



A MAN OF PRINCIPLE

PAUL HAROLD LAVIETES, 1907-1990

Paul Lavietes was an intern at the West Haven Veterans Affairs Medical Center, an employee and alumnus of Yale, and a father of two when he was pulled aside at work for questioning over suspected disloyalty to the United States. Transporting us to the moment of Lavietes' sudden accusal, Emma Platoff, MC '17, insightfully reveals the impact of President Dwight Eisenhower's Executive Order No. 10450 upon American society and offers a vivid glimpse into New Haven life in the McCarthy era.

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They began again on Wednesday, in the same room where they had been the day before. It was dim, with a chair in the center and a stenographer situated at a desk in the corner. She typed fast and kept her eyes down, hugging the wall as if she wished she could become a part of it. Neither man paid her much mind.

“Have you ever advocated communism as a replacement for the present system of government in the United States?” David Doherty asked.

“No.”

“Did you ever endeavor to impose such a thought upon your associates or any students you might have had?”

“No.”

Doherty sighed. The clacking of the stenographer’s typing paused.

“Doctor, there is information on record from while you were a staff member of the School of Medicine, Yale University, during 1938 and 1939, that you did advocate communism as a replacement for the present system of government in the United States, and encouraged the reading of the works of Marx, Stalin and other communists. In view of that information, Doctor, do you care to revise or amplify or in any way change your previous answer?”

“No.”

“During early 1940, were you a signer of a statement raising a warning against denying communists the full freedom of the Bill of Rights or any suppression of the Communist Party?”

“I do not recall.”

“If you were a signer, don’t you think you would recall?”

“I’m not sure.”

“Doctor, you recall yesterday you indicated that if I gave you a particular question in writing that you would consider whether or not you would answer,” the lawyer said.

Doherty was an attorney for the United States Department of Veterans Affairs who had arrived the day before at Paul’s VA hospital office to conduct “an interview.” When Doherty began to lob questions, Paul, startled and unprepared, claimed not to know the answers to many of the questions and refused to answer some others. Presumably Doherty had expected increased cooperation, or information, in today’s meeting. Paul had not come prepared to provide either.

Paul was all too familiar with the government questioning that seemed to dominate the 1950s. He knew that employees of the VA were subject to investigation at any time. He knew also that a negative outcome from an interview like this could lead to his suspension or termination from a position he enjoyed – and, more importantly, federal dis-

loyalty charges. But “whispering Paul,” as his colleagues knew him, although quiet, was staunchly principled. And he was never shy about his beliefs.

Doherty continued, talking faster now than before, one hand stuffed deep into a pants pocket and the other holding a packet of questions curved slightly so it didn’t flop.

“I am now handing you a question in writing which reads as follows: ‘Have you in any manner rendered support to any organization carrying on the line of propaganda and activities advocated by the Communist Party or any affiliated organizations?’ Later on, after you have had an opportunity to consider it, I will ask you whether or not you desire to answer that question.”

He handed Paul a slip of paper, and Paul set it on his lap, smoothing it so it lay flat over his right thigh. He considered Doherty’s words as he read them typed out in front of him. The typist was clacking more quickly now, straining to keep up.

The lawyer did not give Paul long to peruse the question. “During 1951, were you a signer of a statement to the American people sponsored by the National Council of Arts, Sciences and Professions requesting the dismissal of the indictment of W.E.B. Du Bois for failure to register under the Foreign Agents Registration Act?”

“The answer...” Paul trailed off. “I am not sure. I may very well have.”

“Were you a member of the National Council of Arts, Sciences and Professions?”

“Not as far as I know.”

“Were you associated with the organization in any manner?”

“Not as far as I know.”

“Do you recall what motivated you in opposing the indictment of Dr. Du Bois?”

“I do not recall.”

“Are you conscious of having any particular feeling about his having been indicted?”

“I do not recall any of the circumstances. I do not have a copy of the petition or letter at this time.”

“Were you aware or suspicious that DuBois was affiliated with communist activities?”

“I was not and am not.”

“Don’t you have any recollection of any feeling about the situation that motivated you in protesting the indictment of Du Bois?”

“No. I am a scientist.”

“Don’t scientists have feelings and motives?”

“We have feelings based on facts and I have got to have the facts.” Paul punctuated the word by pounding his fist on his leg. The piece of paper on which the question was written fluttered to the ground.

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Paul didn't pick it up before continuing. "I am not going to give answers on impressions," he said, slower this time. "Furthermore I do not see how my motives are very important in this thing. Facts I am willing to testify to."

"Motives are important, too, in relation to facts are they not?"

Paul frowned. "You ask your questions and I'll answer them in my own way."

"During late 1951..."¹

JANUARY 1956

Paul did not hear about the outcome of the interview for almost six months.

It was a chilly Monday in January of 1956 when he finally did. It had been a long day and Paul, a New Haven internist known to most as Dr. Lavietes, was glad to be home. He started most weekdays no later than 6:30 a.m., when diabetic patients called for advice on what certain measurements meant and which medicines to take. Workdays often stretched into evenings, and patients were always welcome in the family's home. Alongside applesauce and grape jelly, patient samples of blood and urine lined the walls of the family refrigerator.²

Paul was a tall, skinny man, with close-cropped brown hair and glasses. He held several positions – consulting at the West Haven VA Medical Center and four other hospitals in the area – but did most of his work in his private practice on Howard Avenue. More than anything, Paul loved his patients, who ranged in wealth and standing from the former first lady of Yale, Katherine C. Angell,³ to the men he treated every Friday evening at the Union of Indigent People on Dixwell Avenue.⁴

His family's home was a gray stone Tudor on the corner of Alston Avenue in New Haven's quiet Westville neighborhood. It was full of life. Paul had a daughter, Sylvia, who was six; his son Marc, eight years older, was slogging through high school. Paul's wife Ruth, a slim, reticent woman, had had a normal day of housework and quiet discontent on that Monday. She was stately, the beauty of her family, and she always seemed to light up when Paul came home.⁵

As he usually did right after arriving, Paul removed his work pants, lay down on the couch in the living room with a glass of Scotch on the floor beside him, and sent Sylvia out to the front yard for the paper. He read the *New Haven Register* every evening and the *New York Times* every morning, and the delivery game was their little ritual. Sylvia brought him the paper and settled in on the Oriental rug, kneeling near his head. As always, they read the comics first.⁶

The suburban quiet of January 16 was colored by the fat envelope of bad news Paul had received.⁷ The letter inside held five pages of charges against Paul, and it came with an appendix: a copy of Executive Order No. 10450, accompanied by VA regulations

700–712. It was signed by Mr. A.H. Corley Jr., the director of Security Service at the VA’s central office in Washington, D.C. Paul’s mind flashed to August.

President Dwight D. Eisenhower had issued 10450 almost three years earlier. The order, much stricter than President Harry Truman’s system that it replaced, stopped distinguishing between labels of low-security risk and labels of outright disloyalty. The order enumerated several criteria for disloyalty, including membership in any organization deemed “totalitarian, fascist, communist, or subversive.” It also required the investigation of all new applicants to government positions, as well as an investigation of any employee not previously investigated.⁸

The VA regulations explained how such security investigations would take place. An initial investigation—like Paul’s August interview—could be made of any employee if there was reason to suspect him of being disloyal. Evidence of disloyalty, as enumerated in Executive Order No. 10450, included everything from “any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy” to a documented violent attempt to overthrow the government of the United States.⁹ If, after receiving an initial investigative report, Corley found any evidence that an employee was a threat, he could move to suspend or terminate him. It then fell to the employee’s manager to inform the employee of the decision.¹⁰

Recalling the unapologetic stance he had taken the summer before, Paul was not entirely surprised to get the letter. Even still, his stomach dropped as he read it.

Paul had watched colleagues go through similar proceedings, and he understood how they often fell out. John Punnett Peters, the famously socialist academic and a close friend and mentor to Paul since the younger man’s medical school days, had only recently concluded his own loyalty case.

For Peters, the process had been long and drawn out. It began in 1949, when Peters received the first notice that his loyalty was being questioned.¹¹ The most damning charges against him came from unnamed accusers, which Peters and his lawyers considered ludicrous. Peters answered the accusations under oath¹² and was told there were “no reasonable grounds” to evince his disloyalty.¹³ In spring 1952, Peters was questioned and cleared again. A year later, the Loyalty Review Board declined to accept the decision of the previous agency and held its own set of hearings. Unlike the two before it, that board found reasonable doubt of Peters’s loyalty, and he was soon removed from his part-time position within the Public Health Service.¹⁴ After a Federal Court of Appeals sustained the loyalty board’s ruling, the Supreme Court agreed in November 1954 to hear his case.¹⁵

Peters had not taken the case to court to reclaim his position—his term would have run out three months after the dismissal regardless. Rather, he had made an assertion of principle: about his constitutional right to face his accuser and about the

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questionable constitutionality of the loyalty review boards that had stripped him of his position.¹⁶ The case would test the right of the government to use unnamed informers against a federal employee accused of disloyalty.¹⁷ In the end, the court ruled for Peters on a technicality, declaring that the loyalty review board which had questioned Peters did not have the authority to review his case as he had previously been cleared by a departmental board. It was not the way Peters or his lawyers had wanted to win,¹⁸ but it was a win nonetheless.

Paul and Peters often discussed the threats such matters presented to members of their profession. In January of 1953, they worked together on the case of their colleague Dr. Charles Nugent, who had been drafted into the army as a private instead of as a commissioned doctor.¹⁹ Nugent had apparently been denied the medical position he had applied for because he had refused to fill in a form that specified his past associations, even though the Fifth Amendment afforded him the right not to list them.²⁰ Paul and Peters collected 59 signatures from fellow doctors, asking that the government either grant Nugent the medical commission he sought or allow him to remain a civilian. Paul himself had signed the letter accompanying the petition—which he sent directly to President Eisenhower, as well as to two Army generals and a senator.²¹ General Lewis Hershey, one of the letter's recipients, replied to Paul personally and enclosed a copy of a relevant Supreme Court decision.²² Paul told Hershey he “did not find [his] reply entirely satisfying.”²³

Paul had taken the lead on this correspondence, partially because Peters was ill at the time.²⁴ The illness did not go away over the next two years. In October of 1955, just a few months after winning his Supreme Court case, Peters suffered a heart attack while making rounds at Yale-New Haven Hospital. He died on December 29 of the same year.²⁵

Paul talked about Peters a lot, and before the man died he had often been around the Lavietes's house. The kids knew him well, mainly as a giant—a physical one for younger Sylvia and an intellectual one for Marc, who was old enough to understand what Peters had achieved.²⁶ Paul's association with Peters had not escaped the government's notice; their conversations had hardly stayed between them. Paul's own outspokenness in the Nugent case, and the role of Peters—who, by the time Hershey responded, was embroiled in his own loyalty case for the third time—could not have been missed. It all felt unpleasantly familiar.

When the family sat down for dinner that January evening, Paul was quieter than usual. The children were used to spending family dinners listening—Paul liked to talk to them, about his patients, about philosophy, about the news. Their father did not need to raise his voice for them to sit forward attentively. He spoke seriously at dinner, without much interruption from the three of them, talking often about topics beyond their understanding. Once, when an elderly patient of his was suffering horribly, Paul had spent

the meal discussing the merits of euthanasia—a term Sylvia could not yet define. For the most part, no one interrupted when he talked.²⁷ That evening felt different.

After the children went to bed, Paul and Ruth went through the charges together. They did not get beyond the first page before she began to cry.²⁸

Ruth was proud, as everyone knew, to be Paul's wife. She loved being married to a doctor, making a home for him, keeping it beautiful. She loved their beautiful and smart children and their weekend tennis games. She loved listening to the opera with him on the radio and playing duets together, he on the clarinet and she on the piano.²⁹

What she did not love were his politics. Ruth was political to some extent: She was a Democrat who followed the news and was always interested in the presidential election. But the conversations Paul had with Peters, and the work he did with the indigent—his talk of equal health care for all—were a step beyond for her. The Nugent letters and the Communist Party rally he had attended in Central Park in the '30s set her on edge. She had seen Wisconsin senator Joseph McCarthy on television and watched Eisenhower speak about 10450. To her, these ideas, these principles Paul held so close to his heart, were not worth a threat to their beautiful Tudor home, their weekend tennis games, their comfortable life as beloved doctor and beloved doctor's wife.

"Paul, why do you have to do this?" she asked.³⁰ He put his hand over hers on the table, and did not answer.

Paul's first step was to contact Yale Law School professor Thomas Emerson, a close personal friend and distinguished scholar. He had told Emerson about the August interrogations, and together they had quietly, naïvely hoped that it would end there. Emerson, who had worked in several government agencies during time of the New Deal and on several high-profile legal cases, was known for his work in civil liberties.³¹

The first note Paul sent him was nonchalant.

"Dear Tom," he wrote, "See what you think of this and let me know at your convenience. I take it I have until [February] 15 to reply since it was delivered to me on [January] 16."³²

Emerson sprang into action. By early February, he had written to Corley asking for a monthlong extension for the response letter. It would be "exceedingly difficult, if not impossible" to obtain documentation on the twenty-three charges leveled against Lavietes in just a month, he said.³³ Corley allowed the extension.³⁴

The two also reached out to lawyers and friends who had been involved in the Peters trial. Peters had died just a month earlier, and Paul—who would keep a framed photo of his mentor in his office for the rest of his life³⁵—was still grieving. The accusation had come too soon, like salt in a cut that had just begun to scab over. More than anything Paul wished he had his friend to advise him through the process.

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Still, the pair worked efficiently and thoroughly. Paul wrote to Vernon “Vern” Countryman, one of Peters’ former lawyers and a friend of Paul’s, who sent a long letter of advice.³⁶ Much of what Countryman told Paul he had already heard from Emerson, but seeing it in black and white somehow made it more real.

The suspension letter had laid out a few options. He could submit an answer refuting or explaining each listed charge, and give the responses either under oath or not. He could also request a hearing, should his reply not clear him of all charges. If he did nothing, a determination in his case would be made on the basis of the nearly two dozen charges the VA had on record.³⁷ But beyond what the dozens of pages of regulations spelled out for him, Paul knew there were other paths he could take. He could resign from the VA, for example, and simply accept the suspension – most of his income came from his private practice, anyway, and the suspension at the VA did not as of yet interfere with his duties at Yale. Or he could take the accusations to court. At stake, Paul knew, were questions not just of legality but of principle. He did not feel it was right for him to resign his position at the VA for the sake of conformity.

The first decision to make was whether to ask for an administrative hearing. Countryman put the odds of winning such a hearing at a disheartening one to three. A failure at the hearing would be a worse blow to Paul’s record than a simple resignation – unless, of course, the hearing board’s decision was reversed in court. And even an unlikely win at the hearing, Countryman warned, would have established “nothing by way of principle,” though it would clear Paul’s government record.³⁸

Still, Countryman advised Paul to take the hearing. There was little to lose, he said, and at the very least a hearing would offer some closure: If it did not end the matter, it would force Paul to decide whether to take the accusations to court.³⁹

It was clear what Peters would have done. Paul asked for the hearing.

Countryman helped them obtain transcripts of Peters’s three hearings, as his case would mirror Paul’s, although on a smaller scale.⁴⁰ Peters, too, had seen his first attack through a dismissal from a part-time government position – his had been the U.S. Public Health Service. Peters, like Paul, had no access to classified materials through this government job.⁴¹ And, strikingly, the worst accusations against Paul came from unnamed sources.⁴²

Paul and Emerson were not blind, either, to the likelihood that Paul was being targeted because of his affiliation with the famously socialist academic. Among the dozen or so Peters disciples, Paul had been one of the most outspoken.⁴³ Paul was suspicious of the accusations from the start. He knew his work at the VA had been exemplary. Furthermore, that unnamed sources had supposedly reported him for trying to turn their medical school classrooms red seemed suspect. There had been just seventy-six members in the classes of ’38 and ’39, and Paul remembered many of them personally.⁴⁴

Paul had a firm sense of fairness, and felt that he deserved to be rewarded for the service he'd given his country for three years during the war and through almost a decade at the VA.⁴⁵ The accusations, he felt, were more about his affiliations than his actions. He had been a sponsor, for example, to the American Committee for Protection of Foreign Born, an organization deemed suspicious by Executive Order No. 10450, for four years.⁴⁶ And he had no doubts that his relationship with Peters had been similarly damning.

As they continued to make decisions on their course of action, Emerson went to work refuting specific charges and claims. It was not an easy process. There were twenty-three charges to answer, the earliest reaching back two decades to 1936, when Paul signed a nominating petition to place the names of two Communist Party leaders on Connecticut's ballot for president and vice president of the United States.⁴⁷ The vast majority of the charges involved letters or petitions that Paul had signed, including supporting W.E.B. Du Bois when he was indicted for non-compliance with the Foreign Agents Registration Act and protesting the prosecution and imprisonment of Abner Green, the executive secretary of the American Committee for Protection of the Foreign Born.⁴⁸

Emerson began to request old issues of the *Daily Worker* and *New Masses* to corroborate these claims.⁴⁹ It soon became clear that Paul, as the doctor himself recalled, had signed at least the majority of such statements. Most could be confirmed by documents they procured from Green and other sources. Others they did their own research on, and though they could not confirm all the specifics, Paul often thought it likely that he had signed.

Emerson's task, then, was to prove that supporting these initiatives did not constitute disloyalty to the country. In the case of the Communist Party's ballot petition, for example, Paul had supported the party more than a decade before it was declared an enemy. In cases where the organizations unquestionably did fall within the parameters of Executive Order No. 10450, Emerson made whatever distinctions he could. Paul had, for example, sponsored a 1951 conference run by the American Committee for the Protection, but had not attended it. Paul had signed a petition in support of the International Workers' Order, an insurance organization that was disbanded for its Communist Party affiliations, and indeed believed that the organization did good work in providing inexpensive insurance to working people. But, as their response letter insisted, Paul had never been a member of the group.⁵⁰

For many charges, Emerson listed the names of other prominent U.S. intellectuals and celebrities who had also supported them.⁵¹ Reading over the names of these figures made it yet more clear that Paul's investigation came thanks to his affiliation with Peters. The work was frustrating.

Paul's task, meanwhile, was to procure affidavits and other statements of support. On March 4, Paul wrote to dozens of colleagues, friends, and former students.⁵²

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Within days he had received dozens of affidavits from peers across the country. Many who wrote offered, without being asked, to testify on Paul's behalf should he ever need them. But some colleagues were cautious, no doubt concerned that their own associations with Paul could lead to suspicion of their own activities. Many doctors who no longer worked with Paul were careful to specify that they could not speak to Paul's activities or character in the intervening years. Their answers were worded carefully; they "had never witnessed" Paul advocating communism, or they "had no reason to believe" he would take such an action. He had never called on them to follow Marxism "as far as they could recall."⁵³ Dr. Russell Elkinton, a former Yale colleague, wrote a statement of just two lines, conceding to Paul that he had been aware of his "leftist sympathies" while they worked together.⁵⁴

Some took the accusations more seriously than others. Dr. Morris Tager of Emory University, who had known Paul both as a fellow student and as a colleague at the medical school, wrote that although he was sorry to hear about the "stupid charges" made against Paul, he was confident his friend would soon be vindicated.⁵⁵ One former student offered to help fund Paul's fight.⁵⁶ John Fulton, a colleague and former patient of Paul's, went so far as to accuse the government of negligence; the unnamed sources accusing Paul would be discounted in "any court of law," he asserted.⁵⁷ In his affidavit, he chastised the accusers for lending credibility to "hearsay evidence." In an accompanying letter to Paul, he went even further.

"The whole thing is shocking to a degree — unnamed medical student informers, and everything else that would have put Jack Peters into a state of righteous fury, even as it has me," Fulton blustered.⁵⁸

The note made Paul smile. He felt a particular pang when he read the messages that mentioned Peters, as many did. Just the month before, he had sent out a note to some of his fellow students of Peters with a draft of a letter he was planning to send seeking funds to establish a memorial lecture series in his mentor's name.⁵⁹ Several friends and colleagues sent in notes praising Paul's draft alongside their statements in his support. The irony was not lost on him.

John Hodge Peters, the eldest of John Punnett Peters's sons, wrote in a note alongside his statement that he was worried his support might not help Paul at all. "My concern is not that my position may be compromised, but that yours may be by association," wrote Peters, who was then employed at the U.S. Veterans Hospital in Atlanta.⁶⁰ His affidavit was significantly longer than most, and full of clear assertions of Paul's loyalty to democratic principles.⁶¹ Paul and Emerson ultimately decided to include him anyway.⁶²

Paul was particularly focused on procuring affidavits from the members of the classes of '38 and '39 at the School of Medicine because of the hefty charge accusing him of advocating communism to students. He had, reportedly, encouraged medical students to read the works of Marx, Stalin and other communists. Fifty-one members of the two class years

ultimately wrote on his behalf, denying that Paul had ever turned their classrooms political.⁶³

In the end, Paul and Emerson included thirty-eight of the statements and affidavits they had received—ten from '38-'39 students; eight from current administrators and faculty at Yale; eight from former Yale professors; two from former armed service associates; and nine from fellow New Haven residents, including the Yale University Chaplain, Paul's rabbi, and a handful of prominent lawyers and businessmen, some of whom were Paul's patients.⁶⁴ Altogether a rather impressive group, they agreed.

The two wrote draft after draft of the letter, moving sections around, editing out harsh language and occasionally putting it back in.⁶⁵ As they worked, they kept a careful eye on a case pending before the Supreme Court. The saga that became *Cole v. Young* had begun in 1950, when Kendrick M. Cole, a New York inspector for the Food and Drug Administration, was accused of having a close relationship with reported Communists and a sympathetic association with a "subversive" organization, Nature Friends of America. Cole declined to answer the charges, leaving it to his department head to decide based on the evidence at hand. He was fired.⁶⁶

But Cole's was a special case: As a World War II veteran, he could appeal his dismissal to the Civil Service Commission under the Veterans' Preferences Act, which gave those who had served in the war preferential treatment in government employment. The commission, however, rejected Cole's case, arguing that the act did not extend to charges of disloyalty, and furthermore that Cole had been fired under an act of August 26, 1950, which allowed heads of government agencies to suspend or terminate employees in the interest of national security.⁶⁷ Such decisions were final.⁶⁸

Cole's case, though, was more complicated still: In 1950, the act had originally only specifically applied to eleven "sensitive" agencies, though the president could extend it to other departments in the interest of national security. Executive Order No. 10450 had extended the act to include every federal employee. The Supreme Court now had to decide whether the president had the authority to extend the act to allow agency heads to unilaterally fire federal employees who did not have access to sensitive information, like Cole⁶⁹—and Paul.

Emerson knew whatever was decided in *Cole v. Young*, should it stick, would set some sort of precedent for what happened to Paul. If Cole were cleared, Paul should be too—but the legislative and executive branches had been hostile to the Supreme Court in recent years, and bills could surface that would attempt to dodge or reverse even a favorable court ruling.⁷⁰ Emerson and Paul hoped it was a good omen that the court heard the case on March 6,⁷¹ just as they were beginning to finalize the letter.

The final version came in four parts. In addition to the answers to specific charges and the attached affidavits, Emerson included a page of legal objections and Paul wrote a brief story of his own life. Emerson sketched out five legal arguments they hoped would deter

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the agency from proceeding to a hearing, several rooted in technicalities and others based on Countryman's suggestions or arguments made in Peters's case. Denying Paul access to all the evidence being used against him – namely, the anonymous sources who condemned his advocacy for communism in 1938 and 39 – violated his Fifth Amendment rights, they argued.⁷²

Paul's summary of his life highlighted his three years of wartime military service and his love for the country and its constitution. For much of it, he pandered to what he must have thought the loyalty board would want to hear: a true story of the American Dream. Paul's family story was one about immigrants: in 1889, Paul's fifteen-year-old father and his family left their sugar beet farm in the state of Kiev to escape Russian persecution of Jews.⁷³ Philip Lavietes, Paul's father, established a modest business in the U.S., and the family climbed to the middle class. Paul graduated from Yale College in 1927 and the School of Medicine in 1930. He served stateside for three years during World War II, first at a VA hospital in Ohio and then at Moore General Hospital in North Carolina, and was discharged as a captain in 1947. In the letter, he emphasized this work and the work he had done for the VA hospital since.⁷⁴

"In acting as consultant to the VA, I have felt as if, in a humble way, I was articulating my love for this country and the principles of equality and freedom on which it rests," Paul wrote.⁷⁵

But "whispering Paul" would not send off the letter entirely free of defiance. He made reference to the "great good fortune" he had had to work under the leadership of Peters, whose recent, high-profile loyalty case could not have been unknown to the loyalty board who would receive the letter. Peters's own answers to the government had, incidentally, included similar disdain for the process: in one, he told the chairman of the Board of Inquiry on Employee Loyalty at the Federal Security Agency that the letter outlining procedures for his hearing was unintelligible, to the point that it was "a perfect gem" for Lewis Carroll's *Through the Looking Glass*.⁷⁶

Though he did not go this far, Paul did toe the line, discussing many times his constitutional rights to certain actions and his opinion that the attorney general had overstepped his role by declaring so many organizations subversive. And in the final lines of his brief autobiography, he discussed his political leanings and emphasized the principles, which guided him and which he would not abandon for anything.⁷⁷

"I suppose this all adds up to being a 'liberal,'" he wrote. "Such a philosophy plainly precludes submission to the dictates of the Communist Party. Nor can such a philosophy, which has its roots in resistance to nineteenth-century Russian totalitarianism, condone the twentieth-century version. Conversely, such a philosophy insists that every one – citizen or alien, white or black, rich or poor, whatever his religion or his politics – be allowed to think and speak as he pleases. Our Constitution does not ask whether a

person is a Jew, a Jehovah's Witness, or a Catholic; a Nazi, a Trotskyite, or a communist. It protects us all and therefore I cherish and defend it."⁷⁸

They sent the letter off on a Tuesday, March 13. The document, which was twenty pages long and accompanied by more than forty pages of supporting statements,⁷⁹ had occupied much of their lives and most of Paul's sanity in the two months they had spent composing it. In the end, Emerson considered the letter rather impressive, though he was not sure it would strike the VA that way.⁸⁰ He was aware of how important Paul's principles had been in shaping the letter; as a result, it was thorough but not the least bit apologetic. Paul and Emerson were, if not optimistic, proud of the work they had done.

Though the efforts had dominated Paul's time at home, and often preoccupied him at work, he did not speak much about the proceedings to his children.⁸¹ Paul read to Sylvia each night, sitting on the side of her bed. She was an anxious child. Paul rubbed her back when she had trouble sleeping, which she often did. One night, instead of telling Sylvia a made-up story before bed, Paul told her about the older sibling she'd once had: a girl named Barbara Ann who died after just four months, two years or so before Sylvia was born. Barbara was the first of two children Ruth had who did not survive. Paul told Sylvia not to tell her mother, and the little girl was confused—surely her mother knew already. Paul warned that it would make Ruth upset.

Sylvia felt closer with her father than with her mother. She always knew where to find him when she wanted him: late at night, at the red formica table in the kitchen. Every night around 11 p.m., Paul made his signature treat: vanilla ice cream with Rice Krispies and maple syrup. When Sylvia joined him, they sat and talked, spoons moving through the air. She felt nurtured.

But Paul and Ruth often left questions unanswered. Sylvia wondered about her mother's father, whom she had always been told was an Orthodox Jew.⁸² Neither Ruth nor any of her six siblings were particularly observant. The family joined Congregation Mishkan Israel only after Marc came home from third grade one day complaining that he didn't know what it was to be Jewish. Marc felt that the family paid lip service to holidays and rituals. But his own Judaism was something that Paul would have been acutely aware of; in the 1930s, he was one of two Jewish doctors on the faculty of the medical school. Religion, like family controversy, was rarely discussed.⁸³

Marc, who was older, understood slightly more, though he did not ask many questions. He did not feel as close to his father as Sylvia did. The one time Marc felt Paul was available to him was during the twenty-minute ping pong games they'd play around dinner time. Marc sometimes overheard his father and Peters discussing Peters's

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own case. He had read the headlines, and he understood the stakes involved in such investigations. But Marc was focused on making good grades and getting into Yale, and though Paul was affable, he was rarely entirely open with his children. He had always been withdrawn, and now it seemed he did not want to burden Marc and Sylvia with his stress.

Feeling the tension in the household, Sylvia and Marc sometimes locked themselves in Marc's room on Saturday mornings, listening to music behind the door. They liked to play "Barbara Ann," some sort of rebellion against the household which never felt open for discussion on things that mattered, like a lost sister. Their mother seemed repressed. Their father meant well but sometimes did not get it.

The Lavietes often had friends over to the Alston Avenue house. In the 50s, Peters came over after tennis games, and later it was the Wyses, who lived nearby in Hamden, or Rebecca and Charlie Solomon, who drove down from West Hartford. They occasionally held dinner parties, and every Sunday night they watched "Omnibus." Ruth and Paul liked going to friends' houses to play chamber music. Fallow Harper, a lawyer who had represented Peters, often brought his wife Miriam over to play bridge against Paul and Ruth. Sylvia liked to sit in Fallow's lap, and she loved his wife. Miriam, who was a social worker, became a sort of role model for Sylvia, who would enter the profession herself. That spring, Ruth began to plan their annual summer vacation to Lakeville, Connecticut, unsure whether the case would preclude them from leaving New Haven. Family life flowed on.⁸⁴

Meanwhile, Paul was continuing his work putting together a memorial for Peters. In March, he was asked to write a tribute to his mentor, and the document occupied his thoughts as he moved through his days, while treating patients and sitting with his children. Peters's four children stayed in touch, especially Alice Peters Irwin, who lived about an hour away in Connecticut. She had affection for Paul, as her father had, and offered anything she could give to help him through the loyalty case.⁸⁵

Thoughts of the investigation did not dissipate as they awaited a response. Emerson and his wife had long been close friends, who came over for dinner or drinks or after a tennis game.⁸⁶ Now the tenor of their visits changed. It was not pure fun anymore, but often business. Paul and Tom Emerson's conversations turned serious more quickly than usual, and their voices turned quieter. Ruth seemed to fret ever more over the dishes.

Just over a month after they submitted the letter, Paul heard back from Corley. Their letter had not shown sufficient cause for lifting Paul's suspension, and his case would proceed to a hearing. The date was tentatively set for May 15.⁸⁷

Two weeks' notice would not be enough, Emerson knew. He immediately wrote to Charles King, the chairman of the Security Hearing Board, asking for at least a month before they'd have to appear.⁸⁸ King granted the time.⁸⁹

There was a great deal to do before the hearing. In the months since the letter had gone out, Paul had begun to familiarize himself with the rights afforded to him. Paul and Emerson had also begun to discuss who should serve as witnesses, drawing up a list of thirteen men whom Emerson would call for an initial interview. Two never returned his calls, and two Emerson ruled out after speaking with them.⁹⁰ Ultimately they settled on nine witnesses.⁹¹ Emerson called each more than once to go over the questions they'd be asked and to determine when they should be heard. The hearing procedures allowed the employee and his counsel to draw up the schedule for witness testimony, and Emerson reorganized the schedule several times to ensure that everyone would be available.⁹²

The hearing began at 1 p.m. on Monday, June 4, in room G-61-M of the VA in West Haven, the building where Paul had been questioned for the first time almost a year prior.⁹³ To him the time felt much longer.

Security board hearings were to be conducted in “an orderly manner, and in a serious, business-like atmosphere of dignity and decorum.”⁹⁴ Paul, who was known for his dry humor, found it funniest that the hearings were to be “expedited as much as possible,” a provision which seemed impossible given that the sessions were also to begin with the solemn readings of the letter setting forth charges against the employee, as well as the statements and affidavits the employee had provided in answer.⁹⁵ In Paul's case, this totaled nearly 100 pages. As the accused employee, it fell to him to read them aloud. He read solemnly, keeping the absurdity to himself. It took nearly an hour.

When formalities were finished, Emerson began.

“I'd like to request a transcript, pursuant to VA Regulation 709 J.”⁹⁶ The prosecutor nodded.

Emerson then moved to dismiss all charges, based on two legal arguments they had used in Paul's original answer. Neither seemed to take. Emerson turned next to the Cole case, which they knew the Supreme Court could decide on any day. He reserved the right to raise these legal arguments again should the Cole decision be handed down.⁹⁷

After requesting VA documentation of the charges filed against Paul, Emerson called his client and friend as a witness. They started with technicalities; Paul agreed that their letter, and its answer to the specific charges, could be taken as testimony given under oath. He described his duties at the VA, emphasizing that he never had access to classified information. Then they got into the charges.⁹⁸

They did not finish with Paul before it was time to question the witnesses, as Emerson had expected.⁹⁹ Paul could rest for a bit. Three hours after the hearing had begun, Emerson called the first witnesses. He had allocated the three who were to be called on Monday just a fifteen-minute slot each, knowing that should the prosecutor cross-examine them, it would take longer.¹⁰⁰ The room was mostly empty – just the three members of

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the security hearing board, a stenographer, Emerson, and Paul himself.¹⁰¹

The witnesses were allowed to be present only when giving testimony.¹⁰² Emerson began with Dr. Edward Nichols while the other two witnesses slated to speak that afternoon waited in the hall.

“How long have you known Dr. Lavietes, and in what context?” Emerson asked. “What has been your association with him?”¹⁰³

Nichols was not unused to the process, having served as a witness in Peters’s 1953 hearing.¹⁰⁴ Nichols explained that he had entered the Yale School of Medicine in 1934 and later worked as an intern on Paul’s metabolism service. Since then, they had remained in close contact, traveling together to conferences, and on one occasion sharing hotel accommodations. In all that time, Nichols said, he had never heard Paul personally advocate Marxism or any philosophy that could be confused with it. Paul, he said, was intellectually independent, and his idealistic viewpoint was incompatible with any sort of external pressures. Communism was so “incongruous” with Paul’s beliefs “as to approach the absurd,” Nichols finished.¹⁰⁵

The next two witness examinations went much the same way. Gerald Klatskin, who had first met Paul as an intern in 1933 and had maintained contact since, often with weekly lunches, said he had not often discussed politics with Paul. He did remember that Paul had favored Adlai Stevenson and President Franklin Delano Roosevelt in recent elections. He had not known of Paul’s membership in the American Committee for Protection of Foreign Born until two years ago, when Paul asked him if he was interested in signing a petition.¹⁰⁶ The hearing pressed on. Thomas Robinson, a New Haven defense attorney who had known Paul since his time as a medical student, affirmed his faith in Paul as a “loyal, honest, and conscientious man.”¹⁰⁷

The witnesses finished around 5 p.m.¹⁰⁸ Paul and Emerson left the VA exhausted.

The next day started early, at 9 a.m., with Dr. William German, who’d known Paul when they were both medical students. German could not speak much to Paul’s politics, but spoke positively of his sympathy as a doctor.¹⁰⁹ Next up were Dr. Arthur Geiger, Dr. James William Hollingsworth, and Robert Savitt, a patient of Paul’s who had won a Purple Heart.¹¹⁰ Hollingsworth knew that Paul had voted for Stevenson, a Democrat, in the 1952 election, but not much more; Savitt could not speak to Paul’s political views but lauded him as humanitarian. They took an hour-long break before Emerson questioned Dr. Louie Claiborn, a colleague who said there had been no rumors of Paul advocating communism to medical students in the late 1930s.¹¹¹

Harry Most, by far Paul’s closest friend among the nine witnesses and also the one who had traveled the farthest, spoke after lunch.¹¹² Most had worked with Paul in North Carolina during the war, and they remained close friends afterwards. After a detailed

explanation of their associations, Most defended his friend's character.

"Are you acquainted with Dr. Lavietes's interest in civil liberties?" Emerson asked. "Does he support civil liberties for all, regardless of their beliefs?"¹¹³

Most said yes.¹¹⁴

"And, in your view, does his interest in civil liberties indicate support for the Communist Party?" Emerson continued.¹¹⁵

Again, Most nodded yes. Paul supported Americans of all beliefs – the Constitution afforded them equal rights.

"I am firmly convinced of Dr. Lavietes's loyalty and integrity," Most finished. "I would have no hesitation in recommending his appointment to any position – including a sensitive governmental assignment – and I would consider it an honor to be associated with him in any scientific or other capacity."¹¹⁶

Witnesses finished, the hearing turned back to the specific charges leveled against Paul. As Emerson had anticipated, questioning Paul himself spanned more than a full day. Cross-examination was another several hours; the prosecutor turned out to be "a real son of a bitch," as Nichols later described him.¹¹⁷ After three days, they were finished, and the matter was left to the board to decide. Overall, Emerson thought, it had gone as well as could be expected.¹¹⁸

On June 11, before they would get a response, the Supreme Court handed down its decision in the *Cole v. Young* case. In a 6–3 decision, the court found that the 1950 Act permitting agency heads to conclusively suspend or terminate employees deemed dangerous only applied to sensitive agencies. For other agencies, departments could only dismiss employees using standard personnel laws.

Cole, as an FDA inspector, did not qualify as a "sensitive" employee.¹¹⁹ Neither, it seemed, would Paul.

On June 16, U.S. Attorney General Herbert Brownell Jr. announced that seventeen non-sensitive employees in pending loyalty cases had been restored to their positions.¹²⁰

Two days later, Paul received another letter from Lewis G. Beardsley, the manager of the West Haven VA, re-designating him as a consultant to the facility.¹²¹

Paul immediately wrote to Emerson. Again he was curt.

"Dear Tom," he wrote, "The enclosed letter which this copy mentions is a form such as the one you have, designating me as a consulting physician for the fiscal year ending June 30, 1956. I haven't reached Dr. Beardsley yet."¹²²

Implicit in his note was the question that would linger in both their minds for the next few days: was it over? Emerson began to ask.¹²³ King, the chairman of the security

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board, told him the board would take no further action in connection with the case.¹²⁴ Emerson was cautiously optimistic—Paul’s suspension had been cancelled, but he was not sure whether the charges against him had been dismissed or withdrawn entirely. The VA’s office informed him that Paul’s case would be “held in abeyance” while the office studied how the Cole decision would impact the personnel security program.¹²⁵

Indeed, the Cole case, initially seen as a triumph for individual privacy, provoked significant outcry from Congress in the weeks after the decision was handed down. By the first week of July, officials including McCarthy himself had proposed legislation that would effectively reverse the Court’s decision by applying the 1950 security act to even non-sensitive government employees. One bill, proposed by representative Francis E. Walter gained support from the White House and the attorney general.¹²⁶ But none passed both houses before the legislative session ended July 27.¹²⁷

Emerson began to write back to the sources that had helped them compile information. He told Green that Paul had been reinstated, likely more thanks to the Cole decision than the strong defense they’d put forth in the hearing.¹²⁸ Emerson returned American Committee for Protection of Foreign Born documents and the transcripts of the Peters hearings, telling the firm that had lent them to him that the outcome in his case had been favorable. Paul was—at least for now—cleared.¹²⁹

NOTES

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TITLE IMAGE

From the Paul Lavietes archive in Yale University Manuscripts & Archives.
<http://drs.library.yale.edu/HLTransformer/HLTransServlet?stylename=yul.ead2002.xhtml.xsl&pid=mssa:ms.1589&query=paul%20lavietes&clear-stylesheet->