Two super nations emerged from World War II—the United States and the Soviet Union—and capitalism and communism engaged in a cold war duel to establish dominance. Out of that ideological battle came great changes in United States foreign policy, but significant alterations also occurred in internal American policy in the search for security against communism. One important policy of the era was formalized in the Internal Security Act of 1950, the McCarran Act, and Senator Karl Mundt of South Dakota contributed much more to the forging of this law that bore another man's name than has been ascribed to him.¹

Even before World War II, Karl Mundt had been aware of the dangers he believed "godless communism" posed to the American way of life. He and his wife had arranged to attend a

1. Alan D. Harper, The Politics of Loyalty (Westport, Conn.: Greenwood Publishing Corp., 1969), p. 149, believes the Mundt-Nixon bill was primarily the work of Nixon and cites Robert K. Carr, The House Committee on Un-American Activities (Ithaca, N.Y.: Cornell University Press, 1952), who says that the Mundt-Nixon bill "is the only carefully worked out piece of legislation ever proposed" byHUAC (p. 279) and notes that it can be "presumed" Nixon "played an important part" in writing the measure (p. 230). It appears, though, that the young Nixon was an ambitious Johnny-come-lately who recognized a good thing when he saw it and got his name attached to the Mundt bill to further his political career.
cell meeting in Denver and had subscribed to Communist publications. Armed with this research, Mundt had then made his maiden speech in the House of Representatives "to alert Americans to its dangers ... less than ninety days" after the cell meeting, thus becoming in 1939 one of the earliest and most vociferous spokesmen of the anti-Communist movement.²

In 1945 and 1946, certain events greatly stimulated the anti-Communist movement, which had continued to grow throughout World War II. First, the offices of Amerasia, a journal dedicated to influencing American foreign policy in Asia to one of cooperating with communism, were raided by the Office of Strategic Services (OSS). Representatives of OSS illegally seized evidence that showed that the editor, Philip Jaffee, had illicitly received stolen State Department documents. Then, Igor

² Karl E. Mundt to Bert Conklin, 3 Apr. 1950, Karl E. Mundt Papers, Record Group III, Karl E. Mundt Library, Dakota State College, Madison, South Dakota. Mundt was elected to the House for his first term in 1938.
Gouzenko, an official in the Russian Embassy in Canada, defected and revealed a Soviet espionage ring that included twenty-three Canadian officials. While a few "red-baiters" had used the Communist issue in the elections of 1944, it was not until the elections of 1946, following these spy revelations, that anti-Communists began in earnest to argue that the Roosevelt-Truman administrations were "soft on communism."

To meet this political threat, in March 1947, President Harry S. Truman, who occasionally did some "red-baiting" himself, established a Loyalty Program for all government employees. The House of Representatives Committee to Investigate Un-American Activities (HUAC), of which Karl Mundt had been a member since 1943, accelerated its investigations of potential subversives. HUAC charged, among other accusations, that Gerhardt Eisler operated an illegal passport ring to bring Kremlin-trained espionage agents into the United States. Eisler was convicted of passport fraud and ordered deported to his native Germany. He later fled to East Germany and worked for that Communist government.³

As Cold War tensions heightened and anti-Communist congressmen became more shrill in denouncing Roosevelt and Truman for "coddling" Communists, Congressman Mundt received increasing support in his crusade against American Communists. As early as March 1947, Mundt warned that the public should investigate library and school materials to determine if children were "being victimized by communist propaganda."⁴ By that time, many people were urging that the Communist party in the United States be outlawed, and twelve states had already taken this drastic step. J. Edgar Hoover, FBI director and rapidly becoming "the patron saint of the anti-communist crusade," particularly to members of HUAC, opposed this approach.⁵ He believed outlawry would merely drive American Communists underground and make it more difficult for his agency to control their activities. Not only did this course present constitutional problems, but it could tend to make martyrs of members of the Communist Party of the United States of America (CPUSA).

Influenced by Hoover's thinking, Congressman Mundt decided

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5. Ibid., p. 138.
the answer was forced registration of Communists. Accordingly, in July 1947, he introduced House Resolution 4422, which would require all party members and members of organizations controlled by Communists to register as agents of a foreign principal. Printed materials distributed by members or organizations would have to be labeled as such. This piece of legislation received insufficient support, however, and died in committee. During 1947 and early 1948, in fact, HUAC lost a great deal of prestige and popularity, particularly following its investigation of Communist subversion in Hollywood. After Adolph Menjou, Robert Taylor, and Walt Disney testified that there was massive Communist infiltration in the film industry, leading movie stars like Henry Fonda, Ava Gardner, Myrna Loy, and Gregory Peck denounced the hearings, as did the American Civil Liberties Union, and a movement began in the House of Representatives to put procedural restrictions on the HUAC and its seemingly limitless investigations. 6

As the Cold War became more frigid in 1947 and 1948, though, the debate over domestic security and communism intensified. Early in 1948, HUAC chairman J. Parnell Thomas appointed a subcommittee, chaired by young Republican Congressman Richard Nixon of California, to hold hearings on the “communist conspiracy in America.” Nixon announced that his subcommittee would investigate three questions: (1) did the CPUSA constitute a “real and present danger”? (2) were existing laws adequate to cope with the menace? and (3) in enacting new laws, would the United States “run too great a risk of weakening our own constitutional guarantee of freedom?” He was certain that HUAC reports and J. Edgar Hoover’s thinking answered the first question in the affirmative; there was disagreement on the second; and the Mundt bill of 1947 satisfied constitutional guarantees on the third point by merely forcing Communists to expose themselves as such and allowing public opinion to take care of the problem. 7 Nixon’s subcommittee held hearings on the South Dakotan’s registration proposal, which soon became known as the Mundt-Nixon bill.

Attorney General Tom Clark was a principal witness in the following hearings. He agreed there was a Communist menace

and that publicity, not outlawry, was the answer. But he believed that tightening loopholes in the existing laws, especially the Foreign Agents Registration Act, the Smith Act, and the Voorhis Act of 1940, was the answer. Morris L. Ernst of the American Civil Liberties Union presented the liberal viewpoint of opposi-
tion to registration. While these hearings were being conducted, in February 1948, Czechoslovakia fell to a Communist coup. In April, the HUAC unanimously recommended the Mundt-Nixon bill to the House of Representatives. It contained the following provisions: (1) prohibited activities leading to a totalitarian dictatorship in the United States; (2) provided for loss of citizenship for naturalized citizens convicted of any such activity; (3) denied passports and government employment to members of "communist political organizations"; (4) required registration for members of the CPUSA and Communist-front organizations; (5) made it illegal to become or remain a member of unregistered Communist organizations; (6) denied these organizations use of the mail or radio without labeling the materials or broadcasts as being Communist; and (7) disallowed tax exemptions for these organizations or tax deductions for their contributors.

During the debate over the measure in May, the Democrats did not ask for time to oppose the bill, so the opposition time was allotted to Vito Marcantonio of New York's American Labor Party. Nixon and John S. Wood, a Democrat from Georgia, controlled the support time. A few liberals opposed the measure, but there were not enough of them in the conservative, Republican-controlled House of Representatives of the Eightieth Congress to block the measure. The House passed the Subversive Activities Control Bill by a vote of 319 to 58. The opposition included forty-eight Democrats, eight Republicans, and two American Laborites.

While the House of Representatives debated this bill, Republican presidential hopefuls Harold Stassen and Thomas E. Dewey were sparring in the Oregon primary. They debated the question of outlawing the Communist party, with Stassen taking the affirmative. Although a Gallup Poll showed that 77 percent of the American people favored this action, Oregon voters gave the nod to Dewey. Robert Lusk, publisher of the Daily Plainsman of Huron, South Dakota, telegraphed his congratulations to Mundt for winning this debate, as the South Dakotan was the main spokesman for registration rather than outlawry. Lusk added: "Who is this Nixon whose [sic] trying to horn in on the Lusk-Mundt-Campbell [editor of the Daily Plainsman] Bill. Everyone wants to get in the act." The House of Representatives had just

passed the Mundt-Nixon bill by an almost six-to-one margin, Mundt replied to Lusk, "so we are all very happy tonight and in a generous mood; consequently, we shall not protest the inclusion of Nixon to our sacred circle."  

The Senate of the Eightieth Congress was more liberal than the House, and the Mundt-Nixon bill was allowed to die quietly before Congress adjourned early that summer to permit its members to participate in party conventions and election campaigns. The internal security question promised to be an election issue, however, when ex-Communist Elizabeth Bentley testified before the Senate Committee on Expenditures on 20 July. She told of being part of a spy ring involving government employees who had gathered information for the Soviet Union before and during World War II. HUAC quickly called her to testify, and she, along with ex-Communists Louis Budenz and Whittaker Chambers, implicated dozens of government officials in subversive activities, especially Alger Hiss of the State Department.  

Harry Truman, on the campaign trail that summer and fall, described the HUAC hearings as a "Red herring," referring to the fact that conservative New Deal haters were using the anti-Communist issue as a screen to vent their spleen on the New Deal-Fair Deal administrations. Truman won the presidency in his great upset victory that year, and HUAC declined in popularity. The chairman, J. Parnell Thomas, was indicted and convicted for receiving payroll kickbacks. Then, too, it was assumed that the committee had struck out on the Hiss case, and, except for the persistence of Richard Nixon, Hiss would probably have gone scot-free. But Nixon's tenacity led to Chambers's revelation of the "pumpkin papers." This proved beyond a doubt that espionage had taken place, and this finding resulted in a subsequent rise in the credibility of HUAC. Instead of being terminated as many liberals hoped, HUAC acquired a new lease on life. Karl Mundt ran for the United States Senate that fall and handily defeated his opponent by a vote of 144,000 to 98,000. As he prepared to move to the Senate, he wrote a letter to some of his ardent supporters, the national heads of the American Legion, Daughters of the American Revolution, Disabled American

10. Weinstein's Perjury: The Hiss-Chambers Case is a thorough but controversial story of this spectacular case.
Veterans, Veterans of Foreign Wars, and Knights of Columbus. Although he would no longer be a member of HUAC, he told them, he asked that members of these organizations join in a nationwide letter-writing crusade asking the House of Representatives not to abolish the committee.\(^{12}\)

During 1949, Mundt and his supporters failed to get internal security legislation through Congress, but anti-Communist Senator Patrick McCarran, a Democrat from Nevada, was busy developing a bill that would prove important to Mundt's cause. McCarran, chairman of the Senate Judiciary Committee, wanted to amend the immigration laws to exclude subversive aliens, but he, too, was unsuccessful that year. A number of events in 1949 and early 1950, however, greatly aided the anti-Communists and

\(^{12}\) Letters dated 18 Dec. 1948, Mundt Papers.
their bills. The year 1949 was, as Eric Goldman describes it, one of "shocks." In May, the first Hiss trial began. That August, Communist Mao Tse-tung captured Peking and proclaimed the People's Republic of China. In September, the Truman administration announced that the Soviet Union had detonated an atomic device, thus ending America's monopoly of atomic weaponry. In March 1950, Judith Coplón was found guilty of attempted espionage. Based on Igor Gouzenko's testimony, Klaus Fuchs was convicted, in a British court, of atomic espionage for the Soviet Union while working at the Los Alamos plant and, following World War II, in the British atomic program. Gouzenko's testimony also led to the conviction of Julius and Ethel Rosenberg for atomic espionage. These revelations gave anti-Communists tremendous ammunition in their drive against subversives. In February 1950, Senator Mundt declared that for eighteen years the United States had been "run by New Dealers, Fair Dealers, Misdealers and Hiss dealers, who have shuttled back and forth between freedom and Red Fascism like a pendulum on a cuckoo clock".

Then, too, Joseph McCarthy, Republican senator from Wisconsin, launched his demagogic career in February 1950 and soon outdistanced Mundt, Nixon, William Jenner (a Republican from Indiana), and other early anti-Communists with his "Multiple Untruth" technique. In June 1950 came the "Korean Police Action," a long, drawn-out, frustrating experience for Americans accustomed to winning their wars. All these developments combined to convince many Americans, and a great majority of congressmen, that America was indeed gravely threatened with internal subversion. By mid-1950, even the more liberal Senate could not refuse Mundt's proposals. There was no doubt that some kind of internal subversion laws would pass in 1950; the only question was, what type?

In 1949, Mundt had added another feature to the Mundt-Nixon bill of 1948. This was the creation of a three-member Subversive Activities Control Board (SACB) that would work with the attorney general to determine what people and organizations should register as subversive. The South Dakotan reintroduced his measure in the Senate in 1950, and it was then known as the

Mundt-Johnston-Ferguson bill. Meanwhile, Nixon also introduced the Mundt-Nixon proposal in the House of Representatives. McCarran’s Judiciary Committee reported the Mundt-Johnston-Ferguson measure, Senate Bill 2311, favorably in March by a vote of twelve to one, with William Langer, a North Dakota Republican, the lone dissenter. In April, Senator McCarran introduced his pet project, a bill that would exclude or deport subversive aliens and change the current laws to prevent the naturalization of subversives. A similar measure, the Hobbs bill, was introduced in the House. All of these measures would merge and become the McCarran Act of 1950. Through the spring and early summer of 1950, Texas Democrat Sam Rayburn, Speaker of the House, and Scott Lucas, a Democratic senator from Illinois and Senate Majority Leader, managed to stall the passage of internal security legislation. Congress appeared to be in the mood to adjourn early in the summer for the fall political campaigns, but the fighting in Korea changed all that.\(^16\)

President Truman immediately met the challenge in Korea by sending United States military forces there (without a congressional declaration of war), and the United Nations quickly supported this decision. Truman met with congressional leaders, and they informally endorsed his actions. But the early euphoria of patriotism quickly evaporated, and, within two weeks, Senator McCarthy was charging that the “Red Planners” in Washington had paved the way for this Asian involvement. The Korean conflict lent credence to the charges of anti-Communists that a conspiracy existed in the Roosevelt-Truman administrations to communize the world. Karl Mundt, especially, saw this as an opportunity to press for the passage of his measure in the Senate, particularly as Scott Lucas was up for reelection in November.\(^17\)

Conservative Republican Everett Dirksen was running for Lucas’s Senate seat, so Mundt called Dirksen’s attention to the Majority Leader’s delaying tactics on the Mundt-Johnston-Ferguson bill. He thought Lucas was “going to be in deep water,” no matter how he voted on internal security legislation that year, and that Dirksen could “make a lot of hay” by getting Illinois friends to write Lucas demanding that he put Mundt’s bill on the calendar for action.\(^18\) Mundt also wrote Leo Allen and other Republican members of the Illinois congressional delegation. He

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17. Fried, Men against McCarthy, p. 102.
asked them to contact "the good Republican, pro-American, alert and articulate newspaper editors, American Legion and VFW leaders, lawyers, businessmen and other friends in Illinois," requesting them to wire or write Lucas insisting that he permit the Senate to act upon Mundt's bill. In addition, he congratulated the president of the Chicago Town Forum, an anti-Communist organization, for her effective letter-writing campaign to pressure Lucas. Mundt also enlisted the efforts of Mrs. Peter Miller, editor of the Washington Times-Herald, in his campaign. He mailed Colonel Robert R. McCormick, publisher of the ultra-conservative Chicago Tribune, a copy of Mrs. Miller's editorial entitled "It's up to Lucas," asking that it be reprinted in the Tribune. (The publisher of the Washington Times-Herald, Mrs. Garwin Tankersley, was Colonel McCormick's niece.) He also enclosed in his letter to the colonel a copy of a telegram from the commander of the American Legion that was sent to every senator urging passage of his bill. Later he wrote Mrs. Miller that their "combined efforts... have really gotten under the thick Democratic hide of one Scott Lucas," who was fearful of being defeated that fall by Dirksen.

The divisions in the Senate over the question of internal security also assisted Mundt. By August, the Senate was clearly divided into antiadministration Democrats led by McCarran, conservative Republicans led by the South Dakotan, and proadministration liberals led by Lucas. When the first two groups finally joined forces, they constituted a large majority. On 10 August, Senator McCarran introduced an omnibus measure containing all of the internal security provisions then pending before the Senate, including his own immigration proposal, in order to make certain that his bill succeeded. On 17 August, proadministration senator Warren Magnuson, a Democrat from the state of Washington, introduced a counter proposal that would tighten current legislation. Meanwhile, the House was debating internal

22. Mundt to Mrs. Peter Miller, 17 Aug. 1950, Mundt Papers. Lucas was undoubtedly aware of this campaign because there is a Kiwanis newsletter in his files that reprints letters from the Illinois governor of Kiwanis and Karl Mundt. The letters called attention to Lucas's delaying tactics on the subversion bill and asked members of Kiwanis to wire or write their support of the bill. Kiwanis Newsletter, Scott W. Lucas Papers, Illinois State Historical Library, Springfield, Illinois.
security legislation sponsored by Nixon and Wood. The House legislation passed easily by a vote of 354 to 20 on 29 August.24

In the Senate, on 6 September, a new feature was injected into the debates when Harley Kilgore, a Democrat from West Virginia, and other pro-administration Democrats introduced a bill to authorize placing potential subversives in detention camps during “emergencies,” an extremely severe proposal. The administration forces believed this was necessary, for they wanted some kind of internal security legislation to show the voters that fall. They held out little hope for the Magnuson measure because McCarran’s Judiciary Committee would not report it out, and they feared the Mundt proposal. So, during the debate on the omnibus McCarran bill, Lucas offered the concentration camp bill as a substitute. This maneuver, of course, played into the hands of the Mundt forces, who denounced the idea as unconstitutional and “un-American.” When the substitution was defeated 29 to 45, Lucas proposed that the detention camp concept be added to the McCarran bill, which proposal was narrowly rejected 35 to 37. By this time, everyone except the anti-Communist forces was thoroughly confused. Therefore, when McCarran, Mundt, and Ferguson proposed adding the detention camp measure as Title II to the omnibus bill, it passed by voice vote.25 On 19 September, a Senate-House conference committee wrote a favorable report on the Internal Security Act of 1950. The House voted for it 313 to 20, and the Senate accepted it 51 to 7 on 21 September. The final law contained the Mundt-Nixon registration provisions, a tightening of existing espionage and sabotage laws, and McCarran’s original proposal for deporting and excluding aliens. It also made it more difficult for subversives to become naturalized and provided for detention of potential subversives during an “emergency.”26

Senate Majority Leader Scott Lucas had found himself in the difficult position Mundt had predicted for him. He attended the Illinois State American Legion Convention on 9 September (the American Legion was particularly strong in Illinois) and spoke for the detention camp idea while denouncing the registration features of Mundt’s bill. But the delegates rebuffed him by voting

solidly for the omnibus McCarran bill. Thus, Lucas had felt compelled, for the sake of political expediency, to vote for the McCarran Act. On 22 September, President Truman returned the bill to Congress with a strongly worded veto message. He described it as "unworkable" and as a threat to the exercise of free speech. Truman also stated that he had been asked by the departments of Justice, Defense, State, and the CIA to veto it, because it would damage their security and intelligence operations. One hour later, though, the House of Representatives voted to override the veto by a vote of 286 to 48, a gain for the anti-Mundt forces but not enough to vindicate Truman. Liberal senators unsuccessfully filibustered the debate, and the president was overridden in the upper chamber, as well, by a vote of 57 to 10. Lucas not only voted to override but also asked his fellow senators to do likewise. He agreed that the president had found many flaws in the proposal, but "the good features of the bill outweigh the bad ones." "These are not ordinary times," he observed very perceptively, concluding that a majority of Americans wanted Congress to deal with "the difficult problems of subversive activities." Lucas subsequently emphasized in his bid for reelection that he had voted to override this veto. All of this was to no avail; Everett Dirksen took his Senate seat from him that November.

Karl Mundt's persistence over the years, as well as his organized campaign against Lucas in 1950, succeeded in getting the Internal Security Act on the statute books. Although it was popularly called the McCarran Act, it could be labeled the Mundt Law, for the South Dakota senator did more than anyone else to see that this pernicious bill became law. His principal proposal, the registration of Communists and members of various "front" organizations, however, was unconstitutional, and in 1965, the Supreme Court unanimously announced that it violated the right against self-incrimination contained in the Fifth Amendment. Mundt and the anti-Communists of the McCarthy period believed that safeguarding America from subversion was more important than protecting the freedoms contained in the Bill of Rights, and,

in the prevailing political tone of the Korean War, a great majority of congressmen agreed. Fifteen years later, after the hysteria of McCarthyism had partially burned out, a libertarian Warren Court would agree that freedom of political expression was guaranteed to all Americans, regardless of political persuasion.

On this issue, it would be easy to overemphasize the importance of Lucas’s desertion from the administration ranks and the part Mundt played in that defection. The mood of the Congress and that of the country in the fall of 1950 guaranteed that some type of internal security legislation would pass, regardless of how Lucas voted or led. But it is a mark of the times that Mundt and the anti-Communists could bring the liberals in the Senate to the point of introducing the concentration camp proposal as a substitute for their ideas and, at the same time, force the Senate Majority Leader, not only to vote to override his president, but also to ask his colleagues to vote against his party leader. Such was the political atmosphere of McCarthyism during the Korean War.
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