In 1950, Democratic incumbent of 24 years Millard Tydings ran against Republican challenger John Marshall Butler for one of the Maryland’s seats in the Senate.1 Tydings lost the November election and presented complaints to the Senate a month later, accusing the Butler campaign of unfair campaign practices and violations of election laws.2 In particular, he protested a composite photograph in a tabloid entitled “From the Record,” which was created and distributed by the Butler campaign to 300,000 homes in Maryland days before the election.3 The tabloid contained several misleading and false stories intended to attack Tydings’s loyalty and patriotism. The composite depicts Tydings in close conversation with Earl Browder, former leader of the Communist Party of the United States of America. It was later shown to be constructed from two separate photos of the individuals, cut and arranged and re-photographed to appear as if the composite were a photograph of the two in person. The composite is shown in Figure A.1, and its two component photos are shown in Figure A.2. In the tabloid, a caption below the picture reads,

Communist leader Earl Browder, shown at left in this composite picture, was a star witness at the Tydings committee hearings, and was cajoled into saying Owen Lattimore and others accused of disloyalty were not Communists. Tydings (right) answered, “Oh, thank you, sir.” Browder testified in the best interests of those accused, naturally.4

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1 “The Election Case of Millard Tydings v. John M. Butler of Maryland (1951).”
2 “The Election Case.”
4 U.S. Senate, Committee on Rules and Administration, Maryland Senatorial Elections of 1950: Report, 21.
This photo was significant in the context of other events that had occurred that same year.

In the spring of 1950, Wisconsin Senator Joseph McCarthy gave a speech claiming that
Communists had infiltrated the State Department. A Senate committee, chaired by then-Senator
Tydings, was formed to investigate; committee members voted along partisan lines, with the

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5 “Composite Trickery.”
6 “Composite Trickery.”
Democratic majority condemning McCarthy’s claims as “a fraud and a hoax,” and the Republican minority claiming that the Democrats had whitewashed treasonable conspiracy. The caption referred to a moment from those hearings and suggested that Tydings had failed to adequately question Browder during Browder’s testimony. The photo illustrated that moment, depicting an arguably intimate—even conspiratorial—association between Tydings and Browder. At a time when the Korean War was in full swing and tensions with Communist governments were high, such an association with a Communist Party leader in the U.S. was politically dangerous.

In response to Tydings’s complaints, the Senate formed a committee of four senators within the Subcommittee on Privileges and Elections of the Committee on Rules and Administration to investigate the Butler campaign. The bipartisan committee consisted of Democratic senators Mike Monroney and Thomas Hennings, as well as Republican senators Robert Hendrickson and Margaret Chase Smith. It is worth noting that both Republican senators, unusually, were outspoken against McCarthyism. Smith is well-known for a 1950 speech she gave, in response to McCarthy’s charges of Communists in the State Department, denouncing the spread of fear, ignorance, bigotry, and smear in the Senate; Hendrickson was one of six Republican senators who signed her “Declaration of Conscience.”

The committee held public hearings in 1951 from February through April investigating the Butler campaign for defamation, financial irregularities, and the involvement of outsiders. Testimony revealed that the Butler campaign had received significant help from McCarthy’s

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7 Fried, *Nightmare in Red.*
9 “A Declaration of Conscience.”
10 U.S. Senate, Committee, *Report,* 1.
staff to mount a smear campaign against Tydings. Concerning the composite photograph specifically, testimony showed that its creation was a collaboration between members of the Butler campaign, McCarthy’s staff, and the staff of the *Washington Times-Herald*, a newspaper. The committee’s report, issued in August, condemned the actions of Butler, Butler’s campaign, and McCarthy, but it took no formal action against Butler other than fining his campaign manager $5,000, believing further action to be unfair in the absence of rules governing campaign conduct. Instead, the committee called for the creation of rules to establish fair campaign standards.

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11 U.S. Senate, Committee, Subcommittee, *Hearings.*
12 “The Election Case.”