



Yale-New Haven
Teachers Institute®

Curriculum Units by Fellows of the Yale-New Haven Teachers Institute
2008 Volume I: Controlling War by Law

The Switchroom: NSA Spying and Defending the Constitution

Curriculum Unit 08.01.03
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"In the play, 'A Man for All Seasons,' Sir Thomas More questions Roper about whether he would level the forest of English laws to punish the Devil. 'What would you do?' More asks, 'Cut a great road through the law to get after the Devil?' Roper affirms, 'I'd cut down every law in England to do that.'

To which More replies: 'And when the last law was down, and the Devil turned round on you - where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast . . . and if you cut them down . . . d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.'"

-From a speech to the Senate by Russ Feingold, one day before President Bush signs the USA PATRIOT ACT into law. Feingold was the only Senator to vote against passage of the Act on October 25, 2001.

Introduction and Rationale

This unit will address the following essential question: What are the proper limits on governmental surveillance or intrusion on the privacy rights of its own citizens during a time a war? Put another way, under what circumstances might the government be justified in using warrantless wiretapping on its own citizens? Consider these examples, from different historical contexts, of arguably illegitimate use of government power to intimidate or spy on suspected threats to American security, or in the case of Watergate, the illegal use of surveillance to sabotage the Democratic Party:

In the Soviet Union, KGB agents regularly planted spying devices in the homes of foreign ambassadors, journalists, and intellectuals, in an ambitious, decades long effort to blunt any criticism of the State. In America, we believed that the Bill of Rights protected us from such excesses by the government. We feared those excesses; we feared the Soviet Communist policies of justifying all manner of human rights violations in the name of state security.

As the Cold War deepened and intensified, Joseph McCarthy rode a wave of anticommunist fear into the Senate. Professors, Democrats, and many others were targeted as potential enemies of America. McCarthy was popular at one time, helped get Republicans elected, intimidated New Deal Democrats, who he dubbed traitors, and helped Eisenhower win his first term. In the great fear that was called the McCarthy Era, Hollywood, public schools, universities, and the television industries implemented loyalty oaths, used blacklists, censored themselves, and waited. Eventually, McCarthy's strident tone and relentless accusations began to alienate the country, and McCarthy became an embarrassment even to the Republican Party. And when he accused the Army of harboring Communists, his own party sought to censure him and the full Senate did censure him. Americans believed and have since believed that the country had survived one of the most serious threats to our civil liberties in our history. We believed that the system worked, that McCarthy's tactics of intimidation and innuendo had finally shown themselves as un-American. We had seen Joseph Welch, the Army's attorney, stand up to McCarthy. We believed that plain decency would protect us.

In an attempt to assure the reelection of President Richard M. Nixon, burglars break into National Democratic headquarters, to copy files and to plant listening devices. Some of the burglars had direct connections to the CIA. The money for the break in came from Nixon's Committee to Reelect the President, and the Washington Post gradually uncovered a nationwide "dirty tricks" campaign to discredit and defeat Democratic challengers to Republican control of the White House. The money trail led to Attorney General John Mitchell and Nixon aides Bob Haldeman and John Erlichman. President Nixon had, to the surprise of many, recorded scores of meetings in the oval office, catching him and others organizing a cover up of the Watergate affair and the broader reaches of the dirty tricks campaign. The Supreme Court ordered the President to turn over the tapes, Congress threatened to impeach, and Richard Nixon resigned.

A week after the catastrophic attacks of September 11, 2001, I flew to Florida from Bradley International Airport. Passing through security, I was so scared to fly that I thought, upon the approach to and departure from the metal detectors, "Please inspect my bags. Please inspect my bags. That was too easy, you should inspect my bags!" while National Guardsmen with guns, looked eager yet slightly embarrassed. It was within this atmosphere that President George W. Bush signed the USA PATRIOT Act into law on October 26, 2001. The acronym stands for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001."

During the War on Terror in Afghanistan and Iraq, has America's citizenry relinquished its essential role of criticizing governmental violations of citizens' constitutional rights? How do the lessons of the Soviet Union, the McCarthy Era, and Watergate help us determine what the proper limits on domestic spying should be, even in a time of war?

In early 2003, The National Security Agency (NSA), at the command of the Bush administration, began the most extensive, and highly secret, use of warrantless wiretapping in our history.

Marc Klein, a 22-year AT&T employee, discovered a secret room at the company's San Francisco office. Marc Klein didn't go looking for the switch room, but once he discovered its existence, he did his own investigation, revealed it to the media, retired from his AT&T job, and fought against giving immunity to AT&T and other companies for cooperating in the NSA program.

I worked at AT&T for 22 and a half years. My job was basically to keep the systems going ... In 2002 I was sitting at my workstation one day, and some e-mail came in. I opened it up, and it was just a notice saying that somebody from the National Security Agency, NSA, was going to come visit for some business. That struck me as a little odd to begin with, because I remember from back in the '70s, the NSA is not supposed to be doing domestic spying, so what were they doing in an AT&T company office ...

Some time later, maybe a few weeks ... this NSA representative showed up at the door. I let him in. I directed him to the appropriate people. He was very closemouthed and unsmiling, and he did his business. The guy that the NSA had interviewed [at our office on Geary Street] we heard was working on something over at Folsom Street. And I heard from our manager, Don, that he's working on some new room that's being built ...

Then I started learning that it's not only a new room; it's a room that all the technicians cannot go into. I got to see the room. It was right next door to the phone switch room ... I didn't know whether there was a definite connection between the two or not, or whether that was just a coincidence, but I finally found out what they're doing, by sheer accident... As it turned out, one of the key pieces of spy equipment they installed was in the Internet room. It didn't seem to be an obvious connection, and I had said to him, "Well, it seems to me that the secret room is right next to the phone switch room, so I assume they're listening to phone calls," and his answer was: "No. Internet." That was his instant answer. He said, "I'll show you."

He was referring to what I found later, was what we called the splitter cabinet. The seventh-floor Internet room has whole lineups of equipment, row after row after row of equipment. In one row, they installed a cabinet that had optical splitters in it. So there were optical splitters, which basically were connected by fiber-optic cable down to the secret room on the sixth floor. ...

The analogy I can give you, which most people are familiar with is, say you get cable TV in your

living room and then want to watch all the channels you get in the living room, you want to get all those same channels in your bedroom. So they install on the cable what they call a splitter, which splits off all the signals, duplicates of the same signals which go to the bedroom. ...

What the splitter does is make a duplicate copy of all the signals going across the fiber-optic cables. ... We're talking about billions and billions of bits of data going across every second. They were basically sweeping up, vacuum-cleaning the Internet through all the data, sweeping it all into this secret room. ... It's the sort of thing that very intrusive, repressive governments would do, finding out about everybody's personal data without a warrant. I knew right away that this was illegal and unconstitutional, and yet they were doing it.

So I was not only angry about it; I was also scared, because I knew this authorization came from very high up -- not only high up in AT&T, but high up in the government. So I was in a bit of a quandary as to what to do about it, but I thought this should be halted. I think I'm looking at something Orwellian. It's a government, many-tentacled operation to gather daily information on what everybody in the country is doing. Your daily transactions on the Internet can be monitored with this kind of system, not just your Web surfing. All kinds of business that people do on the Internet these days -- your bank transactions, your e-mail, everything -- it sort of opens a window into your entire private life, and that's why I thought of the term "Orwellian." As you know, in [George] Orwell's story [1984], they have cameras in your house, watching you. Well, this is the next best thing. ...

My students have been confronted by events that are terrifying. Terrifying to themselves, to their parents, to nearly everyone: September 11, 2001, the war, here and in Afghanistan, against terrorism, and the war in Iraq. These times supply "teaching moments" in quantity. Should the discovery and exposure of the NSA program lead to criticism and civil liability for the NSA, the administration, and the companies that cooperate? Students will identify and evaluate ways to avoid the most destructive consequences of justifiable fears of today's new enemies.

The Unit will begin by examining the Bill of Rights, with particular emphasis on the Fourth Amendment. We will begin with essential ideas such as the right to be free from unreasonable search and seizures, probable cause, privacy, and warrants. The Fourth Amendment provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Students will examine the history of The Foreign Intelligence Surveillance Act (“FISA”), signed into law in 1978 by President Carter, which was largely a reaction to warrantless government and CIA surveillance of American civilians taking place in the late 1960’s and early 1970’s. In January of 1970, Christopher Pyle, then an army captain teaching constitutional law at the U.S. Army Intelligence School in Fort Holabird, Maryland, uncovered evidence that the U.S. Army Intelligence Command had commissioned over 1,500 officers to spy on protests or demonstrations with more than 20 participants.

Senator Sam Ervin (D-NC) and Senator Frank Church (D-ID), launched committee investigations into warrantless government surveillance of civilians. Senator Ervin was concerned about Pyle’s allegations but had little power to act on them. In 1975, after the resignation of President Nixon, Church led the U.S. Select Committee to Study Governmental Operations with Respect to Intelligence Activities, which found that the executive branch had frequently violated the Fourth Amendment. The Church Committee’s findings led to changes in U.S. policy. One was the establishment of the Foreign Intelligence Surveillance Court, a court through which the executive branch may secretly obtain warrants for electronic surveillance while remaining subject to judicial review.

In December 2005, the *New York Times* reported that the Bush administration had conducted illegal warrantless searches as part of the war on terror. In January 2007, the Bush administration agreed to place its surveillance program under the FISA court. In August 2007, Congress passed a law exempting the Bush administration from FISA for six months. In President Bush’s 2008 State of the Union Address, he ask Congress to pass law giving retroactive civil immunity to telecommunications companies that had cooperated with the NSA surveillance program. In June, the House of Representatives passed the FISA Amendments Act, and on July 9, 2008, The U.S. Senate joined the House, broadly expanding the president’s warrantless surveillance authority and granting retroactive immunity to telecommunications companies that participated in the president’s domestic wiretapping program.

The students will study the events leading to and following the events of 9/11/01: Islamic Radicalism, The Afghan War against the Soviet Union, Desert Storm, The Patriot Act, FISA, The NSA spying program, its uncovering, its defense by the Bush Administration, and the current state of the program.

The class will be able to identify and evaluate the issues raised in the unit in a CAPT type essay or essays, one of which could involve taking a position on the legality and dangers to the Constitution of warrantless wiretaps. In this persuasive essay or essays, all points of view are welcome.

Students will be assessed throughout the ten-day unit. At the close of the course, the class will be given an examination, which will primarily involve writing a persuasive essay on the central questions of the unit, and the question will involve an application of the lessons learned during the study of the Cold War to various situations in the world and to their lives.

Students, adolescents in general, tend to believe that the events of the world are unique to their generation. Many students talk about the threat to civil liberties arising from the war on terror as if it is the first time that such measures have been contemplated or taken. Students will benefit by knowing that others have come before, and that the Bill of Rights has survived other trials, including the Sedition Acts of the late 1700’s, Martial Law under Lincoln, the Japanese Internment, The McCarthy Era’s blacklists and loyalty oaths, and Vietnam Era suppression of dissent.

Relevant Portions of The Bill of Rights

The First Amendment provides for a free press, free speech, freedom to assemble, freedom to petition the government for redress of grievances, free exercise of religion and prohibition of the establishment of religion. In the context of this Unit, a free press, freedom of speech, freedom to assemble, and the freedom to petition the government for redress of grievances, and the freedom of religion and the prohibition of the establishment of religion have each and all been involved.

The Fourth Amendment guarantees the right to be free from unreasonable searches and seizures. The Sixth concerns our right to counsel. In our treatment of related cases and history, the Fourth Amendment has been a constitutional justification for the right to privacy.

The right to privacy appears neither in the U.S. Constitution nor the Bill of Rights, but has been recognized by the United States Supreme Court (after the McCarthy Era was over) and other Courts as a “common law right to be left alone,” the right to be free from intrusion upon a person’s seclusion or solitude, the right to be free from intrusion into a person’s private affairs, and the right to be free from public disclosure of embarrassing private facts. The Right to Privacy has served as the Supreme Court’s rationale for the landmark *Roe v. Wade* abortion case

The McCarthy Era: Its Causes, Impact, and Significance For Today

Joseph R. McCarthy, elected as junior Senator from Wisconsin in 1948, rode the wave of postwar anti-Communist fear, and along the way gained great power and worldwide political fame. Conditions are rarely right for the emergence of a demagogue in America, but in the late 1940’s and early 1950’s they were.

McCarthy burst upon the national scene, and revealed his favorite technique for getting press attention, with a speech made in Wheeling, West Virginia on February 9, 1950. He claimed to have a list of 205 Communists or Communist sympathizers who worked in the State Department. Eventually the alleged list was greatly reduced, and ultimately the charges were found nearly baseless. This technique amounted to declaring someone guilty without requiring any proof of guilt, and is known as the “smear.”

Another important technique for discovering alleged Communists or other subversives was to force witnesses to “name names” of people they knew or knew of who might have had some association with leftist organizations.

McCarthy’s political career has been compared to a Roman candle, but while it burned brightly the civil liberties of many Americans were violated, jobs were lost forever, families impoverished, and some even committed suicide.

The McCarthy Era is an example in American history of when government, acting out of fear, even a justifiable fear, arguably oversteps its bounds in the name of national security. The NSA surveillance program has obvious differences from the McCarthy Era. The NSA program was intended to be secret; the government investigations by HUAC and other agencies were largely public. During the McCarthy Era, many Americans watched the government intimidate and bully, and many comforted themselves by saying, “It’s ok with me. I have nothing to hide and did nothing wrong.” Similarly, students, and adults, react similarly to the notion of the NSA reading their Email and having access to their Internet history: “I haven’t done anything wrong, so let them read my Email.” Fear of Communism was the justification for aggressive pursuit of the left during the McCarthy Era, and world events clearly painted a terrifying picture of the Communist threat. In the wake of

9/11, a very real fear combines with the information age, where many believe that it is normal for personal information to be accessed by third parties.

Some Important People, Events, and Organizations of the McCarthy Era.

The House On Un-American Activities Committee (“HUAC”) was established in the 1930’s to investigate German sympathizers, in 1945, HUAC became a permanent investigative committee with broad subpoena powers, which were used primarily to investigate American Communists or alleged sympathizers. HUAC became most famous for its interrogations of Hollywood figures and for the refusal of the “Hollywood 10” to give testimony or otherwise cooperate. Refusal to cooperate, or the assertion of the Fifth Amendment privilege against self- incrimination (those who did assert the privilege were labeled as Fifth Amendment Communists), often resulted in “blacklisting.” Blacklisting was, in effect, an unofficial ban from employment in a person’s profession or job.

The Smith Act. Passed as the Alien and Registration Act of 1940, the Smith Act made it a crime to advocate or belong to a group that advocated the violent overthrow of the government.

Winston Churchill’s Iron Curtain Speech. In 1946, on a tour with President Harry Truman, Winston Churchill made a speech at Westminster College in Missouri. The speech coined the term “Iron Curtain” to describe Soviet domination of Eastern Europe, which started immediately after the end of World War II. Churchill warned the world of the danger of Soviet Communism and of “Fifth Columns” working within the borders of Western Europe and the U.S.

Russia’s first test of the atomic bomb (1949)

Chinese Communists’ victory over Nationalists (1949)

Korean War between Communist and non-Communist forces (June, 1950 to July, 1953) and Chinese incursion (November, 1950)

Margaret Chase Smith, a Republican, was elected to the Senate from Maine in 1948, became an outspoken critic of McCarthy’s methods. In 1950, along with six other senators, she issued the “Declaration of Conscience”, which, while not mentioning McCarthy by name, decried the climate of fear and the danger to Americans’ constitutional freedoms that such fear presented.

Edward R. Murrow, CBS television journalist whose broadcast on the program “See it Now” ridiculed McCarthy as reckless, and calling on Americans not to stand silent in the face of McCarthy’s tactics.

Army-McCarthy Hearings. On March 11, 1954, the Army accused Senator McCarthy and his staff of using improper means in seeking preferential treatment for G. David Schine, a consultant to McCarthy’s committee, after Schine was drafted into the Army in November 1953. It developed into an investigation into McCarthy’s charges that Communists had infiltrated the Army. McCarthy’s reputation was dealt a mortal blow during the hearings.

Joseph Welch, Counsel for the Army at the Army McCarthy Hearings, a soft-spoken Boston attorney from the old line firm of Hale and Dorr, was made famous in the stunningly simple question to McCarthy “At long last, have you no sense of decency?”

Ralph Flanders, Republican Senator from Vermont, proposed the Senate censure motion that resulted in McCarthy's censure on December 2, 1954.

The Watergate Scandal

Although it is not immediately apparent what connection the Watergate Scandal would have with the NSA program, studying it briefly and discussing it will draw some essential connections and point out essential contrasts to the NSA program. In that case, the Nixon administration and its supporters funded and/or ran a political sabotage campaign against the Democratic Party, at a time that President Nixon was running for reelection. The Watergate burglars were caught trying to copy files and plant bugging devices at a Democratic National Headquarters. There was no argument made at the time that national security concerns justified a claim of "inherent executive authority" to order such acts. The Vietnam War was going on and opponents to the war were a strong force in opposing Nixon's reelection. In fact, opponents of the war were subject to domestic surveillance and wiretaps, out of which later came the FISA law.

Unit Purpose

To understand the role that fear during wartime plays in limiting freedom, and in particular, the role that fear of Islamic terrorism has played in justifying unprecedented invasions of Americans' privacy, through warrantless wiretaps of telephone and Email traffic, and monitoring of Internet traffic.

Academic Setting and Assessments

The unit is to be used in a large urban public school with great diversity among ethnic groups and levels of past academic preparation. It would be taught in US History II and/or Civics. The target audience would be eleventh grade. Although this unit was written for "college" (middle level) and honors students, with the proper modifications it could be taught at any level, including basic level and to non-native speaking students (taught in English).

The material for the unit is designed to be covered in ten sessions, divided into roughly three sections: *Section One* : Historical precedents for wartime limitations on the First Amendment; *Section Two* : The drama of the Cold War, fear of Communist expansion, the Arms race, and the McCarthy Era; and *Section Three* : Fear of the "other", fear of infiltration, terror within the country, recent limitations on civil liberties of foreigners, especially Islamic people, after 9/11.

These lessons were written for use with a combination of 45 minute and 90 minute classes. The longer classes will enable the teacher to use various classroom materials and teaching methods.

The primary teaching method will consist of class discussion, using primary sources such as first person accounts.

Assessments will be in the forms of writing critical and persuasive pieces during the Unit in the five paragraph

format used for the CAPT test, an end of Unit written examination, at least one inquiry lesson, and a debate/discussion which will be posted on the Internet as a Podcast. The inquiry lesson may have a due date of well after the completion of the Unit. One of the inquiry lessons would involve students investigating Mark Klein's initial discovery of the switch room at AT&T and his resulting actions.

Recommendations for prior knowledge

Ideally, the following topics should have been studied in depth, or at least touched upon, in this course or other courses, prior to beginning this Unit: the Constitutional Convention and the Bill of Rights, the Salem Witch Trials, World War I and the 1920's Red Scare; the Cold War, and the events of 9/11.

Resources

Resources for teacher and students include those that are contained in the annotated bibliography; there are some secondary sources such as *The Politics of Fear*. More important for the daily classroom use, are the primary sources, such as Mark Klein's accounts of his discovery of the NSA program. The teacher resources help the teacher in getting a detailed background of the subject matter, in preparing assessments, leading discussions, preparing question for the students in alignment with the objectives elaborated below. The student reading material will include periodicals from the Cold War, articles with will form the basis of CAPT type essays, segment of a number of the books and some readings from Internet sources e.g. Arthur Miller's *The Crucible* and Ray Bradbury's *Fahrenheit 451*, *Good Night and Good Luck*, and the President's and Congress' responses to Mark Klein's and the media's exposure of the NSA program . These will assist the students in gaining a basic background in the subject matter, include primary sources aimed at enabling the students to know how people felt and thought at the time Classroom materials include a slide show, films of various types, audio recordings, handouts of student reading list materials, an inquiry lesson assignment, and other segment of various readings, and segments of books. These directly relate to the goals of the Unit in that they are among the most effective at engaging the students, through primary sources and films.

The following are three sample lesson plans out of a total maximum of eight lesson plans (two teaching weeks: three 45 minute classes and one 90 minute class).

Day One Lesson Plan: Introduction to The Unit and the Unit Themes

A. Learning Objectives

The students will be able to

1. describe their personal reactions to the events of 9/11.
2. describe the passage and purposes of the Patriot Act.
3. define surveillance.
4. define terrorism

B. Initiation Strategy:

I will discuss the overall purpose and theme of the unit, and then show a ten-minute film segment showing the Twin Towers' fall.

C. Lesson Strategy:

1. Students are given ten minutes to write down their personal reaction to the events of 9/11, followed by a full paragraph devoted to the following question: After the events of 9/11, should the government be allowed to use extraordinary measures to protect the country from another attack?" This is "thinking on the page."
2. Students are asked to look up and write down the definition of terrorism.
3. Teacher guides a discussion of the use of terror cells in Al Queda's preparation for the attacks of 9/11.

D. Closure:

Teacher poses and explains the homework question.

E. Homework:

Students read newspaper stories about 9/11 and the passage of the Patriot Act, and respond to the following question: "How does the passage of The Patriot Act change the government's powers to gather intelligence both internationally and domestically?"

Day Two Lesson Plan: Communism and the Cold War

A. Learning Objectives

The students will be able to:

1. describe the use of warrantless wiretapping in the Soviet Union

2. describe the causes of the fear of communism.
3. define McCarthyism and The McCarthy Era.

B. Initiation Strategy:

Students are shown a ten-minute video on the Cold War and the similarities between the Soviet repression of domestic dissent and the McCarthy Era repression of dissent as consequences of fear.

C. Lesson Strategy:

1. Teacher leads discussion of historical causes of the Cold War and the fear of
2. Communism: totalitarian rule in the Soviet Union, the arms race, China, Korean War, the Rosenberg convictions.

D. Closure:

Teacher plays five-minute recording of a HUAC hearing.

E. Homework:

Students read newspaper accounts about The Rosenberg convictions and write three paragraphs about whether domestic spies should face the death penalty.

Day Six Lesson Plan: Mark Klein's Discovery

A. Learning Objectives

The students will be able to:

1. express their opinions in a structured radio styled debate/discussion.
2. clearly and succinctly express their opinion about the
3. describe the technology at AT&T that enabled the NSA to tap phone calls, read e-mails, and monitor use of the Internet.
4. in writing, identify and describe three reasons why they are either for or against the NSA program.

B. Initiation Strategy:

Teacher presents the following hypothetical: “How would you feel if someone were listening to your telephone calls, reading your Email, and monitoring your Internet searches?”

C. Lesson Strategy:

1. After the initiation, students read an edited version of Mark Klein’s story as published in PBS’s Frontline.
2. Students fill out a survey on their opinion of under what circumstances they would approve of such surveillance.

D. Closing:

Teacher explains the written homework task, and explains the debate/discussion forum and what a Podcast is.

E. Homework:

Students write three paragraphs, describing three reasons they are either before or against the NSA wiretapping.

Day Seven Lesson Plan: Creating a Podcast Debate

A. Learning Objectives

The students will be able to:

1. make an oral argument for or against the NSA program.
2. respond to the arguments of fellow students about the NSA program.
3. support their arguments with relevant facts and references to sources.

B. Initiation Strategy:

Teacher models, with three student volunteers, the use of microphones, enunciation, and rules of the debate.

C. Lesson Strategy:

1. Students have a debate/discussion about their responses to the NSA program. A minimum of four microphones would be placed around the room, a student would serve as the host and moderator, two students would serve as sound technicians, and all students would be expected to participate. Students would form into pros and cons. Students would present arguments, rebut opposing arguments, and then follow a more open-ended discussion format. All of this would be digitally taped, later edited, and posted on the Internet as a class Podcast.

D. Closing:

Teacher plays back five minutes of the debate.

E. Homework:

Students write one page about what they learned from the debate, and which side they thought won the debate, and why.

Annotated Bibliography: Resources for Teachers and Students

U.S. Government. *21st Century Guide to the Foreign Intelligence Surveillance Act (FISA) and the National Security Agency Spying Controversy, Bush Administration Anti-Terrorism Wiretapping (DVD-ROM) (CD-ROM)*

Anderson, Jack and May, Ronald W. *McCarthy: the Man, the Senator, the "Isms"*. Boston: The Beacon Press, 1952 (Readable biography of "Tail Gunner Joe" McCarthy, written before the Army-McCarthy affair. It includes a useful "pro and con" appendix.)

Cole, David. *Uncle Sam Is Watching You*.

Dash, Samuel. *The Intruders: Unreasonable Searches and Seizures from King John to John Ashcroft*. Rutgers University Press.

Griffith, Robert. *The Politics of Fear: Joseph R. McCarthy and the Senate*. Lexington, Kentucky: University of Kentucky Press, 1970 (McCarthy's career, focus on the Senate and the Army-McCarthy hearings)

Nafeez Mosaddeq Ahmed. *Behind the War on Terror: Western Secret Strategy and the Struggle for Iraq*,

Stone, Geoffrey R. *Perilous Times: Free Speech in Wartime, From the Sedition Act of 1798 to the War on Terrorism*. New York, N.Y.: W.W. Norton & Company, Inc., 20

Hellman, Lillian. *Scoundrel Time*. New York: Bantam Books, 1976 (A riveting memoir of the famous playwright's confrontation with The House Un-American Activities Committee)

Lattimore, Owen. *Ordeal by Slander*. Boston: Little, Brown and Company, 1950 (A memoir by a top American State Department expert on China. Lattimore was accused by McCarthy of being the most important Soviet spy in the U.S.)

Miller, Arthur. *The Crucible*. New York: Penguin Books, 1952 (Drama of the Salem Witch The volume includes many useful critical essays, some of which discuss the parallels with the McCarthy Era.)

Rosen, Jeffrey. *The Naked Crowd: Reclaiming Security and Freedom in an Anxious Age*. Random House.

Taslitz, Andrew. *Reconstructing the Fourth Amendment: A History of Search and Seizure, 1789-1868 a History of Search and Seizure, 1*.

Woodward, Bob. *State of Denial: Bush at War*.

Bob Woodward and Carl Bernstein, *All the President's Men*.

Annotated Filmography

All The Presidents' Men. Dir. Alan J. Pakula. 1976. (Woodward and Bernstein follow the Watergate money, and Nixon resigns.)

The Atomic Café. Dir. Kevin Rafferty, Jayne Loader, and Pierce Rafferty. 1982. USA (Darkly satiric documentary about the Cold War, McCarthyism, and the Arms Race)

Dr. Strangelove or: How I Learned to Stop Worrying and Love the Bomb. Dir. Stanley Kubrick. With Peter Sellers and George C. Scott. 1964. UK (Black comedy about Cold War paranoia and nuclear Armageddon)

The Crucible. Dir. Nicholas Hitner. With Daniel Day Lewis, Winona Ryder, and Paul Schofield. 1996. USA (Schofield, in a role diametrically opposite his role in *A Man For All Seasons*, plays Judge Danforth, chief judge responsible for the persecution of alleged witches in Salem, Massachusetts.)

Guilty by Suspicion. Dir. Irwin Winkler. With Robert DeNiro. 1991(Well illustrates Hollywood blacklisting during the era of HUAC's reign, when witnesses were required to "name names" or suffer the consequences.)

Fahrenheit 451. Dir. François Truffault. With Oskar Werner and Julie Christie. 1966. UK (In a totalitarian anti-utopian future, firemen burn books and the people are sedated with television. One fireman, played by Oskar Werner, rebels.

Good Night and Good Luck. Dir. George Clooney. With David Strathairn and George Clooney. 2005 (Edward R. Murrow confronts Joseph McCarthy on *See it Now*.)

The Front. Dir. Martin Ritt. With Woody Allen and Zero Mostel. 1976. USA (The plight of blacklisted screenwriters during the McCarthy Era)

The Lives of Others. Dir. Florian Henckel von Donnersmarck. 2006 (Stasi operative's conscience wins out.)

A Man For All Seasons. Dir. Fred Zinneman. With Robert Shaw, Susanna York and Paul Scofield. 1966. UK (Scofield plays Sir Thomas More, who resists Henry III's demand that the Pope grant Henry a divorce so he could marry his mistress Ann Boleyn.)

Point of Order. Dir. Emile de Antonio. 1963. USA (Documentary consisting of edited television broadcasts of the 1954 Army McCarthy hearings. McCarthy's accusations of Communists in the military were shown to be without foundation. The proceedings turned into a dual, with minor players on the side, between McCarthy and the Army's lawyer Joseph Welch: "At long last, Senator, have you left no sense of decency?")

St. Joan. Dir. Otto Preminger. With Jean Seberg, Richard Widmark and John Gielgud. 1957. USA (Joan of Arc's insistence on her personal relationship with God, even while she proclaimed her allegiance to Rome, led to her martyrdom at the stake as a heretic.)

Turning Points in History: The McCarthy Era. Prod. Sarah Brochin. 2000 (a two-projector slide/sound production, finalist at National History Day)

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