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Louis Budenz, the FBI, and the “list of 400 concealed Communists”: an extended tale of McCarthy-era informing

For those who may not remember, Louis F. Budenz was the prototypical ex-Communist political informer of the McCarthy era, setting the standard for an entire class of informer-witnesses.

Ubiquitous during the period, Budenz was the principal Justice Department witness in the 1949 Foley Square Smith Act trial of the CPUSA's top leadership. His high-profile testimony before the Tydings subcommittee in April 1950, naming Johns Hopkins professor and China expert Owen Lattimore as a secret Party member, averted a threatened early end to Joe McCarthy's Red-hunting career—Joseph Alsop termed him “the Senator's rescuer-in-chief.” By 1953, when he testified in the McCarthy subcommittee's investigation of books by alleged Communists in State Department overseas libraries, Budenz was fawned over by Republican and Democratic lawmakers alike, as if he were an elder statesman or Nobel laureate. He wrote five books, hundreds of magazine and newspaper articles, and delivered countless lectures throughout the country, all warning in shrill terms of an internal Communist peril. “No man,” Richard Rovere wrote in 1955, “has had any greater influence on the public view of the Communist problem than Louis F. Budenz.”¹

This article concerns an episode in Budenz's career as an ex-Communist informer—his creation of a “list of 400 concealed Communists.” Budenz's intention in announcing a “400 list” was to promote his forthcoming new book; but Hoover's FBI had other objectives. What followed was an outpouring of names to the Bureau, a process that consumed the better part of 1950 and 1951, including the names of scores of prominent artists, authors, and academics—some at the very apex of American cultural life. Budenz's names triggered an exaggerated response from the Bureau, taxing its investigative resources and also revealing much about Budenz's credibility. His list attracted the attention of HUAC, a development that increased the FBI's anxiety. The “400 list” took on a life of its own, worthy of note.

Budenz was 54 years old when, on 10 October 1945, he defected from the Communist Party. He had been managing editor of the *Daily Worker* and a Party official. His defection was not spontaneous but rather a well-planned and well-publicized event, orchestrated by Monsignor (later Archbishop) Fulton J. Sheen, an urbane and articulate clergyman who made anticommunism his specialty. Sheen conducted a religious ceremony at St Patrick's Cathedral in New York City before an audience of 200, erasing Budenz's excommunication and baptizing members of his family, and arranged a teaching job for him at Notre Dame University. Budenz's impending defection had been concealed from his Party colleagues, and on the morning after the services at St Patrick's his name appeared in its usual place on the *Daily Worker's* masthead.²

FBI director J. Edgar Hoover, however, had been tipped off by Sheen to the planned defection. The Bureau closed its active criminal investigation of Budenz under the Foreign Agents Registration Act and instead arranged extensive interviews with him. The interview process, which began in early December 1945 at a hotel in South Bend, Indiana, was lengthy and exhaustive. The initial interviews were conducted from typed lists prepared by the Bureau, containing roughly 700 questions covering every phase of the Party's operations and Budenz's career. (At Budenz's insistence, both of the interviewing agents were “practical Catholics.”) Budenz later estimated he spent 3,000 hours being interviewed by the FBI in the first few years following his defection.³

During the interviews, Budenz's long career in radical-left groups was a prime topic. He had not joined the Communist Party until 1935, when he was 44. In the preceding two decades, he had passed through a wide range of left-wing and labor organizations—even serving briefly as the ACLU's publicity director—associating with such varied individuals as Roger Baldwin, A. J. Muste and Sidney Hook, and editing a variety of publications. Immediately before joining the Communist Party, Budenz had been associated with the Workers Party of the United States, a Trotskyist organization. In fact, his knowledge of the Trotskyists' apparatus made him particularly attractive to the Stalinist-oriented CPUSA. In his FBI interviews, Budenz described to the agents his peripheral role in the successful plot to assassinate Leon Trotsky.⁴

Budenz's ten years in the Communist Party, which included membership on the Party's national committee, had been devoted largely to journalistic assignments. In 1938, he became editor of the *Midwest Daily Record*, a new

Party newspaper in Chicago, which expired after the Hitler-Stalin pact was signed in 1939. At the *Daily Worker*, he continued the Party's anti-war stance (writing that "workers everywhere do not want their sons to die, mangled scraps of flesh ... in order to enrich Wall Street") until June 1941, when the Nazi invasion of the Soviet Union led to another 180-degree turn in the Party line. With his comprehensive knowledge of the Party's inner workings, Budenz was able in his interviews to identify to the FBI a very substantial number of Communists. His interviewees focused on individuals associated with Soviet espionage and those employed by the federal government.⁵

In October 1946, following a year of silence imposed by Notre Dame, Budenz moved to Fordham University in New York City and began rapidly to build a career naming Communists in public forums. That month he told the *New York Times* that Gerhard Eisler, a German Communist, was the "secret head" of Communists in America, a charge he repeated before HUAC in November. (The shadowy Eisler fled to East Germany after being convicted of contempt of Congress.) In March 1947, at House Labor Committee hearings, Budenz named two UAW officials, Harold Christoffel and Robert Buse, as Party members who participated in a Communist-ordered strike at Allis-Chalmers in 1940. In a 1947 INS deportation proceeding, he named as a Party member John Santo, a Romanian-born official of the Transport Workers Union.⁶

He also began to name publicly as Communist Party members individuals whom admittedly he neither had known nor seen at a closed Party function. In such cases, Budenz would often testify that someone in the Party told him in his "official capacity" that the named individual was a "concealed" Communist. While his testimony was hearsay, rules of evidence were not applied by HUAC or the other congressional committees. Nor was his testimony likely to be challenged: even if he identified a specific Party official as his source, the committees normally had no interest in impeaching Budenz, a "friendly" and useful witness, and in any case the Party official if called would likely invoke the Fifth Amendment.

When, in August 1948, Whittaker Chambers accused Alger Hiss in highly-controversial testimony before HUAC, Budenz was called by the Committee to lend confirmation. He testified, "I do not know him [Hiss] personally, but I have heard his name mentioned as a Communist." Budenz explained that on the basis of conversations with Party leaders, he "regarded [Hiss] always" as a Communist and "under Communist discipline." In response to questions from committee member Richard M. Nixon, Budenz affirmed that "others in the party" regarded Hiss as a Party member⁷

Budenz's 1950 testimony before the Tydings subcommittee, in which he named Owen Lattimore, followed a similar format. While that story is well known, we summarize it here because of its close connection to the principal subject of this article, Budenz's "list of 400 concealed communists."⁸

The Tydings hearings arose out of Joe McCarthy's famous Lincoln Day speech in Wheeling, West Virginia, and his purported list of 205 (later 57 and then 81) Communists employed at the State Department with the knowledge of the Secretary of State. The Democratic leadership in the Senate, seeing a golden opportunity to discredit the Wisconsin senator, established a special subcommittee, chaired by Millard Tydings, the respected and impeccably conservative chairman of the Armed Services Committee, to investigate McCarthy's charge—in effect challenging him to "put up or shut up." But McCarthy, guided by Alfred Kohlberg, a leader of the pro-Chiang "China lobby," and J. B. Matthews, formerly a staff official with the Dies committee and then an advisor to Hearst publications, accused Owen Lattimore, an occasional State Department advisor on China, initially charging that he was "the top Russian espionage agent" in the United States. Lattimore, a respected college professor and prolific author, who vigorously denied under oath any Communist taint, seemed a most unlikely target. Matthews, however, recruited a witness for McCarthy—Budenz.⁹

When he appeared before the Tydings subcommittee on 20 April Budenz readily admitted that he had never seen Lattimore and did not know him; nor did he know of any espionage activities by him. But Budenz identified Lattimore as a Communist on the basis, he said, of information "given to me officially as managing editor of the *Daily Worker*." Budenz cited several Party meetings—at none of which Lattimore was present—at

which he said he heard Lattimore referred to favorably by Party officials in connection with China policy. He also relied on conversations with Jack Stachel, a top Party official whose task it was, he said, to keep “refreshing me on a list of about a thousand names which I was compelled to keep in my mind,” a list that “was not put down in writing because of the fact it might be disclosed.” Stachel told him, Budenz said, that the *Daily Worker* should treat Lattimore as a Communist.¹⁰

Budenz also cited documents he said he had seen but were no longer in existence. “[U]p until 1940 or '41,” he testified, he received as a member of the Party’s national committee reports on onionskin paper that discussed Lattimore, referring to him as “L” or “XL.” Stachel instructed him, Budenz said, that “these onionskin papers were considered so confidential that we were forbidden to burn them. We had to tear them up in small pieces and destroy them through the toilet.” He knew that “L” and “XL” referred to Lattimore because “[t]hat was told me by Jack Stachel.”¹¹

No corroboration existed for Budenz's testimony. Stachel, who had been convicted in the 1949 Foley Square Smith Act trial, did not appear at the hearings, pleading illness in response to the subcommittee's subpoena. Bella Dodd, an ex-Communist who did appear—she had been expelled from the CPUSA in 1949 after having served on its national committee since 1944—testified that she “never heard [Lattimore's] name mentioned by party leaders or members of the party, either as a party member or as a fellow traveler or even as a friend of the Communist Party.” She added that “I never saw an onionskin document such as Mr Budenz says he was told to flush down the toilet.”¹²

While a McCarthy-era informer-witness rarely suffered impeachment at the hands of a congressional committee, the Democratic majority on the Tydings subcommittee sought actively to impeach Budenz's testimony. Not only did the subcommittee hear Dodd and other adverse witnesses, but also Budenz was cross-examined. Among other things, he was forced to admit that he had not named Lattimore in a 1949 article he published in *Collier's*¹³

magazine specifically directed to Communist influences on America's China policy. Nor had he mentioned Lattimore during a 1947 telephone interview on the same subject with a State Department investigator. Most importantly, Budenz had never named Lattimore in the course of his lengthy interviews with the FBI. In fact, he told the Tydings subcommittee he had not mentioned Lattimore to the Bureau until “very recently”—“a couple of days” after he learned from the press that subcommittee members had examined Lattimore's FBI file summary.

Budenz, to be sure, had explanations for failing to name Lattimore to the FBI. It was not his practice, he said, to give “concentrated information” to the Bureau until a trial was imminent. A second explanation was that “I can't give the FBI everything I know because of the physical limitations.” A third was that he was occupied “compiling this list of 400 concealed Communists” to be given the Bureau. He was compiling the list “*seriatim*,” Budenz told the subcommittee, and “[m]y impression is that I have already turned over to the FBI 200 of these names, and am continuing to do so...”¹⁴

The Tydings subcommittee's report, adopted on a party-line vote, concluded that Budenz's testimony “is hearsay and corroboration is, to a very great extent, lacking.” His failure to name Lattimore to the FBI earlier, it found, was “necessarily puzzling.” And a four-page section of the report was devoted to “[t]estimony contradictory to that of Budenz.” But in a separate statement, Republican Senator Henry Cabot Lodge of Massachusetts gave a ringing endorsement of Budenz's credibility, noting that it is “apparently considered good” by the Justice Department.¹⁵

Budenz came out of the Tydings hearings with an enhanced reputation. Because his testimony gave at least some credence to McCarthy's charges, the senator's Republican colleagues stood solidly behind him. Budenz, Joseph Alsop wrote, had saved McCarthy “from universal, immediate discredit.”¹⁶