

“HUAC and the Stamler-Hall Case” placed second in the nation at National History Day in 2005. It was written by Aruj Chaudhry of Roosevelt High School.

“The tree of liberty must always be watered,” asserts Yolanda Hall, one of the plaintiffs in the court case that helped lead to the demise of HUAC, the House Un-American Activities Committee.¹ The government of the United States has at times attempted to curtail freedom of speech in the interest of national security, and the perceived menace throughout most of the twentieth century was communist infiltration. Many people who resisted HUAC’s probes used the Fifth Amendment’s freedom from self-incrimination as their defense, but that implies guilt. In *Stamler v. Willis* (1965), the plaintiffs instead challenged the constitutionality of the committee’s existence, “calling into question the legitimacy of any congressional inquisition into personal beliefs and affiliations.”² This legal battle reinforced the fundamental right to communicate one’s ideas, no matter how unpopular they might be in a given time period.

Even at HUAC’s inception in 1937 under the leadership of Martin Dies, the implications of the formation of such a committee caused some concern. Congressman Maury Maverick of Texas noted that the resolution gave HUAC “blanket powers to investigate, humiliate, meddle with anything and everything....Un-American! Un-American is simply something that somebody else does not agree to.”³ When the first public hearings began in August 1938, Dies was quick to reassure those present that “this committee is determined to conduct its investigation upon a dignified plane...We shall be fair and impartial at all times and treat every witness with fairness and courtesy.”⁴

¹ Yolanda Hall, personal interview conducted on February 15, 2005. Hall was alluding to words penned two centuries earlier by Thomas Jefferson, a staunch supporter of liberty. Per *The Oxford Dictionary of Political Quotations*, his exact words in a letter to William Stevens Smith on November 13, 1787, were: “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure.”

² Paul Buhle, Halting McCarthyism: The Stamler Case in History.” *Monthly Review* 51 no. 5 (October 1999), 45.

³ Walter Goodman, *The Committee: The Extraordinary Career of the House Committee on Un-American Activities* (New York: Farrar, Straus, and Giroux, 1968), 22.

⁴ From *Martin Dies’ Story* (New York, 1963), quoted in *Thirty Years of Treason: Excerpts from Hearings before the House Committee on Un-American Activities, 1938-1968*. Ed. Eric Bentley. (New York: Thunder’s Mouth

Unfortunately, the committee did not always live up to these high ideals, as anti-communist hysteria and high drama increasingly came to characterize its proceedings (see Appendix A). “Communism, in reality, is not a political party, it is a way of life, an evil and malignant way of life. It reveals a condition akin to a disease that spreads like an epidemic,” stated J. Edgar Hoover in March of 1947.⁵ Because of the potential for film producers to communicate subversive messages to the public through leftist scripts, Hollywood became a prominent target for HUAC. In September 1947, ten of the forty-one people summoned before HUAC refused to answer any questions HUAC asked by invoking the Fifth Amendment. The Supreme Court declined to review the case on appeal, and the so-called Hollywood Ten were sentenced to either six month or one year prison terms in 1950. Furthermore, they were blacklisted in Hollywood, which curtailed or ended their careers.⁶

Also in 1950, U.S. Senator Joseph McCarthy initiated perhaps the best known anti-communist crusade, claiming he had a list of fifty-seven alleged communists who were working in the state department. McCarthy’s list kept growing as he used HUAC to further his cause.⁷ It gradually became clear that McCarthy did not have any hard evidence against the people he accused, his reputation plummeted, and his proclamations about Communist infiltration lost their influence. In the process, more lives and careers were ruined.⁸ Echoing Congressman Maverick, Ms. Hall notes that HUAC’s motives seemed to be “denying constitutional rights to certain individuals because they voiced unpopular ideas....since the Communist Party was a legal party, its members should also have the right to freedom of speech and the protections of the

Press/Nation Books, 2002), xvii.

⁵ Jeremy Isaacs and Taylor Downing, *Cold War: An Illustrated History, 1945-1991* (Boston: Little, Brown, and Co., 1998), 115.

⁶ Edward Dmytryk, *Odd Man Out: A Memoir of the Hollywood Ten* (Carbondale: Southern Illinois UP, 1996), 39.

⁷ Joel Kovel, *Red Hunting in the Promised Land* (New York: Basic Books, 1994), 110.

⁸ Richard M. Fried, *Nightmare in Red: The McCarthy Era in Perspective* (New York: Oxford UP, 1990), 3.

Constitution, no matter how unpopular those opinions might be.”⁹

Many people naturally assume that HUAC deteriorated along with McCarthy’s reputation since he was such a visible symbol of the Committee. However, that was not the case. The Committee remained active throughout the 1950s, repeatedly visiting Detroit, Chicago, Philadelphia, Los Angeles, and other cities that were both vital defense areas and liberal centers of potential subversiveness.¹⁰ By 1960, the public had “tired of security checks, loyalty oaths, and unending investigations,” so HUAC devoted itself to “resuscitating the drooping spirits of vigilantism.” Ironically, people seemed more vigilant about defending their constitutional rights than rooting out communists, as evidenced by student riots during HUAC’s visit to San Francisco in May 1960, ushering in an era of resistance to federal probes of free speech activities.¹¹

Though communism was still viewed as a threat in the 1960s, the threat to freedom of speech was perceived to be even greater. This period was a time of political and intellectual ferment, when civil rights and anti-Vietnam War protesters openly communicated their disillusionment with the government and placed a high value on their right to speak out, even if their voices proclaimed sentiments unfavorable to the government. In the early 1960s, particularly after HUAC produced *Operation Abolition*, a film meant to justify the committee’s existence which inadvertently underscored its high-handed tactics, people increasingly questioned the legitimacy of HUAC and its purposes.¹² Newspaper editorials acknowledged that “in anxious times like these, where democracy is imperfect at home and threatened strongly from abroad, it is not surprising that some people give up on democracy.”¹³ However, this was tempered by the

⁹ Hall, post-interview follow up commentary received via email correspondence, March 14, 2005.

¹⁰ William F. Rickenbacker, “A Short History of the Committee” in *The Committee and Its Critics: A Calm Review of the House Committee on Un-American Activities* by William F. Buckley, Jr., and the editors of the *National Review* (New York: G.P. Putnam’s Sons, 1962), 110-117.

¹¹ Goodman, 399.

¹² Rickenbacker, 116.

¹³ “Anti-Democracy No Answer to Reds.” *Denver Post*, 4 April, 1961. Reprinted in *A Collection of Editorials and Resolutions in Opposition to the Un-American Activities Committee*. (Los Angeles: National Committee to Abolish the Un-American Activities Committee, 1962), 26.

belief that it did not excuse an abridgement of freedom of speech and the fundamental right to communicate one's ideas: "As much as security is essential to our nation, freedom is as essential to our democracy."¹⁴

Despite the changing mood of the nation, HUAC continued to target major cities that were "centers of industry, transportation, communication, and learning," and in 1965, the committee again visited Chicago.¹⁵ Unbeknownst to HUAC, this particular journey to destroy alleged communists would help lead to the committee's *own* destruction. This happened in part because HUAC was now giving a new meaning to the idea of "communist activity." Chairman Edwin Willis's own testimony showed that HUAC was looking for Communist activity in anti-Vietnam War, housing, youth, civil rights, and political action organizations.¹⁶ To activists, HUAC's attack on liberalism in its various forms was a totally unacceptable breach of the right to communicate one's ideas and fight for changes in the status quo.

In Chicago, the Committee subpoenaed eleven residents to testify about their "red" pasts and connections. There was no real pattern as to whom HUAC targeted, but generally those targeted included school teachers, government employees, and especially people who were active in social change. Two prominent subpoenaed Chicagoans were Dr. Jeremiah Stamler, an internationally renowned researcher in heart disease prevention and director of the Heart Disease Control Program, and his nutritionist-assistant, Ms. Yolanda Hall.¹⁷

HUAC subpoenaed Dr. Stamler on the charge that he was holding meetings at his residence to stimulate the "Red Party." Accusations made against Ms. Hall were on completely different

¹⁴ "House Anti-Red Group Assailed: Plank Calling for End of Committee Given Young Democrats' OK at Parley." *Milwaukee Journal*, 26 March, 1961, 30. Reprinted in *A Collection of Editorials and Resolutions in Opposition to the Un-Activities Committee*. (Los Angeles : National Committee to Abolish the Un-American Activities Committee, 1962), 39; this statement was part of the platform approved by the Milwaukee Young Democrats State Convention.

¹⁵ Austin G. Wehrwein, "17 Pickets Are Seized at the House Hearing in Chicago." *New York Times*, 26 May, 1965, 29.

¹⁶ Wehrwein, "39 Held in Melee at Red Hearings," *New York Times*, 28 May, 1965, 36.

¹⁷ Hall, personal interview; these facts were listed in her own notes on the case.

grounds. Yolanda Hall was the Chairman of Unit 9 of the League of Women Voters of Chicago in Austin where she resided at the time. The League was primarily working for racial integration of the Austin community. There was a battle in the community over the practice of keeping African Americans from owning homes in the neighborhood. “The United Property Group (UPG) in Austin was in favor of upholding residential segregation,” recalls Ms. Yolanda Hall, whereas she and the League were against such a practice, favoring integration instead. And so, when “the head of the UPG publicly boasted my name,” it wasn’t a surprise that “I was sent to HUAC as a red.”¹⁸

“On May 15, 1965, a federal agent came up to me and handed me a subpoena from the U.S. Congress.....it couldn’t be ignored,” recalls Yolanda Hall.¹⁹ Yolanda Hall soon found out that Dr. Stamler had been subpoenaed as well. They met to discuss what to do, keeping in mind what they knew of others’ experiences with HUAC. Both Stamler and Hall were involved in exciting, cutting-edge cardiology research. Fighting HUAC would mean putting their careers and reputations on the line.²⁰ They contacted Dr. Stamler’s friend, attorney Arthur Kinoy, who best describes the course of events in his book, *Rights on Trial*:

“He [Stamler] sounded a little pressed over the phone. ‘Arthur,’ he said, ‘I’ve just been served with a subpoena from the House Un-American Activities Committee....I’ve got to talk to you. What am I going to do?’ I was stunned. Although I had known that HUAC, that Cold War instrument of repression, was coming back to life as opposition to the Vietnam War grew all over the country, this was the first time in years it had touched me so closely. Jerry Stamler once again invoked in me the deepest responsibility of a people’s lawyer, to be there at the moment of crisis and to think through, along with the people involved the strategic direction to take. So we met, and out of our discussion emerged a whole new approach to the seemingly endless struggle against the Committee.”²¹

Even though Stamler and Hall were unsure of what their procedural approach would be, they were both certain of one thing: they were going to fight HUAC. Dr. Stamler declared, “I take this serious

¹⁸ Ibid

¹⁹ Ibid.

²⁰ In a telephone interview with Thomas Sullivan, one of the attorneys, conducted on May 20, 2005, I learned that Stamler was in fact placed on an indefinite leave of absence for a portion of the time that the case was under discussion. Ultimately, though, the Board of Health supported him, and he and Ms. Hall both kept their jobs.

²¹ Arthur Kinoy, *Rights on Trial* (Cambridge: Harvard University Press, 1983), 298.

Kinoy worked in the legal field for five decades. He faced HUAC on numerous occasions, most notably in this case and in an appearance before Joseph Poole, HUAC’s last chairman, during which Kinoy was dragged from the courtroom by law enforcement officials in the course of proceedings, further underscoring the bully tactics of HUAC.

and important legal step -- on advice of counsel -- in the belief that as a professional man, scientist and public servant I have special responsibilities to my fellow citizens.”²² Yolanda Hall points out, “You have to fight for your rights all the time. There is no time that you can be sure that there won’t be someone coming out and trying to keep unpopular opinions from being debated.”²³

Arthur Kinoy, William Jenner, and Thomas Sullivan, now the official legal team, decided to model their arguments on the *Dombrowski* case, which Arthur Kinoy was arguing as lead attorney. In that case, a civil rights organization’s leaders filed a suit against Louisiana’s Anti-Subversive Committee alleging that the Committee had abused their rights as granted under the First and Fourteenth Amendments.²⁴ The three lawyers chose a similar strategy in *Stamler vs. Willis*, filing a suit against the Act that created HUAC charging that it was unconstitutional because it was overbroad and vague, and claiming that the Committee functioned with no legislative purpose.²⁵ Jenner felt strongly that “committee methods were an erosion of and encroachment upon the Bill of Rights.”²⁶ According to Thomas Sullivan, unlike in the case of the Hollywood Ten, “The 5th Amendment was not even used because then you’re basically saying that you’re guilty, but you will not speak in the hearings.” The best approach as recommended by the lawyers was that both Dr. Stamler and Ms. Hall refuse to testify, which would call into question HUAC’s right to interrogate them in the first place.²⁷ “In other words, we said you prove you have the right to inquire into our beliefs and our associations. If the court says that you have that right, we will come back and testify. Until then we refuse to testify.” Both Stamler and Hall favored this

He passed away in 2003.

²² Quoted in Austin G. Wehrwein, “U.S. Court Bars Suit to Enjoin Un-American Activities Panel,” *New York Times*, 25 May, 1965, 16.

²³ Hall, personal interview.

²⁴ Hall, personal interview. Buhle, 46-47. In 1967, *Dombrowski* and Kinoy came before the Supreme Court and won. The state’s anti-sedition statute was found to be unconstitutional and was struck down.

²⁵ Hall, personal interview.

²⁶ Wehrwein, “39 Held,” 36.

²⁷ Sullivan, telephone interview.

approach because, if successful, it would prevent HUAC from ever again restraining free speech.²⁸

The first of two civil suits against HUAC was filed May 24, 1965.²⁹ Meanwhile, the day of Yolanda Hall's hearing before HUAC arrived. When Ms. Hall was repeatedly asked to testify, her definitive answer to HUAC officials was:

"I tell you that I am now, and I have always been, a loyal American citizen. However, on advice of my counsel I respectfully decline to give any information or testimony or further to cooperate with this committee. I have nothing to hide. I take this position as a matter of principle and conscience in order to test once and for all the validity of the kind of proceedings which have been held here during the past 3 days."³⁰

Dr. Stamler employed a similar strategy, also refusing to answer any of HUAC's questions until the civil suit had been decided.³¹ A direct result of choosing not to speak during the hearings was a charge of contempt of Congress against both Stamler and Hall.³²

HUAC and its attempts to limit people's right to communicate also experienced serious opposition from the public and members of the House. Martin Luther King, Jr., representatives from SCLC, CORE, SNCC, the Women's International League for Peace and Freedom, and students from major Chicago universities were voicing their opinions against HUAC fearlessly. At one point, there were approximately 1000 marchers and 300 people standing in line seeking to view the hearings. The majority of those who demonstrated opposition to HUAC were young people who saw HUAC as a symbol of an evil, malignant regime out to suppress citizens' natural rights.³³ Then in 1966, under intense scrutiny by the House, Committee spokesmen admitted that they had paid large sums of money to friendly "witnesses" who apparently "made a good living inventing memories."³⁴

Through this series of developments, "A breach had been created in HUAC's sanctity; it

²⁸ Hall, personal interview.

²⁹ Charles Nicodemus, "Close Stamler Case; Red-Hunt Era Ends," *Chicago Daily News*, Dec. 22-23, 1973, 1

³⁰ U.S. 89th Congress House Committee Hearings, *Testimony of Yolanda Hall*, v2103, Sec 5 (1965), 547

³¹ A third witness, Milton Cohen, walked out of the hearings and later joined Stamler and Hall in their lawsuit. For more information, see Goodman, p. 463.

³² Dennis D. Fisher, "U.S. Drops Dr. Stamler's HUAC Contempt Charges." *Chicago Sun-Times*, Dec 22, 1973: 12

³³ Wehrwein, "U.S. Court Bars Suit," 16; Wehrwein, "39 Held," 36.

³⁴ Buhle, 46.

remained for activists to widen that breach.”³⁵ The best way to promote activism proved to be communication. According to Ms. Hall, “We were determined to let the entire scientific, academic and professional community know about our case.”³⁶ Consequently, they sent letters to people all over the country and garnered support for their fight against HUAC, as evidenced by petitions signed by attorneys, prominent university faculty members, and other groups which were forwarded to the House of Representatives requesting the abolition of HUAC (see Appendices B and C). They also asked supporters for donations to help pay for the expensive legal battle. The money was raised through the Jeremiah Stamler Legal Aid Fund (see Appendix D), which also passed out thousands of educational material kits to the community.³⁷

Meanwhile, their civil suit was denied a hearing by Judge Julius Hoffman.³⁸ Stamler and Hall’s lawyers appealed the case, and the Seventh Circuit Court of Appeals determined on August 5, 1969, that “the Congress has no more right, whether through legislation or investigations conducted under an over-broad enabling Act, to abridge the First Amendment freedoms of the people, than do the other branches of the Government.”³⁹ Although another appellate panel ruled against Corcoran, HUAC had suffered a series of blows from which it would never fully recover.⁴⁰

Despite changing its name in 1969 to the House Committee on Internal Security⁴¹ and including an African-American member to combat its anti-civil rights image,⁴² it was to no avail. By 1974, the House of Representatives disbanded the committee voluntarily. The demise of

³⁵ Buhle, 47.

³⁶ Yolanda Hall, personal interview.

³⁷ Some petitions as well as the appeal for donations are reproduced in the appendix from Yolanda Hall’s scrapbook, which she kindly shared in the course of my interview with her.

³⁸ Judge Hoffman claimed that House members were granted immunity from any sort of legal challenge under Article I of the Constitution; since HUAC was meeting under the auspices of the House of Representatives, the hearings were supposedly not subject to judicial review. Judge Hoffman would later gain notoriety as the presiding justice in the trial of the anti-Vietnam War protesters who disrupted the Democratic National Convention in Chicago in 1968.

³⁹ *Stamler v. Willis*. Nos. 17406, 17407, United States Court of Appeals for the Seventh Circuit, 415 F.2d.1365; August 5, 1969. This excerpt also appears in the advertisement requesting money for the legal defense (Appendix D)

⁴⁰ Buhle, 48.

⁴¹ “Un-American by Any Name.” *New York Times*. 14 Jan, 1969, 33. Also, Marjorie Hunter, “Unit on Un-American Activities Gets A New Name in House Vote.” *New York Times*. 19 Feb, 1969, 20.

HUAC was a clear victory for Dr. Stamler and Ms. Hall, whose civil suit became moot,⁴³ as well as for all activists who had agitated against it. Many liberals in the 1940s and 1950s had stated that the communists and Committee members “deserved each other,” criticizing those who refused to “name names” when requested to do so by the Congressional Committee.⁴⁴ They had generally not challenged HUAC’s right to exist. Stamler, Hall, and the legal team representing them in the fight against HUAC “won back the right to use the First Amendment for free speech.”⁴⁵ This underscores the importance of activists like Dr. Stamler and Ms. Hall, who put their careers and reputations on the line for the right to communicate one’s beliefs. As Ms. Hall reflected in the course of my interview with her, “HUAC was a widespread virus and we just happened to encounter one part of it. It [repression] can take different forms at different periods. You have to be prepared for a long fight.”⁴⁶ Watering the tree of liberty necessitates constant vigilance to ensure that the freedom to communicate one’s ideas is protected.

⁴² Marjorie Hunter, “House Anti-Red Committee Gets A Liberal Infusion.” *New York Times*. 23 Jan, 1969, 21.

⁴³ Sullivan, telephone interview.

⁴⁴ Buhle, 48.

⁴⁵ Buhle, 45. I shepardized *Stamler v. Willis* at the county law library to see if the case had served as a precedent for other cases. Only a few references to the case were made. I also asked Thomas Sullivan about this, and he was not aware of any notable court cases that utilized *Stamler* in their argumentation. However, it is notable that the House of Representatives has not pursued such tactics of public pestering despite more recent threats to national security. In that sense, Stamler and Hall were successful in defending people’s right to free speech.

⁴⁶ Hall, personal interview.