ARCHIVAL ADVENTURE ALONG THE FREEDOM OF INFORMATION TRAIL: WHAT ARCHIVAL RECORDS REVEAL ABOUT THE FBI AND THE UNIVERSITIES IN THE MCCARTHY PERIOD

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ABSTRACT: Two events that occurred toward the end of 1986 serve to remind us that a fully informed citizenry is one of the most important antidotes to tyranny. The first was the publication of Ellen Schrecker’s book No Ivory Tower: McCarthyism and the Universities which casts considerable doubt on the view that American universities were bastions of free inquiry. The second was, of course, the revelations associated with the “Contragate” scandal. In each instance the public was made aware of the abuse of governmental authority by the illuminating power of the written documentary record.

This article discusses several specific instances of abuses of public power that involved a questionable relationship between the Federal Bureau of Investigation and various universities during the McCarthy period. It is a slightly modified version of a paper presented at a session entitled “The Archives of the Second American Red Scare: Sources, Issues, and Reflections” at the Forty-ninth Annual Meeting of the Society of American Archivists in Austin, Texas, on November 1, 1985.

The research that this article is based upon was made possible by obtaining, through recourse to the Freedom of Information Act, copies of pertinent records of the Federal Bureau of Investigation. The necessary documentation was obtained with considerable difficulty.

The cases examined in this article should help to underscore the notion that archivists have an ethical and civic obligation to support the right of citizens to as free access as possible to public records and an equally important responsibility to discourage the imposition of unduly restrictive conditions of access on records held by private organizations.

Archivists might find it interesting to see something of the problems — substantive, ethical, professional — generated by an attempt to conduct research
on a problem whose intractability arises not so much because of conceptual difficulties as archival. The research has to do with the relations between the chief domestic investigating agency of the United States government — the Federal Bureau of Investigation — on the one hand, and many of the country’s leading universities, on the other, during the McCarthy period and the Cold War. Those relations were a matter of dispute as events of history, and they remain a matter of dispute as the subject of historiography. It is not unreasonable to suppose that to some extent the contentiousness with which the subject is invested might be reduced by examining documentary evidence which would have the salutary effect of telling us what we do not know now about those events of the McCarthy period. It was with that thought in mind that this research began — with an attempt to exploit documentary materials that had only recently become available and that promised to shed light on dark corners of our recent history.

On May 16, 1977, I wrote my first letter to the FBI requesting, under the Freedom of Information Act, certain documents relating to these matters. The calendar of correspondence between the FBI and me has now reached 1,700 letters. That figure does not include the number of documents that I have received, the number of letters exchanged with other agencies of government (such as the State Department, the CIA, and the United States Information Agency), or with private organizations, such as universities, whose archival holdings, suggested by clues contained in the FBI documents, turned out to be indispensable, nor the very large number of letters that had to be written in connection with bringing a suit against the FBI in the federal courts in an effort to force it to make more documents available and to make them available in a less expurgated form. The progress of the research has been painfully slow, and there is no doubt but that, especially in the last three years, government authorities have made the use of the Freedom of Information Act as a tool of historical research even more difficult.

How to respond to government attempts to continue the secrecy with which it acted during the McCarthy period by keeping the documentary record of its activities secret from researchers presents serious professional, civic, and ethical problems. What should be the response of the professional organizations of librarians, archivists, historians, and social scientists to the U.S. government’s refusal to release records, or to release them in expurgated form, or, even worse, to prevent their release by shredding them? Standing above these professional interests are even more important ethical-political issues. What are we to make of the view that holds that the records of the government of the United States are not the property of its citizens? Or the view that contends that in balancing the right to know with the protection of sources of information, the scales should always be tipped in favor of maintaining secrecy, especially when this position conceals the government’s own illegal acts as well as those of private persons and organizations in activities that the public did not then know occurred and still does not know? Or the view that, in effect, government officials are not accountable for their behavior because those to whom they should be accountable have no right to see the records from which an account of their activities can be reconstructed?

In short, efforts to use the Freedom of Information Act have created difficult problems that are both time-consuming and costly to solve. But the efforts have also resulted in many discoveries.
Consider, for example, what government records have revealed about the effect of FBI activities on academic freedom. Even a few examples will suggest how widespread FBI activities were, how much they depended upon the use of secrecy and informers, how close was the cooperation between university authorities and the FBI, and how selective leaking of information from its files by the FBI made it the most important agency in the establishment and operation of the McCarthy-period blacklist.

On March 26, 1953, in a memorandum to twenty-three FBI field offices, FBI Director J. Edgar Hoover instructed the Special Agents in Charge (SAC) of those offices to conduct an immediate survey of the "subversive information available concerning persons connected with fifty-four enumerated colleges and universities." These included: Bennington, Cornell, Syracuse, Johns Hopkins, Maryland, Boston University, Dartmouth, Harvard, Mount Holyoke, MIT, Smith, Wellesley, New Hampshire, Buffalo, Rochester, Duke, North Carolina, Northwestern, Chicago, the University of Illinois at Chicago, Antioch, Ohio State, Colorado, Michigan, Wayne State, Cal Tech, San Jose State, Stanford, UCLA, Southern California, Fisk, Wisconsin, Minnesota, Princeton, Rutgers, Upsala, Yale, Tulane, Brooklyn, CCNY, Columbia, Hunter, Long Island, NYU, Sarah Lawrence, Carnegie Tech, Penn State, Temple, Pennsylvania, Reed, Contra Costa Junior College, Berkeley, Washington, the University of Illinois at Champaign-Urbana, and Howard. The names of those to be investigated were taken from the Security Index, a list of those to be arrested and imprisoned in the event of an emergency; pending security case files; and "any confidential informants and established sources which might be expected to have such information concerning persons connected with these institutions . . . ."

Hoover insisted that individuals were being investigated, not institutions. How one could investigate university employees without investigating universities or "all suspected Communist subversives" without inquiring into "the extent of Communist infiltration" was not explained, but SACs were specifically "cautioned not to make any contacts which might give the impression that the Bureau is conducting any such investigation of institutions of higher learning." 1 Not even Bureau informants should receive the impression that "institutions of higher learning" were being investigated.

Let us look at what happened at one of these universities, the University of Colorado. 2

On July 19, 1954, U.S. Attorney General Herbert Brownell, Jr. wrote to Hoover:

I am attaching a letter from the Commissioner of Education of Colorado to the U.S. Commissioner of Education [Samuel Brownell, Herbert Brownell's brother], which you and I discussed briefly this morning. If you conclude that a modification of the policy of giving certain information to the Governors of the various states, as a service to them, is called for at least as to educational officials, will you please advise.

The details of the investigation of the University of Colorado throw light on the contrast between the secret FBI practice of releasing information from its files and its publicly proclaimed policy that it never did so except under explicit orders from the President or the Attorney-General. Hoover reminded Brownell that he had informed him of the existence of "our Responsibilites [sic] Program" on December 2, 1953, and recommended that no changes be made
in the program despite the representations of the Colorado Commissioner of Education. "You will recall," Hoover wrote Brownell, "that the program was initiated at a meeting I had on February 12, 1951, with a committee of the National Governors Conference headed by Governor Frank Lausche of Ohio," a meeting called at the behest of the governors. An agreement had been worked out in view of the governors' request that "responsible officials of state governments should have knowledge of dangerous Communists and other subversives employed in state and municipally operated institutions. . . ."

About whom and to whom was such information to be provided? It was to be provided about persons "considered dangerous to the internal security of the country," who were listed on the Security Index, and who were employed by any state, municipal or local government, public school system, or public utility. The information was to be "volunteered orally to the Governor" or, "if circumstances require, to some other high level state official."

Hoover indignantly refused to consider any alteration in the practice as it affected teachers:

I have thoroughly considered the question of modifying our Responsibilities Program to the extent that no information would be disseminated regarding dangerous Communists who are employed in the public school systems of the various states. In my opinion, Communist infiltration of the public school systems would present a most serious threat to the internal security of this Nation. Teachers who are Communists are in an excellent position to slant the attitudes of many of their students toward at least a tolerance of Communist ideals.

He ended with a characteristic slap at the Colorado Commissioner: " . . . it would appear that he is more concerned with the rights of certain teachers with alleged Communist sympathies than he is with protecting the children of the State of Colorado from the influence of Communist instructors . . . . Unless advised to the contrary, there will be no change in our present policy." On the same day he wrote to Brownell he had received a lengthy memorandum from L.V. Boardman, a high FBI executive, that throws light on the background of the FBI's Responsibilities Program and Dissemination Policy, on why the Colorado issue had arisen in the first place and caused the intervention of the brothers Brownell, and on how the FBI responded to what it felt was a challenge to its authority by impugning the loyalty of its challengers. First to concern Boardman was the Colorado commissioner; he had been "critical of alleged Bureau procedures in furnishing information to governors . . ." and he was, therefore, fair game to be investigated himself. He was investigated, but all that turned up in the FBI files was that he was a Mormon and formerly resided in Salt Lake City. As for the Attorney-General's "apparent inclination toward modifying the Program," Boardman reported that the Executives' Conference of the FBI had voted to retain the present policy "because it furnished a weapon of harassment of the Communist Party and aided in stopping infiltration of public and semipublic organizations by Communists. Communist infiltration and control of educational systems would present a serious problem with regard to the internal security of this country." Boardman strongly recommended that FBI policy not be modified "in regard to educational officials or in any other manner."
But what was it precisely that the Colorado commissioner wanted to know? He had written to the U.S. Commissioner of Education, Samuel Brownell, that Colorado Governor Dan Thornton had passed on information to the State Board of Education about the loyalty of certain teachers. Thornton had said only that he had received the information from one of the “official investigating agencies of our government,” but it was widely believed to be the FBI. Moreover, the Colorado commissioner had learned from school officials in other states that a pattern had emerged: “... FBI data goes to the Governor, the Governor transmits the information to the local school systems.” If this were true, “there is something ominous about this procedure.” But was it true? And so he asked: 1) Does the FBI “pass on unevaluated information (or any other information for that matter) to governors or other official agencies of government?”; 2) Does government policy “permit any investigative agency to give this information to any but the President or the Department of Justice?"; 3) Does the FBI investigate a “school system or other governmental agency” without notifying the executive officers of that agency?

He wanted to cooperate with the FBI, but “not at the expense of intimidating and frightening teachers or trampling over individual rights,” and he commented, according to Boardman, “that many people are beginning to wonder if the FBI is getting into the role of a gestapo.” He was especially disturbed by the fact that many of the statements passed on to the governors “merely contained unverified, derogatory information and that no one will come forth to authenticate the statements.”

The Colorado commissioner was a stubborn man. He wrote on September 16, 1954 to Hoover himself. His persistence may have been fed by a series of articles and editorials in the Denver Post on the systematic leaking of information from FBI files to the governors of a number of states. The editorial of September 23, 1954 declared:

Now we believe that what appears to be a trend toward secrecy in evidence of guilt, or imputation of wrong-doing ... is dangerous ... . We think the deadly and anonymous reports that have fallen so mysteriously upon the desks of governors, attorney generals and school administrators come perilously close to what Justice Black described as “pseudo bills of attainder ... .” What has happened to teachers in Colorado, Utah, New York, Illinois, California and perhaps other states challenges our historical Anglo-American concepts of due process and just treatment.

Would the FBI be forced to reveal that it had two policies — a public policy and a contrary private policy? Revelation of the discrepancy would have been damaging to the agency. Fortunately, it had friends who would help keep its secrets.

On October 11, 1954, Assistant FBI Director Louis Nichols wrote a memorandum to Hoover concerning the tension building in the National Education Association. An official of the NEA, Glenn E. Snow, Assistant Secretary for Lay Relations, had called him to say that “he had some information in his possession he didn’t know what to do with.” Nichols had run a check on Snow and had determined that he had been in touch with Hoover in early 1953 to pose “several problems concerning subversive tendencies of members of the teaching field which confronted the National Education
Association and requested assistance from the Bureau.” How could the NEA help the FBI in tracking down subversives? Hoover told him “to check with numerous congressional studies, the Chamber of Commerce, and American Legion.” He had been satisfied with the advice he had received then, but now he had a new problem — the restiveness of members of the NEA upon learning that FBI information was being leaked about teachers; specifically, that the Colorado chapter had been given information “concerning the Communist affiliation of school teachers through the Colorado Attorney General’s Office,” which had obtained it from the governor who, in turn, had obtained it from the FBI:

A representative of the Colorado Attorney-General’s Office, in passing this information on, reportedly stated that the information had come from the FBI, but that if he were ever confronted or accused of divulging this fact he would deny it. Five of the eleven Western states reportedly obtained information in a similar manner . . . .

He made an appointment to see Assistant Director Nichols at 3:00 p.m. on November 4, 1954; that morning, Nichols wrote Hoover concerning what he would tell Snow about FBI policy:

I do not think that we should advise him of the Responsibilities Program . . . . I will take the position that . . . we simply do not disclose the contents of our files to other than authorized persons . . . . We are checking our files on Snow, but I do not see how we could possibly admit to him the background of the Responsibilities Program . . . .

Nichols’s memorandum bears the following notations: “I agree,” by Clyde Tolson, Hoover’s chief assistant; “I concur,” by Hoover himself.

Following his interview with Snow, Nichols wrote to Hoover on October 11, 1954 about what he had actually told Snow. He had admitted that the FBI knew the names of the suspect Colorado teachers, and “I could tell him in confidence that there was considerable substance, enough to make inquiry.” But the information in the files was confidential. When he was asked if the FBI “did not ever give information” to state and local authorities, including the governor, he had assured Snow that this was done only in “problems of mutual interest . . . not within our jurisdiction, such as a crime being committed . . . .” Nichols hoped the situation would “never be pressed to the point where to defend” itself from unfair charges of leaking information, the FBI would feel “required to make a full statement of what is in the file which would, of course, cause considerable grief because the public simply was not prepared to take some of the shocking things that come to our attention.” Snow agreed: it had been a mistake for the Colorado teachers to allow the press to get wind of the situation, and he would certainly so advise them.

The public image of the FBI depended upon such evasion and deceit. How masterful Nichols’s presentation was in that respect may be seen from a telegram sent by the Denver field office to FBI headquarters on November 8, 1954, in response to a request from Washington as to exactly what information the Denver SAC had given Governor Thornton about the Colorado teachers. The Denver SAC had given Thornton information about eight cases: one woman had already left her employment at the University of Colorado and one
employee (not a teacher) had left because of a reduction in force, so there was no need to give the Governor more information concerning them. Four persons had had their contracts cancelled by local boards of education and were no longer teaching in the Colorado system. Then came the chilling conclusion:

All information furnished by Denver office this matter to Governor of Colorado was subsequently referred by Governor to Attorney General Duke Dunbar who in turn furnished it directly to School Superintendents and President University of Colorado. No hearing were [sic] held by the Governor or Attorney General . . . AG Dunbar was asked by School Board to act as counsel for Board in event of hearings and he affirmed willingness to do so, however, was never called upon since no hearings held.

The tactics used by the FBI in the Colorado case — to leak information in its files to authorities who then fired the alleged subversives — was one component of the method by which it recruited informers and established the blacklist of teachers and others. That method is graphically illustrated in a letter to J. Edgar Hoover from the Baltimore SAC, February 5, 1953:

... information concerning [name deleted] was furnished to [name deleted] on 12/2/52. Subsequently, [name deleted] Office advised that they are going to attempt to develop [name deleted] as an informant by pointing out to her that if she did not cooperate with them, she would undoubtedly lose her employment [few words deleted] . . . On February 2, 1953, [name deleted] advised SA [Special Agent — name deleted] orally that his investigators had in fact attempted to develop [name deleted] as an informant, but that she had absolutely refused to talk with them . . .

The FBI’s practice was to interview a suspected subversive prior to leaking information to a governor. The results of the interview determined what happened later. The paradigmatic example is represented in an inter-office memorandum from one high-ranking FBI official to another:

The San Francisco Office on January 2, 1953, requested authority to furnish information concerning the subject to [name and title deleted] . . . .

San Francisco advised that the subject stated that he had no additional information to furnish with regard to his past activity and that another interview would serve no purpose. San Francisco recommended that the subject’s name be retained in the Security Index. Also . . . it is recommended that we authorize the SAC at San Francisco to orally furnish certain information concerning the subject to [name deleted] . . . .

Alleged “subversives,” in short, were offered the choice between losing their jobs if they refused to cooperate, or becoming informers.

When a San Francisco “subject” proved unwilling to “talk to the agents” during his interview, information concerning him was given to an officer of an organization “in view of the fact that the subject may seek employment” there.

Of crucial importance in the development of the blacklist and the purge of alleged “subversives” was the relation of the FBI to congressional committees. On February 11, 1953, Assistant FBI Director Nichols sent a memo to Clyde Tolson, Hoover’s chief aide:
Robert Morris [chief counsel to the Jenner Committee] stated the Senators were very happy over their hearing yesterday with reference to the teachers. Morris would like to have another hearing some time week after next and would like to get hold of a good case at Bennington College, Sarah Lawrence College and Harvard. He wondered if we could give him any leads. I told him we would give some thought to this.

I asked Morris whether he had given any thought to Professor [name deleted] Cornell University. He thought this was an excellent idea and would do so. I further asked him whether he had given any thought to [name deleted] whose maiden name was [name deleted] and who, as I recalled, joined the Party at Sarah Lawrence College. He thought this was an excellent idea and would give it consideration.

I told Morris we ought to really concentrate on Professor [name deleted]. He stated he thought this was worth-while and would do it.

I think if we could get a good Communist Party professor at Harvard, Sarah Lawrence and Bennington, this would be a worth-while venture.

At the bottom of the memo, J. Edgar Hoover wrote: "Yes. Help if we can. H."

Instructions were sent to three appropriate field offices to provide the help the Jenner Committee wanted. Disappointingly, Bennington College had no professors on the Security Index. Harvard had six, but only two were felt to provide the "good case" the Committee wanted. Even then, "Investigation [has] not developed actual proof of [their] Communist Party membership although it has indicated that [they had] identified [themselves] and lent [their] names in support of Communist Party sponsored programs and front organizations . . . ." A few days later, at Morris's request, Nichols provided additional information on still other faculty members.

It is clear that the FBI leaked information from its files to congressional committees and that Hoover was aware that it did so. Hoover, however, suggested otherwise in a memorandum he sent to his aides Clyde Tolson and Louis Nichols on April 16, 1954:

On April 15, 1954, I saw Mr. Ralph McGill, Editor of the "Atlanta Journal" who was in town attending the annual meeting of the American Society of Newspaper Editors. He called to pay his respects.

During his visit I outlined to him some of the problems faced by the FBI in the handling of security matters and stressed the fact that the FBI did not evaluate information which it procured and forwarded to other Government agencies, and I also took the occasion to point out to him the confidential character of the FBI files and the fact that access to them was not had by members of Congress or Committees of Congress, notwithstanding some of the public statements which had been made by certain members of Congress.

Collaboration Between the FBI and Academic Institutions

Analysis of these records makes us aware of another problem, largely ignored by historians of the McCarthy period and of higher education — the existence of a set of institutional connections between government and universities that casts a dark shadow over the view that the risk to academic freedom came solely from an insidious FBI that pried secrets from an embattled and reluctant academic community. If academic freedom was jeopardized — and it was —
it was in large part because the leaders of the academic community gave up their autonomy, not because it was taken from them. Moreover, the Universities' sacrifice of their autonomy was carried out with as much secrecy as the FBI's attempt to compromise it. In short, universities were not always the unwilling victims of FBI misbehavior; they were often accomplices.

On December 16, 1953, for example, Dr. Buell Gallagher, president of the City College of New York, was interviewed by an FBI agent in his office at his own request. A memorandum to Hoover of December 22 reported the results of that interview. Gallagher wanted help from the FBI in rooting out subversive faculty members who were responsible for the "adverse publicity" CCNY had been receiving ever since secret hearings had been held by Congressional investigating committees. Four CCNY professors had been forced to resign, but as Gallagher told his FBI interviewer, "he still believes there are other professors at the College who might be suspect and that he had been approaching every avenue of information in an effort to determine whether or not those people he suspected should be asked to resign." By January 15, 1954, he was required to submit an affidavit to the New York Board of Higher Education to the effect that he knew no CCNY professor to be a member of or affiliated with the Communist Party. He said he had "cooperated closely with the Jenner, McCarthy, and Velde Committees," that he had had their cooperation in the hunt for subversives, and that he "had spent considerable time looking into the background and reading articles, papers, and books" by suspect professors. But he had not been able to turn up conclusive evidence of their Communist connections. Would the FBI "come to his assistance and supply him, possibly on a confidential basis," with information concerning suspected professors? He wanted the FBI to know that he would treat such information with complete confidentiality.

Thus ended the interview, but not the relationship or the flow of information. The New York SAC called Hoover's attention to a letter of April 24, 1953, listing the names of professors in New York City who were or should be on the Security Index, including a number at CCNY. "... The Bureau may desire, under its Responsibilities Program," he said, "to make this information known to Governor Dewey who may in turn make this information available to Dr. Gallagher or some other administrator of City College of New York." Hoover was responsive to the suggestion; On January 8, 1954, he replied that the names of all CCNY employees on the Security Index should be "disseminated under the Responsibilities Program." On January 19, the New York SAC notified Hoover that "all Security Index subjects who were formerly employed at CCNY, are no longer employed there in any capacity." New York Board of Education officials, in turn, passed information to the FBI, including, for example, the transcript of testimony and the documentary evidence presented before the Board's Trial Committee at the hearings of suspected Communist teachers. The information was used to supplement what was contained in the FBI's own files and was compared with the testimony of the same persons before the Senate Internal Security Committee in the hope that discrepancies could be found to sustain a charge of perjury.

Consider still another case: The Special Agent in Charge of the Boston office wrote Hoover on June 19, 1950 that "... arrangements have been completed for a most cooperative and understanding association between the
Bureau and Harvard University." Hoover in turn wrote the Boston office on July 31, 1950 that "It is noted from your letter . . . that arrangements have been perfected whereby information of interest will be made available to the Bureau on a confidential basis . . . . This arrangement will be effective in connection with Harvard College and the Graduate School of Arts and Sciences." Whatever the substance of the material was that passed between Harvard and the FBI, the relationship between them was cozy. As the head of the Boston office told Hoover on October 26, 1950: "The Bureau is assured that every precaution will be exercised in connection with this matter . . . . [Name and title deleted] was assured that any contact for the purpose of obtaining such confidential information from Harvard University files, would be on a selective basis and this policy has been closely adhered to."

University Archives as a Potential Source of Information

That the universities themselves colluded with the FBI is supported by records in the universities' own archives. In a report to FBI headquarters dated July 28, 1954, the Boston SAC wrote: "From information provided the Boston Division by other individuals having Harvard Corporation appointments, it appears that Dean Bundy is insisting that former Communist Party members, who now have Harvard Corporation appointments, shall provide the Federal Bureau of Investigation a full and complete record of their activities in the Communist Party and shall at the same time identify all individuals known to them as participating in activities of the Communist Party and its related front organizations."

In the archives of both Columbia and Yale Universities, there is a memorandum of a meeting held in Washington, D.C., on December 8, 1954, of "The Listening Post," a committee of university officers. Harvard was represented by Arts and Sciences Dean McGeorge Bundy. Whether or not this memorandum exists in the Harvard archives cannot now be determined. The minutes of the meeting, prepared by an attorney who was present, confirm the FBI memorandum attesting to Harvard-FBI cooperation in the purging of "suspect" faculty members. The representatives of the seven universities at the meeting met with the staff of the Joint Committee on Internal Revenue Taxation to discuss how they were handling questions of loyalty and subversion. They agreed that 1) no present member of the Communist Party or anyone subject to Communist discipline would knowingly be retained as a faculty member or given scholarships or fellowships; 2) while not in itself a cause for dismissal, use of the Fifth Amendment would precipitate a thorough investigation and review of the fitness to teach of those who used it; 3) "any derogatory information received by the university [was] a basis for an investigation of some sort"; 4) while none of the universities had a regular investigating staff, they "obtained such information as they can from Governmental investigating agencies but [found] this of limited usefulness because of the refusal of such agencies to disclose sources"; 5) a faculty member under Communist discipline or who refused to be "completely frank" with the university investigating board would not be protected by academic tenure. As a result of their investigations, some universities had refused to renew contracts of non-tenured faculty members, some had dropped faculty members with tenure, and some were in the process
of making investigations. In response to the suggestion that the universities' task might be made easier if a non-Communist oath were required — a requirement that "would bring the FBI and the Department of Justice into operations which the universities now have to undertake" — the representatives of the universities disagreed because the FBI and the Department of Justice "are not today following up and prosecuting cases which the universities have already handed over to them under existing law." 1

The FBI records clearly suggested the necessity to examine the holdings of various university archives. Such research led to many discoveries.

The records of the Academic Freedom Project at Columbia University (the MacIver Commission), for example, document the existence of an agreement between the presidents of a large number of colleges and universities in California and the California Senate Committee on Un-American Activities. Under this agreement, reached in the early summer of 1952, the presidents promised to appoint "a contact man" at each university to watch out for "subversion" and report to the Committee. In the words of President Lynn White of Mills College: "... the matter of preventing Communist infiltration was obviously so important that no less [a] person than the president himself should serve as liaison between the institution and the [Burns] Committee, and I appointed myself in this capacity." According to President Robert G. Sproul of the University of California, "communications" between the universities and the Committee needed to be improved "for the purpose of making information in the Un-American Activities Committee files available to the educational institutions . . . ." To that end, liaison officers to the Committee were appointed on each campus; they were "in each case the chief administrative officer of those universities . . . ."

In the papers of President A. Whitney Griswold at Yale, there is a letter dated March 23, 1953, from Yale attorney F.H. Wiggin, reporting the testimony before the Jenner Committee of Richard E. Combs, counsel to the California committee. Approximately "100 teachers have been dismissed" in California, he said, "and more than 100 teachers have been prevented from gaining tenure . . . . There was emphasis," Wiggin concluded, "on the advantages of prior screening as contrasted with the rooting out of Communists after some damage had been done." 1

In fact, Yale had been engaged in such practices for a long time. In 1927, Yale had hired Harry B. Fisher, a Methodist clergyman who had been an undercover operative for Emory Buckner, the United States Attorney for the Southern District of New York, to help enforce parietal rules concerning drinking, drugs, and sexual behavior among Yale students and faculty. The operation was secret; only the president and a few high administrative officials were aware of Fisher's existence and his activities were concealed under the scholarly rubric, "The Committee on Social Research." By the late 1930s, Fisher was no longer concerned with parietal rules; the hunt for aliens and subversives now occupied his attention, so much so that in his annual report for 1943-44 he wrote: "I sincerely hope that when World War III comes along all such alien personnel will be placed in uniform and maintained under strict Army and Navy regulations." In his report to the president of Yale for 1944-45, he recommended that "we . . . organize a greater degree of 'investigative know-how' among the Alumni sponsoring and checking applicants for admission to the University
In quite a number of instances I have discovered both the applicants and their families associated with Communist or Communist Front organizations. Fisher was intimately involved in drawing up the forms Yale University used to provide information to government investigating agencies; he was the university's liaison officer with the FBI in New Haven; and he himself approved or disapproved applications for employment. Despite the sensitivity and the importance of the work Fisher did, despite the fact that he was on the Yale staff from 1927 to 1952, his name will not be found in any printed document relating to Yale University, nor will references to him be found in any history of Yale, including the magisterial work of Professor George W. Pierson, former chairman of the Yale History Department. The story of Fisher's activities must be constructed from the records in the Yale archives.

At least Yale will grant permission to use its archives. That is more than can be said of Harvard. Harvard University, whose motto is "Veritas," is the most restrictive I know of in respect to the use of its official records. Official records of the university are sealed for a period of fifty years, a policy more stringent than that followed by the FBI or the Official Secrets Acts of many governments. Despite pleas by many scholars, Harvard reaffirmed its policy a few years ago on the very day that certain papers of Harvard President Abbott Lawrence Lowell, relating to the Sacco-Vanzetti case, were officially opened — fifty years after the execution of Sacco and Vanzetti.

I first requested permission to use the Harvard archives in 1977 and was told, as were a number of other scholars, that the rule closing Corporation records for fifty years would not be set aside. But I wanted to get to the bottom of what the FBI called the "most cooperative and understanding association between the Bureau and Harvard University," and on a number of occasions I wrote to Harvard President Derek Bok asking him to modify the university's position on access to its archives. He refused, and when I asked for permission to quote from his letters of refusal, that, too, was refused.

In the secrecy of Harvard University, the institution which so many thought was a great bulwark of intellectual freedom, we see some powerful reasons for the dangers which overcame us in the 1950s, and still threaten us.

Harvard University, as a private institution, of course has the right to restrict access to its records. I should think, however, that archivists, as a professional collegium, have a responsibility to discourage the imposition of unreasonable restrictions on access to records held by private institutions, and I would contend that Harvard's fifty-year closure policy is a prime example of just such an unreasonable restriction.

Conclusion

I have examined here in some detail several representative cases of serious abuses of public power that occurred during the McCarthy period. These abuses only came to light after I was able, with much difficulty, to obtain copies of pertinent archival records that documented the abuses. I offer these cases as compelling evidence that the current debate about what "freedom of information" means and about the right of U.S. citizens to have free access to the archival records of their own government is not a debate over mere abstract principles. Rather, it is a debate over the very specific question of whether
citizens have the right to know that public officials, paid with public monies and acting in a public capacity, have engaged in illegal activities that violated the rights of citizens and were harmful to them in still other ways. It seems to me that archivists, as custodians of the records of our times, have an ethical obligation to support the freest possible public access to public records.

To be sure, there are legitimate questions that concern the use of records in archives. For the most part, these involve the identity of persons named in the records. The purpose of historical research is not to pronounce doom on people by embarrassing them or punishing them, but, by reconstructing the record of the past, to help us learn something about ourselves by seeing what we once were capable of doing and what we did not do that we should have done. The issue of privacy can easily be solved. What cannot be solved is how to write the history of institutional behavior and policy when access to the pertinent records is denied. We do not expect to encounter George Orwell's "memory hole" in organizations whose ultimate justification is that they stand for freedom of inquiry and make it possible.

Twenty years ago Professor Otto Kirchheimer wrote: "One might nearly be tempted to define a revolution by the willingness of the regime to open the archives of its predecessor's political police. Measured by this yardstick, few revolutions have taken place in modern history."27

It should be enlightening, even inspiring, for archivists to know that their responsibility extends far beyond the custody and maintenance of records. It is no exaggeration to say that they are charged with the custody of the republic itself.

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NOTES

1. The FBI records referred to here were obtained as a result of requests filed under the Freedom of Information Act and a suit in the Southern District of New York of the U.S. District Court to compel the FBI to provide uncensored copies of the documents I had requested. To conserve space, the documents will not be referred to by their FBI serial numbers, but all will be identified in the text by author, recipient, date, or some other distinguishing characteristic. This document is described more fully in Sigmund Diamond, "The Arrangement: The FBI and Harvard University in the McCarthy Period," in Beyond the Hiss Case: The FBI, Congress and the Cold War, ed. Athan G. Theoharis (Philadelphia: Temple University Press, 1982), 341-71. Most of the documents cited are to be found in the Main Files at FBI Headquarters, Washington, D.C. under the following subject headings: Communist Infiltration into Education — Internal Security; Communist Infiltration into Education — Harvard University; Ibid. — University of Colorado: Dissemination Policy: Responsibilities Program.

2. A more detailed discussion of this episode may be found in my essay on the FBI's "dissemination policy" — its term for its policy of leaking documents from its own files — in Maurice

3. Memorandum to the Members of The Listening Post, Report of December 8, 1954, Meeting with Staff of Joint Committee on Internal Revenue Taxation, 1-6. Records of the University, Columbia University Files, Low Library, New York, New York. The same document may be found in the A. Whitney Griswold Papers, Box 1: Sturgis Warren to F.H. Wiggin, Dec. 16, 1954, Yale University Archives, Sterling Library, New Haven, Conn. I am greatly indebted to the Columbia and Yale University authorities for access to this and other documents.

