

2021 THOMAS FAIRCHILD LECTURE

THE MCCARTHY ERA AND ITS ECHOES: A STORY OF FAMILY, JOURNALISM, AND THE SEARCH FOR TRUTH

FEATURING DAVID MARANISS, AUTHOR OF A GOOD AMERICAN
FAMILY: THE RED SCARE AND MY FATHER

MODERATED BY DAN TOKAJI, DEAN OF THE UNIVERSITY OF WISCONSIN
LAW SCHOOL

DAN TOKAJI: My name is Dan Tokaji. I'm the Dean of the University of Wisconsin Law School, and I'm delighted to welcome you to the first Thomas Fairchild Lecture of my deanship and our first virtual Fairchild Lecture. I want to first thank the Fairchild Committee for its work in making today's event possible, as well as our excellent staff here at the University of Wisconsin Law School.

We have an extraordinary speaker for this evening, David Maraniss. He was supposed to be our 2020 Fairchild speaker, but the pandemic resulted in the cancellation of that scheduled lecture, and I'm thrilled that he was willing to agree to serve as our speaker this year—and furthermore, that both the committee and he agreed that the lecture could take place virtually. This is something really important to me as Dean, that we have this opportunity to get together—even though it necessarily has to be in virtual form—as a community, including our students, staff, faculty, and alumni, as well as many other friends of the University of Wisconsin Law School.

As I'm sure most of you know, David is an acclaimed Pulitzer Prize winning journalist and best-selling author who has in his various books chronicled American life through the lens of sports figures, U.S. Presidents, and everyday heroes. He's an associate editor at The Washington Post and a distinguished visiting professor at Vanderbilt. He's won two Pulitzer Prizes for journalism and was a finalist three other times.

Among his best-selling books are biographies of presidents Bill Clinton and Barack Obama, Roberto Clemente, and Vince Lombardi, as well as a trilogy about the 1960s, *Rome 1960*, *Once a Great City*, winner of the RFK Book Prize, and *They Marched into Sunlight*, winner of the J. Anthony Lukas Prize and Pulitzer finalist in history. I have a copy of that

last one right here, which tells the story of America, and in particular Madison, in the Vietnam era in the tumultuous month of October 1967. As I was driving from my former home of Columbus, Ohio here to Madison, Wisconsin during the summer, my uncle let me borrow his signed copy of this book, as an introduction to Madison and an important piece of its history. So, I was already a big fan of David and his work before I knew that he had been enlisted as the Fairchild speaker.

And I'm particularly pleased to welcome him to talk with me today about his latest book, *A Good American Family*. In this book, David turns the lens towards his own family to talk about the politics and tumult of the anticommunism fervor in the 1950s, which we know today as the McCarthy Era. *A Good American Family* captures a time of fear, of paranoia, of people fighting against injustice and of violations of our constitutional rights, including rights to freedom of belief, to freedom of speech, to freedom of association. This was also an era, as we know, of grotesque racial injustices that are also a part of the backdrop to the story David tells, injustices that made a mockery of the constitutional right to equal protection of laws. It's a story of our history, an important part, although in many ways a shameful part of the history of America.

It's also a deeply personal and moving story of a son's attempt to understand what happened to his father before he was born and when he was just a baby or toddler during this really dark time in American history. At the center of the story is David's father, Elliott Maraniss, who was a World War II veteran, the commander of an all-Black company in the Pacific. Elliott was spied on, or as we might say today, surveilled by the FBI for years. He was named a communist by an informant called before the House Committee on Un-American Activities, commonly known as HUAC. Elliott was fired from his newspaper job in Detroit and then subsequently fired from a couple more jobs because of this episode and blacklisted for years before coming here to Madison, Wisconsin and making a successful career for himself right here in Madison with *The Capital Times*.

It's really a wonderful book, and it powerfully evokes the political dysfunctions of the 1950s in ways that resonate, for me at least, with what we've been going through in America today. This too is an era in which fear, distortions, falsehoods, and "us versus them" politics thrive with devastating effects on real people's lives. *A Good American Family* is a story of resilience as well as redemption of a family and of a country that ultimately, though not without considerable pain, rose above the fear and paranoia of that era.

Rather than having David give a traditional lecture—which as exciting as the topic he writes on is, can be deathly boring during the Zoom era—we decided to do this in a more conversational format. So, I'm going to pose a series of questions, which per our discussion beforehand, I did not give to David in advance.

If we were in a normal setting, this is the moment in which I'd welcome everyone to give you round of applause and thank you for participating. But instead, David, I'm just going to launch into my questions.

David, this is a book that's really different from the ones you've previously written. As I've just mentioned, it's deeply personal. So, I wonder if you might just start by telling me about your family, including your father, your mother, and your uncle, who are central players in this book, and why you decided to write this book telling their stories, which are, of course, a central part of your own story, at this point in your life and career.

DAVID MARANISS: Yes, well, first, Dan, I want to thank you for inviting me to this lecture or conversation. I grew up in Madison, and Judge Fairchild was an icon of our family and of the city in that period, and I still love that town and that campus. And I'm honored and humbled to give this lecture.

So, this book was probably inside me for decades, but it took a long time for it to come out. And in one sense, practically speaking, the inspiration came from my other biographies because in each of those cases, whether I was writing about Barack Obama or Vince Lombardi or Bill Clinton or Roberto Clemente, as a biographer, by the end of my research, I knew more about their families than they did.

And in particular with the biography of Barack Obama, I was doing that after he had written his really fascinating and brilliant memoir, *Dreams from My Father*. But it was a memoir, it wasn't biography. And many times, in writing that, he was relying on what he had been told by his family, by his parents and grandparents and aunts and uncles about the family history, and some of it was mythology.

I'll just give one small example. His mother was married twice, the second time to an Indonesian man, and Barack was told that his step-grandfather in Indonesia died heroically fighting the Dutch in the War of Independence³/₄that's the family's story. When I went to Indonesia to research it, I discovered that, in fact, that step-grandfather had died of a heart attack falling off the ottoman in his living room changing the drapes. But I don't blame Barack Obama for that³/₄it was what he was told.

And that got me thinking about how all of us have family mythologies, and very few of us have biographers going back to find out what really happened. And as I was articulating that point, it struck me that my family certainly had secrets and mythology, and I'm a biographer, and I should go back and find out what really happened. So that sent me on the road to really learn about the most traumatic period of my family's history.

My father and mother met at the University of Michigan. They were radicals during that period. My father, as you said, went off to the Second World War and was the commander of an all-Black unit. He came back and stayed in communist politics for a few years after that and was called before the House Committee and fired from his job. And I knew just the bare bones of that. It wasn't really discussed in our family by the time I became politically conscious in Madison as a seven- and eight-year-old boy.

My father had survived that period and learned the lessons of it and moved on, and he didn't really talk about it for the rest of our lives together. It wasn't that it was an embarrassment. It was more that it was a shadow of our lives that he really didn't want to deal with that past so much as with the future and the present.

And so, I waited until after my parents were gone. I wasn't going to write this book while they were alive. But after that and after doing the Obama biography and talking about that issue that I had mentioned, it just struck me that I had to do this book.

DAN TOKAJI: Well, I wonder if you could just tell me a little bit more. Let's start with your dad. Tell me a bit more about his background and what led him to become involved in communist politics during this period of time before what we now call the McCarthy Era.

DAVID MARANISS: My father, Elliot Maraniss, was born in Boston, spent most of his childhood in Coney Island, in Brooklyn, New York during the Depression. And a combination of seeing his family and families in Coney Island and Brooklyn struggle during that period and really, his public education at Abraham Lincoln High School in New York, which was really loaded with really smart, mostly Jewish teachers who probably could have been professors or taught in colleges and had not been for various discriminatory practices of that era. But it was a very progressive school, Abraham Lincoln High School. And during the Depression, he really learned a lot of the lessons of seeking equality, of racial injustice.

And then came to Michigan in 1935, which I would liken in some ways to coming to Madison in 1965 or 1967 as I did, when the whole world was exploding in different thoughts. It was really a time of radical thought on campuses in the 1930s, much as it was in the 1960s. And my father—the labor movement was in Michigan at that period when he got there in Flint and in Detroit. There was a lot of activity for racial justice in Detroit and in Ann Arbor.

And he became—my dad loved newspapers, and he became a reporter and finally an editorial editor of *The Michigan Daily*, which was a really stunningly smart and well put out paper in that era. I had the luxury of going through all of the editions from 1935 to 1940, and they

were all digitized by the time I got to them, but it covered national politics, it covered social injustice, it covered the New Deal, literature. My father would write reviews of Richard Wright and of Thomas Wolfe. It was just a very richly, deeply academic and smart place at that period of time.

And all of those influences—the labor movement, race, being on that campus. Oh, I should also mention the Spanish Civil War, which was really a defining moment for a lot of students of that era, much like the Vietnam War was for my generation in the '60s. All of that bubbled up and turned him into a radical.

DAN TOKAJI: Speaking of the Spanish Civil War, another of the central characters in this book is your maternal uncle, who actually fought in the Spanish Civil War after graduating from the University of Michigan. I wonder if you might talk a bit about him.

DAVID MARANISS: This is my mother's older brother, Bob Cummins, who also went to Michigan and worked on *The Michigan Daily*. And like so many of the young men of that era, was attracted to what was going on in Spain, where the fight was first waged against fascism and Nazism, against Franco and Mussolini and Hitler.

And the day after Bob graduated in 1937, he and two of his classmates, Elman Service, who went on to become an esteemed sociologist and anthropologist and Ralph Neafus, who was a forestry student, went to New York City, got on a boat across the Atlantic, arrived in France, took a train across France to the border with Spain, climbed over the Pyrenees Mountains into Spain, and joined the loyalists to fight against Franco in the Spanish Civil War.

In reporting this book, going to Spain and tracing my uncle's route in those two years he was in Spain was an incredible experience. And he wrote some letters, and he wrote some reports about it later that I was able to find in it. The Abraham Lincoln Brigade, as it later became known, of the Americans who fought over there had their own archive, which I looked through and could really trace his route through Spain.

My uncle and Elman Service survived that war and came back to the University of Michigan, but Ralph Neafus, the third member, was captured by Franco's troops and held in a church in the town of Alcaniz and executed, along with several other members of the International Brigade. And then going back to Spain and Alcaniz, the church still stands there on the top of the highest hill in that town. And walking into the church 80 years later, it's still felt like—you could feel like a dungeon of death all of those years later.

Anyway, when my uncle and Elman Service went back to Michigan, they were greeted by 500 students at the student union. There was a banquet in their honor. My mother, Bob Cummins' younger sister,

was there to honor her older brother. And covering the event for The Michigan Daily was Elliott Maraniss. And it's actually at that meeting where my parents met.

DAN TOKAJI: That's wonderful. I'm really tempted, David, to ask you about this interesting sideline of the Spanish Civil War part of your story, where there are these two great literary figures, Arthur Miller and Ernest Hemingway, who have bit parts in this story, which I thought was just really so fascinating. I'm actually not going to ask you that because there's only so much time we have.

DAVID MARANISS: Let me mention, you can't just tease people just say, that Arthur Miller and Ernest Hemingway were there during that period. Miller literally drove Ralph Neafus to New York to start his trip to Spain. And Miller said that he would have gone as well, but he knew he was going to be famous someday and he didn't want to get killed.

DAN TOKAJI: Yeah, yeah, yeah. It's fascinating. So, one of the things you wrestle with throughout this book is your parents' involvement in the Communist Party when they were young. And I wonder if you could talk a little bit about how that plays into the title that you chose for this book, *A Good American Family*. How does their involvement with the Communist Party square with their ideals and your ideals that are really central to how they understood, and I think how you understand, the promise of the United States of America?

DAVID MARANISS: *A Good American Family*, the title actually comes from a quote from one of the congressmen on the House Un-American Activities Committee, Charles Potter, who was a Michigan Congressman, staunch anti-communist in that era. And during one of his speeches, he posed the question of how anyone could be attracted to communism who came from a good American family.

And when I read that, I thought, well, I come from a good American family, and my parents were attracted to communism. I think for the reasons that I spoke of earlier having to do with the questions of equity during the Great Depression and economic issues and the failures of capitalism during that period, and largely because of racial injustice, which is a central theme throughout my father's life of his belief in racial justice, inequity. And so those were the attractions.

And my family was—my mother was from a family of five and ended up with—I had 17 cousins. There's a photograph in the book of this large gathering of this family on the steps of my grandparents' house in Ann Arbor. My grandfather was a civil engineer, and it was in every

respect a good American family that was attracted to communism. I don't find that a contradiction.

The central theme of my book is, what does it mean to be an American? And I think my father answered that question very powerfully over the course of his life, and I use it in the book to contrast it with some of the people who were questioning his Americanism.

Now saying that, I have to acknowledge that in the course of reporting this book and reading some of my father's essays when he was a student at the University of Michigan and some of his beliefs over the next decade after that, I'd have to shake my head and say, well, what were you thinking, Dad? He wrote a column defending the Soviet-Nazi pact of 1939. It was a very well-structured and reasoned essay, and it was completely wrong, in my opinion. And there are other occasions like that where, as a son who loved his father, I had to deal with the reality of things that I found puzzling or disagreed with during that period, but I never came across anything that shook my foundational belief in my parents and the core values that they taught me. I think they were naïve during that period for a time, as my father would say, but their motivations I never questioned.

DAN TOKAJI: Yeah, one of the things you mentioned about your father that in part led him towards his involvement with the Communist Party was his deep commitment to racial justice, exemplified by his service during World War II. I wonder if you could talk a little bit about that experience.

DAVID MARANISS: America was a segregated society. It still is in some ways, but then it was legally separated, including the United States military. Even during World War II, when young Black men^¾mostly men—were asked to fight and die for a country that treated them as second-class citizens.

So, there were Black units in the war. And in not only a segregated but a racist society, it was considered that the Black soldiers needed white officers to lead them. Most of those white officers were Southerners. It was a ridiculous belief in the military then that white Southerners grew up with African Americans, with Blacks, and knew how to deal with them so that they should be the officers. And most white officers did not want to be the leader of a Black unit because they thought it was a dead end in terms of their military careers.

So, there was one exception to both of those cases and that was liberal and radical white officers^¾my father was in that group. He took it upon himself to become a commander of an all-Black unit at Camp Lee, Virginia. And one of the ways that I was able to understand his thinking during that period was that he wrote letters home to my mother almost every day while he was organizing and training that Black unit. And you

can see in those letters his subtle understanding of the position he was in of training these Black soldiers who had every reason to question American society, why they were fighting, dealing with white officers³/₄a very sensitive situation that he was really proud of the way he was able to deal with that.

And I think that that experience and his admiration for the men that he led really affected him for the rest of his career. And really, yeah, I think he already had intellectual beliefs about racial justice, but it was that experience, a hands-on experience living with those men during war that really shaped him from then on.

DAN TOKAJI: Well, we're a law school here, and so I want to ask you some questions about some of the characters in your book who are lawyers. And one of them who I found especially remarkable is the lawyer who defended your father at his hearing, George Crockett. I wonder if you could tell us a little bit about him and how he understood the connection between the struggle for civil rights and his defending³/₄and defending, I would say as a fellow lawyer, in a quite a remarkable way³/₄people accused of having connections with the Communist Party.

DAVID MARANISS: What a fascinating man George Crockett was. He grew up in the segregated South in Florida. He attended law school at the University of Michigan at a period when there were very few African Americans in the law school. And he became active in the law in the federal government an equal opportunity³/₄an early version of equal opportunities there. Came back to Detroit to work with the United Auto Workers and then became a partner in one of the first integrated law firms in the country, in Detroit.

And in 1949, he was asked to be a defense lawyer in a famous—in the most seminal trial of American communists. It was called the Foley Square trial, where the top 11 members of the Communist Party in the United States were accused of trying to violently overthrow the American government. It was because of what was called the Smith Act, which basically made it so that if you were a communist, it meant prima facie that you wanted to overthrow the government, and they could bring you to court.

And so, George Crockett was not a communist, but he was very determined to represent one of the 11 members who are brought before the court as a defense lawyer because he saw the connection between the freedoms that he was fighting for as an African American and the freedom of speech and freedom of belief that these communists³/₄even if he disagreed with some of their beliefs³/₄represented.

And so, it was a nine-month trial at Foley Square in New York. It was a bitter, difficult trial, where all of the defense lawyers in the end

were convicted of contempt of court by the judge, Judge Medina. George Crockett ended up going to prison for six months in that case. But before he went to prison, it was appealed before the courts for several years. And before he went to prison, he was back in Detroit and representing many of the people were called before the House Un-American Activity Committee in February and March of 1952. One of his clients was my father. Another was Coleman Young, who went on to become the mayor of Detroit later.

And it was really at those hearings, even as I was more interested in what happened to my father and my uncle, both of whom were called, I couldn't take my eyes off the transcript of the hearing with Coleman Young, who more than any of the other witnesses stood up to the committee. And we'll get to some of the other characters later, but the chairman of the committee and the chief counsel both were Southerners, and they both had a particular way of saying the word "Negro" that sounded like something else, and Coleman Young didn't let them get away with it. And he just went right back at them, put them back on their heels, and he came away from those hearings as a heroic figure in Detroit. So much so he said that I walked down the street, and it was like it was Joe Lewis coming home from a fight.

Anyway, his lawyer was George Crockett, who was his great friend. Crockett leader went on to become a member of Congress, elected from Detroit, and a federal judge, and a truly remarkable figure who intersected in my book because he defended my father during those hearings.

DAN TOKAJI: Really a great lawyer and incredibly courageous. I mean, we throw that term around a lot, but to take on the cases that he took on, to actually be held in contempt and to spend time behind bars as a result of his really fierce and outstanding advocacy in the Foley Square trial, is something.

By the way, that trial: Law students might know it as *United States v. Dennis* or as it came up to the Supreme Court, *Dennis v. United States*. This is a case in which the court adopted what was essentially a balancing standard for adjudicating First Amendment rights, later overruled by the *Brandenburg v. Ohio* case, which adopted a much more speech-protective test, requiring that there be an imminent incitement to violence or other lawless action in order for someone to be prosecuted.

DAVID MARANISS: That's right. During those nine months, the prosecutors never presented any evidence that any of the defendants had done anything that would lead to the violent overthrow of the government. It was purely their ideology that was attacked.

DAN TOKAJI: So, you mentioned a couple of the other characters in your book—also lawyers and much less noble lawyers than George Crockett. I wonder if you might talk about them. One of them is the chair of the committee, the HUAC committee, John Stephens Wood of Georgia. Another is Frank Tavenner, the committee counsel, who did most of the questioning of your father at his hearing on March 12, 1952. I wonder if you could tell us a bit about those characters in your drama.

DAVID MARANISS: Well, think about the name of the committee—the House Committee on Un-American Activities. In other words, this is a committee that decides who's un-American and what is considered un-American. And the chairman of the committee is John Stephens Wood, a Congressman from Georgia, who during his career in Congress had—well, first of all, he'd been elected to Congress in what was called a "white primary," in which Blacks were not even allowed to vote in the Democratic primary in Georgia.

He opposed every civil rights measure that ever came along. And early in his career was involved in the most terrible lynching of a white person in Georgia history—a lynching that led to the formation of the Anti-Defamation League. It was the lynching of Leo Frank, a Jewish industrialist who owned a pencil factory in Atlanta and was accused falsely of murdering a 13-year-old girl who worked in his factory, Mary Phagan.

Frank was—the trial went on for a year. It was covered by The New York Times and The Chicago Tribune and became a really powerful national story. He was convicted, sent to prison. And while he was in prison, there were several questions still being raised about whether he was in fact guilty or not. And the governor of Georgia, in a fairly daring move, commuted his death sentence. Which so infuriated the powers that be, in especially Marietta, Georgia, an Atlanta suburb where the girl, Mary Phagan lived, that they organized a party that went up to the Milledgeville prison, seized Leo Frank, took him back to a field called Frey's Gin near Marietta and lynched him.

Now as that party was traveling back from the prison to the field where they lynched him, they went by a town where John Stephens Wood was with a judge that he traveled with, Newt Morris, and they followed the cars back to that field, watched the lynching, and took Leo Frank's body back to the mortuary in Atlanta. It was John Stephens Wood, the future chairman of the House Un-American Activities Committee, who took the body of the lynched Leo Frank. This is the man who was accusing my father of being un-American. As that story unfolded to me, it was stunning in the way that the hypocrisy of this country at times.

And Frank Tavenner was another fascinating figure. He was from Virginia, from the apple country—Byrd country, it was called, in

Virginia. The Byrd machine in Virginia was in charge of segregating the state segregation, forever was their motto much like George Wallace's in Alabama. Fred Tavenner came out of that. He was a very good lawyer who, during World War II, actually was part of the commission that tried the Japanese—the war tribunal. And he came back to the United States after that and was recruited to be the counsel for the House Committee on Un-American Activities. As you said, he did most of the questioning, not only in Detroit but also before that in Hollywood. People are more familiar with the HUAC hearings going after the Hollywood 10 earlier and actually held two sets of hearings in Hollywood. And he did most of the questioning for those and of my father and of Coleman Young and my uncle and everyone in Detroit.

The reason that HUAC came to Detroit—why would they go to Hollywood or Detroit or New York or Cleveland or Chicago? They pick their targets for sensationalist reasons. They knew if they went to Hollywood, they'd get a lot of press going after reds in the movie industry. And they came to Detroit because they wanted to break the backs of the United Auto Workers and of the American labor movement and knew that was the place to do it. So, in fact, their hearings in Detroit were focused on communists in the United Auto Workers, and my father, who had really no connection to that, was collateral damage.

DAN TOKAJI: Well, we set the scene for what happened in that hearing room, room 740 of the federal building in Detroit on March 12, 1952. Your father was subpoenaed to testify before HUAC. Chairman Wood there, Frank Tavenner there, George Crockett there representing your father. I wonder if you might share with us a little bit about what happened on that day.

DAVID MARANISS: My father was called before the committee, and of course he was asked whether he had been or ever been a Communist. He chose to take the Fifth Amendment to not testify against himself. The First Amendment was not a defense. If you took the First Amendment, you could still be convicted, as the Hollywood 10 learned earlier. And he did not want to testify—name names. If he had acknowledged—confessed to his sins and sought absolution and named names, they would have given him the freedom to read a statement. But because he didn't, my father had a statement he wanted to read about what he felt it meant to be an American, and Chairman Wood denied him that right. Said he could submit the statement, but he couldn't read it into the record.

So, he basically testified for half an hour. For most questions, he cited the Fifth Amendment. At one point, he read that the Constitution of the Newspaper Guild into the record. He managed to do that, which talked about the freedom of belief and freedom of speech for our

newspaper people. But after he was called, he had already been fired from his job the day he was subpoenaed at The Detroit Times. He was the ace rewrite man on the copy desk of The Detroit Times, a wonderful journalist. He was fired the day he was subpoenaed. And then March 12 came along two weeks later, and he was jobless and bereft after that hearing.

DAN TOKAJI: I do want to talk a bit about what would happen to your father and your family after that hearing. But first, I wonder if you might do what your father was denied the right and opportunity to do during that hearing and share a bit of your father's statement with us.

DAVID MARANISS: Well, thank you for that opportunity. I should say first that as I was researching this book, the first place I went was to the National Archives in Washington DC. All of the HUAC records have been opened, and there was an entire—several boxes on the Detroit hearings. And in one of the boxes was a folder that said "Elliott Maraniss." And I had known that he tried to give a statement because the transcripts of congressional hearings are all public record. So for years, I've been able to read what he had said during that hearing, including the fact that he had a statement that he wanted to read. When I went to the National Archives, I opened up the file, and the first thing I saw was a statement of Elliott Maraniss. It was an incredibly emotional moment for me. It was the first time—I was in my mid-60s, my father was gone. I loved my father. I knew that he'd been through this difficult period, but this is the first time I really felt it. It washed over me. And what did it, Dan, was the first word of his statement, which said, "Statement of Elliott Maraniss."

My dad was an old hunt and peck typist. He was a terrible typist. He was constantly hitting the wrong key and crossing them out. And for those of you who remember typewriters, they would sometimes stick, and the letter would jump up a half a space. And the "S" in "Statement" went up a half space. And when I saw that, that was it. That's what really made me feel what it was like for my father to write that statement in the crucible of the most difficult period of his life. And he never got to read this, and thank you for asking me to.

"Statement of Elliot Maraniss.

I was taught as a child and in school that the highest responsibility of citizenship is to defend the principles of the US Constitution and to do my part in securing for the American people the blessings of peace, economic well-being, and freedom. I've tried to do that to the very best of my ability. And for doing just that and nothing more, I've

been summarily discharged from my job, I've been blacklisted in the newspaper business after 12 years, in which my competence and objectivity have never once been questioned.

I must sell my home, uproot my family, and upset the tranquility and security of my three small children in the happy formative years of their childhood. But I would rather have my children miss a meal or two now than have them grow up in the gruesome fear-ridden future for America, rejected by members of the House Committee on Un-American Activities. I don't like to talk about these things, but my Americanism has been questioned. And to properly measure a man's Americanism, you must know the whole pattern of a life. The US Constitution and its Bill of Rights are not simply musty documents in the library. They have meaning only if they are used.

To betray and subvert the Bill of Rights is the most un-American act any man or committee can do. For that document was brought into being and maintained throughout our history by men who gave their lives in blood. Every newspaperman knows that history is not a printed page. It's the passion and striving, the struggling and endurance of men and women. These qualities that went into the making of our nation can be discarded only at great peril to ourselves and our children. From the time of Peter Zenger, the colonial printer who defied the British Crown's effort to impose censorship in the American colonies, right down to the present, newspaper men have zealously defended freedom of the press. For the First Amendment is not only a guarantee of free speech and of free press, it's also an indispensable part of self-government. That's what makes this committee so dangerous. Ostensibly designed to protect the government against overthrow by force and violence, it precedes by force, terror, and threats to overthrow the rights of the American people. This committee reflects no credit on American institutions or ideas. Its attempt to enforce conformity of political or economic thought is a long step toward dictatorship that holds the greatest danger to the American people. In this country, we have never acquiesced to the proposition that persons could be punished for their beliefs. Elliott Maraniss."

DAN TOKAJI: It's a wonderful statement. It's only about four pages of your book, and I would commend everybody who's listening, but especially those of us who are lawyers to pay attention to your father's words. He talks about the role of newspapermen and journalists and protecting First Amendment rights and ultimately protecting our democracy and the pursuit of truth. I think we, as lawyers, law students, law professors, we also have an important role to play.

And something for our students to understand, which I hope your telling of this story and your reading of this statement will help those on this Zoom and especially law students understand. We have a lot of power, and it's important that we use that power that we have as journalists, as lawyers in the right way, in the way that George Crockett did, and in the opposite way to how Chairman Wood and Frank Tavenner used their power.

DAVID MARANISS: Yes.

DAN TOKAJI: No real question—no question there, David.

DAVID MARANISS: Well, I mean that echoes through history, doesn't it?

DAN TOKAJI: Yeah, it does. It does. There are a few questions from the audience, and let me invite those who haven't yet, if you want to post some questions. We won't be able to get to all of them, but feel free to do so in the Q&A box.

But let me ask one last question before we get to that. Your family, and your father in particular, went through a really difficult period of time roughly five years after he was called to testify before HUAC. And I wonder if you could talk about that period of time, but also what happened afterwards and how your father, and really your family, went on to rebuild their lives, and from my reading, emerge from this incredibly difficult period even stronger than they were before.

DAVID MARANISS: So, I was not quite three when my father was fired in 1952. The first thing we did, we moved back to Coney Island to live with his parents for a while in a small apartment in Brooklyn. And he was able to find a job on a liberal newspaper there, The Compass, but it folded after about two months we were there. So, from New York, we moved to Ann Arbor, lived with my mother's parents for a little while. Then he got a job in Cleveland at The Plain Dealer through a former colleague of his at The Michigan Daily. When he got to Cleveland, the FBI went to the publisher and said, you hired a Communist. The publisher fired my father. We moved to Detroit.

He was by then completely blacklisted. All of the newspapers, no establishment newspaper would hire him. So, for a couple of years living in Detroit, he had a job working in this little place that sold party favors for labor unions for their picnics and stuff, which is the last thing I can imagine my father really wanting to do or being any good at. Then the Typographical Union, the printers went on strike in Davenport, Iowa, and they formed a newspaper, the

International Typographically Union formed a paper called Labor's Daily, and they hired my dad to be one of the editors there. So, he was back in newspapers in 1956, and it was our fifth move in those four years. And it was a haphazard newspaper. It didn't really have any money. It was sort of funded by the ITU but not entirely. But one of the things that paper did, it was a wonderful little place. They covered Civil Rights in the South. They had reports on the Montgomery Bus Boycott. Imagine a paper in the Quad-Cities of Iowa covering that. And they also once a week ran a column written by the publisher of the Madison Capital Times, William T Evjue, "Hello Wisconsin."

And when Evjue noticed that this little paper in Iowa was carrying his column, when Labor's Daily folded, my father went up to Madison, because of Evjue said, who's putting out this little paper? It looks better than ours does. And he found out it was Elliott, and he hired him. 1957, Joe McCarthy, Wisconsin's Joe McCarthy had just died. We moved to Madison that summer of '57 when the Milwaukee Braves were on their way to winning the pennant in the World Series. We got a house near the zoo. My mother, who had kept our family together through those five years, through her strength and will to hold the fort, finally had a new life, as did my father at The Capital Times.

The FBI was still tailing him all of those five years. Every report they filed said we have no indications that Elliott Maraniss has any contact with the Communist Party, but they kept following for five years into Madison. Realized that they would not be treated favorably at The Capital Times, which had spent its entire career fighting Joe McCarthy. The Capital Times was an anti-communist paper but was more supportive of freedom of speech and the rights of all Americans, and so was completely anti-Joe McCarthy, and that's one of the reasons that Evjue also hired my dad, and it really saved our family. My father went on to rise through the ranks of The Capital Times to become its executive editor. My mother went back to school at the University of Wisconsin Phi Beta Kappa, became an editor at The University of Wisconsin Press. My siblings and I all went to Randall School in West High School in Madison, and the good American family was allowed to exist and thrive again. And it's one of the reasons I feel such a strong emotional and powerful attachment to Madison, to The Capital Times as it exists today, and to the University of Wisconsin, a place that really saved our family.

DAN TOKAJI: Well, I think we all feel that way about Madison. I'm pretty new here, but I feel that way about this place already. We've got a lot of great questions and comments in the chat. I'm just going to read a couple of them. First is really a comment: "How may we give a standing ovation over Zoom to both David and Elliott? Thank you for reading that eloquent statement."

Let me ask another one here. I'm going to try to edit so I can get enough of it in here before we run out of time: Was your book at all inspired by Trump's campaign slogan to make America great again? Were you seeking to set the historical record straight about this time, the 1950s that's the backdrop for your book?

DAVID MARANISS: Sometimes these things just happen. I started researching this book. I went to the National Archives a month before Donald Trump rode down the golden escalator into our lives. But of course, as I said, it's a subject that keeps coming back, cycling back in American history. So, its relevance to today was not what I started out trying to deal with, but of course, those echoes are there throughout by the time I was reporting the book. I did not consciously choose that title because of Trump and Make America Great Again. Sometimes those things just happen.

I actually chose the title after I saw what Charles Potter had said. And after I decided on the cover of the book, which is this incredible photograph of my family at the Statue of Liberty only months after my father had been fired from his job and accused of being un-American. The family is the symbol of the best of America, the Statue of Liberty. So "A Good American Family" came because of that, but certainly you can see the contradictions and the way you could play off of Trump as well.

DAN TOKAJI: Very cool. We have a lot of great questions. I wish I had time to read them all, and maybe you can look at them in the chat afterwards. But this one I'm really curious about: Elliott, your dad, had a good relationship with Madison's anti-war radicals in the '60s. In addition to agreeing with them about the war being wrong, how much do you think his experience being blacklisted affected his dealings with them?

DAVID MARANISS: Well, I'm sure it did in various different ways. I mean, I know that he certainly was against the war. He did have a good relationship with many of those young students, but he also tried to tamp down their zealotry, fearing that they could go too far sometimes. So, he counseled them, sympathized with them. I don't think he ever mentioned his own experiences—he certainly did not to me. And none of my friends who were active in the anti-war movement during that time

ever mentioned that he did to them as well, but it was in the back of his mind.

And beyond those dealings, one thing that struck me for the first time as I was writing this book was that for all of my father's period in Madison, from 1957 all the way up through his rise to become the editor in the 1980s, I never thought about what was maybe in the back of his mind of his anxiety or fear that somebody would try to smear him and dredge up his past and call him a Communist. I mean, *The Capital Times* was certainly attacked, but my father never really had to deal with that, but I'm sure it was at the back of his mind that entire time.

DAN TOKAJI: Well, thank you so much. I have a lot of other things that I'd like to ask you about this, but maybe some time when you're back in Madison, we can get together and talk about those.

I want to thank our staff here, including our external affairs team, Emilie Buckman and Associate Dean Jini Jasti, for helping put this together. And Jini, I think you have something—we usually have a gift we would give you if we were in person, David, but this is going to have to do for now.

JINI JASTI: David, we're going to be sending you this in the mail. It is one of our beloved one of a kind—what's the right word for it—mascot for the Law School. I know there's Bucky Badger for campus, but we actually have something called the Gargoyle, but there is a one real one right behind the dean, but we are going to send you a replica of it. It's a really cherished possession among our alumni and students, and only keynote speakers of our stand-alone lectures ever get this or people who have retired after spending decades of their life at the law school.

DAVID MARANISS: What's the history of that?

JINI JASTI: Well, the lore—I don't know if it's history—history implies that it's true. The lore is that there were two of the statutes on our original law school building. When it was demolished, the dean at the time, George Young, was able to save one from the rubble, and that was the one that's been sitting—it was in an outside atrium, but now it's an inside atrium at our law school.

The second one came back to us, which we had thought had been destroyed, but right around our 150th anniversary, we were contacted by the family of two graduates who claim that some lightning came and struck the second one down, and they just happened to have a wheelbarrow, and they were able to capture it. And it's actually lived for a while in your neck of the woods in Virginia and in Wisconsin, but it came back to us on our 150th anniversary.

DAVID MARANISS: Well, I'm honored, and you don't have to send it to me. I'll be in Madison this summer, and I could pick it up in person to meet you both. How's that?

JINI JASTI: Oh, we would love that.

DAN TOKAJI: That sounds great. And it's pretty heavy, so we'll save considerable postage doing that. I don't think the audience members can actually unmute themselves, but—

DAVID MARANISS: COVID, knock on wood, I think we're going to be out in Madison this summer. We both have our shots.

DAN TOKAJI: Well, we'll look forward to it. And those of us who are in Madison, those in the audience, you now know what David looks like so you can thank him for writing this great book and sharing his family history, this deeply personal and yet profoundly important to this country history, both in his book and in his Fairchild Lecture today.

Thanks again to the Fairchild committee, to our IT team, to Dean Jasti and Emilie. But most of all, David, thanks to you. I'm just going to have to give you the round of applause myself since we can't unmute our audience, but I know everybody out there is sitting at home doing the same thing.

DAVID MARANISS: Thank you, Dan. I really enjoyed this. On Wisconsin.

DAN TOKAJI: On Wisconsin. All right. Thanks to everybody for participating. We had a great group today, and hopefully we'll be back together in person for the next Fairchild Lecture. Take care everyone, and thanks again, David.

DAVID MARANISS: Thank you.