

New York University, Center for the United States and the Cold War
Alger Hiss and History, Inaugural Conference, April 5, 2007
Anthony Romero, Executive Director, American Civil Liberties Union

Thank you for the introduction and the invitation, Michael. It's great to be here with a group of individuals who have really been pouring over some of the facts in the history of the Alger Hiss case, a case which continues to engage my imagination for all of the reasons we've heard this afternoon and this morning. I want to talk a little bit about how the Hiss case, continues to resonate today, almost fifty years later. It is both a testament to the personalities and to the principles involved.

That era has become a lesson in cynicism and hope, as we've heard from all the speakers today.

It is also a warning that those who would attack our rights and our liberties will do so as quickly for reasons that are personal and petty as well as reasons of great note and import, and that the sooner that we act to preserve our rights, the better off we will be. The analogue I wish to draw is not an analogue to the 1950s or 1940s or before. The analogue is to modern-day, post-9/11 America. Since 9/11, I have found a new pen-pal at the ACLU. His name is Mr. Hudson, and he does in fact live near the Hudson River, a couple of zip codes away from my own apartment just up the street. He writes me messages like, "If you want to keep on defending terrorists, get the hell out of America and go to Iran. The whole Civil Liberty Union is full of anti-God communists."

I don't know Mr. Hudson. I wouldn't recognize him if he were on the subway with me home. We may have a lot in common, though. His missives come via postcards depicting

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Manhattan cityscapes, elegant enough to have been framed for a Woody Allen movie. He has a Manhattan zip code as I mentioned, so we may both have been celebrating the election when David Dinkins became the first black Mayor of New York. And we certainly all share vivid memories of that day when murderers tried to crush the spirit of our city by destroying the twin towers. But here's a difference. For five years, a cynical administration has tried to use 9/11 as an excuse to seize unlimited powers from its co-equal branches of government and from the American people. Because the ACLU is among the many that have opposed what we believe is an immoral, un-American power grab, the Administration has criticized, even demonized, the many Americans who agree with us and happen to believe the government is wrong in the prosecution of its "war on terror." You will recall the words of Attorney General John Ashcroft before the Senate Judiciary Committee just one month after the 9/11 attacks, when he said, "those who would scare peace-loving people with phantoms of lost liberty" -- his words -- "your tactics only aid terrorists." Those words have an eerie reminiscence to the Hiss Case and to the activities around HUAC and the controversies with Nixon and others.

When our current government officials use patriotism as a way to attack those who disagree with them -- when they attack the values of individuals who happen to disagree with the government -- it is a calibrated effort to inflame Mr. Hudson and millions of other Americans.

It's not difficult, especially at the end of this conference, to see the parallels between the cynical maneuvering that causes Mr. Hudson to write to me each day, and the relentless pursuit

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of Hiss and thousands of other Americans by Richard Nixon, HUAC, and the various
McCarthyite front organizations and wannabees during the height of the Red Scare.

The first parallel I draw is that the fear that has inspired so much anger and dissent has its roots in real threats. I don't need to remind anyone in this room of the threats we face today. But it's hard to remember what the world looked like in 1948, when the U.S. had just emerged from a brutal global conflict only to find a heavily-armed superpower run by a murderous paranoid turning vast swaths of Europe into slave states and pointing tanks in our direction.

There are other parallels as well. As in the years following 9/11, the late forties and the early fifties saw Democrats, including President Truman himself, complicit in the hysteria. Then as now, a combination of real concern and faulty electoral calculus led many progressives to compromise their basic principles. Just as Democrats in 2002 saw Senator Max Cleland, who lost three limbs in Vietnam, lose his seat in the face of shameless smears, Democrats could look at Senator Claude Pepper, dubbed "Red Pepper," and call him a Stalinist during his losing 1950 campaign, or they could track Richard Nixon's election to the House and Senate with campaigns succeeding on the strength of cynical red-baiting.

Now all of this sounds too familiar. At the same time, the opposition party was co-opted or simply clammed up, the press, determined to prove its patriotism in the face of relentless criticism, also held its fire, supporting suppressions that they, of all institutions, should have relentlessly opposed.

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Today as then, we have cynical leaders in positions of power, eager to manipulate legitimate fears, to amp up the zeitgeist and to manipulate it in ways that further their own selfish ends. HUAC's endless hearings were a smokescreen, aimed at concealing the fact that the Eightieth Congress was famously-known as the "do-nothing Congress" that Harry Truman successfully ran against, just as the Bush administration's fear-mongering is cover for a partisan agenda that has lost its momentum and increasingly its popularity.

Now was Richard Nixon sincere in his staunch opposition to communism? Probably. Was he however more consumed with personal power than the threat of communism? I would say undoubtedly.

Similarly, I have no doubt that the Bush administration and its supporters believe, as we all do, that the terrorist threat is real and dramatic action must be taken. But they lose me when they use these threats for stark partisan purposes, and to justify actions that emasculate the courts and Congress and erode our civil liberties, and to betray the best of American values when in the face of opposition they use their bully pulpit to turn Americans against one another, to send the Mr. Hudsons of the world to their e-mails and to their writing desks to question the patriotism of those who stand up for fundamental rights and disagree with the government.

With the press and political opposition effectively neutered for several years, it was up to a handful of organizations and individuals to fight back against the cynics and the bullies. And here I'm glad to report that one parallel doesn't track exactly with the McCarthy era.

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In the 1940s and early 1950s, the ACLU leadership was itself bitterly divided. On one side, there were those whose views of communism as an absolutist ideology led them to support compromises on civil liberties as the lesser of two evils. On the other were those who understood that standing up for civil liberties was even more important in times of trial. The conflict between these two factions at the ACLU frankly blunted our strength and slowed our responses to many of the crises that we confronted. The fear of Hoover's FBI and the fear of being labeled a communist drove the ACLU and its board to expel one of its board members, Elizabeth Gurley Flynn, for her involvement in the Communist Party in one of the darkest moments in the ACLU's history.

This time around is different. This time, there is no division. We have learned what happens when even minor encroachments on civil rights are ignored. After 9/11, there were no questions by our staff or by our board or by our supporters that the ACLU would be standing up proudly and without apology for the civil liberties and civil rights of all Americans. We have never looked back, and we already feel vindicated -- by the court decisions handed down over the last several years, by the membership records we've broken, by the justice we've won for Americans all across this land.

Now I believe this narrative, this story of justice, of what patriotism means, is a story that more Americans need to hear. It's not just a story about the ACLU; it's a story about Americans fighting for justice, even as we fight against terror.

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We need to tell the stories of the cases over the last five years in which some have attempted to systematically subvert our civil liberties and how others, ordinary Americans, stood up to fight back. Like the Hiss case, today we have heroes and heroines and villains. We have compelling narratives and we have great suspense. And like so many good American stories, we find again and again that the villains are often powerful, rich, and cynical, while the heroes are often ordinary people, driven by the strength of their belief in the American Constitution and our tradition of justice. And they succeed because when good people get involved, the American system works. Among some of the heroes that I've gotten a chance to know over the last several years, there is a science teacher in Dover, Pennsylvania, who refused to allow her science classroom to become a platform for religious fundamentalism; there is a gay teenager in Kansas who had consensual sex with a younger teenage boy and found himself sentenced to seventeen years in prison, when a straight teenager would have received a sentence no longer than fifteen months.

I've had the fortune of meeting attorneys who have fought government officials only to find themselves condemned and publicly denounced because they understood that even a potential murderer with explosives in his shoe deserved a fair and speedy trial; that having brown skin and reading the Koran is not a crime, but that spying on the American people without a warrant is a crime.

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That's why I believe there is one more parallel between our era and the one that gave us Nixon and Alger Hiss. Though the final chapters haven't yet been written, I believe that the stories that we've seen over the last five years, the stories that we chronicle, will have in fact a happy ending. That despite the fears and years of bad policy and sophisticated propaganda, the American people will reject the fear-mongering of this age and embrace a new age of true liberty and real security.

By the mid-fifties, the Red Scare burned itself out. Organizations like the ACLU, courageous individuals like Edward R. Murrow, and media outlets strongly, if belatedly, recognized the real threat to America's most enduring values and around them coalesced a growing band of "ordinary" Americans, true patriots, who to paraphrase Mr. Murrow, "would not walk in fear of one another or be driven by fear into an age of unreason" -- folks like all of you. Today that same courage is found in the dedicated ACLU attorneys, staffers and clients, and the over 500,000 members -- individuals who believed that core American values required this defense.

It's found in judges, like Anna Diggs Taylor, who in the case of ACLU v. NSA, wrote a stinging rebuke to George Bush saying: "there are no hereditary kings in America and no powers not created by the Constitution."

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It's found in the spirit of Bertha Spahr, whom I told in her science classroom when I went to visit her in Pennsylvania, that I had the easy job, because the hard part is finding people who have the courage to stand up.

It's found in activists like a woman I met from South Dakota, Cecelia Fire Thunder, who believed that women on the Pine Ridge Indian reservation should have the right to choose when to bear a child, regardless of the actions of the South Dakota government that tried to ban all abortions in the state.

There are millions more patriots out there fighting in defense of our America, people whom you might not recognize. There was the soldier I met in Guantánamo Bay, when I was swimming at night in the beautiful Caribbean Sea. I looked over, disgusted at the judicial farce that had been conducted over the week that I was there, and this young soldier swam over to me and said in a soft Mississippi accent, "I believe in our president. I believe we are doing the right thing holding these guys down here, but I'm really glad you are here. You have a job to do."

There are ordinary patriots all across this country – people who understand the importance of a system of checks and balances; people who question when a government envelops its actions in secrecy and insists that it knows national security better than the people itself. And it's sad that we live in a nation when men and women entrusted with enforcing our laws willfully try to divide patriots like the individuals whom I met across the way. It saddens me to think that before their run is over, as it happened in the 1940s and 1950s, thousands of

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people will be hurt, that thousands of FBI files will now be opened, not only Alger Hiss's, but on Indians, or Iranians, or Pakistanis, on individuals who fit a certain profile, not because of what they've done, but we use proxies -- suspicion of race and ethnicity and national origin.

That we will see the standing of the nation we love will have been lowered in the eyes of people everywhere who care about justice and compassion.

It heartens me to know however that everywhere in America there are people who know our history, who study the history of the Hiss case, who understand that we ought not repeat the mistakes of the past, who are willing to speak out, to stand up, or maybe offer a few words of encouragement as we search for common ground. The Hiss-McCarthy era was the springboard to a new understanding of civil liberties and their importance in the American narrative, and with that understanding among the American public and within the judicial system, we expanded rights after that era as never before, from civil rights to voting rights to freer speech to birth control, and we changed America for the better because we got to the bottom of the story around the Red Scare and the red-baiting. It may be hard to imagine, but just as the excesses and self-destruction of Nixon and McCarthy made us a more tolerant nation, I believe that in the muck that George Bush and Alberto Gonzales leave behind, when they finally do leave, another age of civil liberties will take root. And if we continue to fight for our core beliefs and constitutional rights; if we learn our history; if we ask the tough questions of our government and our political

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leaders as you've done today at this conference, then I believe we will trust in the courage and the commonsense and the good sense of the American people.

Thank you very, very much for having me at your conference today.

NASH: Thank you Anthony. Thank you all. For those of you who don't know where the Tamiment Library is, and I suspect there are a few in this room, we're at 70 Washington Square South, about two-and-a-half blocks East, between Greene and LaGuardia Place, the big sandstone building and up on the Tenth Floor. So we hope to see you there within a few minutes. Thank you.