

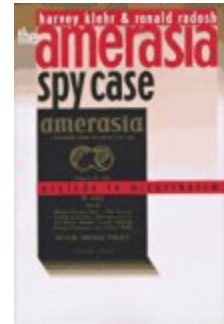
# H-Net Reviews

in the Humanities & Social Sciences

Harvey Klehr, Ronald Radosh. *The Amerasia Spy Case: Prelude to McCarthyism*. Chapel Hill and London: University of North Carolina Press, 1996. xiii + 266 pp. \$29.95 (cloth), ISBN 978-0-8078-2245-6.

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On June 7, 1945, as the United States and its Allies were approaching final victory in their long war against the Axis, newspapers announced that three federal employees, one prominent journalist, and two editors of the left-wing magazine, *Amerasia*, had been arrested on charges of conspiracy to commit espionage. The accused had ties to the American Communist Party, and one of them had been in contact with a Soviet agent. Thus, the *Amerasia* affair could have become the first famous spy case associated with the Cold War that would soon develop between the United States and its wartime ally, the USSR. It could have produced—several years before the Smith Act prosecution of the top leaders of the Communist Party of the United States, the perjury trials of Alger Hiss, and the Rosenberg atomic espionage case—the first great political trial of the McCarthy era. That did not happen, and for years the *Amerasia* affair received little more than passing mention in accounts of the second American red scare.

In this fascinating book, Harvey Klehr and Ronald Radosh explain why. Besides describing in great detail the incidents that led to the arrests of the six men taken into custody in June of 1945, they illuminate the conniving that prevented what could have been one of America's great political trials from ever taking place at all. It is perhaps fortunate that they are telling the story of a political trial that did not happen. For, though Klehr and Radosh are superb storytellers who have written an often riveting account of espionage and intrigue, they are not very good legal historians.

It is perhaps unfair to expect that they should be. Klehr's expertise is in the history of American commu-

nism, a field in which he has written such important books as *The American Communist Movement: Storming Heaven Itself* (1992) and *The Secret World of American Communism* (1995). Radosh's best-known work is *The Rosenberg File: A Search for the Truth* (1983), in which he and Joyce Milton sought with considerable success to establish that Julius Rosenberg was guilty of spying for the Soviet Union. Although that book discussed the Rosenberg trial, neither Radosh nor Klehr could accurately be characterized as a legal historian.

Their lack of expertise in that field flaws what is in most respects a superb book. After an introduction that recounts the arrests of the defendants, following the discovery by Office of Strategic Services (OSS) investigators of scores of classified government documents in *Amerasia*'s New York offices, Klehr and Radosh discuss the controversy over U.S. policy in China that lay behind the case. Their chapter on "The China Hands" focuses on John Stewart Service, who was one of those arrested in June 1945. In the second chapter they introduce the other defendants (*Amerasia* editors Philip Jaffe and Kate Mitchell, Navy Lieutenant Andrew Roth, State Department employee Emmanuel Sigurd "Jimmy" Larsen, and magazine writer Mark Gayn) and discuss the origins of the case and the investigation by OSS of how *Amerasia* managed to plagiarize and publish an OSS classified report. They then examine the seemingly premature arrest of the defendants by the FBI, along with the wiretapping the Bureau used to collect evidence against them.

In what is perhaps the most important chapter in the book, Klehr and Radosh illuminate the various facets of what they characterize as a "political fix," which saved

all of the *Amerasia* defendants from significant punishment and ensured that there would never be a trial in the case. Subsequent chapters detail efforts to cover up the roles that a number of prominent people played in squelching prosecution and explain why they succeeded, despite heightened interest in the *Amerasia* affair caused by the “fall” of China, the investigation of the matter by two congressional committees, and the attention focused on it by Senator Joseph R. McCarthy (R-Wis.) during the early days of his demagogic crusade against alleged Communist influences in the State Department.

Most of this Klehr and Radosh do very well. They manage to prove beyond a reasonable doubt that the principals in the *Amerasia* case were guilty of stealing government documents and that at least one of them, Philip Jaffe, attempted to commit espionage on behalf of the Soviet Union. They also document numerous violations of the Fourth Amendment by the OSS and the FBI, which tainted much extremely damning evidence and made prosecution of clearly guilty defendants problematic. Relying heavily on records of Bureau wiretaps, the authors establish that Tommy Corcoran (a former New Dealer and by the late 1940s the preeminent Washington insider and liberal influence peddler) orchestrated a “political fix” that saved Service from indictment by extinguishing opposition to the confirmation of conservative Texan Tom Clark, whom President Harry Truman had nominated to be his attorney general. Klehr and Radosh also show how Jaffe avoided indictment on serious charges by hiring as his attorney the law partner of Representative Emmanuel Celler (D-N.Y.), chairman of the powerful House Judiciary Committee, and they reveal that after Kate Mitchell was cleared by the grand jury, Justice Department prosecutor Robert Hitchcock took a job with her uncle’s Buffalo law firm.

Besides exposing the blunders and machinations that kept the *Amerasia* case from coming to trial, prevented some of the defendants from being punished at all, and saved even Jaffe and Larsen from anything more than fines, Klehr and Radosh also document extensive endeavors to cover up the mistakes and misdeeds that led to these results. They reveal that in an attempt to hide what had gone on in 1945 and 1946, high officials of the FBI and the Department of Justice dissembled before congressional committees and that one of them, Attorney General James McGranery, committed perjury during his confirmation hearings.

To prove their charges of fix and cover-up, as well as to obtain the details about the activities of the *Am-*

*erasia* defendants that they masterfully weave together into what often reads like a spy novel, Klehr and Radosh rely heavily on documents liberated from FBI files using the Freedom of Information Act. These are not their only sources. They have consulted the hearings of congressional committees that looked into the *Amerasia* affair and have interviewed and corresponded with a number of people involved in the case. In addition, their bibliography lists ten manuscript collections that they consulted. As Klehr and Radosh themselves explain, however, “The most valuable information for this book was gathered from the enormous FBI files on the *Amerasia* case, which include the extensive wiretaps of Mark Gayn, Philip Jaffe, Emmanuel Larsen, Kate Mitchell, and Andrew Roth” (p. 249). Much of this material is now in the Philip Jaffe Papers at Emory University’s Woodruff Library in Atlanta. As the notes make clear, these FBI documents are the evidentiary foundation on which Klehr and Radosh’s account rests.

Consequently, what they offer their readers is the FBI perspective on the *Amerasia* case. Although detailing the alleged machinations of a number of high-level figures in the Truman administration, the authors have apparently consulted none of the manuscript collections at the Truman Library in Independence, Missouri. Thus, for example, their account of what was discussed at a White House meeting between President Truman and Julius Holmes of the State Department is based on an internal FBI report, which is clearly hearsay. Although Klehr and Radosh make a number of charges against Tom Clark and report a number of things Clark allegedly said, they have apparently made no effort to confirm what FBI documents relate about these matters by consulting Clark’s papers at the Truman Library. Klehr and Radosh do include the “Tom Clark Papers” in their bibliographical essay, but there are no citations to them in the notes. That is not surprising, since the Clark collection they list is the one at the University of Texas Law School, which contains only material related to Clark’s Supreme Court career and his lengthy campaign to promote reform of the administration of justice. Anything that would shed light on his activities as attorney general is at the Truman Library.

Besides failing to utilize the manuscript collections there, Klehr and Radosh have ignored legal sources. When discussing Supreme Court decisions, they cite secondary accounts of what the Court held, rather than the opinions themselves. One particularly distressing result of their failure to examine legal sources is a muddled discussion of the laws that the defendants might have been charged with violating. So far as one can determine, they

have confused a provision of the Espionage Act with 18 U.S.C.A. section 371, the law criminalizing conspiracy to defraud the United States. The reason for their confusion is that they have based their discussion on an FBI report, apparently never bothering to consult the United States Code itself.

The authors' heavy reliance on FBI documents is both the greatest strength and the greatest weakness of *The Amerasia Spy Case*. It has enabled them to write one of the most engaging historical works I have ever read. Often, this monograph is as hard to put down as a good novel. But Klehr and Radosh seem insufficiently sensitive to the possibility that the biases of the FBI personnel who wrote the reports on which they rely so heavily might have shaped the contents of those documents. Furthermore, they seem a bit too ready to accept as fact anything found in the secret files of the FBI. As someone who once worked in the intelligence field, and who wrote as well as read the kind of reports on which these

authors rely, I am far more reluctant than they seem to be to place blind faith in such sources.

It is difficult to accept their failure to attempt to verify information found in FBI reports by consulting relevant manuscript collections at the Truman Library or their failure to consult legal sources on legal issues. *The Amerasia Spy Case* is a fascinating account of espionage and intrigue. It makes an invaluable contribution to the literature of American legal history by explaining why a case that might have given rise to one of America's most important political trials never made it to the courtroom. *The Amerasia Spy Case* is undeniably a terrific read. But it is a book that legal historians should read with considerable skepticism.

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