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Edinburgh Law School

## POSTGRADUATE LAW COURSE ASSESSMENT COVER SHEET

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**EXAM NUMBER:**

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**Question**

In what respects, and with what effects, are changes in public policy on crime and punishment produced by political culture and media discourse? Develop your answer with reference to specific examples from one or more countries of your choice.

**Abstract**

This paper seeks to demonstrate how changes in public policy on crime and punishment are influenced by political culture and media discourse. It examines the Red Scare in the United States as a historical case study. Both waves of the Red Scare, periods of mass hysteria surrounding the rise of the communism and fears of communist infiltration in the US, resulted in the emergence of new policies that criminalized dissent. This period of US history saw the media play an active and complicit role in exacerbating symptoms of the Red Scare by exploiting existing fears within the American public and applauding the government's crackdown on any citizens or political movements deemed radical enough to pose a threat to the US government and American way of life. This paper also provides a historical background of the Red Scare to more deeply analyze the roles of media and political culture.

**Key words:** Red Scare, media, McCarthyism, public policy, crime

**Introduction**

The media has fanned the flames of many a social and political zeitgeist. Its extensive platforms have served as powerful vehicles for change, accelerating the force of movements that played defining roles in the course of history. There were several such movements throughout the twentieth century. The Russian Revolution gained significant ground with impoverished peasant populations by issuing pamphlets that promised "class power" and heavily admonished the absolute monarchy (Mason, 2017). The Bolsheviks, a radical-left party led by Vladimir Lenin, dismantled the monarchy and eventually established the Soviet Union (USSR), a highly centralized federation consisting of 15 republics and governed by the Communist Party (Burke, 2014). In the United States, the media was exploited to further yet another political agenda, serving as a sensationalist and emotive weapon during the Red Scare, which was directly

influenced by the rise of the Bolsheviks and communism (O'Toole, 2019). While the Red Scare is widely remembered as a byproduct of the Cold War between the US and the USSR after World War II, it initially gripped the nation between 1917 and 1920, before re-emerging in the 1940s (Foglesong, 1995; Roberts, 2014). Both American government officials and citizens were fearful of communist infiltration and revolution, and thus responded aggressively to any threat — real and imagined — that suggested communist influence (Storrs, 2013).

This paper will examine how changes in public policy on crime and punishment are produced by political culture and media discourse through the historical lens of the Red Scare. This period of US history is besmirched by rising patriotism and the emergence of various laws that criminalized dissent under the guise of protecting economic freedom and a democratic way of life and governance. The laws targeted labor union activists, radical leftists, academics, government employees, and even liberal dissidents with no association to communism or radicalism (Schrecker, 2019). The Red Scare serves as a significant historical case study due to the introduction of policies and criminal syndicalism laws that targeted dissidents, the pervasive infringement of civil liberties, and increasing populism as communist fears accelerated. It also serves as an interesting example due to the media's dual role in both perpetuating symptoms of the Red Scare, including mass hysteria, and reversing it, primarily through the efforts of broadcast journalist Edward R. Murrow, whose "See it Now" program shed light on the Red Scare and openly condemned communist witch hunts led by Senator Joseph McCarthy (Shedden, 2015; Tye, 2020). This paper will first provide historical background on both waves of the Red Scare to contextualize the conditions that enabled the social, political, and media frenzy surrounding anti-communist hysteria and overall political radicalism. This paper will then discuss how the media contributed to the hysteria, examining the ways in which stories were framed to demonize Soviet communists and further exploit existing fears. The political culture of the US will also be discussed in order to elucidate the mass fear of a communist takeover.

### **The First Red Scare, 1917-1920: Origins, Policy Implications, and**

Several factors coalesced to foster the emergence of the First Red Scare. One key factor was lingering patriotism spurred by US propaganda during World War I. Heightened patriotic

attitudes were born from a fear of German invasion, which the US government encouraged through propaganda and media support. Many Americans were wary of breaking the US' non-interventionist stance, especially given the fact that President Woodrow Wilson's administration promoted neutrality as a staple of both American foreign policy and Wilson's presidency in the years leading up to the war (Vaughn, 1980). Even when the US entered the war in 1917, a significant number of Americans still opposed involvement in a foreign conflict (Tucker, 2007). Thus, Wilson established the Committee on Public Information (CPI) to rouse public support (O'Toole, 2019). The CPI "organized patriotic enthusiasm where it existed and created it where it did not," effectively serving as a "nationalizing agent" that unified the country against a common enemy (Vaughn, 1980, 4). A propaganda agency for all intents and purposes, the CPI relied heavily on media platforms, especially news stories centered on the message of protecting American democracy, lives, and properties from an autocratic German invasion (Foster, 1935; Vaughn, 1980). The CPI distributed fake news and bombarded American citizens with press releases masked as news stories (O'Toole, 2019). Fearing retaliation from the government and simultaneously interested in the potential profits that public interest in the war would bring for media outlets, news agencies published any written material issued by the CPI and ran ads that glorified the war (O'Toole, 2019). The CPI, with the help of news outlets, effectively perpetuated a pro-American and pro-war narrative in the media. It was meticulous in the framing of its news stories, simultaneously embellishing American victories whilst demonizing German soldiers. Support for the war grew so strong that everyday citizens subjected anti-war dissenters to violence (Chatfield, 1970; O'Toole, 2019).

Fear of foreign invasion and increasingly patriotic attitudes paved the way for the advent of the first Red Scare. The Bolsheviks' successful overthrow of Russia's governing monarchy sparked concern over the rise of radicalism and communism, particularly on the heels of a German threat that was still fresh in the American psyche (Klein, 2018). To many Americans, the Russian Revolution was anarchic, as expressions of dissent quickly succumbed to violence and repressive tactics against political opponents by the Bolsheviks (Ryan, 2015; Klein, 2018). This period of terror began after the Bolsheviks supplanted the provisional government that was established upon the Russian tsar's abdication (Bird, 2018). Under the new Soviet Order, they executed or imprisoned anybody deemed a class enemy for opposing them (Ryan, 2015). Bolsheviks,

following Marxist-Leninist ideology, believed that violence was necessary in order to construct a new society that was free of capitalist excesses and class antagonisms, which they attributed as the primary causes of social and political unrest (Engels and Marx, 1848; Ryan, 2012). This is a critical aspect of the Russian Revolution and the subsequent USSR to consider when examining the Red Scare phenomenon in the US, as the Bolsheviks' radical left ideologies were in stark contrast to American political culture, which values the protection of civil liberties that allow free speech, the right to dissent, a free capitalist economy, and democratic governance (Gibson, 1988). The US government has long touted the American Dream as the pinnacle of achievement. The "dream" promises democratic freedoms and upward social mobility through a capitalistic economy that provides ample opportunity to acquire financial independence and purchase the idealized "white-picket fence" home (Bayles, 2015; Laitman, 2020). US citizens have historically been very protective of this dream, particularly of the democratic ideals that promise civil liberties and personal freedoms. The fear of losing such freedoms was exploited by the US government and the media to induce widespread hysteria and a moral panic over communism (Rodwell, 2017).

Craving stability as a result of WWI, Americans feared a similar violent revolution inspired by Bolshevik ideology was imminent due to rising industrial unrest and an increase in organized labor protests — in 1919 alone, 3,000 strikes involving more than 4,000,000 workers took place (Murray, 1955). Although conservatives were quick to exploit Bolshevik fears to "stifle political and economic liberalism," resulting in the "implantation of the Bolshevik in the American mind as the epitome of all that was evil," the US still experienced leftist mobilization — both radical and non-radical (Murray, 1955, 16). Two communist parties that held Bolshevik sympathies were formed in 1919, and although their numbers were small, they garnered significant attention and concern with their mobilization efforts (Murray, 1955). That same year, radical anarchists led by Italian immigrant Luigi Galleani organized a number of bombings between April and June, sending bombs to the homes of prominent US government and law enforcement officials, including Attorney General Alexander Palmer (Simon, 2008). The public agenda and public policy further geared up against communism and propagated pro-Americanism, as harsh criminal penalties were imposed for anyone the government considered antithetical to the US government and American culture. Congress passed the Sedition Act the year prior, designed to quell any

form of socialist, radical left, anti-war activism, and anarchist activity (Astor, 2018). In the name of preventing espionage and combating foreign interference, the act curtailed citizens' rights to free speech and free press, as the media could not distribute any material that was critical of the war effort and domestic communist containment tactics (Daly, 2018). Later that year, Congress passed the Immigration Act to legally deport any immigrant or naturalized citizen the government deemed a potential threat to its power — specifically, labor organizers, communists, anarchists, anti-war activists, and liberal dissenters in general (Kraut, 2012). Both acts criminalized dissent and essentially made it illegal to criticize the US government or express views that were too left for the comfort of a paranoid leadership (Daly, 2018). Furthermore, the laws made it possible for Palmer to conduct raids that targeted thousands of immigrants and naturalized citizens, resulting in the mass deportation of political dissidents between 1919 and 1920 (Hochschild, 2019). The government, along with a press that commended its crackdowns, conflated terror and radicalism with dissent and failed to “distinguish true threats from ideological dissidents” (Cole, 2002). Between 1919 and 1920, twenty-four states also passed various criminal syndicalism laws, which, in addition to prohibiting violence as a method for social change, also repressed free speech and saw countless immigrants and citizens alike either jailed or deported (Gibson, 1988; Bailey et. al, 1998). Between 1917 and 1920, dissidents were arrested and jailed in the thousands (Trickey, 2018). Under the Sedition Act, they faced more than twenty years in prison and fines up to 10,000 USD, or 150,000 USD when adjusted for inflation (Radosh, 2020).

WWI, the rise of Bolshevism and the USSR; leftist mobilization (radical and non-radical); government propaganda and an anti-communist narrative issued by a complicit media created conditions for the perfect storm of communist hysteria (Murray, 1955). However, populism, rather than communism, was proving to be the true threat to democracy. Populism is conceptualized as a “multifaceted phenomenon that besides taking form in opinion movements and in organized parties” has influenced the policies of mainstream government and parties (Mazzoleni, 2003, 1). Furthermore, it tends to merge with nationalist or patriotic causes, as well as “xenophobic attitudes shared by significant sectors of public opinion” (Mazzoleni, 2003,1). During both waves of the Red Scare, the xenophobia and intolerance was directed toward immigrants, communists, and leftists in general. With the complicity of an anxious public and

supportive media, the government justified its increasingly repressive, far-right policies, which scholars have criticized for being ultra-nationalistic (Gillon, 2017). While American citizens feared a communist takeover would supplant democracy and limit their freedoms, politicians saw the emerging Soviet regime as a threat to both American ideology and global dominance. The lack of resistance from citizens as public policy grew increasingly intolerant of leftist dissent seems contradictory to the notion that Americans value civil liberties; however, both the government and the media framed the government crackdowns as demonstrating a zero-tolerance policy on communist subversion that threatened “Church, home, marriage, civility, and the American way of life” (Levin, 1971, 29). As hysteria spread during both of the Red Scares, American political culture grew increasingly intolerant, evidenced by public concerns and the passing of various oppressive policies directed toward leftist dissidents and activists (Gibson, 1988). Americans grew more supportive of criminal syndicalism laws and other public policies that criminalized dissent. In his examination of punishment as a form of consumption, Simon states that the public is more sensitized to crime risk when they own a home, a hallmark of American capitalism, and more likely to favor mass incarceration as a form of crime control (Simon, 2010). In the USSR, the right to own property was heavily restricted and most property belonged to the highly centralized government (Maggs, 1961). During the Red Scare, Americans feared that, along with their liberties, the USSR would seize all private property if they won any war with the US, perhaps explaining public support of harsher policies (Choharis, 2011).

### **The Second Red Scare: Cold War Antagonisms and McCarthyism**

Like its predecessor, the second Red Scare followed a world war; however, while much more subdued, anti-communism and general fear of a Soviet takeover did not entirely dissipate from American society, evidenced by the passing of laws such as the 1940 Alien Registration Act, a sedition law that required more than four million immigrants to register with the government so they could be monitored for communist influence, espionage, and radical activity (Beito and Witcher, 2016; Harrison, 2017). It was yet another mechanism for criminalizing dissent in the US, as it established criminal penalties for anyone suspected of wanting to depose the US government; however, once again, government officials frequently made no distinction between

radicals who incited violence and those with left-wing leanings who peacefully dissented (Harrison, 2017).

Despite the USSR and the US forming an alliance during World War II, their relationship failed to improve. Following the war, a second Red Scare proliferated across the US as the two hegemonies found themselves embroiled in the Cold War, primarily as a result of fundamental differences in political and economic ideology and geopolitical rivalry to influence and globally dominate (Powaski, 1997). The rivalry sparked fears reminiscent of the mass hysteria during the first Red Scare, as Americans feared that leftists in the US would help the USSR infiltrate the US and compromise national security, leading to a communist takeover that would threaten their civil liberties and economic freedoms (Levin, 1971). International events certainly added fuel to a fire that needed little ignition to turn outright explosive. In 1949, China experienced a communist takeover led by Mao Zedong, while the USSR conducted its first nuclear weapons test that same year and expanded its reach to Eastern Europe (Matthews, 2019). In addition to establishing communist governments in Eastern European countries, Stalin reneged on his agreement, made during the Yalta Conference, to hold free elections in Soviet-occupied states, making the thought of a Soviet takeover in a western country that valued the right to vote even more disconcerting (Fitzgerald, 2006). For many American citizens, such strides by the USSR signified threat of a communist takeover in their own country (Murray, 1955). These fears were not completely unfounded, as there had been alleged cases of Soviet infiltration through espionage, most notably Ethel and Julius Rosenberg, a married couple that sold classified nuclear information to the USSR and were subsequently executed (Glenza, 2015). However, their fears were amplified by US officials, who exaggerated the dangers of a Soviet takeover and embarked on a series of civil rights violations against their own citizens (Storrs, 2013). In 1947, President Harry Truman enacted the Loyalty Order, requiring all federal employees to undergo an investigation to determine how loyal they were to the US government; however, despite investigating nearly five million employees and applicants, only 560 were fired or denied employment and there was no evidence to suggest internal espionage (Fitzgerald, 2006). Still, the hunt for communists continued and numerous politicians, including Richard Nixon, searched for any sign of infiltration and continued to perpetuate hysteria in the public (Fitzgerald, 2006). Meanwhile, the Federal Bureau of Investigation, the primary criminal investigation agency of the



US, was instrumental in carrying out the government's harassment of undesirable Americans. Under the leadership of J. Edgar Hoover, the FBI used illegal investigative methods, including wiretaps, spying, and surveillance (Underhill, 2008). Hoover was paranoid about communist subversion and eager to aid the government's efforts to contain communism on a domestic scale, even if it meant violating the rights of citizens in a way that was not dissimilar from his Soviet counterparts (Underhill, 2008).

The most notorious US official during this time was Senator McCarthy, for whom McCarthyism is coined. McCarthy exploited fears of communist infiltration, using hearsay and fear tactics to establish himself as an eminent leader and further his own political career (Wreszin, 1982). McCarthy demonstrated a persona that was "tough on crime," which during the Red Scare was essentially harboring communist or liberal beliefs that the government found threatening or inflammatory. At a fundraiser in 1950, McCarthy made a speech regarding communist infiltration, claiming he had the names of more than two-hundred communists working for the government (Menand, 2020). Despite the falsity of the claim, a journalist covering the fundraiser for the Associated Press reported McCarthy's claims, garnering him numerous headlines as he continued to make similar speeches across the country — a trend that continued for more than four years (Menand, 2020). A paranoid nation stood behind McCarthy as he launched an anti-communist crusade, falsely accusing thousands of American citizens in the process and destroying their livelihoods (Miller, 2000). While McCarthy did not cause the second Red Scare, his exaggeration of communist subversion and his witch hunts perpetuated nationwide hysteria that largely went unchecked by a complicit media. McCarthy's brand of populism was particularly dangerous, as he used it to "promote fear, divide the nation and infringe on individual rights" (Gillon, 2017). McCarthy, and his peers and predecessors in the first Red Scare, painted all liberal dissidents and thinkers as "phony" and dangerous communists who threatened democracy, pitting the American public against them and justifying their actions and policies (Gillon, 2017).

## **The Role of the Media: Framing and Agenda-Setting**

The overarching consensus among scholars is that the media alone is not responsible for forming peoples' opinions; however, it still plays a fundamental role in influencing peoples' beliefs, concerns, and views (Ericson, 1991; Bryant et. al, 2012). The media is skilled at shaping and guiding public opinions on crime and punishment, while also "reflecting it back as the authentic voices of ordinary people" (Pratt, 2006, 4). Garland stipulates that, while anxieties within a society are not exclusively determined by the media or political rhetoric, they certainly play a prominent and persuasive role in shaping and influencing how people view social and political issues (Garland, 2001). In his examination of contemporary crime control, Garland asserts that both politicians and the media exploit existing and pervasive insecurities in the public, only heightening fears and thus raising support for new crime control policies that shifted from an emphasis on rehabilitation to punishment (Garland, 2001). He states that changing views on penal welfare and crime control resulted not only from criminological considerations, but also social events that upset the status quo, including the US Civil Rights movement of the 1960s and 1970s that sought racial and gender equality. The criminal justice system's response to civil rights activists and anti-Vietnam War protestors "highlighted the arbitrary, coercive potential of the criminal justice system and its uses as a tool of political oppression," reflected in the mass incarceration of minority men (Garland, 2001, 57). This is comparable to the Red Scare in many ways, as US politicians resorted to passing criminal syndicalism laws and harassing activists to stifle not only communist influence, but also the progress of liberal campaigns that advocated for equality in the name of containing communism (Higdon et. al, 2020).

In a similar vein, Cavender states that the media does not "create something out of nothing" but instead addresses issues that already exist within a society to guide public discourse and public policy, whilst also capitalizing on public fear (Cavender, 2004, 337). He posits that, while the media is not the sole determinant of how members of a society view issues or their beliefs, it is a vehicle that helps direct the public agenda, particularly through agenda-setting and framing — two critical areas of study in media scholarship (Cavender, 2004).

Agenda-setting theory focuses on the ability of the news media to influence what topics audiences should consider are the most important, and thus can “set the agenda for public thought and discussion” by deciding what topics are the most covered (McCombs and Reynolds, 2002, 1). The emphasis placed on certain issues affects how important audiences think these issues are (McCombs and Shaw, 1972). Such decisions are guided by news outlets’ political, economic, and social motivations (McCombs, 2005). News platforms cover stories they believe will generate the greatest amount of attention, resorting to tactics of sensationalism that dramatize and exaggerate existing events or issues, as drama — particularly drama based on existing public fears — entices audiences (Ericson, 1991). While they do not simply make up issues that do not exist, they do exploit existing ones by making those issues the focus of their agenda in order to maximize interest and audience outreach. These motives guide framing.

Gamson and Modigliani define a frame as a “central organizing idea or storyline that provides meaning” to an event or an issue (1987, 143). The ways in which a story in the media is angled, or framed, influences how audiences interpret, understand, or feel about an issue (Ghanem, 1997). Through the use of symbolic devices such as metaphors and imagery, the media creates compelling narratives that audiences use to form opinions (Pan and Kosicki, 2010). Framing is what allows media reporters to create stories based on their interpretation of the facts, as well as their own social and political motivations. It can be argued that for this reason, the power of the media rests with framing and how the media chooses to angle an event or an issue. For instance, reporting a politician took tough measures to save American democracy sounds a great deal more heroic and supportive than reporting that an American politician violated civil liberties by interrogating citizens suspected of communism with no regard to due process.

During the Red Scares, the media did not induce communist fears but exploited them nonetheless. Particularly during this period, the media was “rife with agendas, both hidden and obvious,” and had a mutually beneficial relationship with the government (Foust, 2001). Media scholars argue that all populist movements rely on media complicity, which is ensured because the media cannot ignore “newsworthy” topics that occupy public concerns or interests (Mazzoleni, 2003, 1). Economically, news outlets are motivated by increasing profit margins. Fear excites people; thus, the media tap into existing fears and dramatize events in order to

generate audiences and increase profits — as was the case in both waves of the Red Scare (Ericson, 1991; Cavendar, 2004). Politically, many journalists and news editors supported the government's fight against communism and believed communist subversion was a legitimate threat to the US (Wreszin, 1982). The political and economic motivations driving news outlets paved the way for a cooperative relationship between the government and the media, which published information provided by the government in an effort to sell the Cold War and anti-communism to the American public (Bernhard, 1999; Foust, 2001). The media, in a clear example of agenda-setting, flooded news streams with reports about rampant communism in the US. The media adopted “fear frames” that “demonized a subhuman enemy, showcased American efforts to contain the communist threat, and advertised the beneficence of American institutions” (Bernhard, 1999, 116). Front-page news stories made claims designed to heighten fears of pervasive Soviet influence. One story stated that if communists managed to infiltrate the US, the Soviets would sterilize American men (Jones, 2014). News magazines portrayed academics as “communists who cloak themselves in academic freedom” to disseminate communist values and corrupt the youth (Jones, 2014). Fear tactics were common during both waves of the Red Scare; however, whereas the first Red Scare saw the media depict Bolsheviks and communists as violent and forceful, the second Red Scare saw the media portray Soviets as manipulative, and capable of infiltrating both US government and American social and academic circles (Jones, 2014).

The hysteria during the Cold War surpassed the panic of the first Red Scare due to the introduction of television in American households. Garland describes television as a “central institution of modern life” and a primary source of news (Garland, 2001, 85). In addition to newspapers, radio, and magazines, Americans were now being told to fear communists through television. Broadcast companies were driven both by a desire to compete with newspapers and radio programs, and to retain some form of autonomy due to pressures to cooperate as government officials briefed them on “the communist menace” and threatened to take over broadcasting centers in the “interest of national security” (Bernhard, 1999, 94). As the interests of the government and broadcasting companies merged, television news became an important centralizing agent for information dispersed to the public regarding the Cold War (Bernhard, 1999; Foust, 2001). In addition to entertainment programming casting communism in a negative

light, broadcast journalists consistently bombarded American homes with stories that pitted communism against democracy, framing stories to depict Soviet communism as evil and American democracy as good — despite the fact that the US government abused the rights of its own citizens during this time (MacDonald, 1978). Senator McCarthy's constant claims of communist infiltration in the government captured numerous headlines and airtime. Despite the fact that McCarthy's claims were largely inaccurate, McCarthy — capitalizing on an already pervasive social and media frenzy — was effective in outsmarting even the most experienced reporters through various lies (Wreszin, 1982). In a democratic society, journalists shoulder the responsibility of serving as the watchdogs of government and ensuring the information they provide to the public is accurate (Bernard, 1999). They failed to do so during both waves of the Red Scare era, and with McCarthy in particular, catapulted a previously unknown politician into relevance and empowered him to violate the civil liberties of American citizens. Even when journalists realized McCarthy was an untrustworthy figure destroying the lives of those he accused, they failed to report his wrongdoings as they competed with other reporters for the latest scoop (Wreszin, 1982). While a small handful of print reporters attempted to catalogue McCarthy's wrongdoings, it was not until broadcast journalist Edward R. Murrow set a new agenda designed to shed light on the implications of Red Scare hysteria and government wrongdoings that the tide began to turn against McCarthy (Tye, 2020). His "See it Now" program was instrumental in shifting the media discourse against both McCarthy and anti-communist hysteria. Rather than relying on "fear frames," Murrow angled his stories to demonstrate that the biggest threat to American democracy was not communist subversion, but American leaders who oriented public policy toward criminalizing dissent and violating fundamental civil liberties in the name of a fighting a foreign power they claimed would do the very same (Shedden, 2015). Murrow aired footage of McCarthy interrogating frightened witnesses and defendants to demonstrate the danger he posed to democracy and American citizens — seeing Americans, just like themselves, being harassed in a Senate room served as a wake-up call that no citizen was safe if even one American was subjected to a violation of their rights and to interrogations without due process (Wershba, 1979; Shedden, 2015). Murrow's selected frame tactics and imagery humanized victims of the Red Scare, while simultaneously depicting an American government official in the role of the vicious oppressor — for once, it was not imaginary Soviet spies. Furthermore, Murrow's meticulous, factual reports forced the

public to confront their own role in the anti-communist frenzy and their enablement of public policies that criminalized dissent. Although the policies enacted during the Red Scares were state-sanctioned, they were consolidated through the complicity of a public that had been swayed by a participatory, heavily politicized press. As evidenced, media discourse was centered on exploiting communist fears, commending government actions in the fight against communism and radicalism, and vilifying Bolsheviks and their Soviet successors.

This case provides ample evidence that gives credence to the notion that “law is among the dominant institutions entwined with the mass media” (Ericson, 1991). US legislators collaborated with “mass media operatives in constituting a deviance-defining elite” (Ericson, 1991, 223). During the Red Scares, the deviants were suspected communists working for the USSR and liberals in general, as they were considered a threat to the integrity of the democratic capitalist state and established order. To exist in the state as a communist, or even a liberal critical of the hysteria and US policies, could result in punitive measures — a rampant, undemocratic injustice that can be attributed to the relationship between media and the government and its legislative authority. As highlighted by Ericson, they effectively worked together to “promote certain political causes” and to “constitute justice by turning accounts of what is into stories of what ought to be, fusing facts with normative commitments, values, beliefs, and myths” (1991).

## **Conclusion**

The relationship between media, political culture, and changes in public policy on crime and punishment is complex. When legislators pass laws in a democratic society, they generally rely on popular opinion and support, as they require the will of the people to govern. The media is often exploited to acquire support by shaping public opinion through agenda-setting and framing strategies; however, the media is frequently complicit as an intermediary that is financially motivated to increase profits and politically motivated to influence public opinion and policy. This paper demonstrates how changes in public policy on crime and punishment are produced by political culture and media discourse through the Red Scares of twentieth-century United States. It does so by discussing the emergence of policies and criminal syndicalism laws that, under the

guise of saving American democracy from communism, infringed upon civil liberties that protected the right to dissent, free speech, and free press. This is especially exemplified by legislative procedures and how media discourse framed and enabled such procedures during the McCarthy era. Neither the government nor a complicit press made efforts to distinguish fact from fiction, clustering all liberal or communist dissidents as treacherous and dangerous to the US order. The merging of their interests resulted in complicit exaggerations regarding the threat of communist and radical infiltration, influencing public opinion to justify policies that, ultimately, were the biggest threats to democratic freedoms. Given the recent strained relations between the US and Russia, it might be prudent for further research to revisit the Red Scares and analyze how and if contemporary media similarly influences public opinion and guides public discourse toward US relations with Russia.

## References

- Astor, M. (2018). 1918 Brought an Armistice, but Also a World of Death. *New York Times*, [online] Available at: <<https://www.nytimes.com/2018/01/30/world/europe/1918-flu-war-centennial.html>> [Accessed 30 July 2020].
- Bailey, T., Kennedy, D. and Cohen, L. (1998). *The American Pageant*. Boston: Houghton Mifflin.
- Bayles, M (2015). How the World Perceives the New American Dream. *The Atlantic*, [online] Available at: <<https://www.theatlantic.com/international/archive/2015/10/american-dream-world-diplomacy/410080/>> [Accessed 1 August 2020].
- Beito, D. and Witcher, M. (2016). "New Deal Witch Hunt": The Buchanan Committee Investigation of the Committee for Constitutional Government. *The Independent Review*, 21(1), pp.47-71.
- Bernhard, N. (1999). *U.S. Television News and Cold War Propaganda, 1947-1960*. Cambridge, UK: Cambridge University Press, pp.100-150.
- Bird, D. (2018). How the 'Red Terror' Exposed the True Turmoil of Soviet Russia 100 Years ago. *Time Magazine*, [online] Available at: <<https://time.com/5386789/red-terror-soviet-history/>> [Accessed 24 July 2020].
- Bryant, J., Thompson, S. and Finkley, B. (2012). *Fundamentals Of Media Effects*. 2nd ed. Illinois: Waveland Press, pp.90-130.
- Burke, J. (2014). Post-Soviet world: what you need to know about the 15 states. *The Guardian*, [online] Available at: <<https://www.theguardian.com/world/2014/jun/09/-sp-profiles-post-soviet-states>> [Accessed 4 July 2020].



- Cavender, G. (2004). Media and Crime Policy. *Punishment & Society*, 6(3), pp.335-348.
- Chatfield, C. (1970). World War I and the Liberal Pacifist in the United States. *The American Historical Review*, 75(7), pp.1920-1937.
- Cole, D. (2002). Enemy Aliens. *Stanford Law Review*, 54(5), pp.953-1004.
- Daly, C. (2018). Why we shouldn't criminalize political speech — even the worst of it. *Washington Post*, [online] Available at: <<https://www.washingtonpost.com/news/made-by-history/wp/2018/05/24/why-we-shouldnt-criminalize-political-speech-even-the-worst-of-it/>> [Accessed 17 July 2020].
- Ericson, R. (1991). Mass Media, Crime, Law, and Justice. *The British Journal of Criminology*, 31(3), pp.219-249.
- Fitzgerald, B. (2006). *McCarthyism: The Red Scare (Snapshots In History)*. Minneapolis: Compass Point Books.
- Foglesong, D. (1995). *America's Secret War Against Bolshevism*. [United States]: The University of North Carolina Press.
- Foster, H. (1937). Charting America's News of the World War. *Foreign Affairs*, 15(2), pp.311-319.
- Foust, J. (2001). U.S. Television News and Cold War Propaganda, 1947-1960. *American Journalism*, 18(2), pp.107-108.
- Gamson, W. and Modigliani, A. (1987). The Changing Culture of Affirmative Action. *Research in Political Sociology*, 3(1), pp.137-177.
- Garland, D. (2001). *The Culture of Control*. Oxford: Clarendon.

Ghanem, S. (1997). Filling in the Tapestry: The Second Level. In: M. McCombs, D. Shaw and D. Weaver, ed., *Communication and Democracy: Exploring the Intellectual Frontiers in Agenda-Setting Theory*, 1st ed. Mahwah: Lawrence Erlbaum Associates, pp.1-20.

Gibson, J. (1988). Political Intolerance and Political Repression During the McCarthy Red Scare. *American Political Science Review*, 82(2), pp.511-529.

Gillon, S. (2018). *Why Populism in America is a Double-Edged Sword*. [online] HISTORY. Available at: <<https://www.history.com/news/why-populism-in-america-is-a-double-edged-sword>> [Accessed 1 August 2020].

Harrison, S. (2017). From the Archives: Alien Registration Act of 1940. *Los Angeles Times*, [online] Available at: <<https://www.latimes.com/visuals/photography/la-me-fw-archives-alien-registration-act-20170214-story.html>> [Accessed 1 August 2020].

Hochschild, A. (2019). When America Tried to Deport Its Radicals. *New Yorker*, [online] Available at: <<https://www.newyorker.com/magazine/2019/11/11/when-america-tried-to-deport-its-radicals>> [Accessed 19 July 2020].

Jones, J. (2020). *The Red Menace: A Striking Gallery Of Anti-Communist Posters, Ads, Comic Books, Magazines & Films*. [online] Open Culture. Available at: <<http://www.openculture.com/2014/11/the-red-menace-a-striking-gallery-of-anti-communist-propaganda.html>> [Accessed 1 August 2020].

Klein, C. (2018). *The Russian Revolution, Through American Eyes*. [online] HISTORY. Available at: <<https://www.history.com/news/the-russian-revolution-through-american-eyes>> [Accessed 23 July 2020].

Kraut, J. (2012). Global Anti-Anarchism: The Origins of Ideological Deportation and the Suppression of Expression. *Indiana Journal of Global Legal Studies*, 19(1), pp.169-193.

Laitman, M., 2020. *Awakening The New American Dream*. [online] Medium. Available at: <<https://medium.com/@michaellaitman/awakening-the-new-american-dream-ad3aeebfd1b9>> [Accessed 1 August 2020].

Levin, M. (1971). *Political Hysteria in America*. New York: Basic Books, pp.1-50.

MacDonald, F. (1978). The Cold War as Entertainment In 'Fifties Television. *Journal of Popular Film and Television*, 7(1), pp.3-31.

Maggs, P. (1961). The Security of Individually-Owned Property under Soviet Law. *Duke Law Journal*, 1961(4), pp.525-537.

Marx, K. and Engels, F. (1848). *Manifesto of The Communist Party*. La Vergne: Weyland Easterbrook.

Matthews, T. (2019). *1949 Cold War Events | Historic Newspapers*. [online] Historic Newspapers. Available at: <<https://www.historic-newspapers.co.uk/blog/1949-cold-war-events/>> [Accessed 1 August 2020].

Mazzoleni, G. (2003). The Media and the Growth of Neo-Populism in Contemporary Democracies. In: M. Gat, ed., *The Media and Neo-Populism: A Contemporary Comparative Analysis*. London: Praeger, pp.1-90.

Mason, P. (2017). Those who lived through the Russian Revolution understood history – unlike us. *The Guardian*.

McCombs, M. and Reynolds, A. (2002). New Influence on Our Pictures of the World. In: J. Bryant and D. Zillman, ed., *Media Effects: Advances in Theory and Research*, 2nd ed. Mahwah: Lawrence Erlbaum Associates, pp.1-18.

- McCombs, M. and Shaw, D. (1972). The Agenda-Setting Function of Mass Media. *Public Opinion Quarterly*, 36(2), pp.176-187.
- Menand, L. (2020). Joseph McCarthy and the Force of Political Falsehoods. *New Yorker*, [online] Available at: <<https://www.newyorker.com/magazine/2020/08/03/joseph-mccarthy-and-the-force-of-political-falsehoods>> [Accessed 27 July 2020].
- Miller, A. (2000). Are You Now or Were You Ever?. *The Guardian*, [online] Available at: <<https://www.theguardian.com/books/2000/jun/17/books.guardianreview12>> [Accessed 26 July 2020].
- Murray, R. (1955). *Red Scare Red Scare: A Study in National Hysteria, 1919-1920*. Minneapolis: University of Minnesota Press, pp.1-100.
- O'Keefe, A. (2020). Media and Discourse Analysis. In: J. Gee and M. Handford, ed., *The Routledge Handbook of Discourse Analysis*. London: Routledge, pp.441-454.
- O'Toole, P. (2019). *When the U.S. Used 'Fake News' To Sell Americans On World War I*. [online] HISTORY. Available at: <<https://www.history.com/news/world-war-1-propaganda-woodrow-wilson-fake-news>> [Accessed 23 July 2020].
- Pan, Z. and Kosicki, G. (1993). Framing analysis: An approach to news discourse. *Political Communication*, 10(1), pp.55-75.
- Powaski, R. (1998). *The Cold War*. New York: Oxford University Press.
- Pratt, J. (2006). *Penal Populism*. London: Routledge, pp.1-35.
- Roberts, S. (2014). Immigrants and Red Scare Case Studies. *New York Times*, [online] Available at: <<https://www.nytimes.com/2014/01/12/nyregion/immigrants-and-red-scare-case-studies.html>> [Accessed 24 July 2020].

Radosh, R. (2020). Presidential Pardons and the Spirit of Clemency. *The Bulwark*, [online] Available at: <<https://thebulwark.com/presidential-pardons-and-the-spirit-of-clemency/>> [Accessed 24 July 2020].

Rodwell, G., 2017. *Moral Panics and School Education Policy*. London: Routledge, pp.160-190.

Ryan, J. (2012). *Lenin's Terror: The Ideological Origins of Early Soviet State Violence*. London: Routledge, pp.1-55.

Ryan, J. (2015). The Sacralization of Violence: Bolshevik Justifications for Violence and Terror during the Civil War. *Slavic Review*, 74(4), pp.808-831.

Simon, J. (2008). The Forgotten Terrorists: Lessons from the History of Terrorism. *Terrorism and Political Violence*, 20(2), pp.195-214.

Simon, J. (2010). Do these prisons make me look fat?. *Theoretical Criminology*, 14(3), pp.257-272.

Shedden, D. (2015). *Today in Media History: Edward R. Murrow Investigated Joe McCarthy On 'See It Now' - Poynter*. [online] Poynter. Available at: <<https://www.poynter.org/newsletters/2015/today-in-media-history-edward-r-murrow-examined-joe-mccarthys-methods-on-see-it-now/>> [Accessed 24 July 2020].

Schrecker, E. (2019). *More Than Just a Man | American Experience | PBS*. [online] Pbs.org. Available at: <<https://www.pbs.org/wgbh/americanexperience/features/mccarthy-more-than-just-a-man/>> [Accessed 24 July 2020].

Storrs, L. (2013). *The Second Red Scare and The Unmaking of The New Deal Left*. Princeton: Princeton University Press.

Trickey, E. (2018). When America's Most Prominent Socialist Was Jailed for Speaking Out Against World War I. *Smithsonian Magazine*, [online] Available at:

<<https://www.smithsonianmag.com/history/fiery-socialist-challenged-nations-role-wwi-180969386/>> [Accessed 25 July 2020].

Tucker, R. (2007). *Woodrow Wilson and the Great War: Reconsidering America's Neutrality, 1914-1917*. Charlottesville: University of Virginia Press, pp.1-20.

Tye, L. (2020). Five myths about McCarthyism. *Washington Post*, [online] Available at:

<[https://www.washingtonpost.com/outlook/five-myths/five-myths-mccarthyism-joe-mccarthy/2020/07/17/7f063970-c77c-11ea-b037-f9711f89ee46\\_story.html](https://www.washingtonpost.com/outlook/five-myths/five-myths-mccarthyism-joe-mccarthy/2020/07/17/7f063970-c77c-11ea-b037-f9711f89ee46_story.html)> [Accessed 18 July 2020].

Underhill, S. (2008). J. Edgar Hoover "Speech Before the House Committee on Un-American Activities." *Voices of Democracy*, 3(1), pp.139-161.

Vaughn, S. (1980). *Holding Fast the Inner Lines*. Chapel Hill: University of North Carolina Press, pp.1-30.

Wershba, J. (1979). Murrow vs. McCarthy: See it Now. *New York Times*, [online] Available at:

<<https://www.nytimes.com/1979/03/04/archives/murrow-vs-mccarthy-see-it-now.html>> [Accessed 31 July 2020].

Wreszin, M. (1982). McCarthyism: Media Manipulation, Partisan Politics, or Institutional Complicity?. *Reviews in American History*, 10(2), p.250.

