

COMPARING THE ERA OF AMERICAN McCARTHYISM TO THE POST-MODERN TURKISH MILITARY COUP OF FEBRUARY 28th, 1997^(*)

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Abstract

I will first begin with a brief discussion of the concept and definition of McCarthyism in the United States of America. Secondly, I will discuss the McCarthyism Era and how it affected civil liberties within the US. Lastly, I will present a brief historical background of Turkish Military Coups during the Republican era of Turkey, and discuss the February 28 Military Coup in context of how it affected civil liberties in Turkish society. The objective of this paper is to present an analysis of the McCarthyism Era and the resultant civil liberties of the U.S.A., and to understand the Turkish version of McCarthyism and its effects on Turkish civil liberties after the military coup d'état of February 28th, 1997.

Keywords

McCarthyism, Civil Liberties, Turkish Military Coup, February 28, The Cold War.

(*) Yayın Kuruluna Ulaştığı Tarih: 24.03.2022 - Kabul Edildiği Tarih: 12.05.2022.

Atıf Sekli: Fatih Öztürk, "Comparing the Era of American McCarthyism to the Post-Modern Turkish Military Coup of February 28th, 1997", *Süleyman Demirel Üniversitesi Hukuk Fakültesi Dergisi*, C. XII, S. 1, 2022, s. 299-325.

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AMERİKAN McCARTİZM DÖNEMİNİ POST-MODERN TÜRK ASKERİ DARBESİ 28 ŞUBAT, 1997 İLE KIYASLAMAK

Öz

Bu makalede ilk olarak; özet bir şekilde ABD'deki McCartizmin tanımı ve kavramı ele alınacaktır. İkinci olarak; McCarty Döneminin Amerika'da temel hürriyetleri nasıl etkilediği incelenecektir. Üçüncü olarak; Türk Ordusu'nun askeri darbelerinin arka planı takdim edildikten sonra 28 Şubat askeri darbesinin Türk toplumunda temel hürriyetleri nasıl etkilediği incelenecektir. Bu makalenin gayesi, McCartizm Dönemi ve onun ABD'deki temel hürriyetleri nasıl etkilediğinin analizini yaparak, Türkiye usulü McCartizma olan 28 Şubat askeri darbesinin temel hürriyetlere olan etkisini gözden geçirmektir. Sonuç olarak, temel hürriyetler açısından McCartizmin ABD ve Türkiye'de nasıl işlediği incelenecektir.

Anahtar Kelimeler

McCartizm, Temel Hürriyetler, Türk Ordusu Darbesi, 28 Şubat, Soğuk Savaş.

INTRODUCTION

The Cold War years were a period of political and military conflict between the United States of America and the former Soviet Union and its allies after World War II. It is commonly believed that this era ended in 1989 after the collapse of the Berlin Wall. During this era, most Americans accepted the idea that the U.S.S.R. was a growing power and a threat to world peace. Then, as American society developed “an obsession with domestic communism”, this became an easy and elegant way for certain political figures to advance reputation and career.¹ The anti-communist movement thus dominated the political scene, as well as every other aspect of American life, and this was especially true concerning the negative impact it had upon affected civil liberties.

Wisconsin Republican Senator Joseph Raymond McCarthy (1908-1957) and his supporters had begun a strong anti-communist crusade campaign that would stretch from 1950 to 1954, with their enemies coining the term “McCarthyism.” The definition itself belied it as a general extreme opposition to communism. After a while, the term McCarthyism gained a more generalized meaning: “the hysterical investigation of government opponents, or the publicizing of accusations against these opponents without sufficient evidence to support charges.”² In other words, Senator Joseph McCarthy pumped fear of communism into American society during the Cold War to promote his political career. To put it simply, McCarthyism hunted the Reds from 1950 to 1954 under the rule of Senator McCarthy. More broadly, it became a common political term, coming to mean hunting for the destruction of government or state opponents without sufficient evidence to carry charges against the defenseless.

McCarthy achieved the goal as defined above via accusation of certain public and private persons as communists, created suspicion, and ordered in-depth investigations of the people of America. He also made use of the press and radio to magnify his accusations, thereby using pervasive media influence on the public. McCarthy came onto the scene in on February 9, 1950, when in a regular speech at a Lincoln Day celebration in Wheeling, West Virginia, he began his anti-communist crusade by declaring that he had in his hand a list of

¹ Richard M. Fried, *The McCarthy Era in Perspective: Nightmare in Red*, Oxford University Press, Oxford, 1990, p. 3.

² Eric Donald Hirsch, Jr., Joseph F. Kett, James Trefil, *The Dictionary of Cultural Literacy*, Houghton Mifflin Company, Boston, 2002, p. 295.

205 U.S. State Department employees that were known communists.³ In reality, the anti-communist crusade was a collaborative project; economic sanctions increased the effectiveness of McCarthyism while patriotism extended and empowered emergent the injustices it created.⁴ It was an anti-communist agenda, later followed by the Federal government, which wheedled the entire nation into the crusade, and it was this false guidance that made it possible to use the power of the state to distribute and legitimize said agenda. However, the U.S. began to later return to a sense of normalcy with the election of Eisenhower and the end of the Korean War. However, the atmosphere of fear that McCarthy had woven into society continued to be felt for almost a decade.⁵ Because of the political environment of the late 1940s and the early 1950s, many years passed until Americans dared to criticize the government. They also refused to join any organizations, especially any associated with leftism. During this period of self-enforced silence, congressional hearings, loyalty programs, and blacklists affected many innocent people's lives.⁶ In sum, McCarthyism was the worst aspect and result of the Cold War, and made up the then greatest abuse of power, especially pertaining to freedom of civil liberty, during that period of history.

I. MCCARTHYISM ERA AND CIVIL LIBERTIES IN AMERICA

Building on our summation of the lack of civil liberty, we will now provide information in regards to how McCarthyism touched and affected American society from different facets by a main focus upon the aspect that is political repression. It is clear that McCarthyism was a production of the Cold War Era, and that the Cold War put pressure on America(ns) at "all levels of politics." However, what many fail to note is that these years in question would have been a dismal prospect even in absence of McCarthyism.⁷ The anti-communist crusade that existed then influenced and affected all of American politics, law, society, and culture. The years of 1949 to 1954 were times of crisis for civil liberties regardless of the political instrument wielded, as political conflicts

³ Fried, 1990, p. 120-3.

⁴ Ellen Schrecker, *Many are the Crimes: McCarthyism in America*, Little, Brown and Company, Boston, 1998, p. XIV.

⁵ Fried, 1990, p. 142.

⁶ Schrecker, 1998, p. XIII.

⁷ Fried, 1990, p. 119.

produced ever-present fear and suspicion. “In the name of protecting the internal security of the United States against the threat of communism, thousands of people lost their jobs, went to prison, or were punished in numerous other ways.”⁸

In other words, these were the misguided years for civil liberties, as they are usually thought of as freedoms or rights that, via their valuable criteria, are necessary for the functioning of a liberal and democratic society. These rights include but are not limited to: freedom of speech, freedom of religion and thought, freedom of association, the right to a fair trial (especially the right to counsel), freedom of movement, and freedom of the person. These rights at their core are concepts that are basic and necessary tools for protection of individuals against the arbitrary acts of their governments, and ultimately form the backbone of human rights via their upholdance through the legality either constitution or statutes that proclaim the general equality of all people.

Although Schrecker states that McCarthyism lasted for nearly ten years, from 1946 to 1956, the actual origin of the anti-communist crusade began in the early 1930s. During this time, American communism was gaining power by organizing labor unions and fighting racism; thus, to destroy communist power within the next decade or so among the people, political repression began to work away at the state-given rights of “local communists” to a draconian degree. According to Professor Schrecker, “McCarthyism is about the use of power to repress a politically unpopular minority; in order to understand it, we must look at the individuals and institutions that had that power. Perhaps by discovering how political repression once took hold within our democratic system we can avoid a replay.”⁹

Belknap emphasizes that the American Communist Party was not the only victim of the Smith Act prosecutions; civil liberties were also damaged in the process of ferreting out defenders of civics. In addition, Professor Belknap complains that few Americans focused on constitutional rights during the early stages of the anti-communist crusade; this situation changed after 1953, however, with the decrease of international conflicts, and many Americans now began to worry about the methods that were used against communism.¹⁰

⁸ Schrecker, 1998, p. X.

⁹ Schrecker, 1998, p. XVI, XVIII.

¹⁰ Michal R. Belknap, *Cold War Political Justice: The Smith Act, The Communist Party, and American Civil Liberties*, Greenwood Press, Westport, 1977, p. 282.

The Alien Registration Act enacted by Congress in 1940 required all alien residents in the United States over 14 years of age to make a comprehensive statement of their personal and occupational status and a record of their political beliefs. Within four months, close to 5 million aliens had been listed in the records.¹¹ In 1940, the Smith Act, anti-sedition law, made it a crime to conspire to teach or advocate the overthrow of the government by force, or to belong to a group advocating such overthrow. As such, the Act was an intrinsic threat to traditions of national civil liberties and political dissent. The federal government also made use of the Smith Act against other targets during the alliance between the U.S. and U.S.S.R., but during the Cold War the Act worked almost entirely in opposition to the communism that existed during the Truman administration.¹²

In the 1940s, Pat Mc Carran, a Democratic Nevada Senator and anti-communist crusader, shaped and ran the Senate Internal Security Subcommittee.¹³ There also existed the committee of the House of Un-American Activities (HUAC). HUAC's duty was to investigate individuals suspected of unpatriotic behavior, and it was known as the best tool to discover and eliminate individuals who were trying to overthrow the government.¹⁴

In early 1945, the FBI began to collect information on the Communist Party; within two years the file had reached over 1800 pages. Under pressure from HUAC, Attorney General, Tom Clark made the first prosecutorial move. In 1946, during his speech at Chicago Bar Association, the Attorney General gave a warning to lawyers defending against destroyers of American liberties. The Republican victory in 1952 put McCarthy in the position of chairman of the Senate Committee on Government Operations. McCarthy abused his position, giving off the impression that he was an undefeatable man, as whoever opposed him would be labeled a traitor, or perhaps even worse.¹⁵

¹¹ **Alien Registration Act**, <https://spartacus-educational.com/USAalien.htm/06/02/2021>.

¹² Belknap, 1977, p. 53. See also Stanley I. Kutler, **The American Inquisition: Justice and in Justice in the Cold War**, 2nd ed, Hill and Wang, New York, 1983.

¹³ Kutler, 1983, p. 199. The Mc Carran Act was a federal law which required that members of the Communist party register with the Attorney General, and made it mandatory for Communist organizations to provide the government with their members' names. The Act was enacted during the Cold War Era in response to a U.S. Supreme Court decision. See **Black's Law Dictionary** (7th ed., The West Group, St. Paul, 1999, p. 994. See also Melvin I. Urofsky & Paul Finkelman, **A March of Liberty: A Constitutional History of the United States, Volume II, From 1877 to the Present**, 2nd ed, OUP, Oxford, 2002, p. 763.

¹⁴ See Alien Registration Act.

¹⁵ Urofsky & Finkelman, 2002, p. 758, 764.

The Federal government thus began the prosecution of the Communist Party one after another in July 1948, when the Justice Department accused twelve top party leaders under the Smith Act. The charge was conspiring to advocate the overthrow of the government and via the organization and rally of the Communist Party for said purpose. In any case, the possible survival of the First Amendment during the Cold War was believed to be, by the majority, the most important matter at the time in the politics of the US, especially by the civil libertarians of the time.¹⁶

A Federal grand jury returned had thus responded via indictments against twelve men, one of whom was ill and left out of proceedings on account of it. The nine-month trial of eleven (The New York Trial-The Battle of Foley Square) began in January 1949.¹⁷ There was a struggle between five lawyers from the liberal National Lawyers Guild and the then presiding judge Harold Medina, while the FBI responded by putting all five under surveillance. On October 14, 1949, the eleven defendants were all deemed guilty by the jury. Before punishing the defendants, Judge Medina entered contempt judgment against the five lawyers, accusing them of conspiracy to hinder the trial, irritating incidents, damaging his health, and trying to cause a mistrial.¹⁸ During the 1950s, the subsequent verdict and disciplinary proceedings against the five lawyers was the most important event in the legal profession.¹⁹

During 1950s, the American Bar Association (ABA) also regularly passed resolutions against defending communists, and advised local disciplinary actions for lawyers representing communists. The disciplinary actions of the bars themselves were, however, sometimes indirect. Additionally, 1951 also saw the ABA urgency of local groups to dismiss all communist members.²⁰ The right to counsel was in danger, and interestingly, a number of local bar associations actually tried to provide communists with attorneys instead. In addition, the

¹⁶ Samuel Walker, *In Defence of American Liberties: A History of the ACLU*, 2nd ed., OUP, Oxford, 1999. 185.

¹⁷ See Urofsky & Finkelman, 2002, p. 758, 764.

¹⁸ See Urofsky & Finkelman, 2002, p. 759. See also Michal R. Belknap, "The Fight for the Right to Counsel", *Ohio History* 85 (1976), p. 31. Professor Belknap remarks that during McCarthyism era, many civil liberties and constitutional rights were damaged; one of them was the right to counsel. His outstanding article provides many great details on this particular issue.

¹⁹ See Kutler, 1983, p. 180.

²⁰ Kutler, 1983, p. 181.

media acclaimed such cases and featured judge Medina in the headlines, and newspapers around the country admired the punishment of lawyers and the resultant verdict. There were some opponents, but they numbered few, and could also not speak,²¹ as the practice of local and state action against lawyers defending communists had become widespread throughout the nation.

One of the main and most striking characteristics of the McCarthy Era was that lawyers were no more responsive to violations of civil liberties and rights than ordinary Americans were as a result of the constant surveillance and probing; the legal profession was, like other public and private institutions, an attempt to impose political testing on its members. The ACLU in particular held a special place of significance during this era as a divided council, as its conservative members tried to attack communism while its liberals wanted to defy McCarthyism. As was to be expected, the ACLU did not want to be involved with these cases so as not to lose its reputation as a non-defender of communists. Thus, for the period of McCarthyism, the ACLU lost its prestige and ended up becoming a weak civic institution with little support.²² Even when in regards to the Battle of Foley Square, the ACLU submitted an amicus brief stating that the Smith Act was unconstitutional because it violated the First Amendment. But, the ACLU also did not take any part in the proceedings themselves. Also, after the communists among its numbers were convicted, it tried to disassociate itself from communists and their counsels, and even filed briefs to the Supreme Court in support of the appeal. As seen in detail by the plight of ACLU, the “Others” of society who did not conform to the popular belief were believed to not hold the right to have rights, with many Americans believing that “the Cold War enemy had no rights.”²³ Also, counsels in “sedition trial cases” did not gain new clients, beginning to also lose former clients. In simple terms, those lawyers who had defended unpopular cases came under attack and became excluded from groups and other forms of general societal function.²⁴

In American history, as a result of the aforementioned biases, no other group had the kind of difficulty in obtaining a lawyer that the victims of the

²¹ Belknap, “The Fight for the Right to Counsel”, p. 28.

²² Schrecker, 1998, p. 303. See also Belknap, “The Fight for the Right to Counsel”, p. 32.

²³ Belknap, 1977, p. 212, 113. See also Belknap, “The Fight for the Right to Counsel”, p. 33.

²⁴ Belknap, “The Fight for the Right to Counsel”, p. 30.

Smith Act did.²⁵ Sometimes, sedition laws were used against communists instead of the Smith Act when deemed appropriate. For example, Steve Nelson, the leader of Communist Party of Pennsylvania, defended himself in front of a court after more than one-hundred lawyers refused to take his case.²⁶ In other words, it was and still is always difficult to obtain a lawyer to defend an unpopular case. Even after the Vietnam War, southern blacks and civil rights activists frequently tried to obtain lawyers from the north to defend them, if we may cite a slightly later US example of note.²⁷

During the Second American Red Scare,²⁸ the legal profession, especially lawyers, were more worried about traditional civil liberties than about defending communists. Fascinatingly, the Sixth Amendment presents the right to counsel; hiring an attorney is at the economic base of the bar, and as such, attorneys defended this civil liberty more than other civil freedoms and rights. Some lawyers did not want to defend communists so as not to lose their marketability, but they defended them anyways in this defense of what they saw as the new internal revolution that would be brought about by dissatisfied Commies.²⁹

In *United States v. Dennis* (1950), the Court sustained thus ended up sustaining the convictions, and upheld the constitutionality of the Smith Act. The Court stressed “the clear and present danger” test by relying on a “transformed version of Holme’s liberteritarian doctrine of clear and present danger.”³⁰ The Court’s decision was then immediately criticized by legal scholars and civil libertarians, as Dennis and fellow defendants had been convicted because of their ideas, not their actions.³¹ Individuals were punished with long prison terms “for teaching four books written by Stalin, Marx, Engels, and Len-

²⁵ Belknap, 1977, p. 222.

²⁶ Kutler, 1983, p. 181. Steve Nelson was prosecuted under a Pennsylvania state sedition act.

²⁷ Kutler, 1983, p. 182.

²⁸ See Belknap, 1977, p. 223. During the First Red Scare in 1919 and 1920, the fear of foreign radicals reached the extreme level that gave rise to the name itself. After communists had then established the Soviet Union in 1919 to export communist revolution to the whole world, this act caused Americans to now see radicals everywhere. See more Kermit H. Hall, *The Magic Mirror: Law in American History*, OUP, Oxford, 1989, p. 250-1.

²⁹ Belknap, 1977, p. 223.

³⁰ Hall, 1989, p. 314.

³¹ Urofsky & Finkelman, 2002, p. 761-2.

in.”³² Professor Chemirinsky observes that redefining clear and present danger in *Dennis*, the Supreme Court adopted a risk formula as followed: If the harm is great enough, such as the overthrow of the government, it should not need to be clear and present. He also adds that in cases such as *Schenck*, *Debs*, and *Frohwerk*, the court upheld convictions even when there was no proof of imminent, likely harms.³³ This decision took its place in American legal history as a low point for the Supreme Court record during the Cold War Era. Indeed, the majority of the members of the Court believed they would have to rethink this subject, but in word alone rather than via action.³⁴ With this decision now made, the Communist Party was almost destroyed and the First Amendment’s truth of freedom of speech dealt a severe blow. The reason for the damage was because it was understood that it was the right of every individual to express his political beliefs based on who he was.³⁵ In *Dennis*, Justice Frankfurter warned that “the clear and present danger test” might produce harmful results for future cases even if the issue was not related to communism.³⁶ The bottom line of the case is that these individuals were convicted for no more than talking and reading about books; these books are currently part and parcel of college course textbooks. The Court’s decision had thus failed to extend the protection of constitutional rights, and individuals were thus convicted solely due to their political beliefs and/or activities.

In *Bailey v. Richardson* (1951), the Supreme Court, in its four-four decision, approved the lower court’s ruling (Washington D.C., Court of Appeals) and no opinion was issued in this instance. The result of this decision was that the Court refused to put limitations on the government’s power to fire its workers for their politics or beliefs. In other words, the Court had fully legitimized the economic sanctions of McCarthyism, leading to the very high degree of effectiveness it ended up having as follows: A branch of the state such as the FBI or a congressional investigating committee would first identify suspect individuals, then carry through by having their employers punish them, with notable giants Harvard and Hollywood taking place among the ranks of those that fired their Communist employees.³⁷

³² Erwin Chemirinsky, *Constitutional Law: Principles and Policies*, 2nd ed., Aspen Law & Business, NY, 2002, p. 961.

³³ Chemirinsky, 2002, p. 963.

³⁴ Urofsky & Finkelman, 2002, p. 762.

³⁵ Belknap, 1977, p. 145.

³⁶ Belknap, 1977, p. 145.

³⁷ Schrecker, 1998, p. 281- 282 and XV.

In *Sacher II al. v. United States* (1952), a majority of the Supreme Court upheld the convictions and stressed that the lawyers had violated professional decorum in the face of repeated warnings from the bench.³⁸ In *Parker v. Lester* (1955), the Ninth Circuit Court of Appeal restored Parker's job, lost as a result of being accused of Communist ties that, though they may or may not have proven true, had nothing to do with his competence as a Coastguard worker. In addition, the terms that stated that persons unsafe to employ in such an occupation was struck down as a valid argument via its unconstitutionality in the Court of Law.³⁹

In *Yates v. U.S.* (1957), the Court, in a six to one decision, ruled a narrow interpretation of the Smith Act and overturned the convictions of several members of the Communist Party for conspiracy to violate the Act.⁴⁰ Professor Belknap believes that this decision made conspiracy prosecutions impossible at the time. He also adds that the Smith Act had reached the end of its anti-communist career as a result.⁴¹ In *Noto v. U.S.* (1961), the Court reversed a conviction under the Smith Act for conspiracy for failure to meet these requirements due to inadequate evidence, although *Noto* was actually a "membership clause" case rather than a "conspiracy case" as was properly defined by the Smith Act. Finally in, *Brandenburg v. Ohio* (1969), and in no small part due to the revolution of the 60s, the Court finally struck down all laws criminalizing advocacy of ideas and any level of radicalism in speech or thought, thus guaranteeing the First Amendment's promise of free speech.⁴²

According to Professor Schrecker, until today, none of us had unearthed how deeply the inequities of the McCarthy era affected American society, nor how deeply such roots ran.⁴³ During the McCarthy era, almost every branch of state agency was involved in the anti-communist crusade: Congressional hearings, criminal prosecutions, loyalty screenings, FBI investigations and Supreme

³⁸ Urofsky & Finkelman, 2002, p. 759.

³⁹ Lawrence Parker, a waiter on the SS President Cleveland, was suspected of being a member of the Communist Party without a shred of evidence or even any specific informative suspicion, but was still tried and convicted. Unfortunately, the blacklisting continued in earnest across the nation despite the fact. See Schrecker, 1998, p. 267, 269, and 270.

⁴⁰ Geoffrey R. Stone, *Constitutional Law*, 4th ed., Aspen Business & Law, NY, 2001, p. 1038.

⁴¹ Belknap, 1977, p. 272.

⁴² Urofsky & Finkelman, 2002, p. 764.

⁴³ Schrecker, 1998, p. XVI.

Court decisions not only chastised individual communists, but also brought to the minds of the rest of the nation a voice of approval concerning other sanctions, which were used against communists and their associates. Then, the growing ripples of the era touched the pond that was the entire population, even at seemingly miniscule detail. For example, by the mid-fifties, University of Chicago graduate students were so frightened of having their names on a list that they would not sign a petition calling for a coke machine in the physics laboratory.⁴⁴

However, the scope of such pervasive and illegal activities by, for example, the FBI, was not extensively revealed until the 1970s. The FBI was the bureaucratic heart of the McCarthy era, and FBI Director J. Edgar Hoover exacerbated this excess ever further by exaggerating the threat of communism within society. "Hoover(ism)",⁴⁵ then, was the designing and operation of programs to push for political repression. In Professor Schrecker's words, "Hooverism shaped the loyalty programs, criminal prosecutions and undercover operations that pushed the communist issue to the center of American politics during the early years of the Cold War. His word was law." Hoover was claiming that communists were spreading racism and anti-Semitism, and that the Communist Party had historically exploited minority groups. By the late 1940s, J. Edgar Hoover was an untouchable man; the American public believed that he had files "on everyone."⁴⁶ During the McCarthy era, the secrecy and abuse of state power for illegitimate purposes became the accepted norm, a routine born of habit. To illustrate: Many people's names were recorded on blacklists, followed by said "disloyal citizens" appearing before McCarthy's Committee (!) to answer said charges without any opportunity to know who had or how they had been accused, or even the supposed basis of their charges. McCarthy accused these incriminated as treasonous when they defended their constitutional right via the Fifth Amendment by refusing to incriminate themselves. People were charged due to simple peaceful involvement with the American Communist Party, including a diversity of people from all levels of society. Among these and others included teachers, professors, union leaders, civil

⁴⁴ Schrecker, 1998, p. XIV.

⁴⁵ Professor Schrecker dubs the term Hooverism to prove how exceedingly Hoover affected political change during the McCarthy era. See more Schrecker, 1998, p. 203.

⁴⁶ Schrecker, 1998, p. 203. See Mari J. Matsuda, "Foreword: McCarthyism, the Internment and the Contradictions of Power", *B.C.L. Rev.* 40 (1998), p. 24.

servants, housewives who were then put on trial, lost their job, or otherwise ended up on blacklists. The Nixon administration extended this blanket of blame to later include journalists and politicians by ever-further exaggerating the dangers of communism in the public eye. Of these aforementioned members, many were often fired for simply receiving a subpoena from HUAC or one of other similar committees of the period. Just as such individuals no longer actually playing an active role in the communist party they received the subpoena from, industrial workers were also commonly dismissed and blacklisted for similar reasons, especially those found to be active within local left-wing unions.⁴⁷ It was made very obvious by the system when one was fired because due to political beliefs, and it was became almost impossible to obtain meaningful employment after such a stain on one's records.

There were also many existing loyalty security programs for civil servants at the time, for both those of the states and the federal government. There were also separate loyalty oaths for teachers, lawyers, entertainer, and all manner of public and private employees as well. The Federal government thus screened all these workers, with the aim being to ferret out local communism.⁴⁸ In addition, mail was also searched and phones tapped to the same effect by the FBI.⁴⁹ McCarthyism even ended up affecting academic intellectualism and its publications as forced backing of the status quo caused the blatant removal of the facts from articles, for fear of harsh repercussions by the authorities. At the same time, foreign-born scientists were also deported due to false fears of the poisonous influentialism born of the "exotic other races" belief of the times.⁵⁰

McCarthy's accusations took their rightful place as the headlines of newspapers, but his victims' denials were relegated to the back pages instead, as

⁴⁷ Schrecker, 1998, p. 4. See also Fried, 1990, at chapter 1. The Author reports those people were called "Fifth Amendment Communists." See more Walker, 1999, p. 191.

⁴⁸ Schrecker, 1998, p. 271.

⁴⁹ Schrecker, 1998, p. 371. Subsequent freedom of Information Act revelations proved that the FBI had spied on writers, lawyers, and even Supreme Court judges. See also Walker, 1999, p. 191.

⁵⁰ Schrecker, 1998, p. 406. See also on controversy, Wagner Thielens, "Academic Freedom Symposium, Speech: McCarthyism and Academic Freedom: Why Wasn't Damage Worse? Some Answers from the Academic Mind", *Wm. Mitchell L. Rev.* 22 (1996), p. 421. Professor Thielens claims that McCarthyism's damage to academic works was not to the degree that liberals claim it was.

blacklisting was everywhere from Hollywood to the industries of the radio and television.⁵¹ Most asked agreed that McCarthyism had influenced the content of motion pictures and television, and the ant-communist crusade went so far as to snap up the film industry for the benefit of right-wingers. Similarly, even the sector that was entertainment went along with the existent status quo for fear of retribution.⁵²

On March 9th, 1954, CBS television broadcast Edward R. Murrow's program "See It Now" provided information regarding Senator McCarthy's abuse of his position; it mentioned his wild and unprovable accusations against innocent people, and reported that the media was simply a puppet that repeated what "Mr. Untouchable" said without controlling the facts. The program thus electrified the American people, who, after only a few weeks of the Murrow program, were suppressed by McCarthy opposition when he claimed that the influence of communism affected US troops. These programs of Murrow's struck him down regardless, with the American public having now turned against him.⁵³ The same year's fall election brought to America the Democratic Victory, with McCarthy losing his committee chairmanship. This was followed up by the events of December 2, 1954, when, by a vote of 67 to 22, the Senate censured McCarthy for affronting the dignity of the chamber. With this final action, it seemed as though the paranoia of the Red Scare years had come to close,⁵⁴ as McCarthy had now lost his extremely influential persona, and floundered afterwards when he died a scant three years later. However, as John W. Canghy wisely warns us about being too optimistic, by saying that "the king was dead, but his kingdom well institutionalized on the conscience and unconscious level,⁵⁵ Schrecker continues by asking "Can it happen again?" Schrecker personally believes such events will absolutely never repeat in a similar manner, as she claims that the Cold War is over and that communists now cease in

⁵¹ Schrecker, 1998, p. 397, and 400.

⁵² Schrecker, 1998, p. 397, and 400.

⁵³ Walker, 1999, p. 212. McCarthy had actually begun investigating possible communist influence in the army as of October of 1953. He then attempted to discredit Secretary of the Army Robert Stevens. It was the beginning of the end for McCarthy as president Eisenhower realized that he had to now halt and put an end to McCarthy's exceedingly obstructionist and excessively invasive activities. See McCarthyism, <https://spartacuseducational.com/USAmccarthyism.htm/07/02/2021>.

⁵⁴ Urofsky & Finkelman, 2002, p. 765.

⁵⁵ Belknap, "The Fight for the Right to Counsel", p. 3.

any true political capacity. However, David Cole seems to disagree with her, as he states that 9/11 has meant that indefinite detention, such as at Guatemala Bay, has continued the concept of Communism, although it no longer bears that name.⁵⁶

II. THE POST-MODERN TURKISH MILITARY COUP OF FEBRUARY 28th, 1997, AND ITS SUBSEQUENT AFFECTS UPON CIVIL LIBERTIES

Turkey, as a constitutional parliamentary democracy, makes most of its legal developments in reaction to past events and the immediately current problems they cause. To understand legal developments in Turkey requires that they be evaluated via Turkish politics and historical events. To start at the beginning, Mustafa Kemal Atatürk established the Republic of Turkey after the collapse of the Ottoman State in 1923, via a military struggle for independence from invading foreigners. Indeed, the Turkish Army historically occupied a privileged position in the Ottoman era, and continued to do so within the Republic. During the final days of the Ottoman and the early years of the Republic, it was the Turkish Army that brought about the process of modernization. In fact, six of the ten presidents of Turkey (from the 1920's to 2004) including the founder of the Republic, Mustafa Kemal Atatürk, were themselves generals. However, most observant Turks of today worry about this continuing aspect of militant thought, and believe that the Turkish Army's ideological interpretation of Kemalism (via following strictly the ideas of Mustafa Kemal Atatürk regarding state) is an obstacle that impedes the true modernization and democratization of Turkey as a nation.

In Turkey, the relationship between the regime and military has two different branches via the twofold of co-existent military and non-military rule. The military has traditionally seen itself as the guardian of the legacy of Atatürk, and has directly intervened on three occasions when it felt that the Republic was being threatened. The fourth and final time, if we could term it as such, occurred on February 28, 1997.⁵⁷ It is termed the silent coup or post-modern coup because this particular incident did not make use of arms as the earlier coups had; it instead simply allowed the government to resign peacefully before enacting its

⁵⁶ David Cole, "The New McCarthyism: Repeating History in the War on Terrorism", *Harv. C.R.-C.L. L. Rev.* 38 (2003), p. 1. The Author warns about the Federal government's activities after 9/11, and emphasizes that such events are new versions of McCarthyism.

⁵⁷ The most recent military coup attempt took place on July 15th, 2016 and was committed by Fethullah Gülen followers. The scope of this essay does not take this into discussion.

own military policies. The First Military Coup took place on May 27th, 1960, and introduced the Constitution of 1961. This coup had been a reaction to events of the past, particularly the majoritarian form of democracy enacted by the initial Constitution of 1924. Repeating on March 12th, 1971, the Second Military Coup also seized control of Turkish politics, and this was followed up by a repeat occurrence on September 12th, 1980, when the Army again took control and put the new Constitution of 1982 into effect. The rulers blamed the 1961 Constitution, which, they said, provided ultimate freedom, claiming that this had been the reason for the increase of rightist and leftist terrorism in Turkey. However, the 1982 Constitution has itself been amended twenty one times as of 2021 to now comply with the terms set by the European Union instead.⁵⁸

In December of 1995, the Welfare Party (Refah Partisi, RP) won the election as the reigning party at the time. The response of the voters of Turkey was perhaps the most interesting aspect regarding Turkey's multi-party system's process of democratization. However, due to Military's pressure and the support of president Süleyman Demirel, the Party of the Motherland (Anavatan Partisi, ANAP) and Party of the Straight Path (Doğru Yol Partisi, DYP) ended up forming a coalition government instead. The message was clear: The people wanted RP to be in power, as they agreed with its defense of the morals they upheld. Later, the compulsory coalition of ANAP-DYP gave rise to the RP-DYP coalition within a mere three months, via accusations directed against the former coalition regarding the misuse of its authority.

Indeed, at the time the secular establishment in Turkey had long been worried by the growth of Islamism, particularly as was embodied by Erbakan's Refah (Welfare) Party (RP). After an all-secular minority government had collapsed, Erbakan came to power as Prime Minister on June 29, 1996, as head of the two-party coalition. His party's junior coalition partner was the center-rightist (and secular) Doğru Yol (True Path) Party, led by former Prime Minister Tansu Çiller, who was named both deputy prime minister and foreign minister. The first six months of the new government, despite the many obstructions, passed with successful colors via showing marked signs of economic improvement.⁵⁹

⁵⁸ Esin Örucü, "Turkish Experiences in Human Rights Cases", Esin Örucü (ed.) *in: Judicial Comparativism in Human Rights Cases*, BIICL, London, 2003, p. 131-2.

⁵⁹ Süleyman Kocabaş, *Refahyol Hükümeti Sonunun Perde Arkası: Türkiye'nin Sendromları 1996-1997 [The Background of the Refahyol Government's Collapse: Syndromes of Turkey, 1996-1997]*, Vatan Yayınları, Kayseri, 1997. See more Mehmet Ali Birand & Reyhan Yıldız, *Son Darbe 28 Şubat [The Latest Military Cou'p: 28th February]*, Doğan Kitap, İstanbul, 2012.

The military, and much of the secular establishment, thus feared that Erbakan and his party cohorts wanted to establish a state based on Islamic law (known as Sharia in Arabic and Western journalistic usage, Şeriat in Turkish). However, neither Erbakan nor his party had ever publicly embraced that objective as such; to do so would have been illegal under Article 24 of the Turkish constitution, which bans exploitation or abuse of religion or religious feelings, or things held sacred by religion in any manner whatsoever, for the purpose of personal or political influence, or for [the purpose of] even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets. Nevertheless, various statements by Erbakan and other RP members convinced many Turks, including the military, that imposing religious law was indeed their true goal. RP members, for example, had at various times sought to amend Article 24 during earlier periods. While in office, Erbakan had virtually no actual opportunity to legislate an Islamic agenda in the first place. Still, the military and other secularists were still concerned by what they saw as Erbakan's efforts to staff the state bureaucracy with party sympathizers, establish close relations with Iran and Libya, and increase the role of Islam in Turkey's public culture—often in a way that flouted Turkish law, such as when the prime minister hosted a widely publicized Ramadan Fasting Dinner (Iftar) for leaders of Sufi religious orders, or Sects (Tarikats), on January 11th, 1997.⁶⁰

On February 28th of that year, the regularly scheduled meeting of Turkey's National Security Council (NSC) had lasted much longer than usual, and after a full nine and one-half hours, the NSC announced its adoption of eighteen recommendations (in the context of Council Decision no. 406) designed to stem the perceived growth of Islamism in Turkey. Turkish military leaders were almost certainly the driving force behind this move, as pressured by both the military and secularist coalition partner Tansu Çiller, Necmettin Erbakan—Turkey's first pro-Islamist prime minister—had unwillingly signed the recommendations. However, he had also insisted that they would be implemented only if approved by the Turkish parliament, while military leaders insisted that the government was apparently obligated to implement them.⁶¹

Arriving, in a sense, at a time of peak concern surrounding such issues, the NSC meeting the February 28, 1997 thus marked the beginning of an official anti-

⁶⁰ Kocabaş, 1997, p. 132, 133. See more *28 Şubat Süreci 1 [The Era of February 28th 1]*, Tekin Yayınevi, İstanbul, 1999.

⁶¹ Kocabaş, 1997, p. 189.

Islamist campaign in Turkey, as was primarily initiated and carried out by the military, but also had support from several civilian institutions-these also included an unprecedented coalition of leading Turkish labor unions and business organizations. The intent of this campaign was to force Erbakan out of office and reverse the political and societal gains that had been made by Islamism (and indeed his coalition crumbled under pressure, as Erbakan resigned four months later on June 16th, 1997). On February 28, after the National Security Council assembly, the agenda became one of constant Recommendation Decisions that were worded as more or less required orders instead, with such inner turmoil meaning that the country's domestic and foreign problems were heavily postponed.⁶²

From a historical glance at the day, February 28th meant that the military seemed to have opted for a democratic means to influence the politics of the country rather than using force. Whereas in 1960 and 1980, such coups were undertaken to restore order in chaotic situations, the coup of 1971 used a clearly unconstitutional but ultimately enforced and obeyed military ultimatum instead. This most recent turn of events differed yet again in that the military had influenced government policy through a constitutionally regulated instrument by means of the National Security Council, thereby at least using a flimsy cloak of legal legitimacy to carry out its actions.

The Secular State thus continued the charade by forcing the donation of sacrificial animals' skins to the Turkish Air Charity (THK) for sale as raw goods. It was declared that any organization or individual that refused to obey would be punished accordingly. Therefore, on April 18th, on the first day of Kurban Bayram (The Eid of Sacrifice, wherein an animal is slaughtered in ritual fashion for God, also known as Eid al-Adha), one of the Islamic Holy Days, Brigadier General Osman Özbek swore and insulted Prime Minister Erbakan and a foreign head of State for their lack of moral character. The reigning officers of superior military rank and some media outlets defended the behavior of the General as a righteous dissenter.⁶³

Another noteworthy incident happened on May 11th, 1997, when Istanbul saw thousands of demonstrators converge at Sultanahmet Square in protest of

⁶² Kocabaş, 1997, p. 400. See more Saygı Öztürk, *Belgelerle Düünden Bugüne 28 Şubat [From Yesterday to Today February 28th with Documents]*.

⁶³ Kocabaş, 1997, p. 329. See more Şevket Kazan, *28 Şubat Postmodern Bir Darbenin Anatomisi [February 28th an Anatomy of a Postmodern Military Cou'p]*, MGV Yayınları, İstanbul, 2014.

the closure of the junior high school equivalence of the religious Imam-Hatip schools and Kuran (Quran) courses, which had comprised by far the most significant elements of the National Security Council's decisions. From May 13th-20th, a tragic comedy took place when the hunt for those who wore the traditional Turkish turban (consisting of a round cap with the shawl tied around it) began, aided by the assistance of TV cameras (!) Many of the Kuran Courses were also shut down, and similarly the managers of legal pious foundations were arrested. On May 20th, the Welfare Party and the True Path Party (RP-DYP) coalition ended up overcoming the obstacle that was the second interpolation that had been staged by opposing parties to overthrow the government.⁶⁴

On May 21st, after the refusal of the 12th interpellation as mentioned, the High Appeals Court chief prosecutor, in Presence of the Constitutional Court, brought a suit against the Welfare Party (RP) aimed at the majority votes in the election.⁶⁵ The independence of judgment in question was overshadowed by threat of a permanent closure case, and in this case the timing had mattered as much as the evidence on which the indictments in question had been based on. According to Articles 68 and 69 of the current '82 constitution, political parties are the democratic elements of the system, and such cannot be abandoned or altered.⁶⁶ For the closure of such parties requires that actions that disrupt the basic qualities of said regime be committed by the responsible to-be-closed. In the incident given above, the chief prosecutor had gathered some news from written and visual forms of media and presented this as if it were actual definitive evidence, going so far as to have such information spread by the news agencies. In addition, the said news gathered from the media by the chief prosecutor was then either contradicted due to falsified evidence, or otherwise annulled instead via judicial decision.

Moving forward, May 26th was the day that 166 commissioned officers and various other non-commissioned officers were discharged from the army via the ruling of the Supreme Military Council due to accusations of reactionary (religious) activity. On June 2nd, 1997, the General Staff made public that reaction briefings would be arranged with different societies, the purpose of which was for the Army to unequivocally state that the Islamic constitution as now, in the

⁶⁴ Kocabaş, 1997, p. 318.

⁶⁵ Kocabaş, 1997, p. 318.

⁶⁶ See generally, Serap Yazıcı, *Türkiye'de Askeri Müdahalelerin Anayasal Etkileri [Constitutional Impacts of Military Coup D'états in Turkey]*, Yetkin Yayınları, Ankara, 1997.

Army's definition, the nemesis of the military, and an apparently dangerous domestic threat. In doing so, the Army ensured that anyone who possessed any sort of obvious Islamic sensibility was marked as a target, with the news reportage of on June 6th that the General Staff had ordered units to place embargoes on several financial institutions that they had named as pro-Islamic.⁶⁷ This was followed by June 10th-11th when the General Staff gave a briefing regarding the reactionary activities in question to the Judges and public prosecutors.⁶⁸

However, in contrast with the Rule of Article 167 of the constitution in terms of said embargoes, the truth that the "Government takes measures to run systematic and critical of money, credit, capital, property and service markets" within the then current events led to the asphyxiation of the potential economic wealth of the country via the combined leeching of resources by those with claws sunk into every type of business and monopolist groups, to say nothing of the general military warship mentality that had been interlaid onto the political and social spheres of the entire society (Just as McCarthyism had also been).

In violation of Article 138 of the Constitution of '82 concerning the arrangement of the unlimited independence of judgment, it was supposed to hold that any organization, office, competent authority or person could not give instruct or give recommendations to judges or law courts regarding decisions to be used during judgment. In doing so during the lengthy example prior, the principle of the Law as reckoned by the government as one of the basic qualities of the republic had thus been violated. Some sovereign powers in the government limited and, moreover, even rejected the rights and freedoms of the people, although the rights and freedoms in question were of course guaranteed under the constitution. The sovereign powers in question could forbid access of the public sphere to the considerable majority by displaying said (religious) majority as an enemy that threatened public safety. The reasons for this were due to the fact that such disuse of the Constitution put forth the qualities of the republic as one of a democratic and secular ("laik") rule of law to the benefit of other groups, whereas, by the introductory rules of the Constitution of '82, it was clearly stated that government/association is illegal within democracies, save for preventing injustices pertaining to either people or to fend off hostile foreign entities.

⁶⁷ Kocabaş, 1997, p. 377, 381. See more Ali Bayramoğlu, *28 Şubat: Bir Müdahalenin Güncesi [February 28th: Diary of a Military Intervention]*, İletişim Yayınları, İstanbul, 2007.

⁶⁸ Kocabaş, 1997, p. 380, 381.

After February 28th of 1997, it is of interest to note that the Military established a special intelligence service, just as had US McCarthyism, named the Western Activity Team (Batı Çalışma Grubu). This team then proceeded to place the entire country of Turkey under surveillance; people, especially civil officers who normally possessed status as classified individuals, were heavily scrutinized by this agency. In harsh irony, those who did not drink and prayed five times a day instead lost their government employment as a result of seemingly trivial subscription(s) to religious or critical forms of newspaper/ magazine. Phones were also heavily tapped, and all communication technologies similarly placed under strict surveillance. Also, many individuals were also blacklisted by the military in the name of supposedly protecting the Republic from radical elements. The result was that the entire nation became extremely fearful of being seen with religious or critically-minded persons, even within the daily routine of a coffee shop.⁶⁹

After the RP-led government's fall, the military seemed to take a greater role in day-to-day politics. Behind the scenes, the military had heavily supported the court case that led to the eventual closure of the RP in early 1999, however the Islamic party nonetheless survived as the remaining RP members of parliament joined the newly established Party of Virtues (Fazilet Partisi, FP) immediately afterwards. The new FP managed to gain 15% of the votes in the 1999 elections, a clear decline from the over 21% that had existed back in 1995. The FP itself later ended a short time later in 2001, leading to the split of the party into two rival factions: one a more traditionalist party, with the other comprising a 'modernist' group⁷⁰ that branded itself as a Muslim-democratic party. In addition to this type of political engineering, with one party resembling the Christian Democratic parties of Western Europe, the military had also issued an increased number of statements pertaining to domestic political developments than had been the case before. This action led to concern that

⁶⁹ Kocabaş, 1997, p. 456-468. See generally, Süleyman Kocabaş, *Postmodern Darbe Süreci: 28 Şubat'a Doping, Şubat-Mart 1998 Sendromları [The Period of Post-Modern Military Coup D'état: Supporting February 28, Syndromes of February-March 1998]*, Vatan Yayınları, Kayseri, 1998.

⁷⁰ The AKP (The Justice and Development Party, Adalet ve Kalkınma Partisi) currently rules Turkish politics, and at the time it seemed that the AKP was trying to save Turkey from militarism, just as the government had itself been pushing for Turkey to solve the problem of the division of Cyprus by uniting it and then adding it among the ranks of the EU (as currently, only the Greek half is within the EU).

the military was risking the process of politicization,⁷¹ although this proved false, as the military's public role greatly diminished in the years afterwards.⁷²

Concerning individual action however, many were taken into custody after having been arrested by security personnel for demonstrations of their religious rituals, meetings concerning religion or meetings and rituals, or even for simple exercise of religious belief. Women were warned about facing disciplinary penalties for wearing headscarves, for personal identification religious identifications, or for displays of worship within official or private institutions; subsequent investigations that were carried out led to the authorities prosecuting these women. The Military had likewise organized a public news meeting on a religious media channel, stating that religious media was now the enemy of the state.⁷³

In Turkey, the military has traditionally become involved in politics when political conditions became unstable and resulted in military generals being fearful of losing their authority. Because of this pattern, all military coup d'états in Turkey have been held in the name of Kemalism. However, the true meaning behind the political debate concerning religion was to create a new power balance, not necessarily to decrease the power of military rule held on the behalf of the Turkish elite. Historically, Turkish Military generals always played the board in a similar manner with Mustafa Kemal Atatürk, even though he was the very Founder of the Republic.⁷⁴

⁷¹ See generally, Hikmet Özdemir, *Ordunun Olağandışı Rolü [Exceptional Role of the Army]*, İz Yayıncılık, İstanbul, 1994.

⁷² In November of 2002, the Justice and Development Party won the election. The party's efforts seemed to bode well at first, as for inflation had dropped down to 9% for the first time in 33 years, especially after the dismal 100+% inflation rates in general during the 1990s and early 2000s. The Turkish military had formerly attempted to diminish government influence a few times in the past, but the state responded by using the diplomatic means that was the European Union to sway the Army instead, thus directly severing any chance of enforced power grabs. Such events would later lead to the fight between the followers of President Erdoğan and Gülen, especially after the separate incidents of bribery tapes being released to the public (dated December 17th and 25th, 2013), with Gülen's followers finally attempting a military coup d'état in July of 2016. As is, they failed, and Turkey is currently run under the umbrella policies of President Erdoğan.

⁷³ See Kocabaş, 1998, p. 229-35.

⁷⁴ See Özdemir, 1994. See also Hikmet Özdemir, *Rejim ve Asker [Regime and the Military]*, İz Yayıncılık, İstanbul, 1993. In his outstanding books he explains in great detail the reactions of Military Generals to the rise of Mustafa Kemal Atatürk during their own era of former supremacy.

Under military rule, civil liberties and rights were thus significantly destroyed. When a few brave dared to speak up, the whole nation was resolutely muted in response. In backing up the military's actions, the judiciary ended up destroying the lives of its people. Criticizing the military or its activities meant that an individual was a supposed traitor or an enemy of the military. A majority of the media constantly supported this wall of military coup d'états as a defense mechanism, followed by the entire nation then waiting for the first sign of a new election to then be able to somewhat respond to the military.⁷⁵

It seems evident that Turkish democracy becomes sick due to military interventionism.⁷⁶ The root of military involvement in Turkish politics made its actual democracy very frail and inefficient, as the aftermath of each intervention left political parties as banned entities, thus silencing the whole of society. For many years, people did not want to be involved in any activities, including religious, political, or even cultural, for fear of repercussions. In addition, many individuals also lost their jobs. In summary, the role of the military prevented and destroyed the establishment of a strong and stable democratic system in Turkey.⁷⁷ The February 28th post-modern military inventions were very dark days for the Turkish people as the entire nation became the target of trying to placate a military ruler rather than face lack of order. Unfortunately, Turkish democracy to this day still fights to try to create and establish a strong democracy unique to its own cultural expectations. The lives of many individuals, especially university students, were thus needlessly destroyed in the name of supposed security. And although a state could protect its own citizens' security by limiting freedom, it should do so by adhering to principles of due process. In addition, every given power must be regulated by the doctrine of checks and balances.

Another significant problem in Turkey is the belief of a majority of citizens that civil liberties and rights belong only to those in their own belief group. For example, rightists, leftists, and conservatives (or whichever affiliation they may have) believe that others do not have the same rights as members of "their"

⁷⁵ See generally, Hikmet Özdemir, *Tarih ve Politika [History and Politics]*, İz Yayıncılık, İstanbul, 1995.

⁷⁶ See generally, Hikmet Özdemir, *Türkiye Cumhuriyeti [Republic of Turkey]*, İz Yayıncılık, İstanbul, 1995. See more F. Stephen Larrabee & Ian O. Lesser, *Turkish Foreign Policy in an Age of Uncertainty*, (Rand Corporation, Santa Monica, 2003).

⁷⁷ See parallel critics on this issue, Özdemir, 1993 and 1994.

group. The people and the groups they comprise only concern themselves with their ideas and philosophies, even if their opponents lose everything in the process. It is therefore imperative that Turkey is ensured more time to establish a strong democracy within its own mix of European and Middle-Eastern influences.

CONCLUDING REMARKS

Around the world, the acts of rulers that abuse their system for their own political and social aims brings violence and fear and the threat of anarchy into society. Such pressures also work to kill off political diversity. Although many types of techniques to repress and punish those who do not think and act as the majority exist, each such violation has undoubtedly generated the following question from the perspective of the victims involved: "Where the law is, and why is it not enough to protect my civil liberties and rights?" As John Lock said, "[W]herever law ends, tyranny begins."⁷⁸, and it is only through the breakage and destabilization of laws that said violators can achieve their goals successfully. Although the time, place and names may change, the methods and madness always remain the same throughout history.

It is understood by all that the Cold War Era was a shameful period in terms of civil liberties in America, while in Turkey, every single military coup d'états led to more or less the exact same result of economic prosperity followed by political ruin. However, based on history and the current system of strong and stable American democracy, it appears that a broader understanding of McCarthyism has currently been defeated. However, the Smith Act did still destroy the Communist Party, thereby increasing the growth of federal investigative and prosecutorial agencies, an act that can no longer ever be undone.⁷⁹ When the McCarthyism era is compared to Stalin's Russia or Hitler's Germany, only two people-Julius and Ethel Rosenberg-were killed, and only a few hundred sent to prison or deported, while a mere ten to twelve thousand lost their jobs. However, the eventual end result is the complete absence of communism within American society; Schrecker believes that eradicating

⁷⁸ See Kutler, 1983, p. 246.

⁷⁹ See Belknap, 1977, p. 281. Professor Belknap observes that these agencies focused on new organizations and individuals as targets, although such targets were actually simple communist party members rather than dangerous radicals. He also believes that the U.S. Department of Justice is ultimately the entity responsible for the collapse of the Communist Party.

communism was unfortunate for Americans because it was a meaningful and feasible alternative to the American Dream.⁸⁰ McCarthyism also ended up terminating labor movements from American life; the era and its following years saw the disappearance of many labor movements due to political repression.⁸¹ Moreover, McCarthyism also enlarged racism in American society, as a consequence of the many policies regarding suspicion of foreign elements, whether cultural or by individual.⁸² In conclusion, McCarthyism was the desperate hunting grounds for communists during the late 1940s and early 1950s. It is still known as the most horrible political repression in American history, with even liberals having supported the anti-communist crusade in the name of security, demonstrating proof of how political repression operates within a supposedly free and liberal democratic state.

To end, we continually see displays of state exaggeration of existent or non-existent threat(s) for securing of power in the name of national security. Such exaggeration of risk usually destroys much of civil liberty, needing many years of retroactive repair later on. It is crucial to remember that people like McCarthy always exist at different times and places; they simply bide their time, waiting for the chance to secure a seat at the table that is global politics.

⁸⁰ Schrecker, 1998, p. XIII, 369.

⁸¹ Schrecker, 1998, p. 381.

⁸² Schrecker, p. 1998, p. 389. Professor Schrecker states that for many black communists, the Communist Party was more of a civil rights group, as Communists had been in support of black equality. The attack on Communism thus increased the incidence of racism in America instead of reducing it as it had been intended to.

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