

The New York Times

When Suspicion of Teachers Ran Unchecked



Irving Adler, 96, once a New York City teacher, was accused of being Communist and dismissed from his job in 1952. He was one of 378 teachers ousted.

By Ralph Blumenthal

June 15, 2009

Fifty-seven years later, Irving Adler still remembers the day he went from teacher to ex-teacher at Straubenmuller Textile High School on West 18th Street.

It was the height of the Red Scare, and the nation was gripped by hysteria over loyalty and subversion. New York City's temples of learning, bursting with postwar immigrants and the first crop of baby boomers, rang with denunciations by interrogators and spies.

Subpoenaed in 1952 to testify before the Senate Internal Security Subcommittee investigating Communist influence in schools, Mr. Adler, the math department chairman and a member of the executive board of the embattled Teachers Union,

refused to answer questions, citing his constitutional right.

The end came quickly, recalled Mr. Adler, 96, who later acknowledged membership in the Communist Party: “I was teaching a class when the principal sent up a letter he had just received from the superintendent announcing my suspension, as of the close of day.”



The Harbatkins' daughter, Lisa Harbatkin, filed suit against the City of New York for access to 150,000 documents on teachers and informants.

Ruby Washington/The New York Times

Mr. Adler, who has written 56 books, was one of 378 New York City teachers ousted by dismissal, resignation or early retirement in the anti-Communist furor of the cold war, when invoking the Fifth Amendment became automatic grounds for termination. These painful stories may have been buried to history, if not for a coming documentary and a lawsuit seeking to reopen 150,000 documents on more than 1,150 teachers who were investigated and on the informers who turned them in. Among the questions, all these years later, is whether their names can be published, and whether there is still a stigma in being named, or having named, a Communist.

The Board of Education's purges came to be widely condemned as the city's own witch hunt, repudiated decades later by subsequent administrations that reinstated dozens of dismissed teachers.

“None of those teachers were ever found negligent in the classroom,” said Clarence Taylor, a professor of history at Baruch College who has written a study of the Teachers Union and the ideological strife that destroyed it. “They went after them for affiliation with the Communist Party.”

Teacher interrogations also occurred in Philadelphia, Boston, Cleveland, Detroit and Buffalo, among other cities. In hearings of the security subcommittee, about 1,500 of the country’s one million teachers were said to be “card-carrying Communists,” with two-thirds of the accused residing in New York City.

The plaintiff in the lawsuit, Lisa Harbatkin, a freelance writer, applied in 2007 to see the files on her deceased parents, Sidney and Margaret Harbatkin, and other teachers summoned for questioning in the 1950s by the city’s powerful assistant corporation counsel, Saul Moskoff, assigned to the Board of Education as chief prosecutor.



Sidney Harbatkin a New York City schoolteacher, was summoned for questioning in the 1950s, along with his wife, Margaret.

Courtesy of Lisa Harbatkin

As next of kin, she got access to files showing that informants had named her parents as Communists, and that her father had surrendered his license rather than be interrogated while her mother escaped retribution. But files on other teachers and suspected informants were withheld.

Under privacy rules adopted last year by the Municipal Archives, researchers without permission from the subjects or their heirs can review files only upon agreeing to seek city approval before quoting material or publishing identifying personal information about the subjects (except for accounts from already-public sources like newspapers).

Ms. Harbatkin sued, gaining free representation from the Albany firm of Hiscock & Barclay. “The city’s offer imposes restrictions on her freedom of speech that are unconstitutional,” said her lead lawyer, Michael Grygiel. The legal brief calls it “more than a little ironic” that the city sought “to prohibit Ms. Harbatkin from ‘naming names’ in writing about this period of history.”

A lawyer for the city, Marilyn Richter, said that a 1980 court ruling allowed the archives to redact some names before releasing files. But the same ruling noted that the city had sealed the files only until 2000.

“The courts previously determined that the individuals named in these records have a right of privacy not to have their identity revealed,” said Ms. Richter. She said the offer to allow Ms. Harbatkin to review unredacted copies of the documents, “if she agrees not to reveal identifying information, actually provides her greater access to the records than the law requires.”



In her interrogation, Margaret Harbatkin acknowledged joining a Communist Party cell under a pseudonym but said she later withdrew.

Courtesy of Lisa Harbatkin

Ms. Harbatkin said her aim was to write about cases she found compelling but not to expose every name in the files. “The fear increases directly proportional to how closed off everything is,” she said. The city, she said, had no right “to tell you what you can see.”

Files already released to Ms. Harbatkin recount a battle of wills in 1956 between her mother and Mr. Moskoff, the inquisitor who became the fearsome face of the crusade to ferret out subversion in the schools. In her interrogation, Margaret Harbatkin acknowledged joining a Communist Party cell under a pseudonym but said she later withdrew.

Then, directed by Mr. Moskoff “to identify those people who were members of this group,” she replied: “I don’t remember any. I’ve known teachers at so many different schools. As a substitute I went from I don’t even remember all the different schools I worked at, Mr. Moskoff, and that’s the truth.”

The files contain reports by informants who have never been publicly identified. But one operative known as “Blondie” and “Operator 51” was later revealed as Mildred V. Blauvelt, a police detective who went undercover for the Board of Education in 1953 and was credited with exposing 50 Communist teachers. Later, in a series of newspaper reminiscences, she said her hardest moments came when, posing as a Communist hard-liner, she had to argue disaffected fellow travelers out of quitting the party.

Other material was collected for a documentary, “Dreamers and Fighters: The NYC Teacher Purges,” begun in 1995 by a social worker and artist, Sophie-Louise Ullman. She died in 2005, but the project, accompanied by a Web site, dreamersandfighters.com, has been continued by her cousin Lori Styler. The unfinished work is narrated by the actor Eli Wallach, whose brother, Samuel,

was president of the Teachers Union from 1945 to 1948 and was fired from his teaching job for refusing to answer questions before the superintendent of schools, Dr. William Jansen. Samuel Wallach died at 91 in 2001.

“They called everybody a Communist then,” growled Eli Wallach, 93, in a telephone interview, still bristling over the way his brother was treated.

The Teachers Union, which was expelled from the American Federation of Teachers in 1941 before disbanding in 1964 and being succeeded by the United Federation of Teachers, maintained that “no teacher should be disqualified for his opinions or beliefs or his political associations.” State and city authorities countered that Communists were unfit to teach because they were bound to the dictates of the party.

When asked by Mr. Moskoff, “Are you now or have you ever been a Communist?” many teachers refused to answer. They were then charged with insubordination and subject to dismissal.

In his case, said Mr. Adler, the math teacher, it worked out happily. His Challenge of the state’s Feinberg Law, which made it illegal for teachers to advocate the overthrow of the government by force, was rejected by the United States Supreme Court, but the court later reversed itself in another case and declared the law unconstitutional.

He went on to a successful career as a writer of math and science books, settling in North Bennington, Vt. But although he quit the Communist Party after the 1956 Soviet invasion of Hungary, he said, the F.B.I. in 1965 listed him as “a potentially dangerous individual who should be placed on the Security Index” subject to detention in the event of a national emergency. Another teacher, Minnie Gutride, 40, killed herself with oven gas in 1948 after being called out of her classroom to be questioned about Communist activities.

Outside the written record, Ms. Harbatkin did discover unexpected moments of humanity. The Board of Education was often reluctant to oust a husband and wife when both were teachers, and her mother, who died in 2003, confided to her that after she told Mr. Moskoff she would never sleep again if she provided or verified the names of fellow teachers, he turned off his tape recorder “and told her to keep saying she didn’t remember the names.”

She was not charged and continued teaching into the 1970s.

NY court weighs disclosure in old communist probe

MICHAEL VIRTANEN

Associated Press • April 25, 2012



Lisa Harbatkin leaves the Court of Appeals in Albany, N.Y., on Wednesday, April 25, 2012. Harbatkin is a writer whose parents were targeted by anti-communist investigators in the New York City school system 57 years ago is fighting in New York's highest court for records from that chapter in America's Red Scare, including the names of secret informants. (AP Photo/Mike Groll)

ALBANY, N.Y. (AP) — A writer whose parents were targeted by anti-communist investigators in the New York City school system 57 years ago

took her fight to the state's top court Wednesday, looking for the records to peel back the veil of secrecy from that chapter in America's Red Scare, including the names of informants.

Lisa Harbatkin's parents were among more than 1,100 teachers investigated from the 1930s to the 1960s. Her father resigned. Her mother told investigators she was no longer a Communist Party member and couldn't recall who was. Now Harbatkin, who plans to keep writing articles and possibly a book about it, has asked New York's Court of Appeals to uphold her Freedom of Information Law request to see 140,000 pages of documents with nothing blacked out.

Lower courts upheld the city decision to let Harbatkin see files on her parents, Sidney and Margaret Harbatkin. But, citing privacy concerns, officials offered access to the rest only on the condition she doesn't record or publish names.

The investigations came during an era of renewed fears that Communists were infiltrating all walks of American life, concerns that gained the national stage with hearings conducted by U.S. Sen. Joseph McCarthy of Wisconsin. Thousands of Americans, including entertainers, teachers, union activists and government employees, were scrutinized and often accused of being Communists or sympathizers.

Harbatkin's attorney, Michael Grygiel, argued Wednesday that the public interest outweighs privacy issues and the city's restrictions violate her free speech rights.

"There is no longer any realistic basis for the consideration that the disclosure of the names of the parties or the informants ... could realistically result in personal hardship whether economic, social ostracism or any other type of measure because of the passage of time," he said.

New York City Assistant Corporation Counsel Elizabeth Freedman countered that people were routinely promised confidentiality when they talked to investigators, and that should continue, even after death. She said most of the information is already available to Harbatkin, that some people didn't want their families to know, and that the city is offering Harbatkin more access than required under the law.



Attorney Michael Grygiel argues before judges of the Court of Appeals in Albany, N.Y., on Wednesday, April 25, 2012. Grygiel represents writer Lisa Harbatkin whose parents were targeted by anti-communist investigators in the New York City school system 57 years ago is fighting in New York's highest court for records from that chapter in America's Red Scare, including the names of secret informants. (AP Photo/Mike Groll)

Harbatkin said she has heard from several families who also want the information disclosed.

The FBI file on her father, a labor organizer and Communist Party member who subsequently taught at a private school and died in 1960 from a heart condition, also has parts blacked out, including the names of the agents who investigated him, Harbatkin said. The file on her father ultimately notes he was not a security risk.

"He was no threat. They knew it," she said.

Historians say the probes happened for decades across the nation at every level of government on a much larger scale than the well-known Army-McCarthy hearings of 1954. In the anti-communist fervor of the Cold War, when Harbatkin's parents were investigated, 378 New York City teachers were dismissed, resigned or retired early, according to The New York Times.

"In terms of numbers, state and local issues affected many more people," said Beverly Gage, a Yale professor and historian who said New York was one of the "pioneers" in launching those investigations. She said there was a series of teacher purges starting after World War I. "It was often, as this case suggests, carried out through relatively secret measures."

"I think that to really understand how these mechanisms work, how deeply personal many of these entanglements were, we really do need to be able to see what was happening and so it's really critical to the study of history to know these sorts of details," Gage said. "It also is a kind of lens onto a genuine radical culture that once existed in New York. There was a vibrant Communist Party in New York in the '30s and '40s."

Richard Hamm, professor of history and public policy at the State University at Albany, points out that former East German secret police files, including the names of informants, were released after the Iron

Curtain fell. He acknowledged that historians as a group want information disclosed.



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"I understand that people will be hurt, but there is a balancing act," he said.

The court is expected to rule in about a month.

OPINION

'Naming names': A new witch hunt?

By [Ronald Radosh](#)

April 26, 2012 | 4:00am



Lisa Harbatkin
AP

New York's top court may soon make public the names of FBI informants who gave the names of New York City teachers they believed to be secret Communist Party members or sympathizers.

They "named names" in the anti-communist investigations of the 1930s through the '50s. Some named were called before congressional committees, where they refused to testify, invoking the Fifth Amendment right not to incriminate themselves. As a result, the city Board of Education fired them.

Writer Lisa Harbatkin's parents were among the 1,100 teachers who lost their jobs. A Freedom of Information lawsuit has gotten her the files on her parents — but the lower court, invoking privacy laws, told her it would only release 140,000 pages on other teachers if she agreed

not to publish the informants' names. She argues that the public interest and her First Amendment rights outweigh the right of privacy.

Releasing the names could bring a smaller version of the storms that engulfed Eastern and Central Europe after the fall of communism. Those countries opened secret files as part of decommunization campaigns — and many citizens of the former East Germany (for example) were shocked to learn that friends, neighbors and even spouses had willingly served as informants to the secret police.

Do we really need to reopen similar old wounds in New York?

Consider Bella Dodd — who probably “named” Harbatkin's parents and many others.

Dodd was once chief of the communist-led New York Teacher's Union — but she was expelled from party membership in the wake of Stalin's post-World War II purges of “revisionists” in the Communist Party USA. Dodd's friends and associates stopped talking to her, and she lost all the clients she'd long represented as a lawyer.

Dodd soon returned to the Catholic faith of her youth, and took her revenge on those who'd betrayed her by testifying about the CPUSA before Congress and privately naming those she knew were communists in the union she'd helped create and lead. We know she gave the Senate Internal Security Subcommittee the names of at least 100 teachers and undoubtedly handed over many more.

Who “betrayed” whom here?

The American Communist Party had a membership whose loyalty was to Moscow first and foremost, and included many teachers who sought to use their perch as a mechanism (as the late Sidney Hook argued) to propagate party doctrine among their students. They used the laws of the system they despised to protect their secret work for the communist movement.

Some who lost their jobs were good teachers who put their professional duties ahead of their loyalty to Stalin. But many others weren't — and all refused to be honest about their own views, preferring to call themselves “progressives” and to pose as martyrs.

Many who named them, like Bella Dodd, also thought they were doing good.

There has been much healing in the years since. Decades later, the city gave restitution and formal apologies to many teachers still alive. The statute that led to dismissal of teachers who invoked the Fifth Amendment was declared unconstitutional in 1968.

In 1973, 33 teachers who had been fired were reinstated. Others followed, and (after some lawsuits) those dismissed received pensions they'd been denied. In 1982, 10 professors who had been fired from city colleges were reinstated with restitution.

Must the pendulum swing all the way to a final act of revenge? Why “name the names” of the informants now?

As a group, they were no better or worse than the communists they named, whom they thought at the time were harming America.

Is a refusal to release their names really something that interferes with Lisa Harbatkin's rights as an American citizen?

I doubt it.

Ronald Radosh is a Hudson Institute adjunct fellow and columnist for PJ Media. His books include the memoir “Commies: A Journey Through the Old Left, the New Left and the Leftover Left.”

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No. 12-281

LISA HARBATKIN V. NEW YORK CITY DEPARTMENT OF RECORDS AND INFORMATION SERVICES, ET AL.

from the Court of Appeals of New York

See other cases from New York (</from/state/New%20York>).

Docket Entries

Petition DENIED.	on February 19, 2013
DISTRIBUTED for Conference of February 15, 2013. (/conferences/2013-02-15)	on January 16, 2013
Brief of respondent New York City Department of Records and Information Services, et al. in opposition filed.	on January 4, 2013
Order extending time to file response to petition to and including January 8, 2013.	on November 30, 2012
Response Requested . (Due November 9, 2012)	on October 10, 2012

Parties

Lisa Harbatkin, *Petitioner*,
represented by Mark F. Glaser

New York City Department of
Records and Information
Services, et al., *Respondent*,
represented by Elizabeth I.
Freedman

DISTRIBUTED for Conference of October 12, 2012. (/conferences/2012-10-12)	on September 26, 2012
Waiver of right of respondent New York City Department of Records and Information Services, et al. to respond filed.	on September 14, 2012
Petition for a writ of certiorari filed. (Response due October 9, 2012)	on August 31, 2012

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