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McCarthyism Without Habeas Corpus

A Red Diaper Baby ponders what the 1950s would have been like if the government could have declared his parents 'enemy combatants.'

by Howard A. Rodman

I grew up in Brooklyn, in Red Brooklyn, in the arms of the Henry Wallace campaign and the Committee for the Negro in the Arts. At camp, I learned baseball and folk songs and equality, and instead of color war, we played war of nations, and somehow the Soviet team always won.

My mother was a communist who testified for the defense during the second Smith Act trials. My father served as a front for blacklisted writers. With his pals, my uncle chained himself to the Lincoln Memorial in 1946 to protest the continued incarceration of the remaining Scottsboro Boys. He had a doctorate in English at a time when that would get you a job, but he spent eight years driving a taxicab because every time he'd go for an interview, the FBI showed up the next day to ask, "Do you know who you're about to hire?"

When my mother had an important phone call to make, she went to the payphone in the drugstore on Nostrand Avenue. When two men rang the doorbell and asked for my mother or my uncle, I was taught to tell them that we had nothing to say to them and that they should go away. They came fairly often, sometimes also asking for my father, who no longer lived with us.

My family and my friends' families were Reds. In the eyes of the federal government, we were un-American. We were agents of a foreign power, enemies of the state. Some of us fled the country; others were jailed; a friend's father responded to a subpoena by jumping out a window. The government brought whatever pressure it could to bear.

What do you think the government would have done if, in 1950, Congress had passed the equivalent of the military tribunals bill that President Bush signed into law Tuesday? If this law, which authorizes "trial by military commission for violations of the law of war, and for other purposes," had then been the law of the land? Do you think my mother, with her Smith Act friends and her secret phone calls, would have been allowed to live the life of a free woman in Brooklyn? Or do you think she might have been classified as an "enemy combatant?" Do you think my uncle, who dreamed of the Spanish Civil War and chained himself to national monuments, would have been driving a cab, or pacing in his jail cell?

Both of them had Names in their heads, Names the government wished to know. If Roy Cohn had been allowed to use what we now call "enhanced interrogation techniques," do you think he'd have refrained from using them?

If the members of the House Un-American Activities Committee had had the ability to suspend habeas corpus for Reds like us, don't you think they would have suspended it?

I know many lives that were ruined with the tools the government then had at hand. Had it had bigger, better tools, would it have shown judgment? Tact? Reticence?

My mother always said that in the U.S. you had the right to One Phone Call, and that if the men who rang the doorbell came for her, if something were to happen to her, she would let me know. What if there were no One Phone Call?

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