

Sexual McCarthyism, Polyamory, and the First Amendment

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[Sam Spade] grinned at her, [and] said, "Somebody ought to write a book about people some time—they're peculiar."

--Dashiell Hammett¹

1. I've read and thought lots about the McCarthy era—in Dalton Trumbo's evocative phrase, "the time of the toad"—and more specifically about the moral character and political implications of the House Committee on Un-American Activities, a.k.a. HUAC. As everyone knows, the purpose of HUAC was to investigate, punish, and if possible extirpate, membership in or sympathy for the Communist Party of the USA, a.k.a. the CP-USA, in American cultural and institutional life, by specifically focusing on Hollywood. I've also read and thought lots about The Hollywood Ten—the ten Hollywood directors and screenwriters who were forced to appear before HUAC in a show trial in 1947, and then were fired from their jobs by their Hollywood studio bosses, imprisoned, and blacklisted, for refusing to testify and for contempt of court, and in particular for refusing to repudiate their Communist beliefs or sympathies and "name names," i.e., denounce their friends and associates. The Ten explicitly and quite reasonably claimed legal and moral protection for their Communist beliefs or sympathies and for their judicial silence, under the First Amendment. And then, of course, they were fired, imprisoned, and blacklisted anyway. So much for The Bill of Rights. Ultimately, in the McCarthy era, many thousands of people—including one former member of my Department—were named, investigated, and lost their jobs or were otherwise punished by blacklisting for the

¹ D. Hammett, "Too Many Have Lived," in D. Hammett, *Nightmare Town* (New York: Vintage, 2000), pp. 305-320, at 312. In 1951, Hammett was imprisoned for five months after refusing to name names to a New York state version of HUAC.

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