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Political Activism, Academic Freedom and the Cold War: an American Experience

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Political Activism, Academic Freedom and the Cold War: an American Experience

Phillip Deery

Professor Lyman Bradley was chairman of the German Department at New York University and an executive member of the Joint Anti-Fascist Refugee Committee, listed by the Attorney General as a subversive organization. In 1951 he was fired and his long academic career ended. His dismissal, the first by the New York University on political grounds, raises broader concerns about the character of university governance and the fragility of academic freedom in the modern age. In most accounts of academic McCarthyism there have been two historiographical tendencies. One emphasises the overwhelming power of institutions that were allied with McCarthyism; such political power rendered impotent any academic resistance. The other argues that academic McCarthyism was only effective because professors were too timid or frightened to act publicly or collectively in defence of academic freedom. This study will demonstrate that neither can solely explain Bradley's political persecution. The denial of civil liberties and the violation of academic freedom required three interlocking factors: a powerful Congressional Committee, a determined University administration and a complicit academic staff.

In the closing months of the Great War, William McKell, a future leader of the Australian Labor Party, raised the issue of academic freedom in the NSW State Parliament. He questioned why the Senate of the University of Sydney had refused to confirm the recommendation of a selection committee to appoint Vere Gordon Childe to the position of history lecturer. Childe, a future eminent archaeologist,¹ was in 1918 a socialist and pacifist and had actively campaigned against the introduction of military conscription. The Department of Defence, [whose military intelligence section](#) which had [been monitoring](#) Childe ~~under surveillance~~, ~~apparently~~ advised the university against his appointment, and the ~~U~~niversity [Senate](#) complied.² This was one of the earliest instances of the intervention of the State in academic appointments in Australia.

¹ See P. W. Gathereole, Terence H. Irving, Gregory Melleuish (eds.), *Childe and Australia: archaeology, politics, and ideas*, University of Queensland Press, St Lucia, 1995.

² Jim Allen, 'Aspects of V. Gordon Childe', *Labour History*, No. 12, May 1967, p. 52; 'Childe, Vere Gordon (1892-1957)', *Australian Dictionary of Biography*, Volume 7, Melbourne University Press, Melbourne, 1979, p. 636; [Sally Green, *Prehistorian: A Biography of V. Gordon Childe*, Moonraker, Bradford-on Avon, 1981, pp.29-30](#) Allen ~~notes~~

Nearly forty years later, during the Cold War, another historian, Russel Ward, was also denied an academic appointment on political grounds. Ward, who had been a member of the Communist Party until 1949, applied for a lectureship at Sydney's University of Technology (soon to be UNSW) in 1955. As with Childe, the selection committee recommended his appointment but was vetoed by the authoritarian and deeply conservative new vice-chancellor, Philip Baxter, Professor of Chemical Engineering. Baxter informed the University Council, which acquiesced, that Ward had been 'active in seditious circles in Canberra'.³ Although the Director-General of the Australian Security Intelligence Organisation (ASIO), Colonel Spry, denied supplying any 'security information' in the Ward case,⁴ it can be inferred from Menzies' response in federal parliament that the NSW Special Branch was responsible.⁵ Frank Crowley has attempted to challenge the charge of Max Hartwell

correctly states that F.B. Smith's claim that Childe was appointed to the University of Queensland in 1921 only to see it vetoed by the University Senate (see forward to Vere Gordon Childe, *How Labour Governs: A Study in Workers' Representation in Australia*, Melbourne University Press, Melbourne, 1964, p. v), is ~~incorrect~~wrong-. Evans, instead, discusses Childe's 'academic elimination' by Queensland University in September 1919; see Raymond Evans, "Social Passion": Vere Gordon Childe in Queensland, in P. W. Gathercole, Terence H. Irving, Gregory Melleuish (eds.), *Childe and Australia: archaeology, politics, and ideas*, University of Queensland Press, St Lucia, 1995, pp. 24-6. McKell's biographer maintains that the Chief Justice of NSW, Sir William Cullen, also played an influential role in preventing Childe's academic appointment. Vince Kelly, *A Man of the People: From Boilermaker to Governor General*, Alpha [Sydney], 1971, p. 22. The only reference in Childe's security files is a comment by Robin Gollan that Childe left Australia because 'his left wing opinions made it difficult for him to get a job here'. ASIO report, 10 July 1957, National Archives of Australia [NAA]: A6126, item 279, folio 13.

³ Russel Ward, *A Radical Life: The Autobiography of Russel Ward*, Macmillan, Melbourne, 1988, p. 237. See also David McKnight, *Australia's Spies and their Secrets*, Allen & Unwin, Sydney, 1994, p. 154; Stuart Macintyre and Anna Clark, *The History Wars*, Melbourne University Press, Melbourne, 2003, pp. 6-7.

⁴ Spry to R.G. Menzies, 5 December 1960, NAA: A6119, item 278, folio 97.

⁵ McKnight, *Spies and their Secrets*, p. 154.

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(Dean of the Faculty of Humanities who chaired Ward's selection committee and who went public in 1960) that Ward's political leanings underlay the vice-chancellor's decision. Crowley referred to 'the Ward file' in Baxter's possession that allegedly contained reports about Ward's 'questionable conduct' in relation to female students when employed as a schoolteacher by the NSW Education Department.⁶ The problem for historians is that the 'Ward file' has never been found. Ward himself was convinced what the central issue was: in a letter to the University administration in 1956, he condemned its 'contempt for traditional academic freedom'.⁷

It is very difficult to establish a causal connection between the political activity of an academic applicant and the decisions of a university selection committee. Such committees do not readily disgorge their secrets. As with Childe and Ward, suspicions and hearsay exist but proof remains elusive. A rare exception was the confidential file of a selection committee at the University of New England in 1954 (which in 1957 appointed Russell Ward). The likely appointee to the Chair of Physics – a physicist, Dr Thomas Kaiser, whom the committee assessed as 'the most brilliant of any candidate' - was stymied by the chair's judgement: 'Doubtful whether suitable in view of political activities'.⁸ Kaiser applied unsuccessfully for at least another thirty-three academic posts positions in Australia before, like Childe, departing for England to commence an illustrious career.⁹

⁶ Frank Crowley, 'The Ward Fabrication', *Quadrant*, May, pp. 30-33. In contrast, a contemporary of Baxter referred to the 'political test' that had been used to 'exclude' Ward. L.C. Woods, *Against the Tide: An Autobiographical Account of a Professional Outsider*, CRC Press, Hoboken, 2000, p. 202.

⁷ Ward, *A Radical Life*, p. 255.

⁸ Confidential file, Selection Committee University of New England, Series 1169, item 16, CSIRO Archives, Canberra.

⁹ See Phillip Deery, 'Science, Security and the Cold War', *War & Society*, Vol. 17, No. 1, May 1999, pp. 81-99.

A fellow scientist, Dr Richard Makinson, was consistently denied promotion at the University of Sydney because of his security record.¹⁰

There is also extensive evidence from the early Cold War of ASIO interference in university matters, and thereby trampling on academic freedoms of a wide range of academics, many not members of the Communist Party.¹¹ Most notably, ASIO was directly involved in the vetting of new appointments to the Australian National University (ANU). Spry informed the Prime Minister of ‘the inadvisability of employing ...lecturers who are likely to infect students with subversive doctrines’, and recommended a ‘properly organised system’ whereby ANU would submit to ASIO ‘for security checking, the names of proposed appointees’.¹² The foundation Director of ANU’s Research School of Physical Science, the distinguished scientist, Professor Mark Oliphant, who had worked at the Cavendish laboratory (Cambridge), Britain’s Atomic Energy Establishment (Harwell) and on the Manhattan Project (Los Alamos), was regarded, wrongly, as a security risk. The laboratory manager in Oliphant’s School was an ASIO informant; he may have been that ‘particularly reliable source’ who led ASIO to believe that Oliphant was an under-cover communist. Consequently, on a trip India he was accompanied by an ASIO informant, whilst his frequent attempts to obtain a visa to travel to

¹⁰ Phillip Deery, ‘Scientific Freedom and Post-war Politics: Australia, 1945-55’, *Historical Records of Australian Science*, Vol. 13, no. 1, 2000, pp. 1-4.

¹¹ See McKnight, *Australia’s Spies*, ch.13.

¹² Spry to Menzies, 9 April 1952, NAA: A6119, item 431, folio, 68; McKnight, *Australia’s Spies*, p. 147. See also S.G. Foster and Margaret M. Varghese, *The Making of the Australian National University 1946-1996*, Allen & Unwin, Sydney, p. 126. This was most likely modelled on the procedures initiated by the Attlee Labour Government’s Cabinet Committee on Subversive Activities in 1948-49; see Peter Hennessey and Gail Brownfield, ‘Britain’s Cold War Security Purge: The Origins of Positive Vetting’, *The Historical Journal*, vol. 25, no. 4, 1982, pp. 965-74.

the United States for scholarly purposes in the early 1950s were thwarted.¹³ The movements of another significant ANU (visiting) academic, Professor Max Gluckman, were also curtailed on advice from ASIO. Gluckman, a leading social anthropologist, was denied a visa to enter New Guinea for field work. Gluckman was certainly no communist and no reason was given. According to Marr, ASIO acted on the advice of its South African counterpart (BOSS) at a time when the Menzies government was committed to South Africa remaining in the Commonwealth.¹⁴ Gluckman was South African-born and an active in the struggle against apartheid and for racial equality.

In all the cases of these left-leaning Australian academics outlined above, the archival record is tantalisingly thin. Whilst it can confirm the interference of the security state and, as with Kaiser, Childe and probably Ward, the influence of political considerations on appointments committees, their stories of intellectual suppression must remain short. There is simply insufficient evidence.

¹³ NAA: A1838, item 1252/2/99; NAA: A6199/62, item 453; NAA: A5954/69, item 2164/1; Stewart Cockburn and David Elyard, *Oliphant: The Life and Times of Sir Mark Oliphant*, Axiom, Adelaide, 1981, pp.187-92. Similarly, the non-communist Professor Max Crawford, of Melbourne University's History Department, was denied a visa to the America because of his political views judged by ASIO to be 'left'. Fay Anderson, *An Historian's Life: Max Crawford and the Politics of Academic Freedom*, Melbourne University Press, Melbourne, 2005, p. 222. At Melbourne University there was certainly an ASIO informant inside the Russian Department; see Judith Armstrong, *The Christesen Romance*, Melbourne University Press, Melbourne 1996, pp. 89-90.

¹⁴ David Marr, *Barwick*, Allen & Unwin, Sydney, 1980, pp. 155. For further instances of the academic freedoms of anthropologist being denied or diluted, but in the 1930s not 1950s, see Geoffrey Gray, "'Piddington's Indiscretion': Ralph Piddington, the Australian National Research Council and Academic Freedom", *Oceania*, Vol. 64, No. 3, 1994, pp. 217-45; Geoffrey Gray, 'The "ANRC has Withdrawn its Offer": Paul Kirchhoff, Academic Freedom and the Australian Academic Establishment', *Australian Journal of Politics and History*, Vol. 52, No. 3, 2006, pp. 362-77.

When it comes to academic dismissals, it is non-existent.¹⁵ The actual *processes* by which academic freedom for university radicals was curtailed thus remain beyond our detailed understanding. Consequently Australian labour historians, customarily drawn to such cases, have been unable to illuminate to a significant degree this dimension of state repression. However, if we look to the United States, we can see the same or similar issues at play: the influence of external political activities or beliefs, the role of the state and in particular the security services, shabby university governance and the impact of the Cold War climate on academic freedoms. The full historical record concerning the dismissal of one radical but non-communist academic is now available and it is to that case that this paper now turns.

On Monday 16 April 1951, Professor Lyman Richard Bradley received a telegram from James Loomis Madden, the Acting Chancellor of New York University (NYU). It informed Bradley that the University Council had resolved to ‘remove’ him from the faculty of NYU.¹⁶ The genesis of his dismissal lay in events external to the University that commenced six years earlier. The case of Lyman Bradley was known to few beyond the academic community of NYU and activists in the labour movement. But to historians it silhouettes the fragility of academic freedom. It also illuminates the violation of institutional processes by which a particular university, usually a defender of liberal values, inched towards a denial of those values. The article explores why this university went about those violations and how, in the process, it became an unwitting collaborator with McCarthyism.

¹⁵ The dismissal of Sydney Sparkes Orr in 1956, has been re-interpreted as a sexual harassment case, not an academic freedom case; see Cassandra Pybus, *Gross Moral Turpitude: The Orr Case Reconsidered*, Heinemann, Port Melbourne, 1993.

¹⁶ Telegram, Madden to Bradley, 16 April 1951, Records of the Lyman R. Bradley Academic Freedom Case 1947-1961, RG 19.2 (henceforth Bradley Papers), Box 3, Folder 4, New York University Archives.

Numerous studies have focused on the impact of McCarthyism on educational institutions. These include works by Countryman, Foster, Lewis, Saunders and Schrecker.¹⁷ Some monographs have also focused on the persecution of individual academics during the McCarthy era, most notably by Holmes on Alex Novikoff at the University of Vermont, Lewis on Owen Lattimore at Johns Hopkins University, and McCormick on Luella Mundell at Fairmont State College.¹⁸ This article is situated within the latter historiographical trajectory. Curiously, the Bradley case has been overlooked. In the 126 cases across fifty-eight universities examined by Lewis, for example, Bradley received barely a paragraph and even then, the focus was on the denial of severance pay,¹⁹ while Schrecker's pioneering *No Ivory Tower* was completed before the records of Bradley case were opened. Indeed, those records, on which this article draws, have not previously been used in scholarly studies. It will not only focus on the individual, Bradley, but also on NYU's senior administrators and legal counsel.²⁰

¹⁷ Vern Countryman, *Un-American Activities in the State of Washington: The Work of the Canwell Committee*, Cornell University Press, Ithaca, 1951; Stuart J. Foster, *Red Alert! Educators Confront the Red Scare in American Public Schools, 1947-1954*, Peter Lang, New York, 2000; Lionel S. Lewis, *Cold War on Campus: A Study of the Politics of Organisational Control*, Transaction Books, New Brunswick, 1988; Jane Saunders, *Cold War on the Campus: Academic Freedom at the University of Washington, 1946-64*, University of Washington Press, Seattle, 1979; Ellen Schrecker, *No Ivory Tower: McCarthyism and the Universities*, Oxford University Press, New York, 1986.

¹⁸ David R. Holmes, *Stalking the Academic Communist: Intellectual Freedom and the Firing of Alex Novikoff*, University Press of New England, Hanover & London: 1989; Lionel S. Lewis, *The Cold War and Academic Governance: The Lattimore Case at Johns Hopkins*, State University of New York Press, Albany 1993; Charles H. McCormick, *This Nest of Vipers: McCarthyism and Higher Education in the Mundel Affair, 1951-52*, University of Illinois Press, Urbana & Chicago, 1989.

¹⁹ Lewis, *Cold War on Campus*, pp. 254-5.

²⁰ The literature on the defense or denial of academic freedom by the American university is voluminous and will not be summarised here. Moreover, as Schrecker has discussed, there are multiple dimensions of academic freedom (Craig

Lyman Bradley was first appointed to NYU as Lecturer in German in 1924 and was promoted to both Associate Professor and Chairman of the Department of German in 1942.²¹ Since 1931 he was an office bearer of both the venerable Modern Languages Association (MLA) established in 1883,²² and the Modern Humanities Research Association. He was treasurer not only of the MLA, but also of the Joint Anti-Fascist Refugee Committee (JAFRC) and, *ipso facto*, a member of the Committee's Executive Board. That membership was Bradley's nemesis, although this was unforeseeable in 1945.²³ The fate of the JAFRC was closely entwined with the academic freedom case of Lyman Bradley. On 19 December 1945, in the first subpoena to be issued by the newly

Kaplan and Ellen Schrecker (eds.), *Regulating the Intellectuals: perspectives on academic freedom in the 1980s*, Praeger, New York, 1983, pp. 25-43.) One of those dimensions - exercising civil liberties without endangering academic status - is directly apposite to Bradley's story. The Australian literature is more limited, but see Tony Coady (ed), *Why Universities Matter: A conversation about values, means and directions*, Allen & Unwin, 2000.

²¹ Born on 20 October 1898 in Spencer, near Ithaca, New York, Bradley served briefly in the First World War, was educated at the Hartford Public High School (Connecticut), Harvard University (A.B., 1921; M.A., 1922) and NYU (PhD, 1930).

²² The MLA was not entirely venerable. One of its executive members was also an FBI informant. He advised the FBI that Bradley, whom he had known for over twenty years, was 'leftist' in his views but 'very well regarded as a teacher and as a research man'. FBI report, New York (100-69110), 3 March 1945, Federal Bureau of Investigation, Department of Justice, Headquarters Files 100-HQ-340005 and 100-HQ-260819 (released 2009, FOIPA No. 115281-000). Unless otherwise stated, these files will henceforth be referred to as 'FBI Bradley files'.

²³ Judging from the attendees at Executive Board meetings, Bradley was not an especially active member. Until a special meeting on 11 February 1946, he had attended only one meeting since 1944. See Minutes, JAFRC, Charlotte Todes Stern Papers, Collection 70, Box 2, Folder 1, Tamiment Library and Robert Wagner Archives, New York University (henceforth Stern Papers).

constituted House Un-American Activities Committee (HUAC),²⁴ the JAFRC was ordered to produce all its 'books, ledger sheets, bank statements, documents and records' that would reveal both the names and addresses of all contributors to its funds, as well as the names and addresses of all recipients of such funds for 1944 and 1945.²⁵ One by one, the entire seventeen-member board of the JAFRC appeared before HUAC and one by one each refused to surrender the required records. But before examining the consequences of this action, we should consider briefly the JAFRC itself.

The Joint Anti-Fascist Refugee Committee was formed in early 1942. It was composed primarily of veterans of the Abraham Lincoln Brigade who had fought in the Spanish civil war.²⁶ At the end of that conflict a mass exodus of over 500,000 Spanish Republicans refugees spilled into southern France. Most congregated in refugee camps and, from 1940, were forced into concentration camps during the German occupation. Some remained in Franco's Spain, evading imprisonment or death.²⁷ Others escaped to Spanish-speaking countries such as Cuba and the Dominican Republic. It was these refugees whose plight was the *raison d'être* of the JAFRC. It sent thousands of dollars and

²⁴ The new HUAC was not merely a reincarnation or reactivation of the Dies Committee; it was, uniquely, a permanent committee. It was approved by the House by 207 votes to 186 with 40 (including Lyndon B. Johnson) abstaining. As the mover, John E. Rankin, rejoiced: 'I caught 'em flat-footed and flat-headed'. Cited in Walter Goodman, *The Committee*, Secker & Warburg, London, 1969, p. 169.

²⁵ *New York Times*, 20 December 1945; 'Proceeding Against Dr. Edward K. Barsky and Others', HUAC, 79th Congress, 2nd Session, Report No. 1829, 28 March 1946, 1

²⁶ However, one non-veteran was Jessica Mitford, who became the San Francisco director of the JAFRC, which for her was 'awfully interesting'. Peter Y. Sussman (ed), *Decca: The Letters of Jessica Mitford*, Weidenfeld & Nicolson, London, 2006, p. 116 (letter, 27 March 1944).

²⁷ 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*, Weidenfeld & Nicolson, London, 1986, pp. 167-8.

tons of food, clothing and medicines, through the Unitarian Service Committee, to Spanish refugees in both France and North Africa via the American Friends Service Committee. Material and legal support was given to other refugees to emigrate to one of the few countries that welcomed them - Mexico. Bradley's involvement in the JAFRC was a natural extension of his earlier commitments. In 1937 he chaired the NYU Faculty Committee to Aid Spanish Democracy; in 1938 he sponsored the National Emergency Conference for Aid to Spain; in 1940 he was treasurer of the American Rescue Ship Mission; and in 1941 was a member of the American Committee to Save Refugees. Throughout these years he made speeches, wrote articles, signed petitions and gave money on behalf of the Spanish Republic, Spanish refugees or the anti-Franco cause.

Following HUAC's initial request but foreshadowing its subpoena of JAFRC records, the Executive Board met on 14 December 1945 (its chairman, Dr Edward Barsky was to appear before HUAC on 19 December). It resolved unanimously not to surrender any of its records. It invoked the terms of reference of HUAC and argued that the JAFRC's 'sole purpose is to alleviate the sufferings of the Spanish Republicans in exile and International Volunteers, which purpose 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'.²⁸ There were three reasons for the Board's position. First, it repudiated the constitutionality of HUAC and the scope of its jurisdiction. This was not unusual in 1945-48. Then, a great many American liberals (including some Congressmen) questioned the inherent legitimacy of HUAC. Second, JAFRC records were already available to the US government. As the JAFRC's defence attorney, 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

²⁸ Minutes, JAFRC, 14 December 1945, Stern Papers, Collection 70, Box 2, Folder 1.

period of time'.²⁹ It was only 'this unconstitutional House committee' that was not entitled to them.³⁰ 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. Bradley 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 imperiled. The Board felt a strong sense of obligation to protect both domestic donors from retaliation and Spanish recipients from persecution; to do otherwise, as the prominent Board member and celebrated author, Howard Fast, later recalled, would be 'a totally dishonorable action'.³¹

The first JAFRC member to travel to Washington and confront the Committee was its administrative secretary, Helen R. 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 Congressmen. 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'.³² As the

²⁹ *New York Times*, 22 July 1947. In fact Treasury Department investigators spent a full two weeks in the JAFRC office examining financial records. Minutes, JAFRC, 20 June 1946, Stern Papers, Box 2, Folder 1.

³⁰ *New York Times*, 22 July 1947.

³¹ Howard Fast, *Being Red*, Houghton Mifflin Company, Boston, 1990, p. 148.

³² Fast, *Being Red*, 144; Henry Cadbury, 'Introduction', Helen Bryan, *Inside*, Houghton Mifflin, Boston 1953, pp. 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*, W.W. Norton, New York, 2008, pp. 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.

nominal custodian of the records she willingly assumed full responsibility for the Board's refusal to surrender them. Presumably this tactic sought to insulate the rest of the Board from prosecution. According to Fast, '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'.³³ However, she took 'a course of action that involved risk to herself rather than risk to others'.³⁴ The price she paid was a year in jail. Again and again the House Committee (John Wood, the chairman, J. Parnell Thomas, Karl Mundt, the belligerent John Rankin and five others) interrogated the stubborn Bryan about the status of the records. Each time she refused to answer. Mundt believed the records would reveal the 'secret and nefarious activities' of the JAFRC.³⁵ 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?'.³⁶ The entire seventeen-person Board membership was called before HUAC. In each case the whereabouts of the books, records and papers was sought; in each case the response was non-cooperative. Not surprisingly, the atmosphere became tense and prickly. When Lyman Bradley was interrogated, a subsequent report noted, HUAC members 'were exceedingly abusive in language and demeanor' and the hearing lacked 'dignity and order'.³⁷ At one point, for instance, after Bradley requested that he read a statement before providing

³³ Fast, *Being Red*, pp. 144, 151.

³⁴ Cadbury, 'Introduction', p. ix.

³⁵ Congressional Record. Proceedings and Debates of the 79th Congress, 2nd session, 16 April 1946, p. 3840.

³⁶ 'Investigation of Un-American Propaganda Activities in the United States. Executive Board Joint Anti-Fascist Refugee Committee'. HUAC Hearings, 79th Congress, 2nd session, 4 April 1946, p. 105.

³⁷ [Association of American University Professors], 'Report of Investigating Committee' [1957], p. 5, n. 2, in RG 3.0.6. Records of the Office of President /Chancellor New York University, 1951-1965, Administrative Subject Files, Box 15, Folder 1, NYU Archives. The confidential report continued that Bradley 'was not allowed to bring his counsel into the

a 'Yes' or 'No' answer, met this response from Congressman Rankin: 'Give it to the chairman. Now, the next question he refuses, just call up the marshall and send him to jail.'³⁸

Bradley was not sent to jail for another four years, but in March 1946 he was cited for contempt of Congress for refusing to answer his interrogators. It was clear that HUAC was ready for a showdown and ready to use the JAFRC as a litmus test of its legitimacy: 'It is the purpose of our Committee to determine, once and for all, whether an organisation such as the Joint Anti-Fascist Refugee Committee has the authority to defy Congress of the United States, and we propose to vigorously pursue this case to its most rapid conclusion'.³⁹ On 16 April the House of Representatives voted 292-56 to confirm the citation.⁴⁰ That vote opened the gates to the federal penitentiary.

In April 1947, the entire Executive Board was charged in the US District Court for contempt of Congress. Two months later, Federal Judge Richmond B. Keech sentenced all Board members to jail. Fifteen were sentenced to three months' imprisonment and fined \$500. In addition, the chairman, Edward Barsky, received six months and the secretary, Helen Bryan, received twelve months.⁴¹

hearing room, he was not allowed to leave the room with his counsel during the questioning, and he was not allowed to read his written statement'.

³⁸ 'Investigation of Un-American Propaganda Activities in the United States. Executive Board Joint Anti-Fascist Refugee Committee'. HUAC Hearings, 79th Congress, 2nd session, 4 April 1946, pp. 9-10.

³⁹ 'Statement issued by Honorable John S. Wood, of Georgia, Chairman, House Committee on Un-American Activities', 24 January 1946, in Stern Papers, Box 2, Folder 1.

⁴⁰ *New York Times*, 17 April 1946 ('17 Foes of Franco Voted in Contempt'). For the JAFRC this was an improvement upon the vote of 8 March when the House approved the citation of Barsky alone by a staggering majority of 339-4. Between then and 16 April, Barsky believed, the JAFRC campaign to influence Congressmen was bearing fruit. See his report to the Executive Board, JAFRC Minutes, 28 March 1946, Stern Papers, Box 2, Folder 1.

⁴¹ *New York Times*, 17 July 1947. After the guilty verdict, five of the seventeen members 'purged' their contempt of Congress by recanting and resigning from the Board; they were given suspended sentences. The remaining eleven

Coming before the Hollywood Ten trial and the Smith Act prosecutions, this mass political incarceration was the first since the Palmer Raids thirty years before and the biggest in the McCarthy era. For the next three years a series of unsuccessful legal challenges were conducted. They were led by the New York attorney, O. John Rogge, who challenged the constitutionality of HUAC, especially its right to identify witnesses as communists. In March 1948, the US Court of Appeals, by a two to one majority, upheld the conviction and HUAC's right to interrogate JAFRC members about their Communist Party affiliations. In a blistering dissenting opinion, Circuit Judge Henry Edgerton wrote that the HUAC inquiry 'abridges freedom of speech and inflicts punishment without trial'.⁴² Thirty years later Edgerton had been vindicated, but too late for Professor Bradley.⁴³ In June 1948 and in May 1950 the US Supreme Court refused to review two appeals filed by Rogge. As we shall see, Bradley was directly affected. But first, we need to retrace our steps and return to NYU.

When, in the autumn of 1947, Lyman Bradley referred to 'the hesitancy and apathy of many of the faculty' at NYU, he was right.⁴⁴ Few faculty members were aroused by the case against a

(excluding Bryan) served notice of appeal and were released on bond. It remains unknown what the eleven thought of the other five.

⁴² *Barsky et al v. United States* 167 F2d 241 (1948); *New York Times*, 19 March 1948.

⁴³ 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)

⁴⁴ Bradley, *Professor Bradley States His Case* [p. 3]. An exception was Professor Harlow Shapley, but he was at Harvard not NYU. He wrote that 'the disciplining of a heroic, gentle and highly altruistic professor is simply a disgrace'. *In Fact*, 17 November 1947, cited in *The Evening News*, 24 November 1947, in Bradley Papers, Box 2, Folder 14. See also his similarly heart-felt letter to Chancellor Chase, 18 August 1847, in Bradley Papers, Box 2, Folder 11. For FBI surveillance of Shapley (his dossier was 461 pages), see Tony Ortega, 'Red Scare at Harvard', *Astronomy*, vol. 30, no. 1, January 2002, p. 42; Peter L. Steinberg, *The Great 'Red Menace': United States Prosecution of American Communists, 1947-1952*, Greenwood Press, Westport, 1984, pp. 35-6.

colleague.⁴⁵ His own professional organisation, the MLA, of which he was an office-bearer, took a 'wait-and-see' attitude.⁴⁶ So, too, did the American Association of University Professors (AAUP), of which he was a member.⁴⁷ Even the chairman of the NYU chapter of the AAUP acknowledged that 'I should have made a bigger fuss'.⁴⁸ The NYU administration, however, was less reticent. Two days after the Executive Board members of the JAFRC were convicted on 28 June 1947 (but before they were sentenced), the Dean of Washington Square College of Arts and Science, Thomas C. Pollock, removed Bradley from the position of Chair of the German Department. Pollock himself became Acting Chair with the assistance of an advisory committee. This decision was conveyed to members of the German Department, who did not react, and to the University Council, which did. On 27 October, on the motion of the Chancellor, Harry Woodburn Chase, it approved and confirmed Dean Pollock's action.⁴⁹ There was, however, a rally organised by the quickly-formed 'Students Committee for the Defense of Prof. Bradley'. At the rally, attended by an estimated 200, Bradley attacked HUAC and denied that the JAFRC was a communist front, while the editors of Washington

⁴⁵ A year later, this was still substantially the case. Bradley 'deplored the fact that the WSC [Washington Square College] faculty either individually or collectively had done nothing'. *The Evening News*, 22 November 1948.

⁴⁶ See five-page letter from William Parker (Secretary, MLA) to Executive Council members, 4 November 1950, Bradley Papers, Box 2, Folder 9. The AAUP did not begin to investigate the Bradley case until December 1956.

⁴⁷ However, from the late 1940s years until 1955, under the moribund leadership of Ralph Himstead, the AAUP was ineffective and dysfunctional. See Schrecker, *No Ivory Tower*, pp. 319-32.

⁴⁸ Cited in *ibid.*, p. 312. Nor did the American Civil Liberties Union, which was deeply divided and weakly led; see Samuel Walker, *In Defense of American Liberties: A History of the ACLU* (New York: Oxford University Press, 1990), 175-6. It was not until the mid-1950s that it published *Academic Freedom and Academic Responsibilities* (ACLU, New York: 1956) in RG 3.0.6. Records of the Office of President /Chancellor New York University, 1951-65, Administrative Subject Files, Box 15, Folder 1, NYU Archives.

⁴⁹ Minutes of the Council of New York University, 27 October 1947, Bradley Papers, Box 3, Folder 5.

Square College's *Bulletin* stated they would fight for Bradley's reinstatement.⁵⁰ Further protest rallies were held in Washington Square Park on 6 August and 14 October, addressed by O. John Rogge, and on 22 December, addressed by Howard Fast.⁵¹ At each of these Bradley was banned from speaking by Dean Pollock. Leaflets began appearing depicting Bradley with a gag around his mouth.⁵²

After the US Court of Appeals upheld by a two to one vote the conviction of Bradley and the other JAFRC members on 18 March 1948, the Chancellor contacted the University's legal counsel. He queried whether any moves against Bradley should be made in advance of the outcome of a Supreme Court appeal. He was troubled by the absence of rules of 'due process': 'I know of no academic precedents in dealing with this situation... which might give us guidance'.⁵³ As we shall see, external legal advice increasingly determined university governance. Chase's uncertainty diminished on 14 June when the Supreme Court refused to review the conviction.⁵⁴ One week later

⁵⁰ 'NYU Cracks Down on Bradley', *PM*, 23 July 1947; *New York Times*, 23 July 1947.

⁵¹ When Fast spoke, more than 1000 students and faculty attempted to crowd into the 450-seat auditorium in the School of Education; the overflow required him to repeat his talk. *New York Herald Tribune*, 19 December 1947. His visit also aroused intense opposition. For example, A.J. Thompson found it 'shocking and disgusting' that Fast was allowed to 'spread Anti-American Propaganda' and recommended that 'the place be fumigated' after he has given his 'Hate America speech'. Bradley papers, Box 2, Folder 2.

⁵² See leaflet, 'Professor Bradley Banned', Bradley Papers, Box 2, Folder 14.

⁵³ Chase to John Gerdes, 24 March 1948, Bradley Papers, Box 2, Folder 5. There were, of course, precedents for purges of radical academics (especially by the Rapp-Coudert Committee) but not at NYU, whose commitment to academic freedom was stronger. See Schrecker, *No Ivory Tower*, ch. 3. Bradley's dismissal was soon paralleled by events at the University of Washington in 1948-49; see *Communism and Academic Freedom; the record of the tenure cases at the University of Washington*, University of Washington Press, Seattle, 1949.

⁵⁴ See *Barsky et al v. United States* 334 US 843.

he wrote to Bradley notifying him that he was suspended from the University.⁵⁵ Bradley learnt of his suspension from the newspapers before he received this letter; he was at this time not in New York but in Reno, Nevada. He was finalising a divorce from his wife, Francine, whom he had charged with ‘mental cruelty’.⁵⁶

On 25 October 1948, the University Council voted to approve and confirm the suspension. Attached to the Council minutes was Exhibit F, which outlined ‘l’affaire Bradley’ (as the Vice Chancellor and University Council secretary, Harold O. Voorhis, termed the case). In language that resonated through FBI reports of student protest against the Vietnam war twenty years later, it stated:

With the reopening of school this fall, outside agitators have been doing what they can to foment student unrest against this action. A protest meeting, instigated by Bradley, strongly surcharged with Communist elements, was held on University premises with Bradley’s lawyer as one of the speakers.⁵⁷

⁵⁵ Correspondence, Chase to Bradley, 21 June 1948, Bradley Papers, Box 1, Folder 10; Press release, New York University Bureau of Public Information, 25 June 1948, Bradley Papers, Box 2, Folder 15. This decision was confirmed by Council on 25 October 1948, which in turn was conveyed by the Vice Chancellor to Bradley the following day. See correspondence, Harold O. Voorhis to Bradley 26 October 1948, Bradley Papers, Box 1, Folder 10.

⁵⁶ According to Bradley’s FBI files, Bradley married Francine Brustein, who was eight years older than he, on 31 May 1934; they divorced on 12 July 1948. He married Ruth Leider, nee Rosie Marshak (born in 1904 to Russian parents), an activist lawyer and widow with three children (her husband, Daniel, a Romanian-born labor attorney, died suddenly in 1944 at the age of forty) on 2 August 1948. Daniel Leider’s brother, Ben, a *New York Post* reporter, was the first American to be killed in the Spanish Civil War. Like Bradley, Ruth was involved with the JAFRC from the outset and was one of those imprisoned in 1950. After his divorce, Bradley moved into Ruth’s home at 60 Sidney Place, Brooklyn.

⁵⁷ Minutes of Meeting of the Council of New York University, 25 October 1948, Bradley Papers, Box 3, Folder 5. Exhibit G was a petition signed by students calling for Bradley’s re-instatement.

It also noted, in even more wooden language, that refusal by the administration to permit Bradley to speak at this meeting ‘rekindled radical remonstrance’.

Beyond the student body at NYU – which, rather than the faculty,⁵⁸ was in the vanguard of the protest movement – opposition to Bradley’s suspension escalated throughout 1948. A wide range of individuals (from lawyers to housewives) and organisations (from the Civil Rights Congress to the Carmel Country Club) wrote to the University’s senior administrators; overwhelmingly they were protest letters.⁵⁹ Typical was the sentiment expressed in one hand-written letter: ‘I was stunned to hear of the dismissal of Dr. Lyman Bradley...you should instead commend Dr. Bradley for his brave stand and fine American attitude. He’s a real American, not un-American Committee brand, but the Jeffersonian kind! Shame on you!’⁶⁰ As with most letters, this received no reply. Voorhis claimed they emanated from ‘the lunatic fringe’.⁶¹ Pollock specifically recommended that the Chancellor *not* respond to correspondence from the Bureau on Academic Freedom because of its ‘general impudence’; it stated, *inter alia*, that NYU had ‘run for cover before this Committee [HUAC]’.⁶²

The extent to which the administration of NYU had ‘run for cover’ is difficult to determine with any precision. Being a private university NYU was a relatively autonomous institution. Unlike public colleges, it was not beholden unto the Board of Education or Section 903 of the New York City Charter, which enabled the summary dismissal of any public employee who refused to answer self-incriminating questions. Nor was NYU was under any obligation to abide by HUAC’s contempt

⁵⁸ As Bradley recollected, there was ‘No reaction. No support’ from colleagues. Transcript of questionnaire in possession of Ellen Schrecker (original copy in Paul Tillett Files, Seeley G. Mudd Library, Princeton University).

⁵⁹ Bradley Papers, Box 2, Folder 16. There was also an orchestrated postcard campaign: literally hundreds of pre-typed and pre-paid postcards were sent to Chancellor Chase; all were retained.

⁶⁰ Letter, [Christian name illegible] Elkin to Chase, 23 June 1948, Bradley Papers, Box 2, Folder 16. Emphasis in original.

⁶¹ Voorhis to Chase, 4 September 1947, Harry W. Chase Papers, RG 3.0.5. Box 61, Folder 5, NYU Archives.

⁶² Pollock to Chase, 14 December 1948; Clyde R. Miller to Chase, 10 December 1948, Bradley Papers, Box 2, Folder 14.

citation. It knew there was no internal precedent for the Bradley case and it could have chosen an alternative path. It also knew that Bradley's long teaching record was unblemished. Yet, the university sheltered behind the argument that HUAC was a duly constituted authority of the Congress, that its insistence that the JAFRC surrender its books was constitutionally proper, and *ipso facto* Bradley was defying the United States government. He must carry the cost of this defiance. If NYU defended Bradley, it would be interpreted as a repudiation of HUAC, the Court of Appeals and the Supreme Court. This could affect donations and endowments, on which NYU was reliant. Although the University generally was regarded as a stout defender of academic freedom,⁶³ and Chase and Pollock in particular as liberals,⁶⁴ they were not inoculated against the swelling chorus of anti-communism.⁶⁵ NYU may not exactly have 'run for cover' but nor was it prepared to swim against the rising tide of political intolerance. This required courage and conviction. The Bradley case yielded neither.

Just before Christmas 1948 the Chancellor received a memo from some staff in the School of Education. They were concerned by a notice from the NYU Student Council inviting all members of

⁶³ The director of the American Civil Liberties Union of New York wrote that 'the record of New York University in matters of academic freedom has over the years given us almost no cause for intervention', Roger N. Baldwin to Pollock, 18 December 1947, Bradley Papers, Box 1, Folder 9.

⁶⁴ A close friend of Pollock's, the Dean of the College of Arts and Sciences at Ohio's Oberlin College, wrote; 'These are difficult days for liberals like you and me. Sometimes I think there are not many of us left'. Carl Wittke to Pollock ('Dear Tom'), 20 December 1947, Bradley Papers, Box 1, Folder 9. When Chase was Chancellor of the University of North Carolina in the 1920s he publicly defended the teaching of evolution within the specific framework of academic freedom; see Louis R. Wilson, 'Chase, Harry Woodburn', *Dictionary of North Carolina Biography, vol. 1* (Chapel Hill: University of North Carolina Press, 1979).

⁶⁵ For reference to Chase's postwar anti-communism, see Thomas T. Frusciano & Marilyn H. Pettit, *New York University and the City*, Rutgers University Press, New Brunswick, NJ, 1997, p. 178.

the faculty to attend a student-sponsored protest rally on 22 December against the decision to ban Bradley from speaking at the University. The notice was not polemical; it simply gave the date, the speakers, the location and the issue. But the memo stated: 'Must we put up with this sort of thing?...A number of us are nauseated by this little band of noisy Reds and their equally red faculty mentors among the faculty and administration of the School of Education'.⁶⁶ As 1948 gave way to 1949 – that 'year of shocks', when the United States 'lost China' and her atomic monopoly, and when the Hiss and Smith Act trials were in full swing – such aggressive and strident sentiments became more commonplace. It was in this context that Lyman Bradley's lawyer began his final legal appeal to avert an otherwise inevitable and imminent imprisonment.

With the petition to the Supreme Court for a rehearing still pending, in January 1949 Bradley sought some redress from NYU. For more than six months now he had been suspended, his salary stopped and his public voice silenced. The assumption on which his suspension was made – that he would be in jail by the end of summer 1948 – proved to be false. In fact he did not expect to go to prison.⁶⁷ At the least, because the Supreme Court had decided to first review the Hollywood Ten case, 'the probability is that there will be no final disposition of my appeal for another year'. Events proved him correct. Bradley was still 'unclear' why he had been suspended in the first place'. Indeed, he had 'received no complaints concerning [his] work as an instructor or as an administrator at the University'.⁶⁸ If his suspension was due to his expected imminent imprisonment, then it was

⁶⁶ Bradley Papers, Box 2, Folder 14. For example, an eloquent letter signed by 85 members of the faculty of the School of Education in June 1948 protested against the methods and consequences of HUAC's inquisitions. Letter to Joseph W. Martin, Speaker, House of Representatives, 8 June 1948, Dorothy Arnold Papers, Gp. No. 19.3, Box 2 [Folder 14], NYU Archives.

⁶⁷ See Fast, *Being Red*, p. 246.

⁶⁸ Bradley to Chase, 29 January 1949, Bradley Papers, Box 1, Folder 10.

‘unwarranted and unjustified’. Given that the Supreme Court had not yet considered the issue and, when it did, may reverse the conviction,⁶⁹ and given that Bradley remained ‘ready, willing and able to teach at the University’, Bradley seemed to have a compelling case. He concluded:

To suspend a man without a [university] hearing for taking a stand which may yet be decided by the Supreme Court to be in proper defiance of an unconstitutional agency of the government, is not only unfair but a serious breach of the academic freedom in which we both believe.⁷⁰

The Chancellor sent copies of Bradley’s letter to both Pollock and Voorhis. Their responses were strikingly different. The Dean could see Bradley’s point. To continue indefinitely with Bradley’s suspension would, he argued, do two things. First, because of the false premises on which the decision was based, it would place the University in an ‘awkward legal and moral situation’. Second, it would enable Bradley to ‘keep the offensive’ with the very real probability of him ‘swaying public opinion’. He therefore recommended – and, significantly, none of this surfaced during the University hearing into his case in 1951– that Bradley be granted a probationary leave of absence and restored fully to the payroll (his annual salary in 1948 was \$4,900) and that this continue until the Supreme Court’s final adjudication. After all, ‘you do not wish to see him suffer personal hardship’.⁷¹ Vice Chancellor Voorhis, on the other hand, was completely without compassion. Not only did he oppose

⁶⁹ Bradley and other JAFRC Board members had been buoyed by the confident conviction of O. John Rogge that the Supreme Court would decide in their favor.

⁷⁰ Bradley to Chase, 29 January 1949, Bradley Papers, Box 1, Folder 10.

⁷¹ Pollock to Chase, 1 February 1949, Bradley Papers, Box 3, Folder 2. His financial position also concerned the JAFRC, which offered Bradley ‘financial support that he needs if we are in a position to do so’. Minutes, JAFRC meeting, 17 December 1948, Stern Papers.

Pollock's recommendation but also sought Bradley's 'elimination from our midst'. Personal animosity merged with political ideology. Voorhis continued,

he is manifestly a bad egg and will continue, particularly if whitewashed, to give us trouble. I don't see that leave of absence for the duration at full salary is other than a measure of condonation ... Besides it will give comfort and encouragement to other fellow travelers in our camp who are already a distinct menace.⁷²

On 8 February the Chancellor replied to Bradley. If he feared the worst, he got it. Although Chase acknowledged – for the first time to Bradley – that the 'presumption of your imprisonment' underlay his suspension, he denied both Bradley's requests. Until the Supreme Court decided, one way or another, he would neither be reinstated nor given a hearing.⁷³ It was not until 29 May 1950 – that is, nearly two years without salary – that the Supreme Court finally decided, for a second time, not to review the conviction of Bradley for contempt of Congress.⁷⁴ This 'cleared the way', as the *New York Herald Tribune* put it, for Bradley to enter jail.⁷⁵ On 7 June 1950 he began serving his three-month sentence.

Initially, Bradley and the other male JAFRC detainees were confined to the District of Columbia prison in Washington. Three female Committee members, including Bradley's wife, Ruth Leider, were sent to Federal Penitentiary for Women at Alderston, West Virginia;⁷⁶ Helen Bryan and Ernestina Fleischman were imprisoned separately, on 13 November 1950, after a final, unsuccessful

⁷² Voorhis to Chase, 2 February 1949, Bradley Papers, Box 3, Folder 2.

⁷³ Chase to Bradley, 8 February 1948, Bradley Papers, Box 1, Folder 10.

⁷⁴ See *Barsky et al v. United States* 339 US 971. The decision was 5-2, with dissenting Justices Black and Douglas supporting the petition for rehearing.

⁷⁵ *New York Herald Tribune*, 30 May 1950.

⁷⁶ See 'Three Anti-Franco Women at West Virginia Prison', *Daily Worker*, 20 June 1950.

legal appeal.⁷⁷ They were treated no differently 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, Bradley and Howard Fast were relocated 300 miles away to a prison camp, Mill Point, in the mountains of West Virginia. The reasons for this choice remain unclear; Barsky, for example, was sent to the less isolated penitentiary at Petersburg; others were sent to Danbury federal prison in Connecticut, where J. Parnell Thomas – one of the HUAC members who cited the JAFRC for contempt – was serving time.⁷⁸ This isolation made it difficult for visitors (such as Fast’s wife, Bette) but it was a relatively congenial place for inmates. Bradley became the prison librarian and had access to books and newspapers (in which he read of a huge meeting in Madison Square Garden to protest their imprisonment). When Bradley and Fast were released, they ruefully left behind at Mill Point Albert Maltz, one of the Hollywood Ten and a close friend of Fast.⁷⁹ The omnipresent FBI knew the precise details of their respective journeys back to New York City.⁸⁰

⁷⁷ *Bryan v. United States*, 183 F. 2d 996 (1950); *Bryan v. United States*, 340 U.S. 866 (1950).

⁷⁸ According to Professor Arad Riggs, who (as we shall see) served as Pollock’s legal counsel at an internal NYU hearing, ‘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, Bradley Papers, Box 1, Folder 1.

⁷⁹ See Albert Maltz, ‘Fast Plea’, *The Saturday Review*, 14 August 1948. The above is based on Fast’s highly evocative account of their three months in jail. See Fast, *Being Red*, pp. 247-68. Fast described Bradley as ‘a wonderful, modest gentleman’ as well as ‘erudite and philosophical’ (174, 248). After his release, in a characteristic act of thoughtfulness and kindness (according to his stepson), Bradley wrote to the Department of the Interior praising the administrative skill of the Warden at Mill Point. Correspondence, William Leider to author, 19 March 2009.

⁸⁰ SAC, Pittsburg to Director, FBI, 5 September 1950. FBI Bradley file.

Having served his sentence, Bradley assumed that he would be reinstated to his teaching position by NYU. Soon after his release from jail, Bradley wrote to Chancellor Chase requesting the internal hearing promised him on 21 June 1948 in the letter of suspension.⁸¹ From Bradley's perspective, such a hearing would enable him to state his case; but from the University administration's perspective, it would be the mechanism, to use Voorhis's striking phrase, for his 'elimination from our midst'. NYU was not caught flat-footed by Bradley's request. In fact, on the day after Bradley went to jail, Harold Voorhis had decided that, because Bradley's 'future usefulness to us is so obviously impaired', there was no need to wait for a hearing and his dismissal should be backdated to 29 May, the day of the Supreme Court decision.⁸² Pollock was less rash. The day before, he penned a dense five-page letter to Chase concerning policies and procedures that should be 'carefully considered' well before Bradley's release. For example, given that no charges had been brought against Bradley, would this occur when Bradley was given the opportunity to state his case? If so, 'these charges should be very carefully prepared from the point of view both of the legal aspects of the case and of public relations'. And if so, who would prepare and present these charges?⁸³ The last question may have been rhetorical. It was Pollock who picked up the gauntlet.

⁸¹ Bradley to Chase, 23 September 1950, Bradley Papers, box 2, Folder 4. On 26 October 1948, on behalf of the University Council, Voorhis, confirmed Chase's assurance given to Bradley on 21 June 1948: 'you will have an opportunity to state your case before such agency within the University as may be appointed to determine your future status'.

⁸² Voorhis to Chase, 8 June 1950, Bradley Papers, Box 2, Folder 14. Nor were Bradley's NYU supporters inactive; however the forces were not evenly matched. On the same day, 8 June 1950, the 'Bradley Committee' announced that an organisational meeting was planned for 16 June to plan for 'summer action' and to complete fundraising for Bradley's \$500 fine. There is no further record of any 'summer action'. Untitled leaflet, 8 June 1950 (intercepted by Dean Pollock's office), Bradley Papers, Box 2, Folder 14.

⁸³ Pollock to Chase, 7 June 1950, Bradley Papers, Box 2, Folder 1.

Judging by the specificity of detail, the number of consultations with legal counsel, the amount of correspondence he conducted, and the length of the report, it must have preoccupied him for much of the summer break and beyond.⁸⁴

On 23 October 1950 Pollock dispatched his 33-page report to Chase. There was little evidence of his earlier empathy.⁸⁵ He concluded that Bradley's actions, primarily his deliberate and willful refusal to 'recognize the authority of the Congress of the United States', were 'adequate cause for terminating his services'.⁸⁶ A week later, Pollock had crystallised his long report into three specific charges. Bradley was unfit to teach at NYU because 'he had been convicted of a crime, to wit, contempt of Congress', because he had made 'deliberate falsehoods' to the faculty and students, and because on 11 October 1948, he 'participated in and was responsible for an impetuous, improper, and potentially disorderly demonstration'.⁸⁷ Developments now moved quickly. In preparation for

⁸⁴ Voorhis had earlier remarked to Chase, perhaps patronisingly, that 'the way in which Pollock is handling himself [in the Bradley case] is altogether to his credit'. Voorhis to Chase, 4 September 1947, Harry W. Chase Papers, RG 3.0.5. Box 61, Folder 5, NYU Archives.

⁸⁵ It is plausible to conclude that Pollock had read two recent and influential articles by a NYU faculty member, Sidney Hook; see 'What Shall We Do About Communist Teachers?', *Saturday Evening Post*, 10 September 1949, pp. 164-68; 'Academic Integrity and Academic Freedom', *Commentary*, no. 8, October 1949, pp. 329-39.

⁸⁶ Pollock to Chase, 23 October 1950, marked 'Confidential - for discussion only', Bradley Papers, Box 2, Folder 1.

⁸⁷ The second charge mainly concerned Bradley's claim in the Washington Square College *Bulletin* (18 December 1947) that the MLA had voted to retain him as treasurer irrespective of any sentence he might receive. Pollock learnt that such a vote of confidence had never taken place. On 23 December Bradley wrote to the *Bulletin* (published, 8 January 1948) correcting his first statement, noting that the Association had not formally 'taken sides in my case' and that he was 'amiss in betraying a confidential discussion' amongst MLA members. Bradley may have erred, but this was hardly a hanging offense. The full details can be found in correspondence from William Parker (secretary of MLA) to Executive Council members, 4 November 1950, Bradley Papers, Box 2, Folder 9. The third charge related to a peaceful protest demonstration outside Pollock's office; this is discussed below.

the hearing, Pollock began systematic collection of substantiating evidence for each of these charges; on 9 November the Chancellor appointed an advisory Committee, consisting of the elected faculty representatives on the University Senate of each of the twelve colleges and schools, to review the charges and report its findings; on 13 November Bradley was informed of the composition of the Committee, the three charges against him and the procedure of the hearing; on 27 November the University Council approved this course of action; and on 5 December the Senate hearing was scheduled. The date was Wednesday 3 January. It seemed that Bradley's fate would soon be determined.

The hearing continued for three days, until 5 January 1951. No attempt will be made here to summarise the 310-page transcript or the fifty exhibits (compiled by Pollock). Instead the following relies on an eight-page confidential summary sent to the newly appointed Acting Chancellor, James Madden,⁸⁸ by Pollock's legal counsel, Arad Riggs, a NYU Law Professor and partner in Allin, Riggs & Shaughnessy. In short, Pollock obtained a majority on only one of the three charges. On the most serious charge, convicted of contempt of Congress, the Senate Committee found that Bradley 'may be dismissed'. Seven were in favor, two remained neutral and one opposed. On behalf of Bradley it was argued that Bradley had a right to test his constitutional rights in a legal contest with an arbitrary Congressional committee. On the second charge, concerning misrepresentations and falsehoods, the Committee – despite the detailed case that Pollock made – voted nine to one against dismissal. In deciding the third charge, the Committee heard the tape recording of the protest demonstration in which Bradley participated. Bradley's legal counsel, Fowler V. Harper, a Yale University Law

⁸⁸ Madden, who was also University Treasurer and a businessman, was appointed on 1 January 1951 after Harry Woodburn Chase, Chancellor since 1933, retired at the age of 67 (and died in 1955). Madden was replaced by Henry T. Heald at the end of 1952. In July 1956, under the incoming Carroll V. Newson, the title 'Chancellor' was changed to 'President'.

Professor, disputed Pollock's judgment that the meeting was disorderly and argued that Bradley was not responsible for it but merely assumed responsibility 'out of the bigness of his heart'. According to Harper,

I asked Dean Pollock if there was anything disorderly about the meeting. He had to say no. I asked him if there was any disrespect on the part of Professor Bradley for him or for his authority. He had to say no. I asked him if Professor Bradley and the students acted with respect and with dignity. He had to say yes.⁸⁹

The vote was deadlocked: five found the charge proved, while five did not.⁹⁰ Six Committee members submitted written opinions. The most egregious was that of Professor Austin Church (College of Engineering), who stated that the demonstration in Pollock's office did 'great actual and potential harm' to the NYU by cheapening the University's name, lowering the prestige of its faculty and making it 'difficult for its graduates to secure employment'.⁹¹ This same statement was to be approvingly quoted by Riggs at the University Council meeting three weeks later, on 26 March 1951.⁹²

Before then, however, the Acting Chancellor, James Madden, was active behind the scenes. An astonishing document in Bradley's FBI files reveals his connection with the FBI. Numerous American universities, including several prestigious institutions, actively collaborated with the FBI.

⁸⁹ 'Statements Made Before Meeting of Council', 26 March 1951, 32, Bradley Papers, Box 1, Folder 7.

⁹⁰ Riggs to Madden, 1 March 1951, 5-8, Bradley Papers, Box 2, Folder 10.

⁹¹ 'Report of the Faculty Committee', 26 February 1951, Bradley Papers, Box 1, Folder 6. The dissident who rejected the first charge was Professor Hollis Cooley (Washington Square College of Arts and Science), a devoted civil libertarian who wrote a three-page explanation of his support for Bradley on each of the charges.

⁹² 'Statements Made Before Meeting of Council', 26 March 1951, 27, Bradley Papers, Box 1, Folder 7.

Until now, there had been no contact between the FBI and NYU.⁹³ This changed at 4.18pm on 5 March 1951, when Madden telephoned the office of J. Edgar Hoover. According to the note made of the call, he stated that ‘Mr. Hoover would know him’, that he would be in Washington on Wednesday, 7 March and would ‘appreciate an appointment with the Director to pay his respects and to discuss the Lynn [sic] R. Bradley case at the University’.⁹⁴ He left his contact details in Washington for the FBI to confirm the appointment. What follows is highly revealing. On 7 March Madden arrived at the office of an unnamed assistant of the Director to be told that Hoover was ‘testifying on the Hill’ and was unavailable. He then stated that Bradley, ‘now that he is out of jail, is going to continue to make trouble for New York University’ but that

As long as he is [BLANK] of New York University, Bradley will be canned; however he has to go through the motions of having him furnished a hearing by the Board of Trustees [Council] and under the code of the Association of American College Presidents, [BLANK] is going to let Bradley have all the rope that he needs...

Madden was ‘quite sure that Bradley is going to sue the University for firing him and will demand back pay, etc.’. He advised that Professor Fowler Harper was taking Bradley’s case and requested any information on Harper. Hoover’s assistant told Madden that a check would be made and if it was

⁹³ See Sigmund Diamond, *Compromised Campus: The Collaboration of Universities with the Intelligence Community, 1945-1955*, Oxford University Press, New York, 1992. In fact, according to Diamond (p. 347, n. 35), the only contact was a memo from Hoover to NYU in 1954 advising it of ‘the sex deviate practices of an instructor.’ Insofar as communists or ‘fellow-travellers’ were concerned, Diamond (without access to Bradley’s FBI file) did not find any FBI/NYU relationship before 1955.

⁹⁴ Message, 5 March 1951, Office of Director, FBI Bradley files. Although Madden’s name was deleted, there is conclusive internal evidence that it was he who visited the FBI. For example, both [BLANK] and Madden were directors of the Metropolitan Life Insurance Company of New York and both [BLANK] and Madden were in an acting position ‘until someone else could be appointed’.

possible to provide him with information on Harper ‘for his guidance’ then ‘the Director would, of course, consider it’. A six-page ‘summary’ report, dated 8 March 1951, on Fowler V. Harper, was attached to the memorandum. It is therefore reasonable to assume that Hoover’s consideration was favorable and that Madden received a copy. From the perspective of the ardent anti-communist, it was a damning report, replete with guilt-by-association activities and sponsorships and petition signings. This needs to be borne in mind when we consider the complete failure of Harper’s cogent and eloquent plea to the University Council seven days later. Madden then ‘asked if I [FBI Agent McGuire] could tell him whether Bradley was a Communist’. Agent McGuire replied obliquely. He stated that it was ‘most difficult to understand’ how anyone who wore ‘the robes of a truth-seeking professor’ by day could participate in activities by night sponsored by organisations that the Attorney General has declared subversive. Madden obligingly replied that ‘he understood’. The assistant to the Director noted that Madden then ‘again remarked that Bradley was through at New York University as far as he was concerned’.⁹⁵

However, there was another purpose in Madden seeing Hoover. It transcended Bradley. And here we come to a remarkable statement. It is remarkable not merely because he assumed it would remain private and therefore could speak freely. It is also remarkable for the dark shadow it casts

⁹⁵ In fact, Bradley was never a member of the Communist Party, despite the sustained efforts by FBI agents over many years to prove otherwise. In 1946 the New York office was instructed to ‘obtain admissible evidence which will prove directly or circumstantially his membership in or affiliation with the Communist Party’. The FBI obtained and painstakingly recorded evidence of (seemingly) every petition he signed, every magazine to which he subscribed, every public meeting he attended or public lectures he gave, every organisation he sponsored or supported, every job applicant for whom he wrote a reference – hence the thickness of his file. However, by 1951 the FBI acknowledged that it had found no proof that Bradley was a ‘card-carrying’ communist and his name was deleted from the so-called ‘Key Figure’ list. Memorandum, 6 November 1946, Director to SAC New York; SAC New York, to Director, 19 March 1947; ‘Correlation Summary’, 5 February 1973, File Nos. 100-34005 and 100-69110.

over the management of NYU, for its cavalier discarding of the tenets of academic freedom, and for the readiness of its most senior administrator to practice deceit and persecution. Rarely do successful deceivers and persecutors leave footprints. Here, one has. The memorandum is worth citing at some length.

He wanted to have the Director know that as long as he was [BLANK] at New York University he wanted to clean up the campus as much as possible and he has the opportunity now in view of the fact that the University's budget will be down next year due to less enrollments because of the draft situation and that some of the courses will have to be dropped and this gave him the opportunity of cutting off the staff any professors who might be of a suspicious or subversive category. He stated that if there was anything the Bureau could do whatsoever in the way of furnishing him [leads] personally not at the University but at his office at the Metropolitan Life Insurance Company ... they would be the basis for him to take any action that might be needed to clean up the school...[H]e did want the Director to know that he would appreciate any guidance that we could give to him on a personal and strictly confidential basis.

The memorandum concluded with the recommendation that the FBI's New York Office and Security Division determine which members of staff at NYU were either members of the Communist Party or 'security index subjects' and that Agent Scheidt 'personally contact' the Chancellor and pass on to him 'such data which could then be the basis of an independent investigation' of communist activity at NYU.⁹⁶ Coincidentally, perhaps, the FBI Responsibility Program, under which derogatory personal

⁹⁶ 'Memorandum to Mr, Tolson', 8 March 1951, FBI Bradley files. Clyde Tolson was an FBI assistant director and lifelong companion of Hoover.

and political information on, *inter alia*, state college professors and public school teachers was disseminated to employers, had just commenced.⁹⁷

At 4.45 pm on 26 March 1951, Bradley, Harper, Pollock and Riggs entered the Council chambers of New York University. This would be Bradley's last chance and his legal counsel, Professor Harper, knew it. He spoke passionately and persuasively – less as Bradley's representative, he said, and more in 'the cause of academic freedom'.⁹⁸ He argued that the judgment of whether or not Bradley was fit to teach had nothing to do with his political opinions. Yet, he alleged, throughout the three days of the Senate Committee's hearing, 'over my repeated remonstrations and objections, evidence after evidence, document after document, was presented, incorporated into the record, which were relevant to nothing but the political ideas of Professor Bradley'. If Dean Pollock wished to charge that Bradley was unfit to teach because had associated with communists, 'I will defend Bradley but I want another hearing. The one thing we don't do in this country is to charge a man with one crime and convict him with another'. What Bradley had done was to exercise the right of every American citizen to challenge the validity of government action 'which he deemed venal and evil'. Harper then invoked at great length the historical precedents of the Founding Fathers, Henry Thoreau, Thomas Jefferson, Oliver Wendell Holmes Jr. in defying unjust laws. 'This man has done nothing more', Harper stated. To uphold that right of dissent was, in this case, to defend academic freedom. Harper concluded:

Academic freedom is important. It is vital. Without it our institutions will become degraded and corrupted...This is a great institution. It has great responsibilities ...to stand up for the things on which it is founded...Let me beg of you...let me plead, do not dismiss this man

⁹⁷ 'The FBI Responsibilities Program File and the Dissemination of Information File [1951-1955]', microfilm copy (#9703: 8 reels), New York University.

⁹⁸ 'Statements Made Before Meeting of Council', 26 March 1951, 29-30, Bradley Papers, Box 1, Folder 7.

because he has exercised the right of every American citizen...To my knowledge the scandal of academic freedom has never touched New York University. I hope it never will. Save yourselves. Save him. Let him leave this institution with honor to himself and honor to the University.⁹⁹

It was all in vain. He had just ‘gone through the motions’, as Madden foreshadowed. After Bradley, Harper, Pollock and Riggs were excused, a motion was moved and seconded that ‘because of conduct involving moral turpitude’, Bradley’s existing suspension be ratified, confirmed and made permanent, and that his name be ‘stricken from the roll of the faculty of New York University’. However, after an intervention by John W. Gerdes, NYU’s Wall Street lawyer, Madden ruled that a University Statute necessitated deferral of action on the resolution until the next full Council meeting on 23 April.¹⁰⁰ Then, that bureaucratic panacea, the sub-committee, was appointed to recommend ‘proper procedures to be followed’. The sub-committee, which consulted with Gerdes and examined forty-six of Pollock’s exhibits, was ready to report to the next Council meeting, on 28 May 1951, but ‘because of the lateness of the hour’, it was deferred to the following meeting, on 20 June. Finally, Council adopted a resolution, twenty votes to one, that officially dismissed Bradley without any severance pay.¹⁰¹ Voorhis’ position – that ‘I hate the idea of the University having to surrender any money to the man’ – had prevailed.¹⁰² There was no reference to moral turpitude, which would have increased the vulnerability of the University to litigation. The official minutes were certified and

⁹⁹ Ibid., pp. 34-45.

¹⁰⁰ Thus, Madden was disingenuous when he told Harper that action had been deferred because of the ‘congested condition of the calendar of the Council’. Madden to Harper, 30 April 1951, Bradley Papers, Box 3, Folder 4.

¹⁰¹ The sole dissenter was opposed only to the ‘form’ of the resolution; he, too, favored making the suspension permanent.

¹⁰² Voorhis to Madden, 3 April 1951, Bradley Papers, Box 3, Folder 2.

signed by Voorhis.¹⁰³ On 26 June he sent a copy of the Council resolution by registered mail to both Bradley and Harper.¹⁰⁴

This brief discussion of protracted decision-making has a point. The Acting Chancellor, Madden, could not wait for this formal process to be worked through. As we saw at the beginning of this article, he sent Bradley a telegram on Monday 16 April, more than two months before the dismissal was finally ratified by Council. What prompted him, it seems safe to assume, was a meeting of the Executive Committee of the Council on the afternoon of Friday 13 April. At Madden's initiation, it discussed the Bradley case and recommended 'that the Council should not compromise' on the issue of withheld salary but should 'stand firm' and dismiss Bradley outright without any recompense.¹⁰⁵ This thwarted any chance of compromise. Apparently Riggs had earlier privately offered Bradley \$15,000 to 'get out'.¹⁰⁶ Madden's premature notification was directly inconsistent with Section 313 of the University Statutes, which required various advance notices of motions and final actions, and which he himself abided by when deferring action until 23 April. But Bradley would know none of this. He had been – to use Madden's term to the FBI – 'canned', and

¹⁰³ The above is based on the University Council Minutes for 26 March, 23 April, 28 May and 20 June 1951. Bradley Papers, Box 3, Folder 5.

¹⁰⁴ Harper replied that he could find 'no statement of the basis for the dismissal' of Bradley and requested such a statement 'of the grounds on which Council's action was taken'. Harper to Voorhis, 3 July 1951, Bradley Papers, Box 3, Folder 3. No subsequent letter from Voorhis to Harper could be located

¹⁰⁵ Excerpt from Minutes of Executive Committee, 13 April 1952, Bradley Papers, Box 3, Folder 5.

¹⁰⁶ This offer was made before Bradley, Pollock and Harper on 3 January 1951. It formed part of the testimony made by Bradley under oath at a pre-trial hearing in November 1953. Robert Reagan of Townley, Updike & Carter was present and he telephoned Pollock with this information. Notes of telephone call, 4 November 1953, Bradley Papers, Box 2, Folder 12. Pollock also recommended in his 23 October 1950 report to Chancellor Chase that Bradley be paid \$4900 for twelve months following his original dismissal. This, too, never publicly surfaced.

comprehensively so. Madden's belief that Bradley was 'through' at NYU was now fact. When Riggs told Dean Pollock that 'we were able to accomplish the result that we did' because of 'your painstaking preparation of the case' was only partially true.¹⁰⁷ It underestimates the determination, influence and sway of the Acting Chancellor and Vice Chancellor, who were dedicated to Bradley's 'elimination from our midst'.

The denouement of the Bradley case came in a desultory way. In early 1953, Bradley hired Royal W. France to bring a law suit against NYU for arrears of \$13,883 in salary payments between his suspension (August 1948) and his dismissal (June 1951). It alleged that there was no provision in the charter or statutes of NYU permitting non-payment of salary prior to the faculty member's dismissal. The University hired Townley, Updike and Carter, which specialised in litigation.¹⁰⁸ After two adjournments and two appeals, the case was eventually dismissed in May 1954 without trial.¹⁰⁹ In the process, it revealed a little about how the Cold War was fought. The *Bradley v. New York University* case was assigned to one of the firm's partners, Robert Reagan. In defending NYU, Reagan wished to show the Court that 'Professor Bradley injected Communist ideology in the classroom'. To that end he requested a list of the courses Bradley taught stretching back to the late 1930s, 'together with a list of his students with their names and addresses'. In a breathtaking repudiation of the jurisprudential presumption of innocence until guilt is established, Reagan stated

¹⁰⁷ Riggs to Pollock, 23 July 1951, Bradley Papers, Box 2, Folder 10. Riggs was paid \$5,177.91 for his services as counsel to Pollock.

¹⁰⁸ It was a mid-sized Manhattan law firm, which commenced in 1937 and closed in 1995.

¹⁰⁹ See judgment by Mr Justice Cohen (Supreme Court) in *New York Law Journal*, 27 July 1953, and *Bradley v. New York University*, 124 N.Y.S. 2d 238 (Sup. Ct. 1953). See also *New York Times*, 26 January 1954; 21 May 1954. In naïve hope more than realistic expectation, France wrote to the President, Carroll V. Newson in 1960 seeking to review the case and recover some of this salary. The response was negative. France to Newson, 12 April 1960; Dudley Miller (NYU legal counsel) to France, 2 May 1960, Bradley Papers, Box 2, Folder 4.

that ‘we may not be able to prove’ that Bradley injected his students with communist ideology, but ‘the truth is that he did’.¹¹⁰ Indicative of how McCarthyism was gouging the cultural landscape, Reagan would sign off his legal letters to Thomas Pollock and Harold Voorhis wishing them ‘a pleasant summer’ free from ‘our subversive brethren’ or ‘a pleasant trip in Europe free from Communist Party representatives’.¹¹¹

There was another denouement, and it may have brought Bradley some comfort. A committee of the AAUP conducted a thorough investigation into his case in 1957.¹¹² It found that Charge One was ‘ambiguously worded’; that Charge Two was ‘trivial’ and ‘inconsequential’ and did not provide sufficient basis for ‘such drastic disciplinary action’ as dismissal; and that Bradley’s role in the student demonstration, Charge Three (the only charge upheld by the Senate committee), did not involve ‘improper intentions’ and did not ‘result in any real mischief’. It also criticised the failure of the University Council to *explain* its adverse decision against the Bradley and the repeated refusal of NYU to provide Bradley with severance pay given ‘there was no formal finding of moral turpitude by either the Faculty Committee or the University Council’. Finally, given that NYU chose ‘vigorously’ to resist Bradley’s efforts ‘to secure a court determination of his right to severance pay’, the AAUP committee was ‘compelled to note with apprehension the University’s continued insistence that its Academic Freedom and Tenure Policy statement has no legal standing’.¹¹³ Leaving aside its equally trenchant comments on the Burgum case, this report was an indictment of how NYU handled and

¹¹⁰ Reagan to Pollock, 31 March 1951, Bradley Papers, Box 2, Folder 12.

¹¹¹ Reagan to Pollock, 4 June 1953, 31 July 1953, Bradley Papers, Box 2, Folder 12; Reagan to Voorhis, 4 June 1953, Bradley Papers, Box 3, Folder 4.

¹¹² This committee also investigated NYU’s dismissal of Edwin Berry Burgum in 1953, also at the instigation of Dean Thomas Pollock, and also characterised by the active involvement of Harold Voorhis.

¹¹³ [Association of American University Professors], ‘Report of Investigating Committee’ [1957], pp. 13-20, 38-9.

judged Lyman Bradley. The report itself remained ‘Confidential And Not For Publication’, but it led to the AAUP placing NYU on its censure list for two years, from 1959 until 1961.¹¹⁴

But if this were a victory for Bradley, it was a pyrrhic one. Judging from his FBI file, which remained active until 1966 when ‘it is felt subject no longer meets the criteria necessary for the RI-A’,¹¹⁵ Bradley withdrew from politics. He even stopped attending his Harvard ‘class of 1921’ reunions.¹¹⁶ But he kept his FBI number, 4869055. There was nothing to report. In fact, the last piece of incriminating intelligence was provided in December 1950 by the ex-communist Max Yergan, who ‘was of the opinion’ that Bradley was a communist.¹¹⁷ The FBI would not have known how much he enjoyed watching Senator McCarthy’s fall from grace during the televised Army-McCarthy hearings in the spring of 1954.¹¹⁸ In 1955, five informants of ‘known reliability’ were contacted for any information on Bradley, but none could oblige; the same occurred in January 1959 and again in August 1960 when all six informants advised that ‘the subject is unknown to them’ or were ‘unable to furnish any information’.¹¹⁹ So he had ceased to be politically active.¹²⁰ This ‘wonderful, modest

¹¹⁴ See *Bulletin of the American Association of University Professors*, vol. 45, 1959, pp. 274, 393-4; vol. 47, 1961, p. 144.

¹¹⁵ SAC New York to Director, 14 September 1966, FBI file. RI-A refers to a Security Index Card on Bradley that was created in 1946, when he first refused to cooperate with HUAC.

¹¹⁶ Ellen Graham, ‘Turning 50 in 1950: Harvard Men Reflect on Lives Between the Wars’, *Wall Street Journal*, 6 November 1995.

¹¹⁷ SAC New York to Director, 15 September 1955, ‘Succinct Resume of Case’, 1. In this document, Yergan’s name was not blanked out; by 1955, as Gilmore suggests, ‘The FBI owned Max Yergan’. Gilmore, *Defying Dixie*, p. 437. In other documents he is identified as ‘Confidential Informant T-23’.

¹¹⁸ Correspondence, William Leider to author, 19 March 2009. Leider had bought his parent a small TV to watch these hearings.

¹¹⁹ SAC New York to Director, 15 September 1955, ‘Succinct Resume of Case’, 12; FBI Report, NY 100-69110, (nd 1959], p. 6; SAC New York to Director, 12 September 1960, 1-2. FBI Bradley files.

¹²⁰ This was also confirmed by Bradley himself. Transcript of questionnaire in possession of Ellen Schrecker.

gentleman’, according to Fast, tried to reconstruct his life. He began selling art books to local schools. He then established a business, the curiously named Association Conventions Exhibits, which he ran from his home in Brooklyn and which involved arranging book exhibits for different publishers. He had to start from scratch since, he recalled, ‘Most colleagues fled and [those] who had been bosom friends vanished’.¹²¹ In 1961, when he applied for a passport, his occupation was listed as ‘freelance writer’.¹²²

Bradley jettisoned another source of income: had he desired, he could have joined the long ranks of FBI informants. Under the Toplev Program, whereby potentially disillusioned ex-communists and fellow travelers were enlisted to assist the FBI, J. Edgar Hoover authorised the New York office to interview Bradley. The approach was made on the morning of 5 October 1954 at a ‘discreet distance’ from his home. Two agents followed him, called his name, identified themselves and indicated their desire to conduct ‘a confidential and personal conversation’ concerning matters of ‘great interest to this government’. They explained that, because of ‘his associations’, he would be in a position to furnish valuable information. ‘BRADLEY at this point became nervous and stiff in his attitude and stated, ‘I know of no way that I could help you’’. It was evident that Bradley was not Yergan, but the agents persisted. They referred to organisations with which Bradley had been associated, especially the Jefferson School of Social Science.¹²³ They wished to discuss with him not only these organisations but also – strangely, since Bradley would not have been privy to the

¹²¹ Transcript of questionnaire in possession of Ellen Schrecker.

¹²² An informant alerted the FBI to Bradley’s intention to accompany his wife to visit her daughter, who lived in London. The informant also knew the frequency of the Bradleys’ weekend visits to their summer home. SAC New York to Director, 20 June 1961, FBI Bradley files.

¹²³ See Marvin E. Gettleman, “‘No varsity teams’: New York’s Jefferson School of Social Science, 1943-1956”, *Science & Society*, vol. 66, no. 3, Fall 2002, pp. 336-59.

Communist Party underground networks – the ‘whereabouts of certain persons of the CP who are now fugitives from justice’. Bradley’s response was: ‘I am sorry gentlemen, I do not want to talk to you’ and began to walk away’. The agents made further attempts to engage with and accompany him, but ‘when it became obvious that BRADLEY would not stop further or allow the conversation to continue, the interview was discontinued’.¹²⁴

It is impossible to know how many left-wing activists ‘walked away’ from the FBI during the McCarthy period in the way that Bradley did. What we do know from FBI files containing informants’ reports is that thousands did not. To resist the anti-communist crusaders in the 1950s took courage and integrity. Non-cooperation brought retribution: suspicions were confirmed, surveillance was continued, and files remained open. This happened to Bradley. The agents’ evaluation of their ‘interview’ recorded: ‘BRADLEY adopted the typical CP response to the agents’ approach and it is believed from his attitude that he is still loyal to the CP and its purposes’.¹²⁵ If any agent, or informant, observed the lone figure of Dick Bradley standing behind a publisher’s book stall at an educational convention, that alleged loyalty to the Communist Party would have been very difficult to detect. The destruction of Bradley’s academic career was testimony not only to the corrosiveness of Cold War anti-communism, but also to the ephemeral and fragile nature of academic freedom in the American university. Bradley and his wife moved from New York to San Francisco in 1974. Ruth, who remained embittered by the events described in this article, died two weeks after the

¹²⁴ SAC New York to Director, J. Edgar Hoover and Assistant Director, A.H. Belmont, 6 October 1954, FBI Bradley files.

¹²⁵ Ibid.

move. Lyman, instead, remained ‘philosophical’, despite the feeling that the ‘old Left’ dropped him because of the public attention he had received. After several strokes, he died in 1978.¹²⁶

This article has provided a close-up view of what Schrecker has termed ‘the bureaucratic rationality of McCarthyism’.¹²⁷ But the paper also raises some disturbing issues about university governance: the processes by which Bradley was suspended and then dismissed were neither transparent nor just. Because the Bradley case was without precedent ‘due process’ evolved ‘on the run’. When it was in place, it was by-passed on at least one occasion by the Acting Chancellor. Madden’s ostensible role as a disinterested arbiter allowing full rein to decision-making bodies (Senate and Council), was contravened by his meeting in Washington with the FBI. The operational injustice of the combined desire of HUAC, university administrators and the FBI to punish Bradley for his political activities meant that his right to exercise civil liberties free from reprisal or threat to his academic status was far from enshrined. This experience has direct resonance for Australia: as we saw at the outset, despite the paucity of the historical record, we can glimpse how the academic careers of Vere Gordon Childe, Russel Ward and Thomas Kaiser, and many others on the political left, were all adversely affected by university administrators’ antipathy to seeming troublemakers. They were not sacked, as Bradley was, but their capacity to pursue an academic career was thwarted. Both the Australian and American experiences reveal that violations of academic freedom by universities were closely interconnected with the ideological disposition of academic staff, and the extent of independence from external interference. These past experiences highlight the contemporary need for more effective protection of academic freedom. One way forward is the commitment, secured by the National Tertiary Education Union in October 2009, from the Rudd

¹²⁶ Information supplied by Irene Solomon (Bradley’s stepdaughter), 9 March 2009 and William Leider (Bradley’s stepson), 19 March 2009.

¹²⁷ Schrecker, foreword to Holmes, *Stalking the Academic Communist*, p. viii.

Labor government to introduce legislation in 2010 that will provide strong safeguards for academic freedom.¹²⁸

¹²⁸ 'Law to back academic freedom', *The Australian*, 7 October 2009.