of the Office of Censorship, Byron Price, forwarded to Hoover a copy of a cable sent from Dorothy Parker in New York to Lillian Hellman in London requesting the latter to attend a JAFRC dinner in her honor. Referring to this cable (and implying that it was based in part on illegally obtained evidence), the document stated that “the attached information was taken from private communications and its extremely confidential character must be preserved”. From this sample we are able to get some sense of how various arms of the state – the FBI, the State Department, the US Army and the Office of Censorship – worked together to counter apparent threats to national security.

Embodying such a threat was a national organiser of the JAFRC, Felix Kusman. Born in Estonia in imperial Russia on 25 March 1909, Kusman immigrated to the US in 1920 and served with the Abraham Lincoln Brigade in Spain. There, he met Edward Barsky and, subsequently, worked with him to establish the JAFRC. Suspensions commenced the following year, when a letter to Kusman, dated 24 February 1943, was intercepted; it thanked him for sending monthly checks to Mexico that helped establish a “Latin American Committee of Free Germans”.[138] The FBI was convinced there was foul play; that there was “something more to the transaction [of money] than a mere rescue of Anti-Fascist refugees”.[139] To find out, Kusman must be very closely monitored. And he was. When Kusman visited Seattle in early 1945, the FBI established a “Central Coordinating Committee” to monitor his movements and activities. It made extensive and effective use of “technical equipment” (microphone installation in his Roosevelt Hotel room and recording of all incoming and outgoing telephone calls) in addition to physical and photographic surveillance, which “completely covered” the subject.

This surveillance was most successful in obtaining information of value regarding KUSMAN’s conversations and purposes of his visit to Seattle, and although KUSMAN had the reputation of being a “whirling dervish”, a man extremely hard to tail, he was never lost. With this technical coverage it was easy not only to follow KUSMAN, but to anticipate his movements by knowing the identity and time of his appointments.[140]

The use of such microphones and wiretaps was probably illegal.[141] The theft by Los Angeles FBI agents of a duplicate set of Kusman’s keys was definitely illegal. They were stolen when his hotel room was entered and his personal belongings searched.[142] Surveillance was a labour-intensive activity. A report on Kusman’s activities for just one day, 15 February 1945 – from 10.40am, when he emerged from his hotel room, until the “time of the subject’s retiring”, at 11.10pm – runs to seven closely-typed pages. Kusman’s reputation as a “whirling dervish” had some basis: much to the chagrin of the FBI, which only found out after the event, Kusman illegally exited the US, illegally entered Portugal and illegally re-entered the US.[143] The final FBI reference to Kusman, hundreds of pages later, reveals that on 22 June 1953, he was detained on Ellis Island after being arrested by the Immigration and Naturalization Service (INS) under a deportation warrant. The FBI confirmed that the INS had “no objection” to the Bureau re-interviewing Kusman “to see if he might not now be receptive to persuasion to testify as a Government witness”.[144]

The cooperation of former members of the JAFRC or disaffected communists who were prepared – and sometimes eager – to provide testimony that incriminated their former comrades. They could “openly” produce admissible exhibits and information that had been obtained through clandestine means by informants or through “black bag jobs”, or burglaries. Seduced by, *inter alia*, a generous FBI stipend, former communists became professional anti-communists. Two who

gave evidence against the JAFRC were the serial testifier, Louis Budenz, the ex-editor of the *Daily Worker*, and the serial liar, Harvey Matusow.[145] A less notorious apostate, John Janowitz, identified JAFRC member, Ruth Davidow, as a member of the Communist Party's Tom Paine Club in Cleveland, Ohio, in 1945.[146] Janowitz had been an official of the Party's Cleveland branch from 1943 until 1950. He was assessed as "a good witness for the Government in 1949" (the Smith Act prosecutions) and "available and willing to testify" in 1953.[147] This was central to the FBI's *modus operandi*: to find witnesses who could confirm the communist domination of the JAFRC. Once "proven", the organisation was obliged, under the draconian McCarran (Internal Security) Act of 1950, to register with the Subversive Activities Control Board as a communist "front" and surrender its membership and financial records. Its *modus operandi* is also revealed through its assessments of witnesses who testified against the JAFRC. Stephen A. Wereb, for instance, was not a member of the JAFRC "until contacted by a representative of this [Los Angeles] office". During the period he worked for the FBI, from 1944 until 1948, "he was a regularly paid informant".[148] As an "individual of known reliability", he then testified against the JAFRC. So in its war on "front" organizations, the FBI used Wereb, and innumerable others, for two consecutive roles: first, as an undercover informant and second, as a public witness. Indeed, some of the last FBI files released on the JAFRC concern the location, availability and assessment of these informants/witnesses to testify before the SACB, which, with FBI help, was about to commence its 1954 investigation of JAFRC. [149] The irony is that, by this time, the JAFRC was barely functioning.

Unlike the organisation he founded and to which he was so devoted, Barsky survived. And he continued to support progressive causes.[150] He was involved in a strike at Beth Israel Hospital in 1962, organised by Local 1199, over recognition of hospital employees. Two years later, he helped establish the Medical Committee for Human Rights. It provided doctors and medical staff for civil rights activists who went to Mississippi in the violent "Freedom summer" of 1964.[151] He remained active in this Committee as well as the anti-Vietnam war movement. He died at the age of 78 on 11 February 1975. In an echo of the Spanish civil war, seven ambulances were sent from the US to Nicaragua in support of the Sandinistas in 1985. They were named in honour of Edward K. Barsky.

This article has shown how one left-wing organization was destroyed in the early Cold War. The manner of its destruction demonstrated the "bureaucratic rationality of McCarthyism", alluded to earlier. There was no single persecutor but rather a range of government agencies whose combined force was formidable. The agencies identified in this article were the Attorney General's Department, the Board of Regents of the New York State Department of Education, the House Un-American Activities Committee, the Federal Bureau of Investigation, the Internal Revenue Bureau, the Treasury Department, the Subversive Activities Control Board and the State Department. They were not necessarily working in unison nor were their different roles and activities coordinated. The absence of overarching coordination should not, however, imply an absence of a bureaucratic consensus and operational framework. Whilst there was no outward conspiracy, the various arms of the State complemented each other through their pursuit of a shared goal: the elimination of any activity deemed "un-American". Against this, the JAFRC, its leader, Edward Barsky, and its legion of supporters, were no match.

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- [1] Ellen Schrecker, *No Ivory Tower: McCarthyism and the Universities* (New York: Oxford University Press, 1986), 128.
- [2] See Richard Bermack, *The Front Lines of Social Change: Veterans of the Abraham Lincoln Brigade* (Berkeley: Heyday Books, 2005), 57; Peter N. Carroll, *The Odyssey of the Abraham Lincoln Brigade: Americans in the Spanish Civil War* (Stanford: Stanford University Press, 1994), 285-6; Peter Carroll and James Fernandez (eds.), *Facing Fascism: New York and the Spanish Civil War* (New York: Museum of the City of New York, 2007); Sebastiaan Faber, *Exile and Cultural Hegemony: Spanish Intellectuals in Mexico 1939-1975* (Nashville: Vanderbilt University Press, 2002), 153-9; Karl Geiser, *Prisoners of the Good Fight: The Spanish Civil War, 1936-1939* (Westport, Connecticut: Lawrence Hill, 1986); Martin F. Shapiro, "Medical Aid to the Spanish Republic During the Civil War", *Annals of Internal Medicine*, 97:1, (1982), 121-2; Lise Vogel, "Sidney Vogel: Spanish Civil War Surgeon", *American Journal of Public Health*, 98:12 (December 2008): 2146-9. For specific, if brief, references to the JAFRC during the Cold War, see Robert Carr, *The House Committee on Un-American Activities 1945-1950* (Ithaca: Cornell University Press, 1952), 32-5; Phillip Deery, "'A Divided Soul'? The Cold War Odyssey of O. John Rogge", *Cold War History*, 6: 2 (2006), 182; Ellen Schrecker, *Many are the Crimes: McCarthyism in America* (Boston: Little, Brown and Company, 1998), 322. Typifying the historiographical lacunae, Robert Justin Goldstein's comprehensive *Political Repression in Modern America: From 1870 to 1976* (Chicago: University of Illinois Press, 2001) completely bypasses the political repression of the JAFRC.
- [3] O. John Rogge, *Our Vanishing Civil Liberties* (New York: Gaer Associates, 1949), 44-53; New York Court of Appeals, *Joint Anti-Fascist Refugee Committee v. McGrath* 341 US 123, 104 (1951); Carl Beck, *Contempt of Congress. A Study of the Prosecutions Initiated by the Committee on Un-American Activities, 1945-1957* (New Orleans: Hauser Press, 1959), 25-33; Telford Taylor, *Grand Inquest: The Story of Congressional Investigations* (New York: Simon & Schuster [nd]), 148-9; C. Herman Pritchett, *Civil Liberties and the Vinson Court* (Chicago: University of Chicago Press, 1954), 98.
- [4] Ellen Schrecker, foreword to David R. Holmes, *Stalking the Academic Communist: Intellectual Freedom and the Firing of Alex Novikoff* (Hanover & London: University Press of New England, 1989), p. viii.
- [5] However, as a catch-all concept, "communist 'front'" is problematic not axiomatic. There were degrees of control and autonomy. Some organizations, such as the Jefferson School of Social Science, were instruments of Communist Party policy far more than others. In the case of the JAFRC, its single-minded devotion to the cause of Spanish refugees was consistent with, but not rigidly determined by the doctrines of Party leaders in New York or Moscow. To allege that the JAFRC was a "favorite fund-raising project of the party" which cynically and "with elaborate virtuosity" played upon public sympathy, significantly under-estimates the agency of the JAFRC. Herbert Arthur Philbrick, *I Led Three Lives: Citizen-"Communist"-Counterspy* (New York: McGraw Hill, 1952), 251.
- [6] The vote was 207 to 186 with 40, including Lyndon B. Johnson, remaining neutral. The mover, John E. Rankin (D., Mississippi), rejoiced: "I caught 'em flat-footed and flat-headed". Cited in Walter Goodman, *The Committee* (London: Secker & Warburg, 1969), 169. Similarly Robert Carr described the re-creation of HUAC as "one of the most remarkable coups in modern Congressional history". Carr, *The House Committee on Un-American Activities 1945-1950*, 19.
- [7] Two examples are Goldstein, *Political Repression in Modern America*; William Preston, *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933* (Chicago: University Of Illinois Press, 1995).
- [8] "Statement issued by Honorable John S. Wood, of Georgia, Chairman, House Committee on Un-American Activities", 24 January 1946, in Charlotte Todes Stern Papers, 1925-1956, #70, Box 2, Folder 1, Tamiment Library and Robert F. Wagner Archives, New York University (henceforth Stern Papers).
- [9] Medicine was in the marrow: his father was also a surgeon at Beth Israel and his two brothers, George and Arthur, also became doctors. (Arthur was a pioneering plastic surgeon who treated Vietnamese children during the Vietnam War.) Barsky's private practice focused on industrial injuries (that is, workers' compensation cases) that required surgery.
- [10] Joseph North, "A Case for the Doctor", *New Masses*, 19 August 1947.
- [11] Peter N. Carroll, "Introduction", in Peter N. Carroll & James D. Fernandez (eds.), *Facing Fascism: New York and the Spanish Civil War* (Museum of the City of New York and New York Uni Press, 2007), 15-16.
- [12] Edward Barsky, "The Surgeon Goes to War", 12-13 (from chapter 1 "Someone Had to Help"), undated and unpublished manuscript, Edward K. Barsky Papers, 1936-1970, Abraham Lincoln Brigade Archives #125, Box 5, Folder 4, Tamiment Library and Robert F. Wagner Archives, New York University (henceforth Barsky Papers).
- [13] See Nelson's eulogistic recollections of Barsky in Spain in *New Masses*, 19 August 1947.
- [14] Barsky, "The Surgeon Goes to War", 214-5, Barsky Papers, Box 5, Folder 4; *New York Journal*, 19 July 1937; *New York Post*, 19 July 1937; *New York World-Telegram*, 19 July 1937 (clippings in Barsky Papers, Box 2, Folder 13).

[15] See James Neugass, *War is Beautiful: An American Ambulance Driver in the Spanish Civil War* (New York: The New Press, 2008), frontispiece; this book is dedicated to Barsky. The 1937 tour allegedly raised “hundreds of thousands of dollars” for more medical equipment: *New York Times*, 13 February 1975 (obituary).

[16] Howard Fast, *Being Red: A Memoir* (Boston: Houghton Mifflin, 1990), 143. In 1945, too, a reporter described him as “a tall, leaning, youngish-looking man of not quite fifty, with thick dark straight hair and a clipped, greying moustache”. Mary Braggiotti, “For a Forgotten People”, *New York Post*, 13 March 1945. Group photos confirm his height and apparent charisma.

[17] Ernest Hemingway to Milton Wolff, 7 May 1950, cited in Peter N. Carroll, *The Odyssey of the Abraham Lincoln Brigade: Americans in the Spanish Civil War* (Stanford, Stanford University Press, 1994), 316; *New York Times*, 13 February 1975. (Hemingway met Barsky in Spain; Wolf was the last commander of the Abraham Lincoln Brigade.)

By 1950 Fast was resorting to hyperbole, and transfigured Barsky into “a giant of a man, tempered out of steel, yet quiet and humble”. Howard Fast, “Why We Were Sent to Prison”, *New Times*, No. 26, 1950, 10. For glowing character references from JAFRC staff, see Joseph North, “A Case for the Doctor”, *New Masses*, 19 August 1947.

[18] See VALB Records, Abraham Lincoln Brigade Archives #19, Box 10, Folders 15 & 25, Tamiment Library and Robert F. Wagner Archives, New York University.

[19] The British Consul in Madrid conservatively estimated that that 10,000 Republicans were shot in the first five months after the war; the killings continued well into the 1940s. Paul Preston, *The Spanish Civil War 1936-39* (London: Weidenfeld & Nicolson, 1986), 167-8.

[20] Faber, *Exile and Cultural Hegemony*, 154; Preston, *The Spanish Civil War*, 167.

[21] For a detailed report of its operations and finances for its first two years, see “Joint Anti-Fascist Refugee Committee”, May 1944, in Barsky Papers, Box 1, Folder 31. By then, it had raised \$295,000, 25% of which came from trade unions and 75% from 75,000 individual contributions.

[22] Typescript of address given by Barsky [1, 5], 21 April 1945, Barsky Papers, Box 3, Folder 3. At this dinner at the Hotel Astor, NYC, Lillian Hellman was the guest of honor. A far larger audience attended the huge JAFRC-sponsored rally at Madison Square Garden, the brainchild of Helen Bryan, on 24 September 1945. Its slogan was “Break off Relations With Franco” and its goal was to inaugurate the “Fall drive” to raise \$300,000 for the rest of the year. The transcript of Barsky’s stirring speech is located in Barsky Papers, Box 1, Folder 13. The fact that the rally was supported by the CPUSA and advertised in the *Daily Worker*, was regarded as *prima facie* evidence of the JAFRC being a “front” for the Communist Party. See *Congressional Record—House*, 28 March 1946, 2802.

[23] On behalf of the Unitarian Service Committee, Walter Rosenblum photographed these refugees in one of the main camps at Toulouse, France, and captured their stoicism rather than despondency. See [http://www.rosenblumphoto.org/gallery\\_spanish.html#](http://www.rosenblumphoto.org/gallery_spanish.html#) It was because of the parlous conditions at this camp that the Unitarian Service Committee requested additional funds from the JAFRC; see Minutes, Executive Board meeting, 31 January 1945, Stern Papers, Box 2, Folder 1.

[24] *New York Compass*, 7 June 1950, 3.

[25] The total amount raised in 1945 was \$318,293. This dropped to \$306,695 in 1946 and \$254,430 IN 1947. Financial Statement, National Office, JAFRC, attached to correspondence, 27 February 1948, Department of Justice, Federal Bureau of Investigation files [henceforth FBI files], “Joint Anti-Fascist Refugee Committee” (FOIPA No. 1056236).

[26] Already, on 1 December, HUAC had requested the President’s War Control Board to cancel the JAFRC’s licence to collect and distribute funds for the relief of Spanish refugees in Europe.

[27] Minutes, Executive Board meeting, 14 December 1945, Stern Papers, Box 2, Folder 1. A copy of the 14 December resolution was sent to all JAFRC sponsors. Barsky also invoked HUAC’s charter (concerning overthrow of the United States government, subversive and/or un-American activities) when he testified before it; see HUAC, *Executive Session, Testimony of Dr Edward K. Barsky*, 13 February 1946, 161.

[28] Letter, Barsky to Contributors, 2 January 1946, Stern papers, Box 2, Folder 1.

[29] *Congressional Record. Proceedings and Debates of the 79<sup>th</sup> Congress, second session*, 28 March 1946, 2801-2 (henceforth *Congressional Record—House*). Professor Harold Laski, Professor of Political Science at the LSE, was in 1945 chairman of the British Labour Party. He was a Fabian Socialist who opposed the overtures to the Labour Party by the Communist Party; see his *The Secret Battalion: An Examination of the Communist Attitude to the Labour Party* (London: 1946). Such political subtleties would have eluded the ideologically myopic Thomas.

[30] Eric Bentley, *Thirty Years of treason: Excerpts from hearings before the House Committee on Un-American Activities, 1938-1968* (New York: Viking, 1971), 413.

[31] *New York Times*, 28 December 1945. In fact, Adamson personally wrote to various contributors in January 1946, advising them that they were “misinformed” about the true nature of the JAFRC. See copies of correspondence in Barsky Papers, Box 1, Folder 28.

- [32] *Congressional Record–House*, 28 March 1946, 2801. Wood became chairman in July 1945
- [33] Carroll, *The Odyssey of the Abraham Lincoln Brigade*, 268-9; Carroll and Fernandez, *Facing Fascism*, 182, n.7. See also Kenneth O’Reilly, *Hoover and the Un-Americans: The FBI, HUAC and the Red Menace* (Philadelphia: Temple University Press, 1983), 119.
- [34] Stephen J. Whitfield, *The Culture of the Cold War* (Baltimore: Johns Hopkins University Press, 1991), 91-6.; David Cate, *The Great Fear: The Anti-Communist Purge Under Truman and Eisenhower* (New York: Simon & Schuster, 1978), 108-10.
- [35] *Congressional Record–House*, 16 April 1946, 3840.
- [36] J. Edgar Hoover, Memorandum for the Attorney General, 27 January 1938, reprinted in *Science & Society*, vol. 68, no.3, Fall 2004, 363.
- [37] Correspondence, J.T. Bissell, Colonel, General Staff, Military Intelligence Service, Washington, to J. Edgar Hoover, 14 April 1944, No. 5918/R.
- [38] In February 1946, a conference of senior FBI officials decided to provide covert support to HUAC; O’Reilly, *Hoover and the Un-Americans*, 76, 98. By 1947, assisting HUAC became “an FBI priority”. Athan Theoharis, *Chasing Spies* (Chicago: Ivan R. Dee, 2002), 161. See also Schrecker, *Many are the Crimes*, 214-5.
- [39] Minutes, Executive Board meeting, 1 February 1946, Stern papers, Box 2, Folder 1.
- [40] Fast, *Being Red*, 144; Henry Cadbury, “Introduction”, Helen Bryan, *Inside* (Boston: Houghton Mifflin, 1953), ix-x; Lily Kingsley, “She Wouldn’t Let Them Down”, *PM*, 1 July 1947. This remarkable woman awaits a scholarly study. There is a brief obituary in the *New York Times*, 11 September 1976, a fleeting discussion of her role in establishing Swarthmore College in Glenda Elizabeth Gilmore, *Defying Dixie: The Radical Roots of Civil Rights, 1919-1950* (New York: W.W. Norton, 2008), 219-20, and her own lengthy (305 pages) but unrevealing account, *Inside*, about her three months in the Alderston’s Federal Penitentiary for Women in 1950, but nothing else. The release of her FBI file is currently pending.
- [41] Fast, *Being Red*, 144, 151.
- [42] Cadbury, “Introduction”, ix.
- [43] Executive Session, HUAC, 24 January 1946, Testimony of Helen R. Bryan. Congressional Hearings Digital Collection, HRG-1946-UAH-0020: 601-05. See also her similar testimony to an Open Session on 4 April 1946 in *Investigation of Un-American Propaganda Activities in the United States. Executive Board Joint Anti-Fascist Refugee Committee*. HUAC Hearings, 79<sup>th</sup> Congress, 2<sup>nd</sup> session, 4 April 1946, 96-103.
- [44] *New York Times*, 22 July 1947. In fact in the summer of 1946 Treasury Department investigators spent more than two weeks in the JAFRC office examining financial records. Minutes, Executive Board meeting, 20 June 1946, Stern Papers, Box 2, Folder 1.
- [45] “Statement with regards to the present investigation of the [JAFRC] by [HUAC]”, nd [1946], Barsky Papers, Box 1, Folder 28.
- [46] The JAFRC’s legal counsel also advised Bryan that the subpoena itself was invalid; see the unread “Statement made by Helen R. Bryan to the House Committee on Un-American Activities, 1/23/46”, 3, Stern Papers, Box 2, Folder 1. It was subsequently incorporated into “Investigation of Un-American Propaganda Activities in the United States. Executive Board Joint Anti-Fascist Refugee Committee”. HUAC Hearings, 79<sup>th</sup> Congress, 2<sup>nd</sup> session, 4 April 1946, 103-5.
- [47] For example, Henry Steele Commager, “Who is Loyal to America?”, *Harper’s Magazine*, 9 September 1947. (Commager was Professor of History at Columbia University.) For the sheer volume of protests and petitions against HUAC for just October-November 1947, see M. Stanton Evans, “The Campaign Against HUAC”, in William F. Buckley Jr.(ed), *The Committee and its Critics* (New York: G.P. Putnam’s Sons, 1962), 212-3.
- [48] Elizabeth Edwards Spalding, *The First Cold Warrior: Harry Truman, Containment, and the Remaking of Liberal Internationalism* (Lexington: University of Kentucky Press, 2006), 175.
- [49] Civil Rights Congress, *America’s “Thought Police” : Record of the Un-American Activities Committee* (New York, October 1947), i-ii (foreword by Wallace entitled “Strike Back”).
- [50] Howard Fast, *Being Red* (Boston: Houghton Mifflin Company, 1990), 148.
- [51] Minutes, Executive Board meeting, 1 February 1946, Stern papers, Box 2, Folder 1.
- [52] Minutes, Executive Board special meeting, 11 February 1946, Stern papers, Box 2, Folder 1.
- [53] See Executive Session, HUAC, 13 February 1946, Testimony of Dr Edward K. Barsky, Congressional Hearings Digital Collection, HRG-1946-UAH-0020: 776-808. For the edited (and sanitised) version, see HUAC, *Report. Proceeding Against Dr. Edward K. Barsky and Others*, 28 March 1946, 79<sup>th</sup> Congress, 2<sup>nd</sup> Session, Report No. 1829, 1-4.
- [54] Barsky, of course, was no fool whom HUAC could easily intimidate. Dressed in his “impeccably-clad double-

breasted suit”, and with his “business-like manner”, there was a “sureness...about his manner, his talk, his gestures”. *New Masses*, 19 August 1947.

[55] *The Nation* (19 January 1946) editorialized that HUAC was on “a fishing expedition in the hope of finding something that looks like evidence to back the verdict it has already reached”. There was some truth to this.

[56] Such activities were intensified and widened in scope, evidenced by the regular “Developments on Pressure Campaign” reports to the Executive Board meetings throughout 1946.

[57] *Congressional Record–House*, 27 February 1946, 1763. What he may have had in mind was this: on 28 March Thomas reported that an “intensive” investigation had revealed that Gusavo Duran, who had been a major in the Spanish Republican Army during the civil war and a communist, arrived in the US in 1940 and worked (1943-5) as an assistant to the Assistant Secretary of State, Spruille Braden, in the US State Department. According to Thomas, Duran was an NKVD agent and “the directing genius” behind the JAFRC. *Congressional Record–House*, 28 March 1946, 2802. On 14 March 1950, Duran, now a UN employee, was one of the first targets of Senator Joseph McCarthy; after five hearings before the Tydings Subcommittee and the Loyalty Board, he was finally cleared of all charges in January 1955. Caute, *The Great Fear*, 331-38.

[58] Goodman, *The Committee*, 269-70. He was joined in Danbury by two of the Hollywood Ten and one JAFRC member (Dr Jacob Auslander).

[59] Minutes, Executive Board meeting, 8 March 1946, 2, Stern papers, Box 2, Folder 1.

[60] *Congressional Record–House*, 28 March 1946, 2085.

[61] *Ibid.*, 2803,2806,2808. The four opponents were Marcantonio, Adam Clayton Powell Jr (New York), Edward Izac (California) and Matthew Neely (West Virginia). A copy of this citation can be found in the Stern papers, Box 2, Folder 1.

[62] Minutes, Executive Board meeting, 28 March 1946, Stern papers, Box 2, Folder 1. Self-delusion must have been infectious: at the same meeting members were “in full agreement” that “one of the most effective ways” of fighting the Wood-Rankin Committee was to “raise larger funds for the Spanish republican exiles than have been raised in the past”.

[63] *Investigation of Un-American Propaganda Activities in the United States. Executive Board Joint Anti-Fascist Refugee Committee. HUAC Hearings, 79<sup>th</sup> Congress, 2<sup>nd</sup> session, 4 April 1946, 1-105; House Report No. 1936- Proceedings Against the Joint Anti-Fascist Refugee Committee, April 16, 1946.*

[64] *Ibid.*, 10.

[65] See Samuel H. Hofstadter, *The Fifth Amendment and the Immunity Act of 1954* (New York: np, nd [1956]), 26-30 (“Immunity in Congressional Investigation”).

[66] Fast, *Being Red*, 149, 176. But see Schrecker, *Many are the Crimes*, 323, for the perceived risks of “taking the Fifth” in 1947.

[67] In fact five constitutional challenges were made against HUAC between December 1947 and April 1950; three emanated from HUAC’s investigation of the JAFRC. For Rogge’s sanguine challenges to HUAC and his repeated (33 times) “We are going to show...” gauntlet-throwing, see his fifteen-page draft statement to the Federal District Court, 16 June 1947, Stern Papers, Box 2, Folder 1.

[68] Rogge was experienced, high profile and a committed civil libertarian. Formerly assistant to the US Attorney General and soon New York State chairman, Wallace for President Committee (elected 4 April 1949), Rogge authored *Our Vanishing Civil Liberties* (New York: Gaer, 1949) that was serialized in the left-wing *Daily Compass*. See Deery, “‘A Divided Soul’?” 177-204.

[69] *Congressional Record–House*, 16 April 1946, 3844.

[70] *Ibid.*, 3848.

[71] *Ibid.*, 3939.

[72] See *New York Times* report, “17 Foes of Franco Voted in Contempt”, 17 April 1946. For a fuller discussion of this debate, see Beck, *Contempt of Congress*, 29-31.

[73] Herbert Romerstein and Stanislav Levchenko, *The KGB Against the “Main Enemy”: How the Soviet Intelligence Service Operates against the United States* (Lexington & Toronto: Lexington Books, 1989), 238-9. The FBI’s demonisation of Eisler relied in part on the testimony of an ex-communist apostate who described Eisler as “Stalin’s chief agent here”. Louis Francis Budenz, *Men Without Faces: The Communist Conspiracy in the USA* (New York: Harper & Bros., 1948), 4.

[74] House Committee on Un-American Activities, *Hearings on Gerhardt Eisler: Investigation of Un-American Propaganda Activities in the United States*, 6 February 1947, 11-12. Bradley’s future wife, Ruth Leider, a JAFRC Executive Board member, was also linked to Eisler through her signature on Eisler’s application for an “alien departure permit” in January 1942. Report, “Ruth Leider”, 13 April 1951, Federal Bureau of Investigation, Department of Justice, Headquarters Files 100-HQ-340005 and 100-HQ-260819, Lyman R. Bradley (FOIPA No.

115281-000).

[75] Minutes, Executive Board meeting, 21 November 1946, Stern Papers, Box 2, Folder 1. Schrecker's account of Eisler also counters the conspiratorial interpretation of Eisler's post-war activities in the United States; Schrecker, *Many Are the Crimes*, 122-30.

[76] He was cited on 18 February 1947 and convicted by the Court of Appeals, 170 F. 2d 273 (1948). For the consequences of his action, see Ellen Schrecker, "Immigration and Internal Security: Political Deportations During the McCarthy Era", *Science & Society*, 60:4 (Winter 1996-67), 409-10.

[77] "Memorandum of Legal Procedure and Legal Status" [nd April 1947], Barsky Papers, Box 1, Folder 28; *New York Times*, 4 April 1947.

[78] Minutes, Executive Board meeting, 9 April 1947, Stern Papers, Box 2, Folder 1. On 16 April, Barsky requested Executive Board members to raise \$900 each for their own expenses within fifteen days (Letter, Barsky to Charlotte Stern, 16 April 1947; Minutes, 30 April 1947, Stern Papers, Box 2, Folder 1). There was neither "Moscow gold", nor free legal representation: Rogge, the chief defense attorney, did not work *pro bono*.

[79] Correspondence, Edward K. Barsky to Charlotte Stern, 16 April 1947, Stern Papers, Box 2, Folder 1.

[80] *Washington Post*, 12 June 1947.

[81] *New York Times*, 9 September 1948.

[82] Fast was again critical: "instead of arguing the legality of the charge, Rogge was engaging in a political attack against [HUAC]. It left me bewildered...". Fast, *Being Red*, 176.

[83] The five were Leverett Gleason (publisher of *Reader's Scope* and the comic, *Crime Does Not Pay*), Louise Kamsley, Herman Shumlin (a theatrical producer), Jesse Tolmach and Bobbie Weinstein. It is not known what the others thought of this five. No discussion of this action was recorded in the JAFRC minutes when, in absentia, their resignations were formally accepted. Minutes, Executive Board meeting, 15 September 1947, Stern Papers, Box 2, Folder 1. Efforts were made to secure additional Executive Board members, but none was successful. In February 1949, Dr Louis Miller, in whose home Barsky first formed the American Medical Bureau to Aid Spanish Democracy in 1936, also resigned; but his was accepted with "real regret". Minutes, Executive Board Meeting, 18 February 1948.

[84] Cited in *New Masses*, 19 August 1947.

[85] Minutes, Executive Board meeting, 15 September 1947, Stern Papers, Box 2, Folder 1. Vincent Sheehan, the chairman of the "Citizens to Safeguard the JAFRC", sent a letter on 30 September 1947 appealing for financial contributions to help "bear the costs of another trial" – that of Helen Bryan, on 27 October. It was accompanied by a Howard Fast brochure, "Three Names for Anti-Fascists", of which 100,000 were printed to sell at one cent each. A major fund-raising "Court of Public Opinion Dinner" at the Astor Roof, was held on 30 October 1947 and raised \$29,055 in cash and pledges. Letter, Helen Bryan to Executive Board members, 6 November 1947, Stern Papers, Box 2, Folder 2.

[86] Robert Justin Goldstein, *American Blacklist: The Attorney General's List of Subversive Organizations* (Lawrence: University of Kansas Press, 2008), 62.

[87] Samuel Walker, *In Defense of American Liberties: A History of the ACLU* (New York: Oxford University Press, 1990), 179. However, the ACLU did not seek the Supreme Court to rule on the constitutionality of the List, which remained until 1974.

[88] *New Masses*, 11 February 1948. Indicative was this FBI report: "Edward L. Parsons, Episcopal Bishop of Northern California, has formally resigned as Honorary Chairman of the JAFRC in SF [San Francisco]. Bishop Parsons has indicated that because the JAFRC has been designated as a subversive organisation he can no longer ask his friends and supporters to support the JAFRC. This has caused a financial crisis with the local chapter of the JAFRC...and is considering discontinuing maintenance of offices in SF". Department of Justice, Federal Bureau of Investigation files [henceforth FBI files], "Joint Anti-Fascist Refugee Committee", Telex, "Whelan" to J. Edgar Hoover, 7 October 1953 (FOIPA No. 1056236).

[89] Letter, Barsky to "Dear Friend", 3 February 1948, Stern Papers, Box 2, Folder 1. At the December 1948 meeting Helen Bryan reported the "serious decline" in funds and noted that neither projected monetary aid was sent to Mexico nor outstanding legal bills were met. Minutes, Executive Board Meeting, 17 December 1948, 2-3, Stern Papers, Box 2, Folder 1.

[90] [Reports and Proceedings], National Conference of the Joint Anti-Fascist Refugee Committee, 27-28 August 1948 [1-21], Stern Papers, Box 2, Folder 1.

[91] *United States v. Barsky*, 72 F. Supp. 165 (1947); *Barsky v. the United States*, 167 F. 2d 241 (1948); *Barsky v. the United States*, 334 U.S. 843 (1948); *Bryan v. United States*, 174 F. 2d 525 (1949); *United States v. Bryan*, 339 U.S. 323 (1949); *Bryan v. United States*, 183 F. 2d 996 (1950); *Bryan v. United States*, 340 U.S. 866 (1950). The full text of *Appeal from the District Court of the United States for the District of Columbia, United States Court of Appeals, Barsky et al, v. United States of America*, No. 9602, Vol. 1 (1-288) & Vol. 2 (289-631), is located in Barsky

Papers, Box 3, Folder 1.

[92] Nor will the myriad of public relations and fund raising activities undertaken by the JAFRC in 1948-49 be discussed. These are outlined in the Executive Board Minutes; it is remarkable that Barsky had any time or energy left for surgery.

[93] *Barsky v. the United States*, 164 F. 2d 241 (1948), 254; *New York Times*, 19 March 1948.

[94] The right of witnesses to refuse to testify before Congressional committees and state agencies was upheld by the Supreme Court in the late 1950s; see *Slochower v. Board of Higher Education*, 350 U.S. 551 (1956); *Watkins v United States*, 354 U.S. 178 (1957); *Sweezy v. State of New Hampshire*, 354 U.S. 234 (1957).

[95] Press release, 18 March 1948, Stern Papers, Box 2, Folder 4.

[96] "US 'Gestapo' Forseen", *New York Times*, 31 October 1947.

[97] FBI file, "O. John Rogge", Report of meeting, Boston, Massachusetts, 8 December 1948 in Memorandum, D.M. Ladd to J. Edgar Hoover, 23 December 1948 (FOIPA Request No. 1035916, "O. John Rogge"). An earlier FBI report in the same file (29 December 1947) noted that Rogge had stated: "We are almost exactly following the Nazi blueprint, and the threat to Democracy from Fascism is greater now than at any time since 1932".

[98] See Rogge's article, "Courts Contradictory In Contempt Case", *Daily Compass*, 17 November 1949.

[99] *New York Times*, 8 June 1950; JAFRC, *Campaign Bulletin*, 3, 16 June 1950, 1, Barsky Papers, Box 1, Folder 16.

[100] Copy of letter, Kane to Truman, 26 June 1950, Barsky Papers, Box 4, Folder 16. At a more organised level the battered remnants of the JAFRC still mobilised over 3000 letter-writers urging the President to use his executive power to free the JAFRC Board members. JAFRC, *Campaign Bulletin*, 3, 16 June 1950, 1, Barsky Papers, Box 1, Folder 16; letter from Dorothy Parker to Charlotte Stern, 5 July 1950, Stern Papers, Box 2, Folder 1.

[101] Prison Records, Receipt of Property, Barsky Papers, Box 5, Folder 3.

[102] *United States v. Bryan*, 339 U.S. 323 (1950); *Bryan v. United States*, 340 U.S. 866 (1950). Justices Black and Frankfurter dissented.

[103] As a result of his conviction in 1947, Bradley was dismissed by NYU in 1951. Fast resigned from the Communist Party in the wake of Krushchev's "secret speech" in February 1956; see Howard Fast, "On Leaving the Communist Party", *The Saturday review*, 16 November 1957.

[104] "Three Anti-Franco Women at West Virginia Prison", *Daily Worker*, 20 June 1950. It was claimed that they were "America's first three women political prisoners".

[105] Leon Edel, "'Premature Anti-Fascists' Go to Jail Today", *New York Compass*, 7 June 1950.

[106] According to Professor Arad Riggs, who served as a legal counsel for New York University during Bradley's dismissal, "I don't want to talk too much about it, but I might say that I had a conversation with the United States District Attorney and I am told that when they had this group of eleven serving in the Washington jail, they were afraid they might take over the jail and decided to scatter them". Transcript, "Hearing on Charges against Professor Lyman R. Bradley" [5 January 1951], 308, Records of the Lyman R. Bradley Academic Freedom Case 1947-1961, RG 19.2, Box 3, Folder 4, New York University Archives.

[107] See Fast's highly evocative account of their three months in jail in *Being Red*, 247-68.

[108] According to his lawyer, they "suffered extreme hardship during the five months of his incarceration".

Abraham Fishbein to Committee on Licences of the Board of Regents of the University of the State of New York, 18 June 1954, 2, Barsky Papers, Box 4, Folder 8. During that five months he had to maintain his office and secretary to prevent his practice collapsing, imposing a further a financial burden on the family's resources. Because of his regular and substantial donations to the Spanish Refugee Appeal (which operated under the JAFRC rubric), Barsky had no reservoir of savings on which to draw.

[109] Anderman to Barsky, 23 June 1950; C.C. Nicholson (Warden, Petersburg Penitentiary) to Anderman, 3 July 1950. The original was then sent to Vita Barsky. Barsky Papers, Box 4, Folder 16. The same occurred with the letter to Barsky, 25 August 1950, from Dave and Ester Greene, whose "outrage at your forced confinement hasn't abated a single bit".

[110] Barsky Papers, Box 4, Folder 16.

[111] JAFRC, *Campaign Bulletin*, [no. 12], 1 December 1950, 2, Barsky Papers, Box 1, Folder 16.

[112] Circular, "New Officers of the Joint Anti-Fascist Refugee Committee" [nd], Barsky Papers, Box 1, Folder 32. The new chairman was another physician, Dr Mark Strauss. Bryan was also replaced; the new executive secretary was Milton Kaufman.

[113] *New Masses*, 19 August 1947.

[114] *Ibid.*

[115] Maxwell Frank to Board of Regents, State of New York, 27 November 1950, Barsky Papers, Box 5, Folder 1.

[116] Barsky Papers, Box 4, Folder 12.

[117] *Petitioner's Brief to New York State Department of Education, Committee on Grievances*, February 1951,

Barsky Papers, Box 4, Folder 2.

[118] *New York State Department of Education, Committee on Grievances. Minutes of Formal Hearing*, 15 February 1951, 463, Barsky Papers, Box 4, Folder 1.

[119] *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123 (1951); Goldstein, *American Blacklist*, 158-161.

[120] *New York State Department of Education, Committee on Grievances. Minutes of Formal Hearing*, 15 February 1951, 457, Barsky Papers, Box 4, Folder 1.

[121] New York State Department of Education, *Report of the Regents' Committee on Discipline*, 31 July 1951, 28, Barsky Papers, Box 4, Folder 3. Its detailed report was later praised by the Supreme Court (majority opinion) for its "high degree of unbiased objectivity". *Barsky v. Board of Regents*, 347 U.S. 442 (1954), 455.

[122] *Re Barsky*, 305 N.Y. 89, 111 N.E. 2d.

[123] *Brown v. Board of Education*, 347 U.S. 483 (1954).

[124] *Barsky v. Board of Regents*, 347 U.S. 442 (1954), 69–Dissent (A), 4. Without such dissenting opinions, there may be a little truth in I.F. Stone's comment that "the Cold War hysteria has now completely enveloped the judiciary". *Daily Compass*, 30 May 1950, 3.

[125] *New Masses*, 19 August 1947, 7.

[126] Correspondence, Angela Barsky Mortarotti, to writer, 18 March 2009.

[127] Barsky to Committee on Licences, Board of Regents, 12 June 1954, Barsky Papers, Box 4, Folder 9. Barsky did not write alone. Also appealing for clemency on his behalf were 621 New York physicians who petitioned the Board to mitigate its disciplinary action. Letter, 14 June 1954, signatories to Board of Regents, Barsky Papers Box 4, Folder 8.

[128] Charles A. Brind, to Barsky, 21 June 1954, Barsky Papers, Box 4, Folder 10.

[129] On 11 February 1955, he was "qualified" by the Surgeons' Qualifying Board of New York County Medical Society.

[130] This phrase was used to describe the jailing of Helen Bryan but is also applicable here. *Campaign Bulletin*, no. 10, 2 November 1950, Barsky Papers, Box 1, Folder 16.

[131] "Many of my patients are of moderate to poor circumstances..." Barsky to Angela Parisi, Chairman, Workers' Compensation Board, 28 August 1955, Barsky Papers, Box 5, Folder 1.

[132] Barsky to Parisi, 28 April 1955, Barsky Papers, Box 5, Folder 1.

[133] This was the case with Dr Jacob Auslander, one of the JAFRC eleven jailed in 1950.

[134] Barsky to Chester L. Davidson, Medical Practice Committee, 31 May 1955, Barsky Papers, Box 5, Folder 1.

[135] Catherine C. Hafele, Executive Secretary, Medical Registration Office, to Barsky, 22 July 1955, Barsky Papers, Box 5, Folder 1.

[136] Barsky to Medical Appeals Unit, 16 August 1955; Barsky to Parisi, 24 August 1955; Haven Emerson ("Provisional Committee") to Parisi [nd], Barsky Papers, Box 5, Folder 1.

[137] *New York Times*, 16 February 1955. See also undated [fall, 1954?] correspondence to "Friends" of the JAFRC from Mark Strauss (chairman), Ralph H. Gundlach (chairman, Citizens to Defend JAFRC), and Karen Morley (on behalf of the treasurer, Citizens to Defend JAFRC), Barsky Papers, Box 1, Folder 19.

[138] Correspondence, J.T. Bissell, Colonel, General Staff, Military Intelligence Service, Washington, to J. Edgar Hoover, 16 March 1943. The fact that Kusman was a close friend of Gerhart Eisler, whom we have already met, intensified suspicion.

[139] Correspondence, 14 April 1944, No. 5918/R.

[140] Personal and Confidential Memorandum to Director, "Joint Anti-Fascist Refugee Committee - use of technical equipment on surveillance of Felix Kusman in Seattle Field Division", 26 February 1945.

[141] Schrecker, *Many Are the Crimes*, 226-7. In its anti-communist zeal, the FBI engaged in various forms of law-breaking, including burglaries.

[142] Kusman's keys were sent by courier to the FBI's New York office; if they were his office keys they were possibly used for further illegal activity.

[143] He managed this through his contacts in the National Maritime Union, The FBI learnt of his six-week absence in Lisbon through its bugging of Louise Bransten's San Francisco home: "Louise: No! Felix. FELIX! I didn't know you were out of the country Felix! KUSMAN: Nobody knew." SAC NJL Pieper to Hoover, 17 February 1945, with Attachment, "Conversation between Felix Kusman and Louise Bransten at Latter's Home - February 11, 1945" [Emphasis in original transcript].

[144] Confidential Security Information, Warren Olney III (Assistant Attorney General, Criminal Division) to Director, FBI, 6 July 1953, (file 100-7061). Kusman had been interviewed by the FBI on three previous occasions under the Toplev Program. It was noted that "[u]ndoubtedly Kusman could furnish information of interest to the U.S.

Government if he would cooperate". No details of the final interview, on 10 July 1953, were located, but in a memo to Hoover concerning another matter, dated 12 October 1953, it was noted that Kusman had "declined to cooperate". Not contained in the FBI-JAFRC files but in the FBI-Kusman file (FOIPA 0975848) in ALBA #178, Box 1, Folder 3, is 36-page Report on Kusman, dated 1 February 1954. It throws no further light on this issue.

[145] For revealing portraits of both, see John E. Haynes, *Red Scare or Red Menace? American Communism and Anticommunism in the Cold War Era* (Chicago: Ivan R. Dee, 1996), 180-3.

[146] Ruth Davidow subsequently featured in the 1983 documentary film *The Good Fight: The Abraham Lincoln Brigade in the Spanish Civil War*.

[147] FBI Report, Cleveland (file 100-11805), 16 February 1953, "Joint Anti-Fascist Refugee Committee: Internal Security Act, 1950", Section V: Appendix-Witnesses, 10. Evidence of overlapping membership was the main subject of a detailed 23-page file, "Interrelationship of CPA and JAFRC" compiled by the San Francisco Bureau (file 100-10486). What an historian might think dubious, the FBI judged damning: "the CPA [Communist Party of America] has often helped the JAFRC by distributing much of the JAFRC literature through the medium of their various clubs." (5)

[148] FBI Report, Los Angeles (file 100-3514), 2 June 1953, "Joint Anti-Fascist Refugee Committee - Prosecutive Summary Report", 9.

[149] See, for example, FBI Report, San Francisco (100-10486), 30 October 1953, "Section IV: General Activities", 4-11.

[150] See, for example, memoranda dated 11 May, 26 May, 4 June 1953 (file 100-7061).

[151] I am indebted to Angela Barksy Mortarotti for the following information (correspondence, 18 March 2009).

[152] See John Dittmer, *The Good Doctors: The Medical Committee for Human Rights and the Struggle for Social Justice in Health Care* (London: Bloomsbury, 2009).