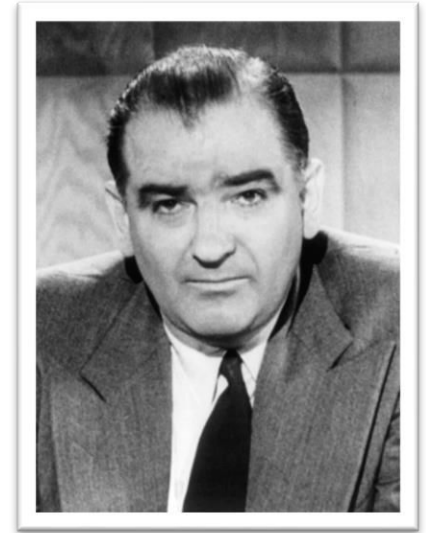


Joe McCarthy's Oversight Abuses

Joseph McCarthy was sworn into the U.S. Senate as a Republican from Wisconsin in 1947 and remained a senator until his death in 1957. During his tenure, he sat on the Senate Government Operations Committee, serving as full committee chair from 1953 to 1955. From 1953 to 1954, he also served as **chair** of its Permanent Subcommittee on Investigations (PSI), a panel charged with investigating and exposing waste, fraud, and abuse in a wide range of government programs. Focusing on Cold War fears of communism and **subversion**, Senator McCarthy became infamous for abusing his congressional oversight powers, spreading disinformation, and acting without regard for individuals' dignity and constitutional rights.



Senator Joseph McCarthy, 1954
(Source: Library of Congress)

McCarthy's Rise to Prominence

Senator McCarthy first rose to prominence in early 1950 when he claimed to have a list of 205 communists who worked in the U.S. State Department. The Senate **Subcommittee** on the Investigation of Loyalty of State Department Employees was formed to investigate his accusations. The committee determined that the nine State Department employees actually named by McCarthy during hearings were not communists and declared the list as “a fraud and a hoax.” However, simply by making the allegations, the relatively unknown senator gained national attention.

Chair: Member who conducts and guides committee meetings.

Subversion: Undermining the power and authority of an institution.

Subcommittee: A subdivision of a larger congressional committee that considers specific issues and reports back to the committee.

He was not the first or only one to assert that spies were operating within the U.S. government. In 1947, President Harry Truman created the Federal Employee Loyalty Program, which directed the FBI to investigate government employees suspected of communist affiliation. Other investigations, such as the hearings examining the so-called “Hollywood Ten” film writers were occurring around this time. In 1951, Julius and Ethel Rosenberg were convicted of **espionage** and executed in 1953, sparking public attention and concern regarding the government's response to the apparent threat of communism.

McCarthyism and Its Tactics

Senator McCarthy's speech about unnamed communists who had supposedly infiltrated the State Department stoked public fears about communism – often referred to as the **Red Scare** – that had already been awakened by the communist take-over of Eastern Europe following World War II, the 1949 communist revolution in China, and emerging communist movements in countries around the world. Senator McCarthy also targeted employees and service-members he claimed to be members of the LGBTQ+ community in the lesser-known “Lavender Scare,” causing numerous government employees to lose their jobs because of their assumed sexual orientation rather than political leanings. In response to Senator McCarthy's actions, Herbert Block published an unflattering political cartoon coining the term “McCarthyism.”

Espionage: The act of spying and gathering secret information, often in the government to obtain political and military information.

Red Scare: The spreading of fear of the possible rise of communism or anarchism.

While some in the Senate opposed Senator McCarthy's tactics, calls to reject McCarthyism did not deter Senator McCarthy from sowing disinformation and suspicion. In January 1953, when the Republicans assumed majority control of the U.S. Senate, Senator McCarthy became chair of the Permanent Subcommittee on Investigations (PSI). He hired the abrasive, 26-year-old Roy Cohn as his chief counsel and instructed him to search for communists in the U.S. government. He began holding both non-public and public hearings with a wide variety of public officials, academics, and private citizens, subjecting many to unfair questions and accusations.

Senator McCarthy's relationship with his PSI colleagues was rocky. He denied other members of the subcommittee full access to the information being gathered, provided inadequate notice of hearings and meetings, and refused to allow subcommittee Democrats to hire their own staff.

Senator McCarthy plowed ahead with several investigations and hearings into the State Department's foreign-language radio station, Voice of America, the U.S. Information Services Libraries around the world, and university professors. In these hearings, he rejected the value of allowing a range of political opinions in a democracy and ignored principles of academic and intellectual freedom.



Herbert Block's cartoon in Washington Post on March 29, 1950 (Source: Library of Congress)

Eisenhower's Executive Order

Senator McCarthy also attacked the military, leading to a chain of events that put him at odds with the Army and President Dwight D. Eisenhower, and that eventually led to his downfall. In August 1953, Senator McCarthy held PSI's first closed-door session investigating the Army. Earlier that year, in April 1953, President Eisenhower had issued **Executive Order** 10450 requiring the reinvestigation of government personnel previously suspected of disloyalty.

Executive Order: A rule or order issued directly by the president that acts as a law.

In response to the Executive Order, the Army intelligence unit reopened investigations into civilian engineers at Fort Monmouth's laboratories who had previously been cleared of charges. Alleging that a communist spy ring was operating at Fort Monmouth, Senator McCarthy questioned several low-level civilian employees in a closed session and exaggerated to the press the evidence obtained. Forty-two Signal Corps employees were suspended, despite an FBI reinvestigation that found no evidence of a spy ring.

On November 6, 1953, Senator McCarthy met with Army Secretary Robert T. Stevens and demanded information about the Army's loyalty boards and investigations in defiance of President Truman's Executive Order requiring such information to be kept secret and President Eisenhower's extension of that order.

Growing Public Attention and McCarthy's Downfall

On March 9, 1954, news broadcaster Edward R. Murrow dedicated his entire evening program, *See It Now*, to condemning McCarthyism and actions taken by the senator. As one of the most trusted journalists in the country, the broadcast drew increased public attention to Senator McCarthy's tactics.

In the days following the broadcast, due to growing factual disputes and claims of bias, the other PSI members voted unanimously to remove Senator McCarthy as PSI chair for the duration of the Army inquiry. Senator McCarthy agreed to temporarily leave the subcommittee.

The Army-McCarthy hearings, which would continue for 35 days, began on April 22, 1954, and the broadcasts garnered an enormous audience of around 20 million. Despite losing his position on PSI, Senator McCarthy used a variety of tactics, some abusing Senate institutional norms, to dominate the hearings. He testified as a witness for parts of six days and attended all the hearings, using his status as a senator to interrupt multiple witnesses by claiming a “**point of order**” — which became a catchphrase throughout the nation. For many Americans, the hearings were their first direct exposure to Senator McCarthy's conduct, and many were shocked to see him attempt to introduce doctored photographs and documents into the record, bully witnesses, and make baseless accusations. By allowing the public to see the hearings in their entirety, as they occurred, PSI members limited the senator's ability to manipulate the facts.

The hearings ended on June 17, 1954, and the report cleared the Army of wrongdoing while noting that the Army should have brought complaints to the full subcommittee when officials felt Senator McCarthy and staff requests had become unreasonable.



*Attorney Joe Welch and Senator Joe McCarthy at the Army-McCarthy hearings on June 9, 1954
(Source: U.S. Senate)*

Point of Order: Inquiring during a debate as to whether the proper rules and procedures are being followed.

Censure: A formal expression of strong disapproval enacted by a majority vote.

Select Committee: Small committee formed for a specific purpose and disbanded afterwards.

Lame Duck Session: A meeting of Congress that occurs after election day, but before the next Congress meets the following January. This term can also apply to Presidents and other elected officials.

Censure of Senator McCarthy

On July 30, 1954, Republican Senator Ralph Flanders of Vermont introduced a resolution to **censure** Senator McCarthy's increasingly offensive conduct. In response, the Senate formed a bipartisan **Select Committee** to Study Censure Charges against Senator McCarthy. Senator McCarthy attacked the committee, calling it an “unwitting handmaiden of the Communist party.” On December 2, 1954, in a **lame duck session** called to consider the select committee's findings, the Senate voted 67 to 22 to condemn Senator McCarthy for conduct “contrary to senatorial tradition,” with all Democrats voting for the measure and Republicans evenly split. In November 1954, elections caused Republicans to lose control of both chambers of Congress, and Senator McCarthy never regained his position as chair of PSI.

The Aftermath

Senator McCarthy's abuse of his congressional investigative powers forced wholesale changes within the Permanent Subcommittee on Investigations. These changes included

requiring authorization of investigations by both the chair and ranking member, allowing minority members to initiate their own preliminary investigations and hire staff, and giving all members full access to all information obtained by the subcommittee.

The Supreme Court warned that in abusing its power to conduct investigations, Congress had encroached on the most cherished of American freedoms including the right to privacy and the freedom of speech, press, religion, and assembly. The Supreme Court also issued several rulings in the 1950s that strengthened the rights of witnesses called before a congressional inquiry. The high court upheld the investigative powers of Congress while holding that: 1) a congressional committee had to state the specific **jurisdiction** and purpose of the committee when attempting to force a witness to share information; and 2) a witness at a congressional proceeding may invoke their right against self-incrimination by merely mentioning the Fifth Amendment.

Jurisdiction: The limits or territory within which authority may be exercised.

Conclusion

In the 15 months that Senator McCarthy chaired PSI, he called over 500 persons to appear before the subcommittee, producing over 9,000 pages of transcripts. By statute, all records pertaining to congressional investigations are sealed for 50 years, so it was not until 2004, that the unpublished McCarthy-era records were unsealed. At that time, PSI Chair Carl Levin and Ranking Member Susan Collins prefaced the release of the records with a joint statement that included the following:

Senator McCarthy's zeal to uncover subversion and espionage led to disturbing excesses. His browbeating tactics destroyed careers of people who were not involved in the infiltration of our government. His freewheeling style caused both the Senate and the Subcommittee to revise the rules governing future investigations and prompted the courts to act to protect the constitutional rights of witnesses at congressional hearings. These hearings are a part of our national past that we can neither afford to forget nor permit to reoccur.

Learn more about Senator McCarthy's oversight abuses:

- [*Congress Investigates: A Critical and Documentary History*, Volume Two, Chapter Six by the Robert C. Byrd Center](#)
- [Investigating Power: Timeline of McCarthyism](#)
- [McCarthy: Power Feeds on Fear \(PBS documentary\)](#)
- [McCarthyism and the Red Scare](#)
- [Sixty-five years ago, a divided Senate was called upon to judge a rogue politician](#)
- [U.S. Senate: McCarthy and the Army-McCarthy Hearings](#)
(includes links to Executive Session Transcripts unsealed in 2004)
- [Levin Center Portraits in Oversight: Joe McCarthy's Oversight Abuses](#)

"Learning by Hearings" is created by the Levin Center for Oversight and Democracy at Wayne State University Law School. All materials are the property of Wayne State University. For more information, contact ljiasinski@wayne.edu

