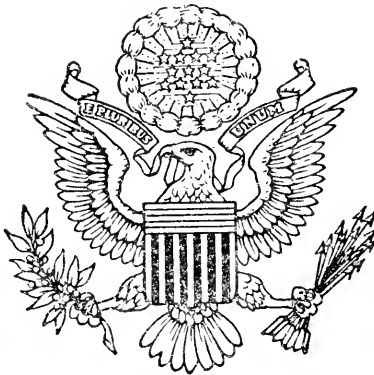


COMMITTEE ON  
UN-AMERICAN ACTIVITIES

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ANNUAL REPORT  
FOR THE YEAR 1964  
(88th Congress, 2d Session)



SEPTEMBER 9, 1965  
(Release Date)

SEPTEMBER 9, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Prepared and released by the Committee on Un-American Activities  
U.S. House of Representatives, Washington, D.C.

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U.S. GOVERNMENT PRINTING OFFICE

## COMMITTEE ON UN-AMERICAN ACTIVITIES

(88th Congress, 2d Session, 1964)

### UNITED STATES HOUSE OF REPRESENTATIVES

EDWIN E. WILLIS, Louisiana, *Chairman*

WILLIAM M. TUCK, Virginia

JOE R. POOL, Texas

RICHARD H. ICHORD, Missouri

GEORGE F. SENNER, JR., Arizona

AUGUST E. JOHANSEN, Michigan <sup>1</sup>

DONALD C. BRUCE, Indiana <sup>1</sup>

HENRY C. SCHADEBERG, Wisconsin <sup>1</sup>

JOHN M. ASHBROOK, Ohio

FRANCIS J. MCNAMARA, *Director*

WILLIAM HITZ, *General Counsel*

ALFRED M. NITTLE, *Counsel*

---

<sup>1</sup> In the 89th Congress (beginning January 4, 1965), the party membership ratio of the committee was changed from five of the majority and four of the minority to six and three, respectively. Charles L. Weltner, of Georgia, was appointed as the sixth Democratic member and John H. Buchanan, Jr., of Alabama, and Del Clawson, of California, were also appointed as members, these three replacing Mr. Johansen, Mr. Bruce, and Mr. Schadeberg.

## LETTER OF TRANSMITTAL

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CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Washington, September 9, 1965.*

HON. JOHN W. McCORMACK,  
*The Speaker,*  
*U.S. House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: Pursuant to House Resolution 8, 89th Congress, 1st session, and by direction of the committee, I herewith transmit the Annual Report of the Committee on Un-American Activities for the year 1964 (88th Cong., 2d sess.).

Sincerely yours,

EDWIN E. WILLIS, *Chairman.*



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# Union Calendar No. 416

89TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
*1st Session* } { No. 971

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## COMMITTEE ON UN-AMERICAN ACTIVITIES ANNUAL REPORT FOR THE YEAR 1964

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SEPTEMBER 9, 1965.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

---

Mr. WILLIS, from the Committee on Un-American Activities,  
submitted the following

### R E P O R T

[Pursuant to H. Res. 8, 89th Cong., 1st sess.]

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946]; 60 Stat. 812, which provides:

*Be it enacted by the Senate and House of Representatives of the United States, of America in Congress assembled, \* \* \**

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

\* \* \* \* \*

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

\* \* \* \* \*

(g) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

\* \* \* \* \*

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 88TH CONGRESS

House Resolution 5, January 9, 1963

\* \* \* \* \*

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

\* \* \* \* \*

(r) Committee on Un-American Activities, to consist of nine Members.

\* \* \* \* \*

RULE XI

POWERS AND DUTIES OF COMMITTEES

\* \* \* \* \*

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(a) Un-American activities.

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\* \* \* \* \*

27. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

## FOREWORD

Rule XI, 18, of the House of Representatives (see preceding page), which spells out the powers and duties of the Committee on Un-American Activities, requires that the committee "shall report to the House \* \* \* the results of any such investigation [as it makes under the powers granted it in Rule XI, 18], together with such recommendations as it deems advisable."

This Annual Report of the Committee on Un-American Activities for the year 1964 is published in compliance with the above rule. It includes a summary of all hearings held by the committee during the past year, the reports published by the committee; developments in contempt proceedings arising from committee hearings; the non-investigative work of the committee (such as the product of its files and reference service); and the legislative recommendations it deems advisable to make to the House as a result of its investigations, research, and study.

In view of the important developments on the national and international scenes which have taken place in the area of Communist activities in the recent past, some words of explanation may be in order as to why, in this foreword, attention is being focused on a report of a committee of the Congress and the rule of the House authorizing the publication of the report. It is being done because the rule in question and this report have a very real, though indirect, bearing on developments in all parts of the world—for the following reasons:

First, global security today rests in large part on U.S. security. Because the United States is the major source of strength for the non-Communist world in its efforts to resist communism, it is important to know what this country's internal security agencies are doing and what their findings and recommendations are. This report summarizes the activities of one of them which exercises basic functions in the legislative branch.

Second, because of the special nature of its authority, consideration of the role and functions of the Committee on Un-American Activities goes to the issue of the fundamental principles of our form of government, reminding us of what the global conflict is all about, the basic differences in the positions of the contending forces—of those who advocate the rule of men as opposed to those who support the rule of law.

Third, the intense campaign to destroy or curb the committee conducted over the last few years—with Communists at its core—suggests reexamination, however brief, of the constitutionality of the committee and its actions.

Over the years, the courts of this country have consistently upheld the constitutionality of this committee and its powers. Their decisions have been based primarily on their findings that the committee, while investigative in nature, is designed to and does serve a legislative function. It develops information that assists the Con-

gress in carrying out the function imposed on it by the Constitution—the enactment of legislation.

The courts, in reaching this conclusion, have commented not only on the committee's investigations, but also on its reports and other informing functions. The U.S. Court of Appeals for the District of Columbia, for example, in a decision upholding the first contempt of Congress conviction of John T. Gojack for refusing to answer certain questions when subpoenaed to testify before this committee in 1955, found the Government's claim that the committee had a legislative purpose in holding the hearing "amply supported." In spelling out the evidence it found for this conclusion, the court stated:

That the dominant purpose of the investigation was legislative is shown by both the 1954 and the 1955 Annual Reports of the Committee on Un-American Activities to the House of Representatives, both of which report on the hearings. These Annual Reports evidence the continued purpose of the Committee of keeping the Congress informed as to actual Communist conspiracy to infiltrate critical areas and activities of our national life as steps in the ultimate effort to destroy our free form of government, and contain the Committee's recommendations for additional legislation, if required. (280 F. 2d 678, 681 (1960))

This committee has sometimes been criticized by certain persons and groups for maintaining extensive files of publicly documented information on communism and, upon request, making the information in these files available to the Members of Congress. The court of appeals in the above-mentioned decision found that this practice, rather than being something for which the committee was to be censured, was further evidence of the committee's concern with its constitutional duty of assisting in the enactment of legislation. Immediately following the above-quoted passage, the court stated:

A large collection of material and exhibits is maintained by the Committee in connection with its constituted duties in order to furnish reference service not only to the Committee's own members and staff in its investigations and hearings, but also to every member of Congress who submits a written request for information in that field. More than thirteen hundred such requests were received in 1955.

Congress cannot legislate intelligently in a vacuum. Its members must be kept informed so that they can judge the merit of proposed legislation in any given area before deciding how to cast their votes. In matters pertaining to national security, not only the committee's investigations and hearings and its published reports, but also its special, individually prepared files and reference service reports, assist in the vital informational area of the legislative process.

To trace the chain of authority in establishing the constitutionality of this committee and its authority to engage in the activities summarized in this report, we would begin with Article I, sections 1 and

5, of the Constitution, which give the House the power to legislate and to make its own rules (i.e., create committees):

1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

\* \* \* \* \*

5. Each House may determine the Rules of its Proceedings, \* \* \*.

The courts of our land, in view of this clear-cut constitutional statement concerning the legislative powers of Congress, not only have never questioned the lawmaking authority of the Congress, but have repeatedly and consistently upheld the power of Congress to *investigate* as an aid to its legislative function. In *McGrain v. Daugherty*, for example, the Supreme Court pointed out that:

In actual legislative practice power to secure needed information by such means [investigation and the compelling of testimony] has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American Revolution; and a like view has prevailed and been carried into effect in both houses of Congress and in most of the state legislatures. (273 U.S. 135, 161 (1927))

This broad doctrine has been specifically applied to the Communist problem by the Supreme Court. In the case of Lloyd Barenblatt, a witness convicted of contempt for refusing to answer questions of this committee, the Supreme Court found:

That Congress has wide power to legislate in the field of Communist activity in this Country, *and to conduct appropriate investigations in aid thereof*, is hardly debatable. The existence of such power has never been questioned by this Court \* \* \*. (360 U.S. 109, 127 (1959)) [Emphasis added.]

Going farther than this, the courts have held not only that Congress has a *right* to investigate, but that when it comes to matters such as those within the jurisdiction of the Committee on Un-American Activities it has a *duty* to do so. The U.S. Court of Appeals for the District of Columbia, in upholding the contempt conviction of Edward K. Barsky, a witness who had refused to produce certain records subpoenaed by this committee in 1946, stated, in a decision which the Supreme Court refused to review:

The prime function of government, in the American concept, is to preserve and protect the rights of the people. The Congress is part of the government thus established for this purpose.

This existing machinery of government has power to inquire into potential threats to itself, not alone for the selfish reason of self-protection, but for the basic reason that having been established by the people as an instrumentality for the protection of the rights of people, it has an *obligation* to its creators to preserve itself. \* \* \* We think that inquiry into threats to the existing form of government by extra-constitutional processes of change is a power of Con-

gress under its *prime obligation* to protect for the people that machinery of which it is a part \* \* \*. (*Barsky v. U.S.*, 167 F. 2d 241, 246 (1947), cert. denied, 334 U.S. 843) [Emphasis added.]

In a more recent decision—that of June 5, 1961, upholding the constitutionality of the registration provisions of the Internal Security Act (367 U.S. 1)—the U.S. Supreme Court asserted this same doctrine and did so by quoting from *The Chinese Exclusion Case* decided by it in 1889:

“To preserve its independence, and give security against foreign aggression and encroachment, is the *highest duty* of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come. . . .” (Id. at 96) [Emphasis added.]

How has—and does—the House carry out its right and duty to investigate the Communist and other subversive activities referred to by the court of appeals in the above-quoted decision?

The Supreme Court found in the previously referred to case of Lloyd Barenblatt (360 U.S. 109 (1959)) that—

in pursuance of its legislative concerns in the domain of “national security” the House has clothed the Un-American Activities Committee with *pervasive authority* to investigate Communist activities in this country. (p. 118)

\* \* \* \* \*

it can hardly be seriously argued that the investigation of Communist activities *generally*, and the attendant use of compulsory process, was beyond the purview of the Committee’s intended authority under Rule XI. (pp. 120, 121) [Emphasis added.]

Without infringing on constitutionally protected liberties, how far can the House of Representatives, operating through its Committee on Un-American Activities, go in investigating and recommending legislation in the area of national security or un-American activity, which is defined in the committee’s mandate as activity “instigated from foreign countries or of domestic origin and [which] attacks the principle of the form of government as guaranteed by our Constitution”?

A complete answer to this question, which would involve many fine points of law, cannot be given in this foreword. Two basic principles, however, which have been spelled out by our courts over and over again, can be briefly treated.

The first principle is that every form of liberty is subject to restrictions under certain circumstances and for certain reasons—because no individual or group can be given complete and unlimited freedom without threatening the liberties of all others. Governments are instituted by men for their general welfare and the protection of their freedom. Yet government and unbridled individual freedom are incompatible. They cannot coexist. On the surface, this may appear to be an unfortunate truism, but it is unfortunate only if we fail to consider that the only alternative to government is anarchy—and

anarchy is destructive of the freedom of all people except the most ruthless and powerful.

Of all forms of government, the government of law rather than of men—developed to its highest degree in the United States—has proved to be the most desirable, because it best protects individual freedom. But government of law, as well as government of men, necessarily involves some restraints on freedom—and every one of the laws enacted by the Government of the United States since its founding 189 years ago has, to some degree, restricted the “freedom” of the American people.

Paradoxically, this is desirable, rather than something to be deplored, even though the fewest and least possible restraints on freedom are, and always should be, the American goal. The reason why some restraints on freedom are necessary and desirable has been set forth with great and compelling clarity in a unanimous decision of the U.S. Court of Appeals for the District of Columbia written by Judge Barrett Prettyman:

For the maintenance and preservation of liberty, individual rights must be restricted for various reasons from time to time. In case of a clear and present danger to the national security, even so generally unrestrictable a right as speech can be restricted. In case of a reasonably anticipated threat to security or to law and order, many acts by individuals can be restricted. An assembling mob bent on disorder can be dispersed. A man with a contagious disease can be locked in his house. Potentially dangerous actions must be restricted in order to prevent harm to others. So we have sanitation, fire, building and speeding regulations.

Liberty itself is inherently a restricted thing. Liberty is a product of order. There is no liberty in anarchy or in chaos. Liberty is achieved by rules, which correlate every man's actions to every other man's rights and thus, by mutual restrictions one upon the other, achieve a result of relative freedom. The mere day-to-day maintenance of the order which insures liberty requires restrictions upon individual rights. Some actions, neither harmful nor potentially dangerous, must be restricted simply for the sake of good order in the community. So we have parking, traffic and zoning regulations and rules of court.

No individual may take whatever he pleases, and so all others are free to enjoy their possessions. One man may not assault another with whom he disagrees, and this restriction protects the freedom of all to speak and live peacefully. One may not spread vicious lies about another, and so all are free to enjoy their good reputations. Every person is forbidden to join with his competitors to drive another person out of business, and so all are free to pursue their trades and buy products at reasonable prices. Everybody's liberty is restricted by prohibitions against driving recklessly, spreading disease, and leaving hidden dangers on property, and so the whole community is free to enjoy health. One cannot trample his neighbor's flower beds, or even trespass on his lawn. Even in a neighborhood community every man's right to roam is drastically restricted. A man who asserts his own



uninhibited freedom to go where he pleases is a menace and is quickly put in his place. He may not park where he pleases, or drink where he pleases, or spit where he pleases. In the community the police take care of these matters, and in so doing the officers act as servants of the rest of the community; they are the government.

Freedom to worship as each one chooses is restricted in some ways. Worship by human sacrifice is forbidden. A member of one religion cannot interrupt the services of another religion in order to worship in his own way. Through this restriction all have freedom to worship as they choose.

Freedom of the press bears restrictions. It does not include the right to publish what another has registered with the copyright office. Merely because a newsman has a right to travel does not mean he can go anywhere he wishes. He cannot attend conferences of the Supreme Court, or meetings of the President's Cabinet, or executive sessions of Committees of the Congress. He cannot come into my house without my permission, or enter a ball park without a ticket of admission from the management, or cross a public street downtown between crosswalks. He cannot pass a police cordon thrown about an accident, unless he has a pass from the police. A newsman's freedom to travel about is a restricted thing, subject to myriad limitations.

\* \* \* The liberty of everyone, law-abiding citizen and criminal alike, is involved in the maintenance of order and is threatened when disorder brings either the necessity or the opportunity for force to replace correlated rules of conduct. Such a threat may easily arise from conditions in foreign lands. The people have a right to protect their liberty, no matter whence the threat. (*Werthy v. Herter*, 270 F.2d 905 (1959))

In the interest of the national welfare and security, which is the welfare and security of the millions of individual Americans this Government was created to preserve, the Congress can and must enact, and has enacted, somewhat restrictive legislation in all areas of constitutionally guaranteed "rights." Just how far it can go in doing so varies in different cases and is subject to determination by the courts. But that it has a right to do so cannot be questioned.

A second pertinent and basic principle is that of conspiracy. The courts of this country have held that conspiracy in any area cannot be tolerated and that such activity is clearly subject to investigation and criminal prosecution. The late Supreme Court Justice Robert H. Jackson, for example, in his concurring opinion in the case of *Dennis v. United States*, a decision upholding the constitutionality of the Smith Act, pointed out that:

The Constitution does not make conspiracy a civil right.  
(341 U.S. 494, 572 (1951))

In his earlier, separate opinion in the case of *American Communications Association v. Douds*, Justice Jackson referred to the traditional

and continuing position of the courts in regard to conspiracies of all types:

The conspiracy principle has traditionally been employed to protect society against all "ganging up" or concerted action in violation of its laws. No term passes that this Court does not sustain convictions based on that doctrine for violations of the antitrust laws or other statutes. \* \* \* (339 U.S. 382, 432 (1950))

The Congress of the United States found in the Internal Security Act that the U.S. Communist Party and all other Communist parties "are in fact constituent elements of the world-wide Communist movement and promote the objectives of such movement by *conspiratorial* and coercive tactics" and are organized "on a secret, *conspiratorial* basis."

In its June 5, 1961, decision, referred to above, upholding the constitutionality of the registration provisions of the Internal Security Act, the Supreme Court, with a specific reference to the investigations of this committee, said of these findings:

They are the product of extensive investigation by Committees of Congress over more than a decade and a half. \* \* \* We certainly cannot dismiss them as unfounded or irrational imaginings. \* \* \* And if we accept them, as we must, as a not unentertainable appraisal by Congress of the threat which Communist organizations pose not only to existing government in the United States, but to the United States as a sovereign, independent nation—if we accept as not wholly unsupportable the conclusion that those organizations "are not free and independent organizations, but are sections of a world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of [a] . . . foreign country," \* \* \* we must recognize that the power of Congress to regulate Communist organizations of this nature is extensive. \* \* \* (367 U.S. 1)

It is thus clear that, despite the assertions of certain elements to the contrary, there is no question about the constitutionality of this committee's investigations of Communist activities in this country. The chain of authority, beginning with the Constitution, which grants general powers to the House, and carried down through the specific mandate the House has given the committee and the rulings of the courts on the committee's activities, is unbroken.

In view of the right and the duty of Congress and of this committee to investigate, there is a correlative duty on the part of citizens to assist the Congress and its committees in their efforts to obtain needed information. Again, the courts have been explicit and clear in their rulings on this point. Thus, in the case of *Watkins v. United States*, still another decision arising from a hearing of this committee, the U.S. Supreme Court held:

It is unquestionably the *duty* of all citizens to cooperate with the Congress in its efforts to obtain the facts needed

for intelligent legislative action. It is their *unremitting obligation* to respond to subpoenas, to respect the dignity of the Congress and its committees and to testify fully with respect to matters within the province of proper investigation. \* \* \* (354 U.S. 178, 187 (1957)) [Emphasis added.]

This report of the Committee on Un-American Activities may seem far removed from developments in Cuba, the Congo, British Guiana, Malaysia, Tanzania, and Vietnam. Yet, it clarifies what is at stake in these and other areas of the world by illustrating the U.S. constitutional process, the concept of the rule of law rather than that of men, the proper restraints on liberty as affirmed by the Courts, and the intolerability of conspiracy. In doing so, it goes to the heart of the issues and struggles which have made the names of the above countries familiar to all Americans.

The legislative recommendations contained in this report, if carried out by the Congress, would somewhat restrain some actions in certain areas. Yet such congressional action would, at the same time, help preserve the freedom of all Americans by strengthening the security of the government they have created to protect their liberty. Laws may restrain, but laws also create the order without which no man is secure in his rights—and self-imposed order is far preferable to the terror of the Viet Cong, the fiat of a Castro, the tyranny of a presidium, or the rule of any Communist—or any totalitarian of any stripe—anywhere.

EDWIN E. WILLIS, *Chairman.*

AUGUST 20, 1965.

# ANNUAL REPORT FOR THE YEAR 1964

## CHAPTER I

### HEARINGS CONDUCTED FOR LEGISLATIVE PURPOSES

#### FREEDOM ACADEMY HEARINGS

The House Committee on Un-American Activities held hearings on nine bills which proposed the creation of a Freedom Commission and Freedom Academy. Testimony on these bills was received on February 18, 19, and 20, April 7 and 8, and May 19 and 20, 1964. Of the 37 persons who testified or submitted statements, all but one supported the proposed Academy. Mr. W. Averell Harriman, Under Secretary of State for Political Affairs, presented the objections to the establishment of the Freedom Academy on behalf of the Department of State and the administration.

The nine bills were: H.R. 352 by Mr. Herlong; H.R. 1617 by Mr. Gubser; H.R. 5368 by Mr. Boggs; H.R. 8320 by Mr. Taft; H.R. 8757 by Mr. Schweiker; H.R. 10036 by Mr. Ashbrook; H.R. 10037 by Mr. Clausen; H.R. 10077 by Mr. Schadeberg; and H.R. 11718 by Mr. Talcott.

#### OUTLINE OF THE FREEDOM ACADEMY CONCEPT

All the witnesses agreed that the United States is confronted by a challenge of extraordinary proportions. Communism threatens not merely the Nation's political form and governmental institutions, but seeks nothing less than the complete and final eradication of American society. While the U.S.A. has thwarted some of the thrusts of international communism with traditional military and diplomatic measures, it is apparent that something fundamentally vital is lacking in the American response. This is painfully evident from the fact that, in spite of this Nation's massive military muscle and the innumerable diplomatic tools available to those who conduct its foreign relations, the forces of Communist imperialism continue to press and probe and score strategic gains against the free world.

Why? The answer to this crucial question was both the purpose and the problem of the committee's hearings on the proposed Academy. Witnesses testified that the Soviet bloc, being committed completely to total victory over the U.S.A., is employing every conceivable facet of human enterprise to realize its ambitions. Normal and natural pursuits of trade and commerce, art and athletics, science and sociology have all been harnessed—as well as the threat of Red armies—to the forces of Communist foreign policy. To press into cold war service these otherwise legitimate pursuits requires conflict-management procedures of considerable sophistication. Over

the decades, the Communists have built up a body of doctrine on subversion, propaganda, espionage, and other strife-creating forms and perfected them through experience and training establishments.

International communism's ability to harmonize these fourth-dimensional warfare measures is the area in which it excels. The know-how gained by almost 50 years of producing manufactured tensions permits the Communists to package fiscal, economic, cultural, political, and military measures into a unified common offensive. While launching or sponsoring paramilitary maneuvers in nations in Africa, Asia, or Latin America, Moscow or Peking simultaneously promote coordinated "peace" offensives in the countries which might help the target nations resist the attempted takeover. These peace movements include not only the usual agitation and demonstrations by the national Communist parties through their front groups, but also such devices as visits by touring Communist cultural groups, calculated to defrost the hostility of the host governments with the end in view of inducing them to withdraw from or negotiate for peace in the areas under attack.

Pro-Freedom Academy witnesses supported the thesis that the current threat in the manner and form described above has gone unchallenged—in many instances even unrecognized for its true political intent. Conceding that the Government was performing a more or less adequate job in the diplomatic and military fields, most of the witnesses stressed that little, if any, training and research has been undertaken in the unconventional aspects of the cold war. In the long run these factors may prove more decisive than the traditional military and diplomatic responses.

Several witnesses pointed to the 40-year training lead in this area enjoyed by the Communist bloc, beginning with establishment of the Lenin Institute of political warfare in Moscow in 1925. Since then many other institutions for training Communists in unconventional warfare techniques have been established in all sectors of the world. According to one witness, Lenin had established three political warfare training centers prior to 1917: one on the Isle of Capri, another at Bologna, and a third near Paris. Graduates of these early Communist training schools had helped to overthrow the government in Russia under Kerensky and to prepare the road for Lenin's reign. Methods used successfully then were later perfected in Communist political warfare schools and adapted to the differing conditions to be faced by future graduates in backward, as well as advanced, societies.

Witnesses testified that the U.S.A. does not have a training establishment designed to give its people an understanding in depth of the Communist threat and the know-how to combat its many forms and faces.

Academy proponents submitted that the training gap could be bridged by establishing a cold war college under Federal auspices conducted by independent commissioners appointed by the President, confirmed by the Senate, and monitored by the Congress. Since the Federal Government plays the principal role in the cold war, many witnesses thought that its respective agencies should have representation in the Academy as advisers. Few departments of Government today participate meaningfully in the cold war and, even among these, coordination is lacking.

Since the cold war is a total conflict, the Government should be totally engaged in it. Departments, such as that of Commerce, could

participate on the battlefield of economics. Other agencies, too, in their respective specialties should be directed to meet the Sino-Soviet threat with vigor and vision notwithstanding the fact that the Department of State is charged directly with the conduct of American foreign policy. Dr. Possony and Mr. Cunningham employed this line of reasoning in buttressing their position that the private sector must understand what the cold war is all about. In large numbers, the American people, too, must participate in varying degrees in fourth-dimension warfare as well as in the proposed Academy. The Federal Government, of and by itself, is no match in a conflict of this magnitude without massive assistance from its civilian populace. Because all Americans, indeed all peoples of the free world, are Communist targets, all of the Nation's and free world's leading citizens should participate, where feasible. Leaders of this type influence thousands of persons in their lives and, therefore, with training, could contribute immeasurably to the cold war effort and the cause of freedom.

To be specific, the witnesses said that the sources from which the Academy would draw its students would include: U.S. Government agencies; leaders from the ranks of management, labor, education, the professions, and civic, veteran, and similar groups; and lastly those from both the governmental and civilian sectors in friendly nations abroad.

List of Witnesses  
(in order of appearance)

*Hon. A. Sydney Herlong, Jr.* (D-Fla.)

*Alan G. Grant, Jr.*, attorney; leading proponent of the Freedom Academy concept for the past 14 years through the Orlando Committee for a Freedom Academy; taught courses on guerrilla warfare at Harvard University in addition to writing his thesis on the subject of "Guerrilla Warfare, Revolutionary Warfare."

*Dr. Stefan T. Possony*, director of the International Political Studies Program, Hoover Institution on War, Revolution, and Peace at Stanford University; received his doctorate from the University of Vienna; worked for the French Ministries of Air and Foreign Service; joined the Institute for Advanced Study at Princeton; served with the Psychological Warfare Branch, Office of Naval Intelligence; from 1946-1961 served on the faculty of Georgetown University and the National War College; in 1955 became an associate of the Foreign Policy Research Institute at the University of Pennsylvania; author of *A Century of Conflict, Tomorrow's War, Strategic Air Power, Lenin, International Relations* (coauthor), *Geography of Intellect* (coauthor).

*Hon. Don H. Clausen* (R-Calif.)

*Henry Meyers*, advertising executive since 1915; spokesman for the Cold War Council; member of the U.S. Information Agency's Executive Reserve; traveled extensively throughout the world inspecting 18 USIA posts.

*Hon. Hale Boggs* (D-La.)

*Arthur G. McDowell*, director, Department of Civic, Educational and Governmental Affairs of the Upholsterers' International Union of North America (AFL-CIO); executive secretary of the Council Against Communist Aggression since 1951

*Dr. James D. Atkinson*, associate professor of government, Georgetown University; research associate, Center for Strategic Studies, Georgetown University; Army Intelligence in World War II; former consultant to the Psychological Strategy Board, the Research Analysis Corporation, the Department of the Navy; former member of faculty of the National War College; lecturer at the Industrial War College of the Armed Forces, the Army War College, the Air War College, the Strategic Intelligence School, Special Warfare Center at Fort Bragg, National Defense College of Canada; president of the American Military Institute; author of *Edge of War*.

*William J. Cunningham*, high school teacher in Naples, Fla.

*Hon. Richard S. Schweiker* (R-Pa.)

*Hon. W. Averell Harriman*, Under Secretary of State for Political Affairs.

*Hon. Robert Taft, Jr.* (R-Ohio)

*Dr. Gerhart Niemeyer*, professor of political science, Notre Dame University; former faculty member, National War College; formerly with the Department of State, Office of U.N. Affairs; author of *An Inquiry Into Soviet Mentality* and *Facts on Communism*.

*Dr. Lev E. Dobriansky*, professor of economics, Georgetown University; president, Ukrainian Congress Committee of America; chairman, National Captive Nations Committee; former faculty member of the National War College.

*Hon. Robert R. Barry* (R-N.Y.)

*Dr. William R. Kintner*, colonel, U.S.A. (Ret.); professor of political science, University of Pennsylvania; deputy director, Foreign Policy Research Institute, University of Pennsylvania; faculty member, Army Command and Staff College at Fort Leavenworth; former operations chief, CIA; infantry commander and armistice negotiator at Panmunjom, Korea; Planning Board assistant, National Security Council; head of political and psychological activities in the Office of the Special Assistant (Nelson Rockefeller) to the President of the United States; chief of long-range plans, Office of Chief of Staff, U.S. Army; author of *The Front Is Everywhere* and coauthor of *Protracted Conflict* and *New Frontiers of War*.

*Hon. Bob Wilson* (R-Calif.)

*Hon. Robert C. Hill*, former Assistant Secretary of State for Congressional Relations; former Special Assistant to the Under Secretary of State for Mutual Security Affairs; former U.S. Ambassador to Mexico, Costa Rica, and El Salvador.

*Robert Finley Delaney*, formerly with the U.S. Foreign Service and the U.S. Information Agency for 12 years; served in the American posts in Rome, Budapest, Vienna, and El Salvador; author of: *Studies in Guerrilla Warfare*, *This Is Communist Hungary*, *The Literature of Communism in America*, *A Training Manual on Unconventional Warfare*.

*H. Stuart Morrison*, employee of the *Miami Herald* for 17 years; director of Operation Amigo for the Knight, Copley, and Scripps-Howard newspapers.

*Christopher Emmet*, free-lance writer and moderator of a New York radio program "Foreign Affairs Round Table" for 25 years; formerly active in the anti-Nazi movement and later founder of the anti-Communist Committee Against Mass Expulsions.

*Herbert Philbrick*, former FBI informant within the Communist Party.

- Clarence H. Olson*, director of The American Legion's National Legislative Commission.
- Daniel J. O'Connor*, attorney; chairman, The American Legion's National Americanism Commission.
- Dr. Michael C. Conley*, organizer and lecturer of U.S. Army counter-insurgency program, Oberammergau, Germany; formerly with the U.S. Army's Intelligence and Special Weapons School in Germany, specializing in Russian history and Soviet foreign policy in Central Europe and Southeast Asia.
- Hon. Charles S. Gubser* (R-Calif.)
- Hon. Dante B. Fuscell* (D-Fla.)
- John Richardson, Jr.*, attorney; president, Free Europe Committee, Inc.; former president and director of the International Rescue Committee; director of the Foreign Policy Association; director of Freedom House; and member of the Council on Foreign Relations.
- Admiral Arleigh A. Burke*, USN (Retired), former Chief of Naval Operations; member of Armistice Negotiating Commission in Korea; director, Georgetown University Center for Strategic Studies.
- Hon. John O. Marsh, Jr.* (D-Va.)
- Paul Jones*, columnist and editorial writer for the *Philadelphia Evening Bulletin* for 25 years; lectured on journalism in Saigon for Vietnamese newsmen; foreign correspondent in South America and Mexico.
- Hon. Adolf A. Berle*, attorney; professor emeritus and lecturer, Columbia University Law School; formerly staff member, American peace negotiation team, WW I; Assistant Secretary of State and Acting Secretary of State, 1938-1944; former Ambassador to Brazil and chief of President Kennedy's task force on Latin America.
- Mrs. Dickey Chapelle*, reporter and combat photographer since 1942 for American news media, including *The Reader's Digest* and *The National Geographic Magazine*; professionally engaged as combat correspondent in Hungary, Albania, Lebanon, Cuba, Korea, Formosa, India, Laos; participated in six parachute jumps with the Vietnamese airborne forces.
- Rev. James H. Robinson*, ordained minister of the Presbyterian Church since 1938; founder, Operation Crossroads Africa; member, Peace Corps National Advisory Committee; author, *Tomorrow is Today* and *Love of This Land*.
- Walter Joyce*, managing editor of *Printers' Ink Magazine*, author of *The Propaganda Gap*.

#### STATEMENTS RECEIVED

- Reserve Officers Association of the United States.*  
*Taxpayers League of Blackstone Valley, Louis Dona O'Hara*, president.

#### OUTLINE OF TESTIMONY

The following outline of the testimony received by the committee included four principal areas discussed by the witnesses, which are entitled as follows: I. "An Audit of the Cold War," II. "The Federal Government's Conduct of the Cold War," III. "The Administration's Solution to the Training Gap," IV. "The Freedom Academy



as a Solution." Although the Freedom Academy as such was discussed primarily in points III and IV, the witnesses spoke to points I and II during a substantial portion of their testimony in order to give foundation to their conclusions that an Academy was feasible and desirable. Similarly, the administration's witness made the argument that since the U.S.A. was "winning" the cold war a training establishment was an unnecessary duplication of existing programs. Pro-Academy witnesses challenged Mr. Harriman's contention and supported the reverse proposition, that is, that the cold war is being lost because it has never been fully understood, and this because the U.S.A. has failed to adequately explain or teach its citizens its nature and meaning. The Academy, therefore, would give instructions on the strategy, tactics, and motivating forces of communism and conduct research in developing new techniques for cold war combat. Further, it would inform its students on the general principles upon which America was founded, as well as the common precepts which this Nation shares with other democracies of the free world.

## I. AN AUDIT OF THE COLD WAR

### A. *Views of the Department of State*

The Communist effort against the free world is being conducted in many ways which pose a massive set of problems for the United States, particularly in the developing countries of the world, said Mr. Harriman. These countries are especially vulnerable to Communist penetration.

The Communist movement, he said, is neither monolithic nor rigid. Communists keep changing their methods because they learn from past mistakes. The Soviet leadership would not coexist with the free world countries on matters of ideology, but within their own schools, he told the committee, some discussion on ideology is allowed, although no one is permitted to question any aspect of their fundamental doctrines. On the subject of indoctrination, the Soviets have failed to win over the overwhelming majority of their own university students who are seeking more freedoms, particularly the right to travel and to obtain books from the free world. Similarly, the Communists in the U.S.S.R. have had "setbacks" in trying to win over the minds of the African students whom they have tried to indoctrinate at the Patrice Lumumba University.

Mr. Harriman suggested that the competition and conflict between Peking and Moscow for Communist ideological leadership would lead to greater efforts on the part of both powers to make a favorable impression for their respective positions upon the international Communist movement.

While the United States has had its setbacks since 1945, it was, he concluded, "winning the cold war."

### B. *Views of Other Witnesses*

A majority of the other witnesses held views opposed to those held by Mr. Harriman in their tally of the cold war balance sheet generally and the training area particularly. All, based on their personal audits of the status of the cold war, agreed that a new, large-scale training school was necessary.

Congressman Herlong, who first proposed the Freedom Academy bill in the House in 1959, joined the issue in his testimony by asking: "Aren't we losing the cold war pretty rapidly?"

Mr. Grant, who over a decade of effort was spokesman for the proposed Academy, said that the Soviet Union, Red China, and their whole international apparatus are employing an extraordinary variety of conflict instruments which enable them to outflank and envelop the more limited and hesitatingly applied instruments of our policy.

Congressman Boggs observed that, while America is still the most revolutionary society on earth, it is "fantastic" that it is possible to export a dictatorial and repressive society called communism as a form of idealism, and not be able to explain the American ideal to the rest of mankind.

Professor Atkinson pointed out that the Soviet bloc uses every device, including Communist-front organizations and their overt and covert propaganda and psychological operations, gradually to "whittle away" at the power of the country most capable of resisting them, in an attempt to isolate the United States, reduce its power, and "perhaps most of all to reduce its will."

Professor Niemeyer shared this view when he told the committee that it is not boundaries, territories, or spheres of influence which are at stake, nor is a peace treaty the prospective outcome, in the cold war. The Communists are fighting to "dissolve, decompose, disintegrate and destroy" American society, institutions, and habits of thought and heart.

In the past 17 years, said Mr. O'Connor, an attorney and expert on security affairs, millions of persons have been encircled and their nations regimented under the yoke of Moscow or Peking because of a "poison" administered in slow, measured, but lethal, doses to mankind in all parts of the globe.

"Who's next in the long string of captive nations—South Vietnam, Laos, Venezuela, Zanzibar?" asked Dr. Dobriansky in the course of his statement. The fundamental nature of the enemy, he said, had been clearly revealed many years before the outbreak of hostilities in 1939.

Mr. Philbrick, a former FBI informant, said the cold war was a new kind of war, a war in a completely new dimension and "we don't even have an adequate name for it." The witness cited a comment made by the renowned air ace of World War I, Captain Eddy Rickenbacker, who said we are losing the cold war "because we refuse to admit we are in it."

## II. THE FEDERAL GOVERNMENT'S CONDUCT OF THE COLD WAR

### *A. Views of the Department of State*

Mr. Harriman stated that the Government has a "strong interest" in helping to increase the knowledge and capacity of governments and peoples in dealing with Communist tactics. The United States, through such groups as the Organization of American States, as well as through bilateral measures, is aiding the nations of Latin America against local Communist infiltration and subversion. Furthermore, he continued, the United States is strengthening free labor unions and youth movements throughout the world. The right kind of information is being brought to the people of foreign countries through

such agencies as the Agency for International Development and the United States Information Agency, he testified.

If the people only understood, Mr. Harriman emphasized, where the Communist movement is going, there would not be such opposition to the foreign aid program. For example, Stalin wanted to take over Western Europe and, if it had not been for the Marshall plan and NATO, that area would be Communist dominated as Eastern Europe is today. Foreign aid, he said, is the only way to fight communism. In addition to our political policies, the "way we treat our friends and allies around the world" and the manner in which we exchange students are also vitally important.

Domestically, the Government maintains "informal links with all sectors of our society." The Department of State brings leaders from business, labor, and the academic areas together to discuss foreign policy problems. In addition, he stressed, the Department of State and other agencies produce "a steady flow of pamphlets, reports, and other educational material" for the general public.

### *B. Views of Other Witnesses*

In the area of Federal performance, the majority of the pro-Academy witnesses took to task the manner and means by which the United States is and has been waging the cold war. Federal programs and agencies involved were specifically mentioned by many witnesses who, as in the section above, differed sharply, almost fundamentally, with the opinions and conclusions expressed by the Under Secretary of State, Mr. Harriman.

The Freedom Academy concept, said Mr. Grant, "cuts across" the areas of responsibility of a number of agencies and does not readily fit into the traditional instruments of economic aid, military assistance, and diplomacy as conventionally applied; it runs "headon" into the inhibited, defensive attitude at the State Department.

Congressman Herlong remarked on the same theme that those who advocate the continued use of conventional methods lose sight of the fact that "we are losing" by using conventional methods. Furthermore, in many areas of conflict the Department of State is nonoperative.

Mr. Mayers of the Cold War Council testified that, while the Government has poured out billions of dollars annually in foreign aid to nations abroad, what those countries need most of all is political aid. The amount of political impact that a USIA library has is very limited. And, he noted, the Communists never bother to set up libraries in other countries because they work so successfully through their local propagandists. The USIA, Mayers said, has failed to adapt to the changing conditions of the cold war because its strategy has not changed since it was founded in 1948—which was a year before China went Communist.

Congressman Herlong told the committee that, while the Peace Corps has done a fine job, the task today is to train people in the art of recognizing Communist subversion—not just in the art of helping people. Congressman Boggs remarked that while both the FBI and the CIA are conducting the "highest type" of activity in security matters, what the Academy concept is proposing is not intelligence work, but the use of America's "great reservoir of talent" in the cold war.

Mr. Philbrick, the former FBI Communist Party contact, addressing his remarks to the military aspects of the conflict, testified that

despite the fact that the United States has the best trained Army, the toughest Marine Corps, the greatest Navy, and the most powerful Air Force, the Communists still captured Cuba with ease and not with third-, but fourth-dimensional weapons.

In the Department of State itself, which is organized structurally by regions and countries, there is not a single office which is devoted to the problem of communism as such, nor how to combat it globally, testified Dr. Niemeyer of Notre Dame University.

In the area of ideology, Dr. Kintner, a retired Army colonel, testified that the Psychological Strategy Board, where the witness had once served, had never been able to mount a positive ideological offensive because, some members had argued, in a pluralistic society such as America, the range and perplexities of its way of life were just too difficult to project.

Regarding the cold war stewardship of the Department of State itself, a former Foreign Service officer of 12 years' experience told the committee that State's "Maginot Line" mentality is comfortable and the way up assured, but unfortunately the Communist opposition thinks otherwise—and it is they who force the pace.

Behind the "verbally graced generalities" of certain executive agencies, observed Dr. Dobriansky, there exists an uncertainty of position, an apparent incapacity to grasp the structure of cold war thought. No agency of Government is equipped by intent or resources to meet Russia's cold war phenomena in all of its interrelated parts. One department vies with another, he said, to determine whether even food has a cold war value.

On the same theme, Mrs. Chapelle, a foreign correspondent, noted that in the case of Laos the objectives of the Departments of State and of Defense appear "almost mutually exclusive." Even the simple will to destroy the Communist threat in Laos was negated by the same confusion of intent which led to similar failures in Hungary, Algeria, and Cuba, areas which the witness had covered as a news correspondent.

### III. THE ADMINISTRATION'S SOLUTION TO THE TRAINING GAP

#### A. *Views of the Department of State*

1. The Private Sector: Mr. Harriman stated that a more concentrated course on how to fight the Communist threat and win the cold war—"incidentally, I think we are winning it," he said—could be better done by training Government officials while leaving the general instruction of private citizens to the universities. There are, he said, an increasing number of institutions of learning which are giving much attention to the same subjects which would be covered by the Freedom Academy. Some universities have "extremely good departments" which are well equipped in every aspect of Communist activities in the Soviet Union and other countries. The proper way to develop an understanding of the fundamental human values of freedom, Mr. Harriman suggested, is through the American educational system.

The witness supported the concept that the high schools of America should be encouraged to develop courses on the objectives of communism. Such courses should be taught by teachers who understand the evils and dangers to freedom created by communism; however,

it is not the Government's role to train the Nation's teachers. Mr. Harriman was disposed to attach such training programs to one of the "great universities" or to permit the Government to encourage that type of study in other American universities—providing such assistance was made part of the general aid-to-education program and "left to the local authorities" to develop.

On the subject of foreign student participation in the proposed Academy, the witness remarked that there are 50,000 foreign students in America being trained now in a wide variety of specialties at many educational facilities. They may see for themselves the way that Americans live without assistance from others, he said.

2. The Federal Sector: Foreign military personnel from many allied nations receive special training at the six U.S. War Colleges, the administration's witness stated. In addition to their particular specialty or combat training, they participate in the general aspects of the cold war and how to cope with particular problems. Furthermore, senior officials from foreign police departments are also trained in the United States Police Academy, where they receive instructions on the maintenance of law and order as conducted in a democracy.

Mr. Harriman also testified that the Department of State, in a "less adequate form," has the same goals in its existing Foreign Service Institute as has the new, administration-backed National Academy of Foreign Affairs. (The Department supported the NAFA as a substitute measure for the Freedom Academy.) For example, the FSI recently added a new, though brief, course for senior and middle-level officers on the subject of counterinsurgency, he said. That 4- to 5-week course provided the 70 to 90 officers who had taken it with an up-to-date program on changing Communist methods.

However, the final solution to the training problem rests with the proposed National Academy of Foreign Affairs—not the Freedom Academy. The Department-sponsored NAFA would provide for the establishment of an institution where training, education, and research would be undertaken. Plans for the creation of NAFA, first formalized in 1962, would "improve upon and supersede the existing FSI." Under the supervision of the Department of State, NAFA would conduct the "training of many thousands of officers and employees" of the Federal Government who were working directly in the field of foreign affairs and national security. Its training program would be maintained on an interdepartmental basis, Mr. Harriman specified, and would include research into past cold war successes and failures, as well as future courses of action. NAFA training would be primarily for Government employees—not for large numbers of private citizens.

#### *B. Views of Other Witnesses*

Mr. Grant's Orlando group had made exhaustive investigations of existing Government training programs, including the War Colleges and the FSI, as well as the major universities with known programs on communism. Their investigation revealed that the new forms of cold war struggle are "superficially treated." And, he said, "there wasn't even an adequate explanation of operational communism." In general, the training of Federal officials in nonmilitary conflict tends to be "skimpy," Grant said, or even "nonexistent" in some instances. Nowhere did the Orlando group find professional training in depth.

There is inadequate, intermediate-level training of operational personnel of the type needed to implement an advanced, integrated strategy. There is neither a Government nor university training program that deals with the difficult and sophisticated subject of Communist political warfare, insurgency, and subversion—much less the means of defeating it, Grant said. A new Foreign Service officer, taking the Foreign Service Institute's Basic Officers Course of 8 weeks prior to leaving for his foreign post, receives *only 6 hours'* instruction in *all phases* of communism. Fifteen years later, in mid-career as an FSO 4 or 5, he receives another 6 hours on Communist strategy and tactics. Another 10 years later, after 25 years of service, when the officer has reached the rank of FSO 1 or 2, he receives a 9-month course in foreign policy, which includes only 1 week on the subject of communism, said Grant.

There also appeared to be little interest in, or understanding of, the major role which the private sector could perform globally in defeating communism and building free and viable nations. With few limited exceptions, in or out of Government, there is no educational program for foreign nationals which would provide them with the knowledge and motivation necessary to participate in the defeat of communism.

Particularly disturbing, the witness said, was the "bland indifference \* \* \* especially at the Department of State, when the above research and training gaps are pointed out."

However, following the presentation of the Orlando group's findings about the anti-Communist training gap to the White House and the subsequent appointment of an official fact-finding committee by the President, the Department of State proposed NAFA as its solution to the training gap. Their proposal, Grant said, would "simply give more people the same inadequate courses presently offered at the Foreign Service Institute" because there was no indication that a major revision in the FSI's courses was anticipated. Furthermore, while the NAFA would make technical provisions for private citizens and foreign nationals, the Department of State had made it "very clear" that it had no interest in these sources of students—and the modest difference between the NAFA budget and the FSI budget justified that conclusion. (The FSI is divided into a language school and a school of foreign affairs, but the latter receives only 40 percent of the total FSI budget of \$5.7 million. The FSI's "operational" budget is about \$4 million, while the operational fund for the new NAFA would be only \$6.7 million, an increase of merely \$2.7 million. This indicated that only a small sum would be left for research and the maintenance of an adequate library—and no funds for training foreign students. Furthermore, the key language setting up the research, training functions, and duties of the director of the NAFA had been "copied verbatim" from the old FSI statute of 1946, indicating the lack of any training changes to meet the diverse conditions of the cold war which have come into being since then, Grant testified.

Dr. Possony testified that library capabilities have not kept pace with the growth of research requirements. In fact, he said, the U.S.A. does not have in all of the American libraries put together a complete set of Communist newspapers which are published in Latin America. Concerning African and Asian newspapers, brochures, and books, the procurement situation is worse. Concerning Federal train-

ing programs, the witness testified that the curriculum at the FSI is very weak in the nonmilitary courses of the cold war which have to be studied if the U.S. is not to lose the conflict. (The witness recalled that 12 years ago he had heard a State Department representative confidentially say that "we had won the cold war already.")

The Department of State has not even contemplated the need for fundamental research, he continued. While the Department should train its own employees, Possony remarked, the training of private students must not be its responsibility since the Freedom Academy concept is based on the fact that, inasmuch as the threat is national in scope, the Nation at large has to be trained. The witness observed that:

If the study of medicine were organized like we have organized the study of the greatest threat this Nation and world freedom have ever been facing, the Black Death of the Middle Ages still would be with us and our life expectancy would be that of the Troglodytes.

The simple enlargement of the FSI would not promise any improvement over past performance in the deficiencies of training, testified Dr. Niemeyer. In addition, he said, he was not aware of any private university program where people could be trained in problems of cold warfare. "There simply is no such program," he said.

Concerning college training programs, Mr. McDowell declared that existing institutions were, by their nature, academic. They should not issue working instructions on how to carry on political warfare.

Anti-Freedom Academy people fallaciously magnify the modest instruction on communism at the War College and the FSI, said Dr. Dobriansky. To refer to existing Federal schools as comparable to Moscow's "is the height of either ignorance or reckless foolery," he charged.

While AID and the Department of Defense train thousands of foreign technicians and military personnel annually, they receive no real, coordinated political warfare instruction, said Congressman Barry.

Although AID trained over 7,000 foreign students last year, testified Dr. Kintner, the subjects were only irrigational and educational techniques—not communism. In the private sector, university studies on the cold war have not had the emphasis or the backing necessary because very few major foundations would put money into such activity, he remarked.

"Do we not possess sufficient training activities throughout the Government?" rhetorically asked Mr. Delaney, a former Foreign Service official who had attended most of them. They lack coordination, communality, perspective, and completeness, the witness answered.

Private universities have increased their curriculum on Communist studies over the past decade, but their Kremlinology has tended to focus attention on the *changes* in the Communist world or the *differences* between Communist countries, rather than on the continuation and perfection of the Communist apparatus and its subversive operations abroad, Mr. Emmet testified. The effect, therefore, was "to substitute speculations about changed Communist *intentions* for the study of Communist *capabilities*" of subversion and aggression.

Mr. Philbrick testified that the Department of Education of New Jersey had hired him to lecture at all of their teachers' colleges on the subject of communism because "they knew not where else to turn" for authoritative information. Following a speech before 12,000 teachers in another State, many teachers approached him, the witness said, and remarked that they did not have "a single, solitary textbook to use in our schools to teach our children anything about communism."

Faced with negotiating an armistice in Korea with the Communists, Admiral Burke had had only 10 days to prepare himself on the tactics of Communist-style negotiations. Searching the libraries in Japan and the armed services facilities there, he found "only one good book." It became apparent, he said, that during the negotiations, skilled Communist propagandists "were taking advantage of us" by telling the whole world that the United States had been defeated in Korea.

The witness noted that the best trained people in the United States on the subject of communism are "self-trained," but the American people, as a whole, are not. This lack of knowledge, although accompanied by the utmost good will, has found Americans acting frequently without a very clear idea of what the Communists are up to.

Concerning Federal training programs, the witness stated that if the Department of State had intended to expand its existing schools, "it would have been done a long time ago, and it hasn't been done."

On the subject of Government training programs, Mr. Berle said that men who had gone abroad on foreign aid projects, the Alliance for Progress program, and other technical assignments, as well as a good many businessmen, have had to learn for themselves. They learned on the job, but it took a long time.

Speaking of the need for trained Government press personnel abroad, Mrs. Chapelle said the press corps would be in a difficult position "were we to depend on official briefings." She added that, with the existence of a Freedom Academy, reporters would not be as "misled and misadvised" by intent or design as they had been.

#### IV. THE FREEDOM ACADEMY AS A SOLUTION

##### 1. An Independent or Dependent Academy?

###### *A. Views of the Department of State*

The Freedom Academy would not provide an effective answer to the training requirements of the Department of State, Mr. Harriman said, because it would not be practical, administratively. Such training should be conducted only on an interdepartmental basis. Secondly, the use of classified materials necessary for effective research would be impossible with a large student body of private citizens and foreign nationals. Their presence, the witness thought, would tend to inhibit freedom of discussion within the classroom. Since training must be "realistically geared to actual day-to-day problems" and to the Government's requirements, Federal personnel must have access to classified materials to perform their job. Therefore, an independent Freedom Academy without any operational responsibilities would not be an effective solution.



### *B. Views of Other Witnesses*

The Freedom Academy must be an independent agency, free from the smothering influence of the Department of State which has had 17 years to adjust its own FSI to the new forms of warfare but has not done so, said Mr. Alan Grant. As a dependency of the State Department, the Academy would not train private or foreign citizens, nor conduct the type of imaginative research required to close the training gap—research which, in the past, had been limited by “parochial attitudes” and “jurisdictional walls,” he said.

Since the Freedom Academy would be devoted entirely to research and training, it would be nonoperational and, therefore, not part of the Government’s “country team” operating, for example, in Vietnam or India. Nor would it make or implement policy, he testified, because to prevent such abuses an Advisory Committee, composed of personnel from other agencies, would monitor the Academy. (Speaking analogously, Grant said that the reason for the success of the Peace Corps was due largely to the fact that it was not controlled by the Department of State, as that Department had desired initially. At the Director’s insistence, he said, the Corps was given an independent status.)

Since the proposed Academy would be strictly an educational institute rather than an operating agency, security requirements would not be necessary for the foreign students attending the shorter courses. Furthermore, these students would not be using classified materials nor attending classified briefings, Grant pointed out.

The existence of a Freedom Academy independent of the Department of State, thereby assuring the separation of policy from instruction, would not be any more difficult than the establishment of a specialized State university, testified Dr. Possony. The Government would be involved only to the extent that it would be the source of funds and technical information. Also, the executive branch would have representatives on the Academy’s Advisory Committee who would advise, but not dominate nor censor, nonconformist viewpoints, the professor said. Major prerequisites for the Academy to assure its autonomy would consist of a diversity of instruction materials, full discussion and debate within the context of academic freedom, and complete library facilities.

The Academy’s flexibility, Mr. McDowell testified, would come from the “yoking of the private resources of society.” Contradicting Mr. Harriman’s view that the type of training being considered should be conducted secretly under Federal auspices, McDowell quoted an Ambassador from an allied country to the effect that “We can only survive, not with the creation of some vast, secret \* \* \* apparatus to match the Communists, but only insofar as we \* \* \* teach more people like ourselves \* \* \* who realize that our understanding of the foe is fundamental \* \* \*.”

Mr. Mayers added in this vein that there should be nothing secret about selling “concepts of progressive government and the ideology of a free people in an open society.”

Mr. Morrison testified that any institute set up under the Department of State would lose its effectiveness in Latin America because in some countries American Embassy personnel do not mix with the nationals—a practice resented by the local peoples. The Department,

being an operational agency, would not be the "proper place" to establish an Academy open to private citizens, observed Mr. Jones.

Mr. O'Connor, a New York City security officer, testified that the Academy's Advisory Committee should be composed of members of Congress exclusively, while Mr. Philbrick and Admiral Burke suggested that Congress should have some representation on the board since it had done much of the "vanguard work" concerning Communist activities.

Speaking to the need for the inclusion of private students in the Academy, Mr. Berle remarked that the Freedom Academy should train the "endless numbers of foreign boys" who want to find out what the U.S.A. is all about and how American methods may be adapted to theirs. In the same area, Mrs. Chapelle said that communication with foreign nations on a "human being to human being level" should be a primary concern of the proposed institute.

The Nation's "biggest asset," testified Mr. Robinson, was the thousands of non-Government people who go abroad each year. To capitalize on this asset requires an independent organization with the flexibility to change policy and strategy and to move with greater speed and less suspicion than an academy under a Federal department.

Mr. Joyce informed the committee that the 35,000 American businessmen who work overseas and who remain in their posts longer than Federal personnel abroad have a wider range of direct contact with local citizens than the latter. Further, these businessmen can do more by word and deed to influence local attitudes than American officials. With background training they could be more effective exponents of this country's economic and social system. Unfortunately, he said, the talents and resources are available, but "there has been no real move to conscript them."

## 2. An Educational or Indoctrinational Institute?

*A. Views of the Department of State.*—The proposed authorization which would permit the Freedom Commission to select courses and to "prepare, make, and publish textbooks \* \* \* suitable for high school, college, and community level instruction" would be a "drastic departure" from American tradition concerning the Government's role in the educational field, Mr. Harriman warned. Such a policy would embark the executive branch upon the systematic indoctrination and mobilization of private citizens to fight the cold war. (By the term "indoctrination," the witness said he meant "a type of brainwashing" or "thought control" such as the Communists impose upon their students.) Upon the completion of their courses at the proposed Academy, foreign students would be instantly labeled "Yankee stooges" when they returned home, the Department official suggested.

### *B. Views of Other Witnesses*

The proposed Academy would have primarily an educational function, stated Mr. Grant. It would produce and distribute publications for the general public as well as reports—some confidential—for the President, the National Security Council, and other agencies on a suggestion-type basis. The confidential material, however, would not deal with Government policy, but would "research and catalogue" all of the possibilities for private participation in the global struggle.

The substance of the educational portion would consist of a three-level program for Government personnel composed of basic, intermediate, and advanced courses—the last, an intense “prestige” type training of 2 years’ duration. Private students in substantial numbers could be accommodated for 2 weeks or 2 months of brief instruction. However, it was conceivable that a three-school Academy would have to be created, consisting of divisions for Government, private, and foreign students, he said.

An estimated budget of \$35 million would provide a satisfactory annual minimum which would sustain an enrollment of up to 10,000 private citizens, 500 Government students, and 500 foreign nationals, Grant said. The remaining funds would support a substantial research effort. (Parenthetically, the witness noted that AID trained 8,000 foreign nationals on an expenditure of \$40 million last year.)

Grant suggested that the Academy be located in Washington, D.C., because of the sources of students available there, as well as the city’s unique research facilities.

The Academy would work with the private educational community, not indoctrinate it, said Dr. Possony. It would, in fact, act as a support agency for the private educators and in return would rely upon the universities for speakers and other resources.

That the proposed Academy would bring Federal controls to American education was an “alarmist phrase” and a “red flag,” said Mr. Mayers. When the Departments of Agriculture or Commerce issue informational materials to farmers and businessmen, no one contends that those agencies seek to control the farming or business communities. Mayers observed that the key phraseology in the proposed NAFA bill was identical to that in the Academy bill, and yet the NAFA proponents have chosen to call their goals “educational” while the Academy’s are labeled “indoctrinational.”

On the same theme, Congressman Taft said that Americans would not have to be indoctrinated to know which political direction to take in the cold war. The job at hand was not indoctrination, he submitted, but the exposure of the techniques and stratagems of communism.

Mr. Harriman’s objection that graduates of the Freedom Academy might be branded as U.S. agents has been made against almost any American-trained person returning to a partially hostile environment, said Dr. Kinter. Mr. Robinson added that the Communists had tried to pin the “stooges” label upon a private student group in Africa which he had supervised. The Communists would try to do the same with the Academy’s graduates, he surmised. Mr. Delaney, in contributing to this dialogue, said that if the Academy should become a reality “we can absolutely count” on a barrage of Communist propaganda directed against it. He reminded the committee that the same type of massive attack had been launched against the U.S. escapee program—a humanitarian effort from beginning to end.

In making a plea for the inclusion of the private sector in the proposed training program, Mr. Philbrick, who had spent 9 years in the Communist Party, testified that years ago he and 300 other youngsters were entrapped into joining a Communist front in Massachusetts. The youths were no more equipped to cope with Communist-trained agents than a “5-year-old boy is prepared to fly a jet

airplane." Furthermore, textbooks as well as guidance from their teachers were inadequate, the witness stated, and some of the instructors themselves joined the same front. Party members spun rings around them, too, he said.

That the Communist Party places the highest priority on instruction and training was developed by Congressman Gubser who testified that, when Lenin captured Russia, a training system that "has grown to 6,000 special schools" was established to teach propaganda, espionage, and subversion. Mr. Fascell, chairman of the Subcommittee on International Organization and Movements of the House Foreign Affairs Committee, stated that the U.S.S.R. appropriates \$5 billion annually to operate their schools. Mr. Clausen added that nearly 300,000 Communist-trained agents operate within the free world. On the same subject, Mr. Delaney testified that since 1958, three-quarters of Communist China's graduates from a leading training school for "special agents" have been sent to Latin America. Ironically, China does not enjoy diplomatic relations with most of the nations of that subcontinent, Delaney said. And yet, in spite of this handicap, the Communists have succeeded in establishing a "system of unconventional diplomacy" in utilizing over 20 so-called friendship associations. The former Foreign Service officer testified that the U.S. Government cannot effectively counter these measures through its formalized approach. Furthermore, since the Department of State is responsible for the formal and official channels of diplomacy, it would be placed in an embarrassing international position, Delaney added, were it to sponsor the proposed anti-Communist Academy. For reasons of statecraft, he said, such a dependent Academy in the Department would lack the necessary nonconformist atmosphere. In addition, the young institute would be subject to the jurisdictional "pulling and tugging" within the executive branch to gain control over it.

Rejecting the theme of indoctrination, Mr. Berle said that there was a "common denominator" behind the thinking of all Americans. Indoctrination in that context, he said, might be good (e.g., personal freedom, significance of the individual), but there should be no fear of indoctrination in its real sense. On this theme, Congressman Gubser said that the basis of freedom was freedom of choice—and "we do not wish to impose our choice upon others." The Department of State does not understand that academic freedom can exist only where knowledge is freely available—but in some areas, only Communist information is obtainable. It is not preserving freedom of choice, the legislator said, to allow a vacuum to exist into which Communist propaganda can move and win without opposition.

#### COMMUNIST ACTIVITIES IN THE BUFFALO, N.Y., AREA

While the overall objectives of the world Communist movement and the U.S. Communist Party remain constant, changes occur within the movement and the party affecting the organizational structure as well as the tactics and strategy employed for the accomplishment of their objectives.

When a subcommittee of the Committee on Un-American Activities held public hearings in Buffalo, N.Y., on April 29 and 30, 1964, it was aware from preliminary investigations that significant changes

had occurred in the organization and activities of the Communist Party since previous committee hearings in Buffalo in 1957. The committee had also found that two new revolutionary Communist organizations, the Workers World Party and the Progressive Labor Movement, had come into being in that area since 1957.

The Workers World group had been founded by former members of the Socialist Workers Party in Buffalo who had left the old-line Trotskyist-Communist organization because they believed it was not sufficiently revolutionary in its outlook.

The Progressive Labor Movement had grown out of a faction within the orthodox Communist Party which, defying the main party's position, sided with Peking in the ideological dispute between the Chinese Communists and Moscow. Its members also disagreed with the policy adopted by the National Committee of the CPUSA on the course of action to be taken when the Supreme Court upheld the registration provisions of the Internal Security Act in 1961. This policy was to reduce the national leadership of the Communist Party to three and ignore the registration order. The dissident faction wanted to dissolve the Communist Party and re-form it under a new name. It felt this would obviate the need for the party to register under the Internal Security Act of 1950.

Expelled from the Communist Party in 1961 for refusing to toe its line, Mortimer Scheer, a leader of the faction, and his supporters organized in Buffalo the nucleus of a new and extremely militant Communist group, the Progressive Labor Movement, which now has its headquarters in New York City.

The multiplication of Communist groups advocating revolutionary action to alter our constitutional form of government increases this Nation's internal security problems. The committee has, therefore, endeavored to obtain as much information as possible about the extent, character, and objectives of various Communist "splinter" organizations as well as the Community Party, U.S.A. Such information is essential to fulfillment of the committee's mandate to inform the Congress on the extent of the Communist conspiracy in this country and propose suitable legislative remedies.

Fifteen witnesses were interrogated by the committee in the course of its hearings in Buffalo last April. The most informative testimony was provided by Andrew Berez, who had served as an undercover operative for the Federal Bureau of Investigation and reported on Communist activities in the Buffalo area from 1942 until October 1962.

Mr. Berez testified about a number of important strategy and organizational changes effected within the Communist Party over the last 15 years. Among them was a reorganization of the local party apparatus which was put into effect by the party's national leadership after the aforementioned Supreme Court decision of 1961 which upheld the registration requirements of the Internal Security Act. As a trusted member of the Erie County organization of the party—which covers the Buffalo area—Mr. Berez was an eyewitness to the dissension which broke out in the party over the way the national leadership responded to the Supreme Court's decision. He was present at party conclaves where national party leaders brought an end to local dissension by summarily expelling Mortimer Scheer and other party members, thus precipitating the founding of the rival Progressive Labor Movement.

The remaining witnesses questioned by the committee at its hearings in Buffalo had been identified as members of the local Communist Party organization by Mr. Berecz or other former party members who had testified before the committee in previous years. Information in the possession of the committee indicated that many of the individuals interrogated during the Buffalo hearings had become active in the Progressive Labor Movement in Buffalo in recent years. Without exception, these witnesses invoked their constitutional privileges against self-incrimination in response to committee questions regarding their activities in the Communist Party and/or the Progressive Labor Movement.

In compliance with Rule XI, sec. 26 (m), of the House, Mr. Berecz' testimony had first been taken in executive session and all persons identified by him as Communists, whose present addresses could be determined, had been so notified. They had also been informed that, if they desired, they might appear before the committee in executive session prior to the holding of public hearings and that the committee would then not only receive their testimony, but would also consider any requests made by them to subpoena additional witnesses in their behalf. None of the witnesses summoned for the Buffalo hearings, nor any of the other persons in the area who were notified that they had been identified as Communists by Mr. Berecz, took advantage of this opportunity.

In his testimony before the committee, Mr. Berecz recalled his encounter with the Communist Party back in 1942 when he was chairman of the International Workers Order Center in Buffalo. At that time Mr. Berecz refused to capitulate to a demand by party members that the Center contribute \$600 to the *Daily Worker*. A general membership meeting was called at which Mr. Berecz announced that he never had been, and would never become, a Communist. He was then deposed as chairman of the Center, but was allowed to retain his position as financial secretary of its Hungarian Section, a post he had held since the late 1930's.

The following day Mr. Berecz received a visit from three FBI agents. He agreed to report to them on Communist activities at the Center, and later to join the party if the opportunity developed and report on its activities in the Buffalo area.

This was the beginning of an assignment in the service of our Nation which was to last for 20 years.

From 1942 until 1946 he reported to the Bureau on Communist activities at the Center. In 1946 he was able to increase the scope of his information when he accepted an invitation to join the party.

At that time, Mr. Berecz was employed at the bonding plant of the American Radiator & Standard Sanitary Corporation. The party assigned him to its industrial club<sup>1</sup> at that plant.

As a steelworker and a party member, Mr. Berecz was in a position to observe Communists in action as they sought to implement the party's policy of concentration in the steel industry. He identified at least six members of the Communist Party who were assigned to the industrial club before its dissolution in the 1950's when the party instituted new security measures. Under these measures the party organized community clubs with a membership of not less than four, nor more than eight. Mr. Berecz was then assigned to the Tona-

<sup>1</sup> The Bond Club of the Industrial Section of the Erie County Communist Party.

wanda Club. His last assignment in the Communist Party was in a nationality club, which, the witness testified, was organized by the Erie County branch of the party in late 1961 to create a nationality culture and background group in order to gain new members.

### COLONIZATION

Mr. Berez' testimony regarding Communist penetration of basic industry called attention to a serious internal security problem.

In the late 1940's when the CIO was in the process of expelling Communist-controlled unions from its ranks and many unions were ridding themselves of officers who were Communists, the power of the Communist Party to exert influence over large masses of American laborers and over industry itself was threatened.

To rebuild its power within the American labor movement, the Communist Party at that time adopted a policy of "colonization," whereby selected party members were sent into key industries in order to build party units within these industries.

J. Peters, for many years top leader of the Communist underground apparatus, organized "colonizer" classes which were composed of young men from colleges and universities who were loyal to the party. These young people have been described by John Lautner, a former party official, as "professional revolutionaries" who would leave their homes at any time and go anywhere the party assigned them.<sup>2</sup>

They were instructed by the Communist Party to migrate to certain industrial areas and obtain employment as laborers in strategic plants where workers were not organized in unions under Communist control. Colonizers were usually, but not always, highly educated individuals capable of assuming much better positions than the "hard labor" jobs they sought in the mills and shops. And, in their applications for employment, they would conceal the fact that they held one or more college degrees.

The immediate aim of these Communist agents was to gain the confidence of the workers in order to build party units. They also sought to enhance the party's position in labor circles by discrediting anti-Communist union leadership and creating dissension within non-Communist unions, hoping that, at the very least, some individuals who would tolerate Communist activities in the labor movement might be selected for union leadership. However, the clear-cut danger of a party colonizer was his concealed, preplanned part in a vast network of secret party members, composed of potential saboteurs and espionage agents.

The Communist Party's effort to colonize Buffalo industry became apparent to Andrew Berez shortly after 1950, when many party members from New York City moved into the Buffalo area. He identified nine individuals as Communist Party colonizers in the Buffalo area.

Five of these individuals, Paul Sporn, Seymour (Sy) Rudner, Miroslaw (Marty) Zelman, Walter Zvaleko, and Edward Wolkenstein, were summoned to testify at the Buffalo hearings. (The testimony of Zelman, Zvaleko, and Wolkenstein will be described in later sections of this summary covering other subjects of the committee's Buffalo hearings.)

<sup>2</sup> HCUA, *Hearings, Investigation of Infiltration and Propaganda Activities in Basic Industry (Gary, Ind. Area) 1958.*

Paul Sporn and Sy Rudner had left the steel mills and shops in recent years and returned to academic and scientific fields.

In his appearance before the committee, Mr. Sporn acknowledged that he had been graduated with honors from New York University in 1951. Committee counsel then presented him with copies of his applications to four Buffalo industrial firms for employment as a laborer. On each of the applications, dating from 1953 through 1955, Mr. Sporn had admitted to only a high school education, concealing the fact that he was a college graduate. The witness acknowledged that he had executed the applications and had worked for the firms in such capacities as riveter and machine operator.

In his application to the Twin Coach Company, Paul Sporn had signed the statement: "I am not a member of the Communist Party or any organization recommending the overthrow of the United States Government." But Mr. Sporn refused to answer questions regarding this statement on the basis of protection afforded him by the fifth amendment to the Constitution. Invoking the same constitutional privilege, he also refused to answer questions regarding Communist Party membership at the time he sought employment with the Chevrolet Division of General Motors in 1955.

Mr. Sporn testified that he was an English instructor at the State University of New York at Buffalo at the time of his appearance before the subcommittee and that he had been employed by the university since 1959.

He was then shown a certificate which set forth certain qualifications for employment at the university and regulations to be followed by all State university employees under New York State law. The certificate was dated February 6, 1964, and signed "Paul Sporn."

In this document, Mr. Sporn certified that he had followed the instructions as set forth. He further certified that he was not a member of the Communist Party and, if he ever had been, he had communicated the fact to the president of the university.

In his appearance before the committee, however, Mr. Sporn invoked the fifth amendment and declined to answer all questions regarding this document on the grounds that to do so might tend to incriminate him.

Sworn testimony by Andrew Berez revealed that, at a Communist Party meeting in Buffalo in October 1961, Ben Davis had "invited" Paul Sporn to leave the Communist Party. This action occurred during a dispute over party policy in which Sporn had sided with Mortimer Scheer.

Mr. Sporn refused either to affirm or deny this testimony. He also refused to affirm or deny committee information that he subsequently became active in the Progressive Labor Movement.

Seymour Rudner, also identified as a Communist Party colonizer in the Buffalo area, had once been employed at American Radiator and Standard Sanitary Corporation and had been a member of the same industrial club of the party to which Mr. Berez was assigned.

At the time of the split in the Erie County branch of the Communist Party in October 1961, Rudner was elevated to one of the top posts in the area—he was appointed to the four-member secretariat selected by Ben Davis to direct party activity in the Buffalo area, according to Mr. Berez.



Appearing under oath, Mr. Rudner was questioned about his educational and employment background, his membership and activity in the Communist Party, and the cooperation between the Communist Party and the Progressive Labor Movement in matters involving Cuba and Red China. He refused to answer any questions put to him on these matters on the ground that it might tend to incriminate him.

It is a matter of record that Seymour Rudner has most recently been employed by Health Research, Inc., a division of the Roswell Park Memorial Institute in Buffalo, which is engaged in research under contract with the National Institutes of Health of the U.S. Department of Health, Education, and Welfare.

#### ORGANIZATION AND STRUCTURE

Communist Party activity in the Buffalo, N.Y., area has traditionally been under the direction of the chairman of the Erie County organization of the party. In October 1961 the party structure was abruptly changed by Ben Davis, national secretary of the CPUSA. He expelled Erie County chairman Mortimer Scheer from the party and appointed a four-man secretariat to direct party activity in the Buffalo area.

This change in party organization was the outgrowth of a disagreement between the national leadership of the CPUSA and the local leaders of its Erie County branch over the policy adopted by the party's national committee following the Supreme Court decision of 1961, which upheld the registration provisions of the Internal Security Act. As previously noted, this policy would reduce the national leadership to only three individuals and simply ignore the registration order.

Mortimer Scheer and others who wanted a more militant and aggressive Communist Party had opposed this course of action. They proposed to dissolve the CPUSA technically, but to re-form it under a new name—a procedure which they felt would obviate the need for the party to register under the Internal Security Act.

A meeting to resolve the issue was held at the home of John McKenzie in October 1961. Mr. Berecz, who was present at the meeting, said it was attended by Ben Davis and Lou Weinstock, Communist Party officials from New York City, Paul Sporn, Gloria and Anthony Massa, Gertrude and Richard Alexander, Edward Wolkenstein, Walter and Vera Zvaleko, Marty and Dorothy Zelman, Bea and Max Berman, Sy Rudner, Hattie Lumpkin, and Mortimer Scheer of the Erie County branch of the party.

A resolution from Communist Party headquarters in New York was presented to the meeting by Ben Davis. It called for Mortimer Scheer, Edward Wolkenstein, and Walter Zvaleko to "get in line with the national committee's policy" or face expulsion.

The trio refused to obey the ultimatum and were immediately expelled from the party by Ben Davis. Mr. Berecz testified that Davis also "invited" certain members from the Buffalo area who spoke in defense of Mortimer Scheer to "go with" Scheer.

A four-member secretariat was then appointed by Ben Davis to run the party in the Buffalo area. Hattie Lumpkin refused the appointment, leaving Tony Massa, Marty Zelman, and Sy Rudner to

head the Erie County Communist Party. In July 1962 Tony Massa, having been accused of being "antagonistic" toward some of the members, was removed from the secretariat by William Patterson.

Massa's wife, Gloria, was subsequently appointed to the secretariat, replacing her husband.

The three members of the secretariat, Marty Zelman, Sy Rudner, and Gloria Massa, were subpoenaed to appear before the committee during the Buffalo hearings. They invoked fifth amendment provisions against self-incrimination in response to committee questions regarding their leadership roles in the Erie County Communist Party.

#### THE DISSIDENT COMMUNISTS

Walter Zvaleko and Edward Wolkenstein, two dissident Communists expelled from the party along with Mort Scheer in 1961, also were subpoenaed to testify at the hearings in Buffalo.

Andrew Berez had testified that Mr. Zvaleko and Mr. Wolkenstein originally came into the Buffalo area as "colonizers" for the Communist Party. They were expelled from the party with Mort Scheer at a local party meeting attended by national party officers in October 1961. Mr. Berez described both men as being outspoken in their support of Scheer and in their opposition to national party policy. The committee has learned that both subsequently became active in the Progressive Labor Movement which Scheer helped found.

Mr. Zvaleko invoked the fifth amendment and other reasons in declining to answer questions pertaining to past or present membership in the Communist Party. He also refused to testify about his expulsion from the party or his acquaintance with Mr. Berez.

When counsel asked if he was then a member of the Progressive Labor Movement, Mr. Zvaleko declared:

The Progressive Labor Movement is a new socialist movement that is looking to solve the problems of the American people, trying to free the Negro people from the bondage that they face in the South.

The witness was then directed to answer the question. He invoked the fifth amendment and other reasons for refusing to answer.

Edward Wolkenstein had been a witness before the committee during its 1957 hearings in Buffalo. At that time, he testified that he was not then a member of the Communist Party, but invoked the fifth amendment and refused to answer questions pertaining to past party membership.

Andrew Berez had recalled that Mr. Wolkenstein had been the first to speak after the party's national secretary, Ben Davis, delivered an ultimatum to Buffalo Communists at the October 1961 meeting, warning them to get in line with national party policy. Berez remembered that:

Mr. Wolkenstein said quite a few things at that time. He stated that he was born in the Communist Party and he would like to die in it, but Mr. Ben Davis had other ideas. He said he might have been born in it, but he wasn't going to die in it unless he fell in line with the national committee.

Edward Wolkenstein invoked constitutional protection, including the fifth amendment, in response to all committee questions regarding his activity in the Communist Party, his expulsion from the party, and his activity in behalf of the Progressive Labor Movement.

The committee questioned four other witnesses whose connections with the Communist Party have been the subject of testimony before the committee and who, the committee has learned, subsequently became associated with the Progressive Labor Movement. They were: Richard Alexander and his wife, Gertrude Alexander, Helen Schwartz, and Joseph Pranis. All of them invoked their constitutional privileges in response to pertinent committee questions.

It might be noted that during the period the Alexanders were active in the Communist Party, they were assigned to a party committee on nuclear testing. According to Andrew Berez, they were engaged in passing out leaflets demanding an end to nuclear testing at the very time Russia exploded a 50-megaton bomb. Disturbed by this action, they asked Anthony Massa for an explanation. He informed them that the answer would have to come from the party's New York headquarters. Some weeks later, Mr. Massa informed the Buffalo Communists that "Khrushchev said that the free nations were against him and that they were doing it in secret and that is why he had to test the 50-megaton bomb."

Gertrude Alexander was also assigned to work in the Women Strike for Peace and the Women's International League for Peace and Freedom.

A number of other individuals were interrogated regarding testimony that they have been members of the Erie County organization of the Communist Party. These witnesses, who without exception invoked their constitutional privileges in response to committee questions, were: Joseph Scioli, Max Berman, Emanuel Fried, and Tobias Schwartz.

#### COMMUNIST ACTIVITIES IN THE MINNEAPOLIS, MINN., AREA

On June 24, 25, and 26, 1964, a subcommittee of the Committee on Un-American Activities held public hearings in Minneapolis, Minn., relating to the Minnesota-Dakotas District of the Communist Party of the United States, its organization and objectives, and the strategic and tactical methods designed to aid in accomplishing those objectives; organizations created and controlled by the Communist Party to advance its policies; propaganda activities conducted in support thereof; and conspiratorial activities in association with foreign Communist governments.

The subcommittee was also authorized to inquire into the question of affiliation with Communist organizations—as distinguished from technical or formal membership in them.

#### RUTHANN WITHROW

Ruthann Withrow, an employee of the city of Minneapolis who had been a member of the Communist Party from May 1, 1958, until March of 1961, acting in cooperation with the Federal Bureau of Investigation, testified before the subcommittee on June 24.

Miss Withrow, assumed to be a potential recruit by the party, was carefully eased into its ranks through the soft-sell of social affairs

such as picnics and bazaars sponsored by the Freedom of the Press Committee. She described the Press Committee as a Communist front which solicited funds and subscriptions and otherwise promoted the Communist newspaper, *The Worker*. When she first joined the Press Committee it was composed of both Communists and non-Communists, but eventually the latter dropped away. New ones were not encouraged to take their place, and the organization became completely Communist.

Prior to her admission into the party, Miss Withrow had been carefully watched. Her work for the Press Committee was a major factor in her acceptance. Prospective members were also screened by means of the "Marxist study group" technique where their ideas were drawn out, analyzed, and revised by the discussion leader who was, of course, a party member. After the prospect became a party member, his education was continued within the party club to which he was assigned. The witness was accepted as a member of the Communist Party in May 1958.

Miss Withrow was soon elected chairman of her unit, the North Side Club. Meetings were held twice a month; one for the purpose of general and theoretical study, the other on the practical role the club would play in local affairs. Security precautions included the following techniques: notice of meetings by personal contact only or, if the telephone was required by last-minute changes, the meeting was referred to verbally as a social "for coffee"; automobiles were required to be parked a block or more from the house where meetings were held; when meetings ended, members left in ones and twos.

In addition to Miss Withrow's North Side Club, five other clubs were active, to her knowledge, in the Minneapolis-St. Paul area: Industrial 1 and 2, Women's Branch, South Side, and Lenin Branch.

In the late spring of 1960, the party decided to penetrate the Democratic-Farmer-Labor (DFL) clubs, legitimate units of the Democratic Party. Miss Withrow, who had been in the DFL's Fifth Ward Club prior to her admission in the party, testified that the Communists were instructed not to reveal on their DFL application form, as was required, the fact that they were members of the Communist Party.

Their main objective was to influence enough people within that organization so that, without it being known, the DFL would support the policies and programs the Communist Party wanted to promote. These programs and policies would then have the backing of a respectable organization. Happily, she concluded, they had little success.

The local Parent Teachers Association was also a target of infiltration by the party. Miss Withrow testified that—

one party member, a woman, who was a member of a local PTA, reported \* \* \* that she had been asked to run for an office in the PTA \* \* \*. She was given definite orders at that time that she was not to run for an office herself. She was in some quarters known as being a member of the Communist Party and they did not want that much known of the leadership. What she was told to do was to pick out some other woman in the PTA that she felt that she could most easily influence \* \* \* get this woman elected, and then \* \* \* support certain issues without it ever being known that the Communist Party was behind them.

These instructions were given to a Mrs. Betty Smith, a member of Miss Withrow's club, by Samuel K. Davis, State secretary of the Communist Party. The witness did not have direct knowledge of the outcome of this party venture.

Regarding "peace" and pacifist activities, Miss Withrow stated that "every party member in the city was ordered, if at all possible, to take part in any peace demonstration that occurred \* \* \*." Party members were "definitely supposed to take part" in the "peace walks" in Minneapolis and St. Paul. If they did not they had to explain why at the next meeting of their club. The purpose, of course, the witness explained, was to gain support within these organizations for the policies the Communist Party wanted promoted.

Significant information was given by this witness relating to the all-out effort of the party to establish a national youth organization in 1960. The sequence of events in Minneapolis leading to its establishment began in May 1960 at a meeting attended by Gus Hall, national secretary of the Communist Party, and Sam Davis, then secretary for the Minnesota-Dakotas District of the party. The purpose of the meeting was to generate support and funds for the new youth group and to get advance subscriptions for the forthcoming publication, *New Horizons for Youth*, which would be used as a "door opener to organizing youth activity."

Miss Withrow accepted the task of organizing the activity in her area. Phil Bart, national organizational secretary of the CPUSA, provided her with materials for promoting *New Horizons for Youth*. In addition, Danny Rubin, director of all youth activities for the CPUSA, came to Minnesota to contribute his experience to Davis' efforts in the State and to Miss Withrow's locally in Minneapolis. Other key cities across the Nation were also on Rubin's itinerary in his effort to promote a party-controlled national youth conference in Chicago on December 30, 1960, at which the new Communist youth group would be established.

J. Edgar Hoover, Director of the FBI, had issued a press release a week prior to the organizational conference which included the following statement on the nature of the new group:

Its purpose is to formulate plans for a new national youth organization—one whose programs and activities will be clandestinely directed by party members.

On December 29, 1960, one day before the conference, Danny Rubin issued, in reply, a press release which stated, in part:

We refuse to allow Mr. Hoover and people with such paranoia to inject communism as an issue into our conference. We welcome participation by anyone who agrees with the purpose for which the conference is called without regard to their political label.

FBI operative Withrow testified, however, that Rubin's claim was false. She said that attendance at the conference was "by invitation only" and, in addition, that there were "young men who were keeping everybody out except those that could prove that they were delegates." Party control was evident on the floor itself, she said, "through two of the men who were leaders at this conference, who I knew to be party members." Overall control of the Chicago conference was effected

by Danny Rubin and Danny Queen. Miss Withrow stated that "if somebody would bring up an issue you could see them check it out with Mr. Rubin first. And then quite often if some controversy developed, they would look at him to settle it."

The national youth group formed at Chicago was given the name "Progressive Youth Organizing Committee." Mrs. Alva Buxenbaum, of Philadelphia, was elected chairman; Mr. Marvin Markman, of New York, executive secretary and organizer.

(Markman had been identified as a member of the Communist Party before this committee on February 2, 1960; he appeared as a witness on March 2, 1960, and invoked his constitutional privileges in response to questions regarding membership in the party. Mrs. Buxenbaum had aided the Communist cause through participation in various functions, including the first annual convention of Advance, an organization against which the Attorney General of the United States had initiated proceedings as a Communist front.)

Miss Withrow had an opportunity to see Communist "democracy" in action during her work with a committee charged with drafting a "Youth Bill of Rights" at the Chicago conference. In the beginning, she said, there was "quite a lively discussion" but no action was taken because the drafting committee's leaders informed the group that a proposed bill was coming from "the people on the East Coast" (Communist Party national headquarters). When this draft arrived, it was read, voted on, brought on the floor, and accepted.

When Miss Withrow returned to Minneapolis after the conference, she met with the State party leaders to report on the youth meeting. After that, she was "to start organizing a definite youth group, taking advantage, if possible, of the paper *New Horizons* as a focal point, but to start organizing young people into an organized group, which \* \* \* when it was running, would then affiliate itself with the Progressive Youth Organizing Committee."

The name of the new local group was "Youth for Political Action," she said, and "after it was formed and running, the officers \* \* \* were to affiliate themselves with the Progressive Youth Organizing Committee."

Miss Withrow left the Communist Party in March 1961. She had decided to leave the organization at least 3 or 4 months prior to her resignation because her party assignment to youth activities and the party's exploitation of young people had made her "a little sick." She explained that during the Chicago conference the delegates had been allowed to take notes—a practice usually forbidden. But she had made written references during the course of the conference to the fact that Rubin and Queen—and through them, the party—completely controlled the proceedings of the meetings. Subsequently, her notes were discovered and she was compelled to give a full explanation at several meetings, justifying her actions "from the party point of view." She also had been directed to write a Marxist analysis of what she had done wrong. She refused. Following this episode she resigned.

#### NORMAN JOHN BOEHNKE

Norman John Boehnke was a witness on June 24. Born in Bellingham, Minn., he had been employed as crew dispatcher by the Great Northern Railroad since 1951. His introduction to communism came

about in 1958 when he accepted invitations to attend meetings of such Communist-front organizations as the Minnesota Committee for Protection of Foreign Born. He participated with the knowledge and concurrence of the FBI.

When asked to describe the objectives of the Minnesota Committee for Protection of Foreign Born, Boehnke replied:

Well, its stated objective is as the name indicates, it is for the protection of the foreign born. Now, I attended that meeting that night in which Louise Pettibone Smith was the principal speaker. However, I never heard her make any reference to what protection they had given to any foreign borns, except those who were members of the Communist Party. \* \* \*

The witness declared that the Minnesota Committee for Protection of Foreign Born was a branch of the American Committee for Protection of Foreign Born and that it served as a "screening device" for persons of foreign extraction who might become potential candidates for recruitment into the party.

As had been the case with Miss Withrow, Boehnke was assigned to a Marxist study group for the purpose of indoctrination and further screening. He spent over a year in such preparatory "study."

The witness was accepted into the party conditionally in 1960 by Sam Davis, party leader in the district, pending further "investigation" to assure his loyalty "to the cause." Several months later Boehnke was assigned to and attended his first club meeting at Ruthann Withrow's North Side Club, where he was formally admitted into party membership. His supposed ideological purity, the payment of an initiation fee of 50 cents, familiarity with the party oath, and a subscription to *The Worker* launched Norman Boehnke into his twin roles of Communist and undercover operative for the FBI.

In discussing party organization, Boehnke pointed out that all activities of the Minnesota-Dakotas District of the party were directed from the Twin Cities. Boehnke said that it was the function of the district committee to organize clubs in upstate Minnesota and both Dakotas. The district secretary's job was to oversee the activities of the clubs, to promote the party's publication, *The Worker*, and in general to see that the respective branches were carrying out their functions and the directives of the party.

Beneath the party's district structure were the two city committees of St. Paul and Minneapolis. Their membership was composed of the chairmen of the clubs in the respective cities. At the city committee meetings, it was the duty of the club chairmen to report on the activities of their clubs, whether they were meeting twice a month as required, and whether dues and other obligations were being met. These city committees provided the continuity and control between the State apparatus and the local clubs as "sort of an overseer," Boehnke said.

While the party had encountered growing opposition in recent years, it attempted to minimize the ill effects of it by means of pep talks to the membership and by taking all the credit for organizing a host of activities. It "chalks up a long list of successes," including demonstrations for "peace," demonstrations to ban nuclear testing, sit-

ins, freedom rides, and demonstrations to defeat the ban on Communist speakers on college and university campuses, he said.

In the area of political activity, the witness stated that the party—always selected candidates who promise to be “soft on communism,” who promise to \* \* \* stand up for laws, amendments, legislation that will give the Communist Party a little more elbowroom \* \* \* if a candidate makes a statement that he will vote to abolish \* \* \* the House Committee on Un-American Activities, they automatically \* \* \* support that candidate.

Party propaganda was carefully tailored to the party’s targets. For example, Boehnke pointed out that in respect to housewives, mothers, and women’s groups, peace was the primary appeal. The basic purpose of the party’s peace tactic was the supporting role it played in behalf of Soviet military policy. The witness elaborated:

The Communist Party of the United States, as well as every Communist Party in the world, is fully aware that \* \* \* the balance of military power is in favor of the United States. If it were to come to war tomorrow \* \* \* the Communist powers would be defeated. Their immediate need is to stall the war so that there will be “peace” \* \* \* but if \* \* \* we were weaker than the Soviet Union, then \* \* \* they would not hesitate to precipitate a war.

Boehnke’s testimony substantiated that of Miss Withrow’s on a number of counts, including the security measures taken as a result of the Supreme Court’s decision of June 5, 1961, which forced the party to go deeper underground. He also stressed the effort expended by the party in the recruitment of young Americans which “takes years of preparation.” The witness declared that the Communist Party has had “tremendous success” in cultivating the young.

On the subject of the success of known Communists in obtaining speaking engagements before college groups, the witness said that while he had heard high-ranking officials of the party speak on campuses in the Twin City area, “not once have I been able to hear them say, or tell us, what communism actually is in practice.” He elaborated:

They have never told us why Khrushchev had to build up the “Wall of Shame” in Berlin, why they don’t have free elections behind the Iron Curtain, why he had to send in the Red Army to butcher the people of Hungary. All I have heard these Communists do was use their freedom to tear down America \* \* \* I can see absolutely nothing good or worthwhile, letting a Communist speak on our campuses.

Boehnke testified that he was assigned a variety of tasks as a Communist. As a guard at a party picnic, an event ironically billed as a “freedom of the press” outing, he was instructed to bar all non-Communists—which, of course, included newspaper reporters. Boehnke said that Rose Tillotson Renaud, secretary of the Minnesota-Dakotas District of the Communist Party, and Ralph Taylor, its chairman, were also the secretary and chairman, respectively, of the Freedom of the Press Committee.



In addition, the witness said that even before he was officially a party member, the Communists kept him busy. He was assigned various research activities which included the submission of technical intelligence reports on the railroad which employed him. At other times he was required to walk the streets distributing party literature.

Failure to submit to party discipline and duties subjected the offending member either to the embarrassment of self-criticism or outright expulsion, he said. Even those with rank and seniority were not exempt. The former chairman of Boehnke's district, Clarence Sharp, was purged for his refusal to admit his "guilt and apologize for his mistake" in not properly organizing a meeting which featured as a speaker Frank Wilkinson, executive director of the National Committee To Abolish the Un-American Activities Committee. Sam Davis, general secretary of the district, blamed the meeting's failure on Sharp, who then had to appear before "what can be described as a Communist court," said Boehnke. The final result was that Sharp had the option of confession or expulsion. Boehnke said that when Sharp left the "court," the purged Communist remarked:

Thank God I'm living in America. If this was Soviet America or if I were living in Soviet Russia, I would now be facing the firing squads; however, it is now the American laws that are protecting me.

Mr. Boehnke's testimony provided additional evidence that the Minnesota Committee To Defend the Bill of Rights operated as a "front" for the Communist Party, U.S.A. A number of individuals active in the Minnesota committee, including the secretary, Henry Harrison Mayville, were identified as party members by the witness. Although the Minnesota committee was, in fact, under the direction and control of the Communist Party, Boehnke testified, it tried to conceal its connection with the party in order to "attract people who have a natural instinct to uphold the first and fifth amendments of the Constitution."

Mr. Mayville had been among the witnesses interrogated by this committee in October 1961 in connection with an investigation of the National Assembly for Democratic Rights, which was a Communist agitation project directed against various security laws. The Minnesota committee was one of the acknowledged "supporting organizations" of the Assembly. Mr. Mayville invoked the fifth amendment in response to questions relating to the Minnesota committee, the National Assembly, and his own relationship with the Communist Party.

Mr. Boehnke's final comments, which laid bare the myth represented by the party that it was primarily just another "political party," were about his industrial intelligence-collection role during his period of "indoctrination." Counsel asked the witness about the reports he had prepared, "the subject matter of which would reveal useful information relative to \* \* \* possibly defense facilities \* \* \*." Concerning this intelligence assignment the witness reaffirmed that on a number of occasions he was asked to provide the party with information on the railroad. He wrote a number of reports, he said, which were turned over to Sam Davis, who in turn forwarded them to Chicago.

At this point, Boehnke concluded his initial appearance but was recalled on the last day of hearings, at which time he testified as follows:

He was introduced at a party meeting to a John Howard Tillotson, a student at the University of Minnesota, by Betty Smith, Boehnke's club chairman and district executive committee member. Tillotson, however, declined to participate that evening at another party meeting when invited because it would be "too obvious that he had association with the Communist Party," said Boehnke. Betty Smith, he continued, further characterized Tillotson to him as a "hard worker for the cause" and suggested Boehnke "work with" Tillotson, who "was the channel \* \* \* that the Communist Party used to extend its influence and activities at the University of Minnesota."

At another party meeting called to discuss the selection of delegates to the Soviet-sponsored Helsinki youth festival in 1962, John Tillotson's name, as well as that of John Forichette, was proposed as that of a prospective delegate. Forichette, a member of Boehnke's club, declined the trip since he was a city employee of Minneapolis, but Tillotson attended the youth festival, Boehnke said.

The witness testified that in the fall of 1962 Tillotson, at the home of Rose Tillotson Renaud, his grandmother, discussed a forthcoming article which the youth was preparing for publication in *New Horizons*, the official youth organ of the party.

Concluding, Boehnke summarized his party experience as follows:

It is generally believed by the public that the Communist Party of the United States is just another political party. However, my experience in the party has given me mounting evidence that it is a party dominated by the Soviet Union.

He cited as an example the fact that he had edited for Mr. and Mrs. Sam Davis moving picture films which they had taken while traveling in the U.S.S.R. in 1961. He said they had gone to the Soviet Union not simply for the visit but to attend the Lenin Institute.

#### RUTH LOIS GORDIENKO

Mrs. Ruth Lois Gordienko, a witness on June 25, was a resident of north Minneapolis and had been a dedicated member of the Communist Party of the United States during 1948 and 1949 and of the Communist Party of Canada in 1950. Mrs. Gordienko broke with the party over the issue of the Korean war. Following her return to the United States in 1950, she ceased all her party activities, but did not give notice or resign from the party formally. In 1952 she agreed to act as an undercover contact for the FBI on certain Communist-front activities.

Mrs. Gordienko had become a Communist through her former husband, George Gordienko, a professional wrestler and Canadian Communist who came to the United States on a work visa and later became a premedical student at the University of Minnesota.

Part of the witness' indoctrination included attendance with her husband at the Marxist Socialist Club on the campus of the University of Minnesota. The purpose of this "Communist-front organization," according to Mrs. Gordienko, was to interest "young people into looking into communism, hoping to eventually recruit them." The

Marxist study club was under the direction of one Kenneth Tilsen, a University of Minnesota law student "known on campus as a Communist Party spokesman," whom she knew in fact to be a party member. Operating behind a reformist facade in discussions on the Negro question, agronomy theories, etc., the Marxist campus club never advertised itself as Communist.

Following one year's attendance at these club meetings, Mrs. Gordienko, though not a student at the university, enrolled in the Communist Party through Kenneth Tilsen and was assigned to its university women's club, which was directed by Tilsen's wife, Rachel. The club, made up of the wives of University of Minnesota students, was one of four party clubs on the campus. In addition to her duty to become "fully knowledgeable" about Marxist-Leninist theories, the witness had to distribute party literature throughout the student housing area. She testified that one of the four cells on campus was a secret "professional cell," consisting of professors and assistant professors who were "highly protected" from exposure. Mrs. Gordienko became aware of the existence of this club in 1948 through Rose Tillotson Renaud, who managed the party's bookstore and who was later the party's principal executive officer for the Minnesota-Dakotas District.

In the area of party youth activities, Mrs. Gordienko's testimony corroborated that of Miss Ruthann Withrow. Mrs. Gordienko stated that the party's youth had their own separate cells but, following the establishment of the Labor Youth League, younger Communists "were assimilated into \* \* \* the adult cell groups, and because of this switching I was assigned to the North Side cell of the Communist Party."

The witness was assigned tasks in the North Side Club as follows: to help organize and recruit members for the Labor Youth League and to "infiltrate into the National Association for the Advancement of Colored People," which "the Communist Party of Minneapolis wanted to take over." However, not enough party members attended the NAACP election to effect their plan to "pack the meeting" and therefore did not take over the leadership, she said. Those persons responsible for this failure were later chastised by the party leadership.

Mrs. Gordienko's husband, George, left the University of Minnesota, found employment in a flour mill, and was reassigned to a trade union cell of the Communist Party. He subsequently learned that the U.S. Immigration Service was going to deport him to Canada, his native land, as an undesirable alien. Against the party's wishes, he decided not to fight the pending Government action and to return to Canada voluntarily before proceedings were instituted against him. The party, therefore, transferred him and his wife to the Communist Party of Canada with a letter written by Carl Ross, the district secretary, to another Mr. Ross, a Canadian party functionary. When the Gordienkos moved to the Province of Manitoba in late 1949, they were "immediately accepted into the Communist Party in Canada automatically and were assigned to a cell group in Winnipeg."

Shortly thereafter, they were reassigned to the role of "sleepers," that is, they were to disassociate themselves from "any members of the party, even on a personal level" and then "assimilate within society, making the complete break with the party," she recalled. The purpose of this maneuver, she said, was to provide the party with "the second-

string leadership of the Province of Manitoba, which would take over immediately the Communist Party apparatus on an underground basis if the Canadian Government were to remove \* \* \* these leaders from their activity as the directors." In such an eventuality, she remarked, her husband was to assume the function of educational director, while she would administer the party's financial reports.

The witness remained in Canada during the year 1950, returning to the United States in early 1951 as a result of her disenchantment with the party line on the Korean war which was, in effect, that "the Americans had started a war of aggression upon other peoples" and that "we were trying to subjugate the Korean people." Mrs. Gordienko held that the "American Government had gone \* \* \* to assist the Koreans in holding onto the freedoms that they had." However, when she expressed these beliefs, Mr. Gordienko criticized her by stating, "You are nothing but a damn capitalist."

The witness returned to Minneapolis following this episode. She informed the committee that while this incident precipitated her withdrawal from party affairs, two other prior factors had contributed to her defection:

First of all, the one reservation I had, which I did not voice, was the fact that I came from a good Christian family. Once I got into the Communist Party I fully realized I could not hold Christian ideals upon which our Nation has been founded \* \* \* which is the strength of our Nation and become a good Communist. You can't do both. \* \* \*

The second reservation \* \* \* that I had was very startling to me. When I was in discussion with Communists \* \* \* when they discussed how or what would take place in our city when the revolution came \* \* \* I was told that we would blow up the bridges in Minneapolis, we would barricade the streets, the mass communication system would be taken over by the Communist Party. \* \* \* For this type of politics my stomach was weak.

During 1951, Mrs. Gordienko was inactive in the Communist movement. Subsequently, however, following a visit to the local offices of the FBI, she began working as a Federal operative in three party fronts: the American Committee for Protection of Foreign Born, the Freedom of the Press Committee, and the Minneapolis Chapter of the American Peace Crusade. She was a board member of the latter group. Ironically, this group was a party front which generated protests against America's role in the Korean war—the policy which had previously led to Mrs. Gordienko's break with communism.

#### CLAUDE McDONALD

The subcommittee on June 25 interrogated Claude McDonald, identified as a member of the Communist Party by both Miss Withrow and Mr. Boehnke, who knew him as such during their active years in the organization. He refused to discuss party membership and, with the exception of stating his name and address, invoked the self-incrimination clause of the fifth amendment and also other amendments in refusing to answer any questions asked by committee counsel.

McDonald refused to refute or affirm the statements made under oath by the two previous witnesses, namely, that he was a member of

the district executive committee and a high official in the party's tri-State territory. Staff investigation indicated that he had also been a party member in 1943 while working as the financial secretary of Local 1152, United Electrical, Radio and Machine Workers of America. When asked about this, the witness refused to answer for the same reasons.

The witness continued to plead the fifth and other amendments rather than deny committee information to the effect that he sponsored and attended a meeting of the American Peace Crusade in Washington, D.C., on March 15, 1951. The APC committee counsel noted, was cited as a Communist front in a 1957 SACB report. It had been organized during February 1951 in the New York City offices of the national Communist Party and had purportedly held its March meeting for the purpose of launching a nationwide organization to which would be affiliated various local groups throughout the country. McDonald declined to admit subsequent participation in the formation of the Minneapolis Council for Peace—later changed to the Minneapolis Chapter of the APC, a local unit classified as an "integral part" of the parent body by the same SACB report.

When asked whether he had provided funds for the party or the use of his home for the concealment of one Martin Mackie, a member of the party's underground apparatus during the 1950's, the witness again invoked the fifth and other amendments in his refusal to answer.

Miss Withrow had told the SACB on March 17, 1964, that a party announcement in early 1961 had designated a four-man committee, including McDonald, to reactivate the party's city committee in Minneapolis. The witness, who belonged to the same Communist club as Miss Withrow, invoked the fifth and other amendments when asked if this were true.

Similarly, the witness refused to confirm or deny committee evidence that his credentials as a delegate to the Democratic-Farmer-Labor organization had been challenged. He invoked constitutional protection when asked if he had circulated a document entitled "There Is Nothing To Fear But Fear Itself" in which he castigated those who informed the DFL credentials committee of an attempt by the Communist Party to infiltrate the convention with Communist delegates.

#### OSCAR MARTIN MACKIE

Oscar Martin Mackie, also questioned by the subcommittee on June 25, was employed by Gopher Bumper Exchange, Inc., and the previous day had been identified under oath by Mr. Boehnke as a member of the Communist Party in the latter's own cell—the North Side Club.

Mackie refused to answer questions concerning membership in the party, invoking the fifth, sixth, and first amendments to the constitution.

When confronted with a statement contained in the *Daily Worker* of November 24, 1942, naming Mackie as State secretary of the Communist Party in Minnesota, the witness declined to say whether this was true, as well as whether he was the party's candidate for the offices of Governor of Minnesota in 1940 or for mayor of Duluth in 1941.

Mackie had also been listed as an alternate member of the National Committee of the Communist Political Association in 1945, accord-

ing to this committee's information, and in 1946 was appointed chairman of the Minnesota Communist Party.

When confronted with his 1959 application for membership in the United Brotherhood of Carpenters and Joiners, on which he had written "no" to the questions: 1) "Are you a Communist?" and 2) "Are you in sympathy with the Communist philosophy?" Mackie declined to state whether his written replies were true at that time or whether, if true, his answer did in fact contradict committee information to the contrary—as well as the testimony of sworn witnesses.

#### KENNETH E. TILSEN

Kenneth E. Tilsen, another witness on June 25, was born in New Leipzig, N. Dak., had been a resident of St. Paul, Minn., since 1933, and a practicing attorney in the city since his graduation from the University of Minnesota Law School in 1950. Tilsen had been identified by Mrs. Gordienko as a member of the Communist Party and its leading spokesman on the University of Minnesota campus.

He read a prepared opening statement to the effect that the committee had no legislative purpose in soliciting information about his background prior to September 23, 1950—the date of passage of the Internal Security Act. Chairman Willis, after restating the committee resolution, pointed out that Tilsen's objection lacked validity because the resolution authorizing the Minneapolis hearings had other legislative purposes in addition to that of monitoring the Internal Security Act.

The witness was then asked to confirm or deny the substance of Mrs. Gordienko's statement, which he had heard the day before, that she knew him to be a leading party member on the University of Minnesota campus in 1948 and that he had enrolled her in the party.

Tilsen testified that he was not a member of the Communist Party—and had not been one during the period which, according to his claim, the committee had authority to interrogate him—that is, since September 23, 1950. Without invoking the self-incrimination clause of the fifth amendment, he refused to respond to questions pertaining to his activities in 1948 and 1949 on the basis of a 10-point memorandum offered, but not accepted by the chairman, as grounds for refusal to answer.

When asked whether, since his 1950 demarcation date, he had had any affiliation or discussion with any persons known to him to be, or to have been, members of the Communist Party, the witness said he had not. He refused to answer when questioned about the activities of Rose Tillotson Renaud on the University of Minnesota campus, particularly her efforts on behalf of a secret professional cell of professors.

#### ROSE TILLOTSON RENAUD

Rose Renaud, identified under oath by Norman Boehnke as district secretary, the highest executive position of the Communist Party in the Minnesota-Dakotas District, refused on the grounds of the first, fifth, and sixth constitutional amendments to acknowledge this identification. She employed the same objections in refusing to testify regarding any knowledge of various matters about which testimony had been received, including her succession to Sam Davis'

position as the district's top official, the secret professional cell at the University of Minnesota, Ralph W. Taylor as the party's district chairman, the current membership of the party's district, and the channel for party directives and instructions from Gus Hall in New York City.

Finally, citing the same reasons, she refused to admit whether she was the party's candidate for mayor of St. Paul in 1940 or to corroborate Miss Withrow's statement concerning the party's elaborate recruiting activities in the youth field.

#### JAMES A. BROWN

James A. Brown (also known as Jack Brown) declined to answer the committee's questions on the grounds of the fifth and other amendments, except to disclose his name, address, and birth date. He refused to affirm or deny Boehnke's testimony that he had been a member of the city committee in Minneapolis, that Ralph Taylor was its secretary, or that he himself was chairman of the South Side Club of the party.

He also cited the fifth and other amendments in refusing to answer when asked if he had been active in party trade union activity and whether he had attended the party's 1960 farm conference in Minneapolis at which Gus Hall had expounded the party's line on agricultural issues.

#### CARL ROSS

Carl Ross, identified by Mrs. Gordienko as the party's intermediary who facilitated the transferral of the Gordienkos from the American to the Canadian Communist Party, declined on fifth and other amendment grounds to answer questions about this and other information supplied by her concerning his activities. Ross gave his name and address, but declined for the same reasons to state whether, as stated in published reports, he had been a national official of the Communist Party for almost 30 years.

He declined to answer questions, on the same grounds, about his activities in the party following Khrushchev's denunciation of Stalin at the 20th Soviet Party Congress in February 1956, and to state whether he had been appointed to the "collective leadership" and the National Executive Committee of the CPUSA in 1957. The witness also refused to confirm his publicized break with the party in 1958 or to state whether he was still a party member.

#### CLARENCE H. SHARP

Another witness, Clarence H. Sharp, had been identified by Mr. Boehnke as a former chairman of the party's Minnesota-Dakotas District. Boehnke testified that Sharp had been removed from office and expelled from the party for failure to carry out a directive concerning arrangements for Frank Wilkinson's speaking tour. Sharp employed the fifth and other amendments in his failure to respond to this inquiry. He again took refuge under the fifth and other amendments when asked by the chairman whether he was under party "pressure" to remain mute, even though he apparently had not been a party member since 1963. The witness was informed that considera-

tion would be given to granting him immunity from prosecution should he agree to testify at a later date, thus removing any fear he might have of self-incrimination.

#### JOHN EDWARD FORICHETTE

On June 26, the subcommittee interrogated John Forichette, a city engineer's assistant, who was employed by the city of Minneapolis and identified as an active member of the Communist Party by Miss Withrow and Mr. Boehnke. The witness, invoking the fifth and other amendments, declined to admit party membership or whether he had used two different middle names (that is, William and Edward) when applying on two different occasions (7 years apart) for employment with the city of Minneapolis.

Forichette, on the same grounds, refused to answer when asked whether he had truthfully written "No" on his 1960 and 1961 applications for city employment to the question: "Are you a member of any political party or organization which advocates the overthrow of our constitutional form of government in the United States?"

Counsel brought out that as an assistant to the city engineer, Forichette had access to official plans concerning highways, bridges, water and light facilities in Minneapolis. The witness refused to disclose whether he had transmitted any technical intelligence acquired on his job to the Communist Party.

He also invoked the same constitutional privileges when asked the following questions based on the testimony of Miss Withrow and Mr. Boehnke: whether in 1959 he was treasurer of the Miscellaneous Branch of the party in Minneapolis; his residence was used for meetings of the North Side Club; he was elected club secretary of *The Worker* in 1961; he helped activate Marxist youth groups in the Twin City area and was the appointed delegate, along with Miss Withrow, to the party's Chicago youth conference in late 1960.

#### JOHN HOWARD TILLOTSON

John Howard Tillotson, subject of Miss Withrow's and Mr. Boehnke's testimony, refused on the basis of the fifth and other amendments to verify whether he had attended functions of the Freedom of the Press Committee and the Youth for Political Action; acted as a Communist conduit for activities on the University of Minnesota campus; attended the 1962 Helsinki youth festival—there to support Communist anti-American propaganda objectives; prepared articles for a party publication; shunned closed-door party meetings, thereby avoiding the technicality of party membership; and was a member of the Progressive Youth Organizing Committee, as stated in the *Minnesota Daily*.

Tillotson further declined to discuss committee information that he had attended PYOC meetings in New York in June 1962 and again in 1963. Nor would the witness discuss on the grounds of the fifth and other amendments whether, following President Kennedy's announcement of the Cuban missile crisis of October 1962, he had distributed leaflets on the University of Minnesota campus on October 24 in support of the Cuban Communist regime or engaged in any local "peace" programs in Minneapolis.



## HANLEY LEON HEMMINGSON

Hanley Leon Hemmingson of Warroad, Minn., a former resident of Minneapolis, employed the fifth and other amendments in his refusal to answer when asked if he was a member of the North Side Club of the party, as Boehnke had testified. The witness also refused for the above reasons to say whether he was a member of Local 7, Brotherhood of Carpenters and Joiners, and had engaged in union activities to further the party's program.

Hemmingson was queried by counsel concerning a letter to the editor of a Minneapolis newspaper of April 5, 1964, which demanded the withdrawal of U.S. forces from Vietnam and which was signed by a Hanley Hemmingson. He refused to discuss the authorship of the letter or whether, if he was in fact the author, the contents of the letter were Communist motivated. Hemmingson also invoked the fifth and other amendments in refusing to answer counsel's question about his current party membership.

## HILDA TANIA HEMMINGSON

Witness Hilda Tania Hemmingson gave her name and birth date, but refused to answer as to her place of birth, on the basis of the fifth and other amendments. When asked if her place of birth was Kishinev, Rumania, as committee information indicated, she again invoked constitutional amendments in her refusal to answer.

She refused for the same reasons to confirm or deny Boehnke's testimony that she was an active member of the Minnesota Committee for Protection of Foreign Born, or to state whether she was aware that its purpose was to propagandize for the repeal of the Immigration and Nationality Act, especially those provisions which prevented Communists entry into, or facilitated their deportation from, the United States.

Mrs. Hemmingson declined to confirm or deny Mr. Boehnke's testimony that she had regularly attended closed meetings of the Communist Party, many of which were held in her Minneapolis residence; was a member of the Freedom of the Press Committee; and was active in the Minnesota Committee To Defend the Bill of Rights, a group working for the repeal of security legislation.

## PROBLEMS CONCERNING DEFINITION OF PARTY MEMBERSHIP

The committee has received a great deal of testimony over the years regarding various techniques adopted by the Communist Party to protect its members from detection. Many of the techniques represented an effort to frustrate the enforcement of specific Communist-control laws enacted by the Congress. The abandonment of membership lists and membership cards for individual Communists in the late 1940's was only a part of this effort. In the same period, the party had sought to avoid compliance with the non-Communist affidavit provisions of the Taft-Hartley Act by the device of "technical resignations" from the party. A Communist union official, for example, would turn in a resignation to the party, yet for all practical purposes he would continue to do the party's work. Many other cases of partial disassociation from the party have been described by

witnesses before the committee. In some of the cases, security laws were not an issue.

Testimony by Norman Boehnke at the committee hearings in Minneapolis produced another example of the way individuals have continued to operate within the party without "technically" being members of the party.

Hilda Tania Hemmingson regularly attended closed meetings of the Communist Party, many of which were held in her Minneapolis home, according to Mr. Boehnke. She was also active in the Communist fronts, the Minnesota Committee for Protection of Foreign Born and the Minnesota Committee To Defend the Bill of Rights, Boehnke said. The witness stated, however, that Mrs. Hemmingson "on a number of occasions" told him that she did not "join" the Communist Party because, if she did, she would become subject to deportation. Mrs. Hemmingson is a native of Rumania and a naturalized citizen of the United States. It has been previously noted that she invoked her constitutional privileges against self-incrimination when the committee questioned her on these matters at the Minneapolis hearings.

The committee is aware that existing internal security laws take a variety of approaches to the subject of membership in the Communist Party and that in some instances a status of "affiliation" is recognized as well as formal "membership." The committee is continuing to study ways in which present laws might be further amended to cope with the problem of technical disassociations from the party organization.

#### TESTIMONY OF REV. JAMES H. ROBINSON

On May 5, 1964, a subcommittee of the House Committee on Un-American Activities, chaired by the Honorable William M. Tuck of Virginia, received testimony in executive session from the Reverend James H. Robinson, founder and pastor emeritus of the Church of the Master, New York City. Dr. Robinson's testimony was subsequently made public by the committee.

In opening the hearing, the staff director of the committee emphasized that the record should reflect that the appearance of the witness was a voluntary one. He stated that Mr. Robinson's appearance was a direct result of a request he had made to the committee to testify in detail concerning his past activities and associations with Communist and front groups.

It was pointed out that some of the organizations with which Mr. Robinson had been affiliated had been officially cited as Communist. Although other groups had not been, it was the committee's view that all of the organizations about which he would be questioned were Communist influenced. It was, therefore, the committee's desire to give Mr. Robinson an opportunity to explain the circumstances surrounding his participation in them and his current views on communism.

Mr. Robinson testified that he was born in Knoxville, Tenn., in 1907. His family moved to Cleveland, Ohio, in 1917. He attended elementary school in Youngstown, Ohio, and high school in Cleveland. He graduated from Lincoln University in Pennsylvania in 1935 and from Union Theological Seminary in 1938. Prior to his graduation,

the witness was ordained as a minister by the Presbytery of Cleveland. In this same year, Mr. Robinson founded the Church of the Master and the Morningside Community Center in the Harlem section of New York City.

Mr. Robinson served as pastor of the Church of the Master for over 23 years or until October 1962. He is presently pastor emeritus.

In 1954, Mr. Robinson founded Operation Crossroads Africa, a student exchange program between the United States and Africa. The organization, located in New York City, is a private, non-denominational, nonprofit group. Crossroads recruits U.S. college students, regardless of race or creed, to work in Africa as members of its volunteer teams. They live among the people, helping them build and staff schools, coaching their youth in sports activities, and working with them on varied projects designed to improve their living conditions. The purpose, explained Mr. Robinson, is to develop student interest in working with one of the U.S. Government programs on that continent after their experience with Crossroads. In this way, he stated, the image of the United States would be improved, while that of Africa would be broadened.

Mr. Robinson had served on the advisory committee for Africa of the U.S. Department of State, in addition to being a Vice Chairman of the National Advisory Council to the Peace Corps. In discussing the essential differences between the Peace Corps and Operation Crossroads, Mr. Robinson noted that Crossroads was a "kind of a feeder" for the Peace Corps.

The committee proceeded next to question Mr. Robinson about his support of Communist organizations and fronts during the thirties and forties. He stated that his association with such groups started when he was a student at Union Theological Seminary in the late 1930's.

When asked whether, in 1940, he had been a sponsor of the Emergency Peace Mobilization, which had been cited as Communist by both the Attorney General and by this committee, Mr. Robinson stated:

It came about, I think, because at that time, or just before that time, when I was a student at Union Seminary, Dr. Harry F. Ward was involved in many of these peace groups. I trusted him as a teacher, number 1. I knew that he was a liberal and I did a good many things, along with some other students, and joined some committees, such as that one, to which I lent my name but never did much work for because I was founding the church, the community center, and a co-op store at the same time.

As I recollect, my interest in that and the League Against War and Fascism<sup>3</sup> was first gained through Dr. Harry F. Ward.

According to Mr. Robinson, Dr. Harry F. Ward was one of his professors at Union Theological Seminary and was the one who approached him in the late 1930's and asked him to support certain organizations which, it later developed, were Communist controlled. When Mr. Robinson arrived at Union Theological Seminary, he

<sup>3</sup> The American League Against War and Fascism was founded in 1933. In 1937 the League changed its name to the American League for Peace and Democracy. The Attorney General, the Senate Internal Security Subcommittee, and the Special Committee on Un-American Activities have all cited this organization as Communist. (*Guide to Subversive Organizations and Publications*, IICUA)

stated that Dr. Ward was "the person who accepted me easier and quicker than anyone else."

In describing the influence which Dr. Ward had on his students, Mr. Robinson stated:

There were some professors who said that Negroes were incapable, but we ought to let them in the school because they are going to go into the ministry. I remember one professor who gave every Negro a "B" whether he earned it or not, because he thought it was charitable.

I did not like that. I wanted to get what I earned. \* \* \* Harry Ward was simple, down to earth, and he accepted me.

He was then involved in the League Against War and Fascism. I remember the first time he asked me to come to a rally in Madison Square Garden. I was concerned with peace and a better deal for all people. He had a powerful impact on me and a large number of other students.

You have to realize that at that period Union Seminary was going through its own revolution in terms of the whole idea of the social involvement of the minister. There was a real revolt on the part of students against many of the people on the faculty, led by Harry F. Ward.

I would say that he had a powerful impact upon my life for about the next 7 or 8 years after that.

Mr. Robinson was questioned regarding his support and sponsorship of a mass rally and antilynch parade which took place in the Harlem section of New York on February 11, 1938, under the auspices of the United Youth Committee Against Lynching.<sup>4</sup> Also participating in this function were the Young Communist League, the Communist Party, the Workers Alliance, the International Workers Order, the Transport Workers Union<sup>5</sup>—all of which have been cited as Communist organizations—and some non-Communist groups. In reply, Mr. Robinson stated:

My concern was, at the time, in 1938—I was also director of the youth activities for the NAACP on a part-time basis before I got out of theological seminary and all through my first year and a half as founder of the Church of the Master, which I began the first Sunday in May of 1938.

I would have gone primarily because of my desire to stand against lynching and at that time possibly nobody else except the NAACP was doing that. I made it clear I was not a Communist, even though I did participate in things like this.

Asked whether he would support an activity in which he knew Communists were involved if he felt it served a cause in which he was interested, Mr. Robinson stated:

I did in those days. I would not do it now. With age and experience, you learn a good many other things. But in those things, when I had just come to the Church of the Master and was involved in a great many things in the

<sup>4</sup> The United Youth Committee Against Lynching was cited as a Communist front by the Special Committee on Un-American Activities in 1944. (*Guide, HCUA*)

<sup>5</sup> TWU leaders opposed the election of Communists to office in the union and defeated the Communist slate in 1948.

Harlem community, I did not make the same distinctions that I would now.

Mr. Robinson was questioned concerning his association with the American Peace Mobilization,<sup>6</sup> established during the period of the Stalin-Hitler pact (1939-1941). He was asked about minutes of a meeting of the New York Council of the American Peace Mobilization in which it was noted that the Reverend James H. Robinson had been nominated as a member of the group's executive board. Mr. Robinson answered:

I do not recall being nominated. I know one thing. I never served and never went to a single meeting. I do not recall even getting an invitation to a meeting. This might have been like a good many things in which names were asked and used. I would be much more careful about letting my name be used now than in those days \* \* \*.

When asked whether he was aware, at the time of his participation, either that the American Peace Mobilization was Communist controlled or influenced, Mr. Robinson replied:

I was not aware it was Communist controlled. I did not know, in the beginning in most of these things, how many people in them were Communists. I found out later that there were some Communists in it. I did not always resign from a committee, even though they were using my name, even when I found there were Communists in it, because I felt I should keep abreast of what they were thinking and it was a way to express my point of view.

Mr. Robinson was asked to evaluate his efforts to influence the political direction of the organization or its members by remaining in such a group under the circumstances. He answered:

I did not convert anybody. Of that I am sure. On the other hand, sometimes I utilized the opportunity on a platform to make a position clear to people coming to a public meeting, but they never published this like they published all the other things.

Mr. Robinson also noted that when groups which promoted Communist causes solicited his endorsement of a policy statement, they frequently did not show him the text of the statement. Ostensibly the Communist Party worked for peace, civil rights, and similar goals—things in which Mr. Robinson believed. For this reason he would agree to their use of his name. However, he stated:

I would have to admit categorically in those days I was not always very wise and often I did not see these statements.

Elsewhere in his testimony, Mr. Robinson was asked whether he knew of any case in which someone had used his name without his

<sup>6</sup> The American Peace Mobilization was elted as Communist by the Attorney General in 1942, the Special Committee on Un-American Activities in 1942, and the Senate Internal Security Subcommittee in 1956. (Guide, HCUA)

permission in connection with some Communist-front organization. He replied:

I know of cases where my name was used where I did not sign something or where they said I went to speak and I did not go to speak. But who did it, I do not know.

When asked whether, as advertised, he had been a speaker at a Forum for Victory meeting sponsored by a Communist Party club in New York City in 1943, he stated that he did not definitely recall the event, but that—

if I spoke, and I may have spoken, it would have been because I was working strongly then with a great many Jewish groups against anti-semitism. I would have spoken only for that reason and under those circumstances.

\* \* \* \* \*

I would say that at that time I believed if I could utilize the Communist Party for things that I believed in, although I knew it was a hazardous pursuit to try to do so, that I should try to do that.

Asked about his support of Benjamin J. Davis, Jr., in his election to the New York City Council on the Communist Party ticket during the 1940's, Mr. Robinson replied:

I had supported his candidacy because nobody else was nominating Negroes at that time. \* \* \*

Mr. Robinson stated that he had "never been a member of the Communist Party." On the same point, at a subsequent part of the hearing, he stated:

I have never wanted nor desired to be a Communist. Nobody ever asked me explicitly to join the Communist Party, but I think they would have been happy if I had joined the Communist Party. I am sure Ben Davis and some others would have been.

When asked if he had ever attended a Communist Party meeting, he responded:

I never attended a Communist meeting of a Communist Party cell or a Communist meeting per se. \* \* \*

At a subsequent point in his testimony, Mr. Robinson was asked the following question by Representative Ichord:

You stated in your testimony that back when you were associated with Mr. Robeson and Ben Davis and others in several causes, that at that time you were of the mind that you would join with a Communist or anyone who was working for the objectives that you had in mind, and then later on you changed your mind.

I would like for you to elaborate somewhat upon that.

Mr. Robinson replied:

Well, I came to the place where you have to recognize, first of all, that you might do your cause and yourself more harm, if you joined with people who are better organized

than you are, and better disciplined in a group than you have, and their great asset is tight discipline.

They know where they are going and what they want to do. They can play it easy or soft. They can sit in a meeting that everyone leaves, as long as there is a quorum, and they will get the votes. I saw this happen many times at first without knowing what was happening. I learned, but some people never did learn.

I do not think it would be to my advantage, for example, in Operation Crossroads Africa to let a Black Muslim come into Operation Crossroads Africa. I must admit one got in from the University of California at Berkeley, but we put him on a plane from Africa, when we found out about it, and sent him home.

I would say the same thing about Communists. I would not let Communists in either. Now, would I let them cooperate with us on anything? No, I would not take that old position of cooperating any more. I would not get involved with people with ulterior motives who really end up trying to use you to make capital for their ends.

When asked to state approximately when it was that his position on supporting or cooperating with Communists or Communist fronts had changed, Mr. Robinson replied:

I think my position on these matters began to change in the middle 1940's toward the end of the war and were solidified, I would say, by 1949-1950, when I took a whole new position which I referred to previously. After I took that trip abroad for the Presbyterian Church in 1951 and 1952 to see who was winning the minds of young people and learned a good many more things outside of this country that I had not learned while I was in it—although I had learned a good many things about communism in this country—I think my change was completed.

Mr. Robinson gave several examples of anti-Communist activities he had undertaken over the years. In 1941, he had organized the African Academy of Art and Research in New York City, which was designed to serve as a hospitality center for African students studying in the United States. In the post-World War II years, when Mr. Robinson learned that the Council on African Affairs, which he described as "a decided front organization,"<sup>7</sup> was attempting to involve African students in the United States in Communist activities, he utilized the African Academy of Art and Research to offset the operations of the Council on African Affairs.

When asked whether he had since learned that the Communists have fought for the elimination of antisemitism and other forms of prejudice or discrimination, including discrimination against Negroes, more as a tool to aid their own purposes than as a sincere position, Mr. Robinson replied:

Yes, I found out a lot of things about the methods of the Communist Party in utilizing these things, and I have

<sup>7</sup> The Council on African Affairs was cited as Communist and subversive by Attorney General Tom Clark in 1947 and 1948. (*Guide*, IICUA)

written extensively about them, especially a chapter on communism in a book called *Tomorrow Is Today* which was published in 1954.

The minister also mentioned that he had written a pamphlet entitled *Love of This Land* at the request of Donald Stone, former Director of the Mutual Security Agency. This pamphlet, published in 1956, pointed out the progress that was being made and had been made in the United States in the area of race relations. It was designed to assist U.S. Government personnel serving overseas, particularly those working in Asia, in replying to criticism about racial matters in the United States.

Mr. Robinson emphasized the need for all those going abroad to be knowledgeable about communism, its strategies, and tactics. Referring to Operation Crossroads Africa, Mr. Robinson stated:

Although we do not state this explicitly, our job is to fight communism; our job is to help people create that kind of a democratic structure that would help them to combat it.

Describing the training given voluntary workers in his Operation Crossroads Africa project, Mr. Robinson testified:

We give great attention to this whole area in Crossroads when our people meet at Douglas College for Women at Rutgers for 7 days for their final preparation. We indicate what types of groups in the various countries of Africa might be leftwing or Communist and how they can answer them effectively and how they are going to avoid being pushed into a corner.

\* \* \* \* \*

We spend the whole day with the kind of problems they were going to face, what they should be reading, set up some potential situations that they might face, and help them to work out some of the answers, because they are going to be challenged all along the line, and especially by the leftwing students or the Communists.

This is going to be more of a problem in the years to come, because the great wave of African students who have gone to [East] Germany or Moscow or Peking or Poland is just now this summer beginning to come back in any significant numbers. In 4 to 5 years that wave will reach its peak.

So we are trying to prepare our young people and our leaders, too, in what they can do to win an audience and get people to go along with them and see their view rather than just winning a battle.

Following his tour of African countries in 1958, Mr. Robinson made public statements that it was clear that communism was a greater threat to the new and emerging nations of Africa<sup>8</sup> than Nasser's ambitions were.

Referring to leaders of the civil rights movement in the United States who believe (as he does) that people can "logically" be civilly disobedient at times, Mr. Robinson said:

But it is the obligation of the person who takes this stand to purge out of their ranks the kind of people who do not

<sup>8</sup> Interview, *New York Times*, September 14 1958, "Reds, Not Nasser, Feared in Africa."



take it for the same good reasons of conscience and who try to use it to another advantage or infiltrate the movement for Communist ends.

This is their responsibility to do this. They cannot hide under the fact that our cause is so good and our situation is so desperate that we will accept anybody on a brotherhood front movement to come in and help us.

That will include Malcolm X, the Communists, and a good many other people with whom I would not agree under these circumstances. So I think the best thing to do is to prepare the minds of young people about what communism is and help them to face it.

#### **VIOLATIONS OF STATE DEPARTMENT TRAVEL REGULATIONS AND PRO-CASTRO PROPAGANDA ACTIVITIES IN THE UNITED STATES—PART 5**

In May 1963 the Committee on Un-American Activities held its initial hearings on violations of State Department regulations which ban travel to Cuba except for those possessing specially validated passports.

These hearings, in which a total of 42 witnesses testified, were held in Washington, D.C., on May 6, 7, and 23, August 5, September 12 and 13, October 16, and November 18, 1963, and in Los Angeles, Calif., on July 1, and 2, 1963.

The legislative purposes of the hearings were to determine the need (1) for tightening laws regulating foreign travel of U.S. citizens and (2) for broadening the definition of persons required to register with the Attorney General under the Foreign Agents Registration Act of 1938.

Hearings on this subject were continued on September 3, 4, and 28, 1964, when the committee received testimony from six additional witnesses. Four of the witnesses had visited Cuba at the invitation and expense of the Cuban Federation of University Students. The other two were representatives from travel agencies which had handled reservations for the student group that went to Cuba in the summer of 1964. Of the former, witness Albert Maher had made the trip in 1963, while Edward Lemansky, Yvonne Bond, and Morton Slater had been leaders of the group which departed for Cuba in June 1964. Both trips had been organized by the Student Committee for Travel to Cuba, which has its headquarters in New York City.

At the hearings on September 3, 1964, the subcommittee chairman, Mr. Ichord, pointed out that, in conformity with the resolution authorizing the hearings, attention would be—

directed to Communist propaganda activities in behalf, or in the interest, of foreign Communist principals, and also to foreign travel undertaken in connection therewith, in violation of State Department regulations adopted pursuant to statute. Our inquiry will be particularly related to the circumstances surrounding the travel to Cuba, in the summers of 1963 and 1964, of persons or groups known as the Permanent Student Committee for Travel to Cuba, or simply, the Student Committee for Travel to Cuba, and propaganda

activities undertaken by such persons and groups in aid of foreign Communist governments.

\* \* \* \* \*

In its *Annual Report for 1963*, this committee has already made one legislative recommendation to the Congress arising out of its investigations on the subjects of inquiry set forth in the committee resolution of April 24, 1963, which I have just read. This recommendation relates to a proposed amendment of section 215 of the Immigration and Nationality Act of 1952, which is section 1185 of Title 8 of the United States Code. Several bills on this subject have been offered in the House, including H.R. 9045, introduced on November 6, 1963, by the chairman of this committee, our chairman, Mr. Willis, whom I am very happy to see with the subcommittee today. These bills have not yet been reported out of committees to which they have been assigned. There are many problems remaining in this area of legislation, and we continue today our efforts to develop additional factual information to aid the Congress and its committees in the disposition of such bills, and for the proposal of any necessary remedial legislation.

That the Congress may legislate—and thus inquire—on this subject is unquestioned. Section 215 of the Immigration and Nationality Act of 1952 authorizes the President to impose restrictions upon the travel of United States citizens during time of war or national emergency and, subject to such limitations and exceptions as the President may authorize, to forbid the departure of citizens from the United States during such periods unless such citizens bear valid passports.

\* \* \* \* \*

Recently, Fidel Castro invited a number of United States correspondents to visit Cuba, promising to bear all the expenses of their travel. The Department of State validated the passports of 20-odd correspondents for travel to Cuba, but, on advice from the Department of Justice, cautioned the correspondents that if they accepted expense payments from the Cuban Government they might subject themselves to the requirements and penalties of the Foreign Agents Registration Act of 1938. The correspondents, with one exception, namely, Richard Hudson, editor of a magazine called *War and Peace Report*, announced that they would travel to Cuba at their own expense.

On the other hand, since the severance of diplomatic relations with Cuba on January 3, 1961, a substantial number of United States citizens not registered under the act have traveled to Cuba with all or part of their expenses paid by the Cuban Government or its agencies and, upon their return to the United States, have engaged in propaganda activities in aid of the Castro regime, yet not one of those persons has been prosecuted under the penal sanctions of the Foreign Agents Registration Act to date. As will be brought out in these hearings, members of the student group which went to

Cuba this summer not only had all their expenses paid by the Castro government, but were also given an extra \$10 per week for spending money.

Certain questions arise. Is the act effective as presently written? Is it being duly enforced? What, if any, are the deficiencies in the act? In answer to these and other questions, the committee is attempting to ascertain the circumstances surrounding the travel and propaganda activities in which the travelers to Cuba have been engaged, so that it may be in a position to resolve the issues presented.

The Foreign Agents Registration Act provides, in brief, for the registration of persons and organizations which act as agents of foreign principals, including agents of friendly foreign powers, as well as those of the Soviet and Chinese bloc countries, and requires the labeling of any "political propaganda" transmitted in the United States mails, or by any means, in interstate or foreign commerce. By the terms of the act, it is clear that the mere fact of registration does not imply that activities of such agents are, by sole fact of registration, deemed harmful, or that any political propaganda disseminated by such agents is necessarily untruthful or inimical to the welfare of the United States.

#### SEPTEMBER 3 HEARINGS

On September 3 the subcommittee received testimony from George Luke and Alexander Lewin, representatives of two New York City travel agencies which had made reservations for travel from the U.S. to Europe for the great majority of the student group that went to Cuba in the summer of 1964.

In addition to testimony received from witnesses Luke and Lewin, affidavits were received from Phillip N. Addabbo, Aldo Ferrero, and Merrily Ann Cramer of Pan American World Airways, and from Mr. Harry Cohn of the Macpherson Travel Bureau, Inc., in New York City describing transportation arrangements made with those agencies.

Yvonne Bond and Morton Slater, two members of the group who traveled to Cuba, were also called to testify on this date. Information developed through committee investigation indicated that Miss Bond and Mr. Slater had been two of the principals involved in arranging transportation for the "students" who traveled to Cuba during the summer of 1964 under the sponsorship of the Student Committee for Travel to Cuba.

On May 10, 1964, Morton Slater contacted Mr. Lewin at Foreign Tours, Inc., in New York City to arrange transportation to Paris for 27 persons. Slater first identified the group as the Manhattan Art Club, but later stated that he didn't want the art group mentioned because they were not going "as an affinity group." On May 12, Slater made a \$1,000 deposit on the reservations. The balance due on the reservations was paid by Mr. Slater on May 26, when he gave Mr. Lewin \$9,254 in "crisp" new bills of \$100 denomination. During this visit to Foreign Tours, Slater had been accompanied by a young woman who identified herself as Katsko Itakava. Mr. Lewin was told to contact her concerning the reservations should the need arise.

On June 2, Mr. Slater made arrangements for three additional reservations with Foreign Tours.

During the hearing, Mr. Lewin was asked if the person known to him as Katsko Itakava was in the hearing room. The witness pointed her out. The person known to Mr. Lewin as Miss Itakava was Wendie Suzuko Nakashima Rosen. She had been a witness before the committee in September 1963 and was one of the group of students who traveled to Cuba in the summer of 1963 in violation of State Department travel regulations.

An affidavit from Mr. Harry Cohn, president and general manager of the Macpherson Travel Bureau, attested to the following facts:

On May 20 Mr. Slater had contacted Mr. Cohn and arranged to purchase 25 tickets to Paris. On May 24 he deposited with Mr. Cohn \$8,000 in new bills of \$100 denomination. The number of reservations was subsequently reduced to nine, and a refund was issued to Mr. Slater by the Macpherson agency. Mr. Cohn also stated that Slater was accompanied on one of his visits by a young woman who gave her name as Katsuko Itkawa, and was listed as second airline contact. Slater said that the group was going to Paris to study art, and "at no time" did he inform Mr. Cohn that the journey would extend beyond Paris to Cuba.

On May 19, 1964, Yvonne M. Bond had made arrangements with Trans World Airlines in Oakland, Calif., for transportation from California to Paris for herself and 29 others. She paid \$12,468 for the tickets in new bills of \$100 denomination. These reservations were subsequently canceled and a refund issued to Miss Bond by TWA.

On May 22, Miss Bond registered at the Gramercy Hotel in New York City. The following day she contacted Lee Coe in Berkeley, Calif., by telephone and visited the offices of Travel Associates in New York City.

Lee Coe is West Coast editor of the Progressive Labor Movement's official publication, *Progressive Labor*. For over 20 years prior to his association with the Progressive Labor Movement, Coe had been associated with the Communist Party of the United States and was labor editor of its West Coast newspaper, *People's World*. He had been identified as a member of the Communist Party in both executive and public hearings of this committee.

On her visit to Travel Associates on May 23, 1964, Miss Bond was accompanied by Morton Slater. They obtained information on transportation rates for a group of students to travel from San Francisco to Paris.

On Monday, May 25, Miss Bond and Mr. Slater returned to Travel Associates and gave Mr. Luke 47 new \$100 bills as a deposit on airline reservations to Paris, via Air France, for 28 students from the San Francisco Bay area. These new \$100 bills were traced by the committee to the Central Bank of Mexico in Mexico City. [The bills, bearing the following serial numbers—K 3735411-13, K 3735431 K 3735442-48, K 3735605-31, and K 3735633-41—were shipped to the San Antonio branch of the Federal Reserve Bank in July 1962. They were held there until April 20, 1964, when they were issued to the Frost National Bank of San Antonio. On that same day, they were included in a shipment of \$1 million made to the Banco de Mexico in Mexico City by the Frost National Bank.]

A refund for seven unused tickets from San Francisco to New York was later sent to Miss Bond by American Airlines. A refund of \$2,225.12 for eight unused tickets from New York to Paris was being held by Travel Associates. It had not been claimed as of the date of the hearing.

Miss Bond and Mr. Slater also visited the offices of Pan American World Airways on May 25, 1964. The transaction with Pan Am was handled by Mr. Slater. Reservations from Chicago to Philadelphia to Paris were made for a group of 25 "students." Mr. Slater paid \$10,420 for them, also with new bills of \$100 denomination.

Appearing under subpoena, Miss Bond was questioned about the arrangements she had made with the travel agencies, how she acquired the money to pay for the tickets, and her acquaintance with Lee Coe. She declined to answer on the basis of the fifth amendment and other reasons.

Invoking the same constitutional protection, Miss Bond refused to tell the committee if the transportation for the group between Paris and Prague had been paid for by either the Czechoslovakian or Cuban Governments; if she had received a slip visa from the Cuban consulate at Prague; if she had exhibited her passport to any representatives of the Cuban consulate or to any French or Czechoslovakian official prior to her arrival in Prague; or if she had received the equivalent of \$10 a week spending money during the time she was in Cuba.

It was pointed out to the witness that, subsequent to the arrival of the group in Cuba, a Havana television broadcast reported that some of the American students had donated blood to the Cuban blood bank. The report on the incident attributed the following statement to Yvonne Bond:

To me, this represents my biggest anti-imperialist act. There is my blood, to be used by some Cuban who is wounded fighting against some possible United States attack.

The witness responded to questions about this statement by declaring that she did not recall if the report had used her "exact words or not." She also stated that she had been found to be anemic and was unable to donate blood, as a number of others did. Miss Bond praised Fidel Castro and the Communist regime in Cuba. She said she regarded the United States "in certain respects" as "an imperialist nation."

Miss Bond acknowledged that she was a member of the Progressive Labor Movement, that in a press interview following her trip to Cuba she "proudly proclaimed that she was a Communist," and that on August 15, in New York City, she had taken part in a demonstration sponsored by the May 2nd Committee which was held to protest U.S. aid to the anti-Communist forces in South Vietnam.

The witness invoked constitutional protection and declined to answer when asked to whom she had submitted her application for membership in the Progressive Labor Movement, if she had been assigned to a cell or club, if she knew certain individuals as members of the Progressive Labor Movement, or if the New York unit of the May 2nd Committee was controlled by the Progressive Labor Movement.

Morton B. Slater was the next witness called to testify. Shortly after the commencement of his interrogation, the hearing was dis-

rupted when Lon L. Dunaway, a member of the American Nazi Party, bolted up the aisle, leaped over the witness, and landed on the table at which Slater, his counsel, the committee counsel, and an investigator were seated. Dunaway was immediately subdued by police and placed under arrest. The interrogation of Slater was halted at this point, and he was continued under subpoena to appear at a later date.<sup>9</sup>

#### SEPTEMBER 28 HEARING

Morton Slater subsequently testified in executive session on September 28, 1964. This hearing record was later made public.

He was questioned about his participation in arrangements for reservations with Foreign Tours, Travel Associates, and Pan American Airways. He was also questioned about certain other travel arrangements he had made with the Macpherson Travel Bureau in New York City to purchase 25 tickets to Paris.

Mr. Slater refused to affirm or deny statements concerning him given in testimony by Mr. Luke and Mr. Lewin. Basing his refusal on the fifth and other amendments to the Constitution, he also declined to answer questions pertaining to arrangements he had made with Pan American Airways or the Macpherson travel agency or where he had obtained the money to purchase the tickets, or to state if Wendie Nakashima Rosen, the young woman who had identified herself to Mr. Lewin as Katsko Itakava, was the same young woman who had identified herself to Mr. Cohn as Katsuko Itakawa.

Mr. Slater also invoked constitutional protection when asked if the cost of the trip from Paris to Prague had been paid by the Cuban or Czechoslovakian Governments, if he had received a slip visa from the Cuban consulate in Prague, or if he had exhibited his passport to French or Czechoslovakian officials or to any representatives of the Cuban Government in Prague.

The witness testified that he was aware of State Department regulations regarding travel to Cuba, but he made no request to have his passport validated for such travel. Asked if he had intended to travel to Cuba when he applied for a passport, Mr. Slater invoked constitutional protection.

Although Mr. Slater denied that he had any kind of assignment in making the trip, he invoked constitutional protection when asked if he had intended to serve the interests of the Student Committee for Travel to Cuba. The witness acknowledged that he is a member of the Progressive Labor Movement, but declined to answer questions relating to the time he became a member of that organization, whether he was a member at the time he went to Cuba, or if the Student Committee for Travel to Cuba was created by the Progressive Labor Movement.

#### SEPTEMBER 4 HEARINGS

On Friday, September 4, 1964, testimony was received from Edward Lemansky and Albert Maher.

Mr. Lemansky is a graduate of Antioch College, Yellow Springs, Ohio. He had been employed as a research assistant at the Population Study Center of the University of Michigan and as a personnel

<sup>9</sup>An examination of Slater by the House physician revealed that he had received a minor injury as a result of Dunaway's leap onto the table. On September 21, 1964, Dunaway was convicted in the District of Columbia Court of General Sessions on charges of assault and disorderly conduct and was sentenced to 180 days in prison.

trainee at the Veterans' Administration Hospital in Brooklyn, N.Y.

The witness acknowledged under oath that he is a Communist; a member of, and organizer for, the Progressive Labor Movement, which he described as a "Communist organization, a Communist movement." He denied past or present membership in the orthodox Communist Party, the CPUSA.

In February 1964, Mr. Lemansky had his passport renewed in preparation for the summer trip to Cuba sponsored by the Student Committee for Travel to Cuba. He stated that he "absolutely" had it in mind to go to Cuba at the time he applied for passport renewal, but that he had made no request to have his passport validated for travel to that Communist country, despite the fact that he was aware of State Department regulations which require such validation.

The witness testified that he was leader of the group which, at the invitation and expense of the Cuban Federation of University Students, traveled to Cuba by way of Paris and Prague. He said that, to the best of his knowledge, each member of the group had received a slip visa from the Cuban consulate in Prague for entry into Cuba. Asked if the group had been instructed by Cuban authorities not to exhibit their passports, Lemansky replied:

I advised people to keep their passports in their pockets; they were not needed, no reason to show it to anybody. Why give the American Government additional "evidence" in this fabricated trial?

He denied that the group had ever received any instructions from the Cuban Government not to exhibit their passports.

When questioned about the obvious relationship between the Progressive Labor Movement and the Student Committee for Travel to Cuba, Lemansky stated that to the best of his knowledge the Student Committee was "formed independently." He added:

It happens to be a true purpose of the Progressive Labor Movement to eradicate and destroy the lies and falsehoods that have been told to the American people about Cuba and about the United States, the lies that are told about the number of unemployed, the lies that are told about the racism in this country, the lie that we are eliminating it when, in fact, the race system is on the upswing. That is the true purpose of the Progressive Labor Movement.

He also stated:

The Student Committee for Travel to Cuba has as its stated purpose to get people to Cuba to see what is happening there and to come back to the United States and tell the American people what we have seen.

Mr. Lemansky declined to answer, on the basis of the fifth amendment and other constitutional provisions, when asked if he had been selected by any member of the Progressive Labor Movement to serve as leader of the group which visited Cuba, if his purpose in preceding his group to Paris on June 2 was to arrange transportation to Prague, or to state where he obtained money to purchase tickets for travel from Paris to Prague.

According to Mr. Lemansky, "the Cuban revolution is a good thing, not only for the people of Cuba, but for the people of the United

States." He also asserted that Fidel Castro should have so-called defensive weapons because he "needs to defend himself against the unjustified attacks by the United States Government."

Lemansky was questioned about a newsletter published by the Student Committee for Travel to Cuba in July 1964. It reported on the activities of the student travelers and quoted statements by Lemansky and others in the group which commended Castro and the revolution and viciously criticized the United States. The newsletter also contained the text of a statement signed by 61 students in which they denounced United States Government policy in South Vietnam as "Imperialist oppression."

The witness acknowledged having participated in the drafting of the statement on Vietnam and conceded that, during a visit with the Havana delegation of the (Communist) South Vietnamese National Liberation Front, the group discussed the war in Vietnam and viewed films. He said: "We saw a film which showed what was referred to as an American plane being shot down."

Asked if he had applauded this, Lemansky finally admitted: "I cheered."

Committee counsel exhibited a copy of a statement made by Phillip Abbott Luce, chairman of the Student Committee for Travel to Cuba, at a press conference on August 14, 1964. Luce had declared:

We are now preparing and making plans to send delegations to all of the so-called forbidden countries: Albania, North Korea, North Vietnam, and especially China, and that we very strongly hope to send a group not only to Cuba but certainly hopefully to China, and North Vietnam, and if possible, North Korea and Albania, all in one year.

Asked if he had any discussions regarding such plans with representatives of the Communist Chinese in Havana, Lemansky denied having participated in "formal discussion," but acknowledged that, in the course of the "students' " visit to the Red Chinese Embassy in Havana, there was "some talk of the possibility of young Americans visiting China."

On June 23, 1964, a report on American students in Cuba was broadcast from Communist North Vietnam. According to the Radio Hanoi broadcast, a group called the Afro-American Students Organization was being accompanied by Robert Williams<sup>10</sup> during its tour of Cuba. The report also stated that on June 17 the group had presented the following statement to the South Vietnamese National Liberation Front:

As we live in the heart of U.S. imperialism and colonialism, and racism, we have clearly seen U.S. democracy is the greatest deception in history. That is why we support

<sup>10</sup> Robert Williams is a fugitive from justice. He was indicted on August 28, 1961, on two charges of kidnaping during racial disturbances in Monroe, N.C. When he could not be located the Federal Bureau of Investigation issued a warrant for his arrest on charges of unlawful flight to avoid prosecution. A "Wanted by FBI" notice dated August 31, 1961, cautions that Williams "has previously been diagnosed as schizophrenic and has advocated and threatened violence. Williams should be considered extremely dangerous." The *National Guardian* of October 9, 1961, reported that Williams had arrived in Cuba in September and had asked political asylum of the Cuban Government.

Williams regularly broadcasts propaganda from Havana to the United States through his radio program "Radio Free Dixie." He also publishes a monthly newsletter called *The Crusader*, calling on Negroes in the United States to revolt against the Government. The pamphlet is distributed to readers in the United States by Mr. and Mrs. Vernal Olson of Toronto, Canada. Mr. Olson is "National Chairman of the Fair Play for Cuba Committee of Canada," according to the February 1964 issue of *The Crusader*.



the national liberation movements of our brothers in Asia, Africa, and Latin America. We support all that U.S. imperialism opposes, and oppose all that it supports. It is necessary to thoroughly and completely annihilate U.S. imperialism.

Responding to questions about the report, Lemansky stated that he knew of no organization titled "Afro-American Students Organization." Afro-American students were in his group, he said, and the phrase "Association of Afro-American Students" was often used in referring to them.<sup>11</sup> According to the witness, Robert Williams visited the group on a number of occasions in Havana, but had not traveled with them throughout the island. Williams, he said, "has a lot of very good things to say about this country, a lot of very accurate and correct things."

Committee counsel then read some of the "things" Williams had said about the United States in his article "U.S.A.—Revolution Without Violence?" The article had been published in the March 1964 issue of *Revolution*, a pro-Peking, Paris-based magazine recognized as the voice of the extremely revolutionary and violent Communists of the world.

According to Williams' article—

the old method of guerrilla warfare, as carried out from the hills and countryside, would be ineffective in a powerful country like the U.S.A. \* \* \* The new concept is to huddle as close to the enemy as possible so as to neutralize his modern and fierce weapons. \* \* \* During the hours of the day sporadic rioting takes place and massive sniping. Night brings all-out warfare, organized fighting, and unlimited terror against the oppressor and his forces. Such a campaign will bring about an end to oppression and social injustice in the U.S.A. in less than 90 days \* \* \*.

Mr. Lemansky was asked if he subscribed to such a concept of revolutionary tactics with respect to the United States. The witness did not give a direct answer, but made the following statements as he attempted to circumvent questions put to him by members of the committee. "I support the use of violent defense when violently attacked." "Robert Williams is a man with much experience, having had violence directed against him \* \* \*."

Lemansky defended Williams. He stated that he had lived in Williams' home town, Monroe, N.C., for a year. He had testified earlier that he had gone to Monroe in June 1963 at the invitation of the Monroe Youth Action Committee and that, during his stay in that city, he had worked with a group which was "involved in fighting the vicious race riots in that State." He invoked the fifth amendment and other constitutional amendments, however, when asked if he had been employed by the Progressive Labor Movement at the time he went to Monroe.

Finally, in answer to questions concerning his concept for the timing of violent revolution, Lemansky stated that—

when the times are ripe, meaning that when the government engages in violent repression against people exercising their

<sup>11</sup> Committee information indicates that there were no U.S. students in Cuba at the time, other than those in the Lemansky-led group.

rights, just as the Government does throughout this country, then they have every—the people of this country have every right to defend themselves. They have every right to defend themselves with the use of violence.

Witness Albert Maher, a former Harvard student, denied that he had applied for renewal of his passport in March 1963 with the intention of using it for travel to Cuba. He acknowledged that he was aware of regulations which prohibit travel to Cuba by a U.S. citizen unless he bears a passport validated by the Secretary of State for travel to that country. He testified that he made no request to have his passport validated for such travel and that he recruited himself to accompany the group which traveled to Cuba in the summer of 1963 in defiance of regulations forbidding such travel.

When questioned about the financial aspects of the trip, Mr. Maher conceded that expenses for the trip were assumed by the Cuban Federation of University Students and that each applicant was required to deposit \$10 with his application for travel with the group. Upon acceptance, an additional deposit of \$100 was required. Mr. Maher acknowledged that he paid the required \$110, but invoked the fifth amendment and other reasons as a basis for refusing to state whether or not he had assumed payment of application expenses for others in the group.

The witness vehemently denied that the student group was expected by the Cuban Government to disseminate in the United States propaganda favorable to the Communist regime in Cuba and Communist regimes in other countries in return for favors extended to them by Communist Cuba. He conceded, however, that "throughout the entire year" since his return from Cuba he had been giving speeches and lectures favorable to the Castro regime and had interviewed students and urged them to make the trip to Cuba.

In response to questions, Mr. Maher denied being present at the meeting at which the film produced by the South Vietnam National Liberation Front, showing an American plane being shot down, was "cheered" by the American students. He also denied bringing the film to the United States, as the *Harvard Crimson* of November 22, 1963, reported he had. He acknowledged, however, that he had "done everything possible to get this film shown in college campuses and in labor union halls and small civic organizations throughout the country \* \* \*." When asked how he obtained possession of the film and if he finances its distribution, Mr. Maher declined to testify on the basis of the fifth and other constitutional amendments.

In response to questions pertaining to the Student Committee for Travel to Cuba, Mr. Maher acknowledged that he is a member of its executive board, that he is aware that certain other board members are members of the Progressive Labor Movement, and that the telephone number listed by the Student Committee is in fact his personal telephone number. The organization, he said, received applications for the 1964 trip from more than 1,000 students and, of that number, more than 400 were interviewed.

Although the witness protested that the trip was organized openly and publicly, he invoked constitutional protection when asked how the Cuban Federation of University Students contacted his committee, how the tickets were purchased, or what arrangements had been made with the various airlines for the group's travel to Cuba.

Committee investigation revealed that Maher and Salvatore Cucchiari, another member of the Student Committee, had engaged in what appeared to be decoy travel arrangements, designed to conceal the actual time and means of departure of the student group.

In April 1964, each had made reservations with British Overseas Airways Corp. (BOAC) for a group to travel to Georgetown, British Guiana, via Port-of-Spain, Trinidad. Maher had made reservations for 30 passengers on a July 1 flight, while Cucchiari had sought reservations for 16 persons on a May 30 flight, later changing the departure date to June 27. The arrangements made for these flights were never completed, and none of the 46 persons listed for the BOAC flights made the trip to British Guiana as scheduled. However, six of the individuals listed in the Maher group were among the group which traveled to Cuba in June.

Mr. Maher declined to testify when asked if the arrangements with BOAC were a decoy operation, or if he and other members of the executive board of the Student Committee had conferred regarding decoy reservations.

The witness was also questioned about his participation in the activities of the May 2nd Committee, an organization formed in March 1964 by some of the participants at a conference at Yale University sponsored by the Yale Socialist Union. The conference had been attended by representatives from various radical and left-liberal groups, including the Communist Party, the Socialist Workers Party, and the Progressive Labor Movement.

Asked if the New York group of the May 2nd Committee is controlled by the Progressive Labor Movement (whose members have been active in its disorderly demonstrations), Maher replied that the May 2nd Committee was formed at the conference at Yale "to stage demonstrations around the country protesting the war in Vietnam \* \* \*." He conceded that he is a member of the May 2nd Committee; that the telephone number of the organization is his personal telephone number; that he participated in the August 8 and 15 demonstrations in New York City sponsored by the organization; and that he was arrested for disorderly conduct during the August 8 demonstration. He also testified that Bill Epton, one of the speakers at a May 2nd Committee demonstration in New York City on May 2, 1964, is chairman of the Progressive Labor Movement in Harlem and the same Bill Epton who has been indicted for criminal anarchy because of his activities during the riots which rocked Harlem in the summer of 1964 and that he, Maher, posted the \$10,000 bail required for Epton's release following the PLM leader's arrest at the time of the riots.

Albert Maher was described in a *New York Times* article of August 10, 1964, as the "son of a millionaire Houston industrialist," who had spoken about "the imperialism of the ruling classes of the United States." Asked by the *Times* reporter "whether he would attach an ideological label to his position, he said: 'I don't mind being called a Communist, but to me there's a big difference between a Socialist and a Communist—a Socialist is not necessarily involved in an active struggle.'

"Then which was he?"

"A little bit of both, I guess,' he replied."

It was also reported that "Mr. Maher said that his money came from a trust fund \* \* \*. *He acknowledged that he had made heavy contributions to radical groups here.*" [Emphasis added.]

Mr. Maher declined to affirm or deny the accuracy of the statements regarding financial contributions attributed to him by the *Times* reporter. He also declined to testify when asked if he contributed financially to the Progressive Labor Movement or the Student Committee for Travel to Cuba.

Although Maher admitted having told the *Times* reporter that he didn't mind being called a Communist, he denied under oath that he is a member of either the Communist Party or the Progressive Labor Movement.

#### COMMITTEE FINDINGS RE STUDENT COMMITTEE FOR TRAVEL TO CUBA

The Student Committee for Travel to Cuba was organized in October 1962 as a front for the ultra-radical Communist organization, the Progressive Labor Movement.<sup>12</sup> At the time of its organization, the group called itself the Ad Hoc Student Committee for Travel to Cuba. In December 1962, the name was changed to Permanent Student Committee for Travel to Cuba and, later, to Student Committee for Travel to Cuba.

The Student Committee for Travel to Cuba was designed to serve as an instrument for undermining the U.S. policy of opposing and isolating the Communist Castro regime in Cuba, enlisting support for that regime, disseminating propagand in behalf of it, and also for recruiting young Americans for revolutionary activity within and against the United States.

The formation of a five-member executive committee of the Student Committee for Travel to Cuba (SCTC) was announced on September 16, 1963. The executive committee members were Levi Laub, Albert Maher, Ellen Shallit, Roger Taus, and Phillip Luce.

At that time, Mr. Laub and Miss Shallit were publicly acknowledged members of the Progressive Labor Movement. Later, the association of Luce and Taus with the Progressive Labor Movement (PLM) became a matter of public record. Taus was appointed to the editorial board of PLM's weekly organ, *Challenge*, in November 1964. The December 1964 issue of PLM's monthly publication, *Progressive Labor*, announced that Luce had "taken the responsibility of editor" of that journal.

The association of four of the five members of the executive committee of SCTC with PLM is thus a matter of public record.

The SCTC trip to Cuba in the summer of 1963 was organized and led by Phillip Luce and acknowledged PLM members, Levi Laub, Stefan Martinot, Salvatore Cucchiari, Ellen Shallit, Wendie Nakashima Rosen, Larry Phelps, and Catherine Prensky. Other known PLM'ers who made the trip were Victoria Ortiz, Elinor Goldstein, John Thomas, and Roger Taus.

<sup>12</sup> The Progressive Labor Movement is an avowedly revolutionary Communist organization with national headquarters in New York City. It was founded by individuals who were expelled from the Communist Party, U.S.A., in 1961 as a result of their disagreement with the party's strategy and tactics. PLM leaders Milt Rosen and Mort Scheer are former officials of the New York State Communist Party. The militant new Communist organization has taken the side of Peking in the Chinese Communists' dispute with the Soviet Communists. (See committee's *Annual Report for the Year 1963* for further details on the activities of the Progressive Labor Movement.)

The trip to Cuba sponsored by SCTC in the summer of 1964 was organized principally by Phillip Luce and acknowledged PLM members Edward Lemansky, Yvonne Bond, and Morton Slater. Avra Matsoukas, of the PLM West Side Club in New York City; Ralph William Spinney, PLM leader in Williamsport, Pa.; and Judy Warden, a member of the editorial board of the PLM publication, *Challenge*, also went on the trip. Two other SCTC 1964 travelers to Cuba were subsequently appointed to posts on the staff of *Progressive Labor*: Anthony Murad became circulation manager of the publication in the fall of 1964, and Ed Clark replaced Jacob Rosen as its southern editor in December 1964.

Eleven leaders of the SCTC were subpoenaed to testify before the Committee on Un-American Activities in the course of its investigation of travel to Cuba by American citizens in defiance of State Department regulations. They were Anatol Schlosser, Stefan Martinot, Levi Laub, Wendie Nakashima Rosen, Larry Phelps, Catherine Prensky, Phillip A. Luce, Edward Lemansky, Yvonne Bond, Morton Slater, and Albert Maher.

All, with the exception of Mr. Schlosser and Mr. Maher, have been publicly acknowledged as members of the Progressive Labor Movement.

The first project of the SCTC (then known as the Ad Hoc Student Committee for Travel to Cuba) was the organization of a group to visit and tour Cuba on invitation of the Cuban Federation of University Students during the 1962 Christmas holidays. The State Department indicated its disapproval of this trip shortly after it was announced and refused to validate the passports of those who planned to make it.

The Cuban Federation of University Students then arranged to have the American students transported to Cuba from Canada on a Cuban plane. The Canadian Government refused clearance to the Cuban plane, however, and the trip was postponed.

In late December 1962, a meeting was held in New York City at which plans were announced to make a trip to Cuba in July 1963, and the name of the organization was changed to Permanent Student Committee for Travel to Cuba.

The Student Committee declared its intention to defy State Department travel regulations which forbid travel to Cuba without a specially validated passport and "go anyway in the belief that the State Department cannot deny our right to travel and in the desire to see and evaluate for ourselves the situation in Cuba." (*Columbia Owl*, Feb. 6, 1963.)

According to SCTC leaders in testimony before this committee and in statements to the American press, their purpose in organizing illegal trips to Cuba was to "break" the travel ban and to see and evaluate Cuba for themselves. They have accused the United States Government and the American press of lying to the American people about the situation in Cuba and have proclaimed their intention of telling the American people the "truth" about Cuba.

The SCTC has succeeded in organizing two illegal trips to Cuba. In June 1963, a 59-member delegation departed for Cuba, and in June 1964, 84 persons comprised the SCTC group which traveled to Cuba.

These trips, arranged and organized by SCTC, were financed by the government-controlled Cuban Federation of University Students.

Apparently, cost was not an object of concern since, in order to evade the travel ban, an extremely roundabout route was chosen. The group traveled via London, Amsterdam, or Paris to Prague, Czechoslovakia. They were then transported from Prague to Havana on Cubana airlines. Leaving Cuba, the students were again transported to Europe for return to the United States.

In addition to assuming the cost of transportation and living accommodations for the SCTC delegations, the Cuban Federation of University Students is reported to have supplied each of the visiting students with \$10 a week spending money during their stay in Cuba.

The SCTC "students" who have made the illegal trip have been aware that in doing so they risked possible imprisonment. They have, however, been determined to visit Cuba regardless of the consequences.

Inasmuch as SCTC leaders tried to obtain passport validations when plans were first made for the abortive holiday trip of 1962, it appears that the "travel ban" became an issue only when it became an obstacle.

That the real purpose of the SCTC in organizing trips to Cuba was not an honest desire to obtain and convey to the American people the "truth about Cuba" is supported by certain statements of SCTC leaders and members themselves. For example:

(1) In testimony before the committee and in interviews with the press, the returning students have been lavish with praise for Castro and the effects of the revolution on the Cuban people.

(2) In articles in *Progressive Labor* the returning students have repeatedly stated that the trips to Cuba are important because:

(a) they lead "directly to the formation" of groups of young Americans that "believe in the necessity of the end of U.S. imperialism";

(b) they are "useful to the development of a revolutionary ideology in the United States";

(c) the trips bring them into contact with Communists from all over the world and "into the beginning of revolutionary activities here in the United States" upon their return to this country.

The above statements were contained in articles by Michael Brown, Phillip Luce, and Ed Clark in *Progressive Labor*, Travel Issue, December 1964. In addition, Michael Brown writing for the executive board of SCTC, stated:

For U.S. citizens who travel to Cuba it proves revealing.  
 \* \* \* It bares the face of the U.S., to its own citizens, as exploiter and imperialist. \* \* \* For a student who sees Cuba, it is the end of apathy!! *It means more people actively working to change the government and society in this country.*  
 [Emphasis added.]

The creation of a vast group of young Americans that believe in the necessity of the end of U.S. imperialism is a danger and a direct threat to the present American foreign policy \* \* \*. Such a group would also threaten the present American domestic policy \* \* \*. The May 2nd Movement is such a group and we believe that the *SCTC's trips*

*to Cuba along with other elements, leads directly [to] the formation of such groups.* [Emphasis added.]

The students who went to Cuba \* \* \* provided the impetus for a student peace organization opposed to this modern American variety of colonialism. This organization is the May 2nd Movement.

The SCTC is in agreement with the May 2nd Movement and many of us, in an attempt to be active politically within the U.S., now work with May 2nd. Whereas the SCTC involves executive functions such as sending the trips to Cuba and providing speakers from these trips, the May 2nd Movement is a mass movement attempting to educate and mobilize thousands of students against U.S. foreign policy. *Thus we feel that an important result of the trips to Cuba has been the shot of adrenalin given to the organization of anti-imperialist protest.* [Emphasis added.]

Phillip Abbott Luce assessed travel to the "forbidden lands" as "useful to the development of a revolutionary ideology in the United States":

The U.S. government is terrified that American young people, especially young black people, will see in Cuba and China the way to the future. This is the reason for the travel ban and it is also the reason that we have conducted yearly trips to Cuba and hopefully soon to China.

Mr. Luce also pointed out that: "Seeing and meeting and discussing conditions not only with the Cuban people but communists from Venezuela, Brazil, Indonesia, Algeria, China and numerous other countries [and] direct involvement with revolutionary socialism in Cuba \* \* \* brought most of these middle-class young people into the beginning of revolutionary activities here in the United States upon our return to this country. \* \* \* " [Emphasis added.]

He boasted that there "is not one member of last year's group \* \* \* who is not now engaged in some level of direct conflict with the United States government \* \* \*."

"Trips to Cuba, China, etc., are important," Mr. Luce declared because they "cause these young people to take on the existing American government in a dramatic straightforward way." Trips to "forbidden lands" he said, "*create an organization in which learning is combined with action.*" [Emphasis added.]

Ed Clark, who visited Cuba with the SCTC group in 1964, is southern editor of *Progressive Labor*. He reported that the group "saw Cuban and Chinese films, as well as films made by the Vietnamese and Venezuelan National Liberation Fronts." He also reported that the group had "talked with Communists from every part of the globe as well as with many members of the 300-strong American colony in Cuba. We accumulated tons of books and pamphlets on Cuba and Marxism which we brought back with us."

Mr. Clark closed his article with a prophesy and a promise. The Cuban revolution he said "will sweep this hemisphere," and then stated that he is "honored to be able to work in behalf of Revolution in my own country."

## CHAPTER II

### REPORTS COMPILED TO ASSIST CONGRESS IN ITS LEGISLATIVE DELIBERATIONS

#### WORLD COMMUNIST MOVEMENT: SELECTIVE CHRONOLOGY 1818-1957

##### Volume III, 1951-1953

The third published volume of the chronology of the World Communist Movement series traces significant events which occurred during the period when the United States Armed Forces, as part of a United Nations Command, were engaged in a full-scale war with Communist armies in Korea.

Volumes I and II of the chronology covered major Communist developments during the years 1818-1945 and 1946-1950, respectively. Volume III extends the coverage of international Communist activities from 1951 through 1953. Subsequent volumes will record the movement's highlights from 1954 to the end of 1957. An index to the entire chronology will be published by the committee at the completion of the series.

The chairman of the committee, Representative Edwin E. Willis, stated in the foreword to Volume III of the chronology:

The facts—what the Communists have been saying and doing for the past 100 years—must be readily available to our leaders and policymakers, both in and out of Government. This is the basic, minimum knowledge required for victory. And this, basically, is why the Committee on Un-American Activities has undertaken the publication of this chronology of the World Communist Movement.

In capsule form, as succinctly as possible, it gives the needed facts about communism from its beginnings to the present time. Past Communist actions and statements make clear the goals of communism, its strategy and tactics. Past Communist actions and statements are also important clues to present and future Communist policy and strategy.

\* \* \* \* \*

By recording \* \* \* the major developments of world communism over the years in all countries, the chronology serves not only as a valuable reference work for Government officials and scholars, but also as a reminder to all Americans of the truths about communism which we cannot afford to forget. It puts the development of communism into historical perspective and, through simply presented, incontestable facts, drives home—even to the more or less casual reader of its pages—the seriousness of the Communist danger. \* \* \*



The chronology on communism records the advances and setbacks of numerous Communist parties operating both within and outside the Sino-Soviet bloc, discloses their fluctuating membership figures, and exposes their changing strategy and tactics.

One of the most important events which occurred during the years 1951-1953 was the intensification of the Communists' worldwide "peace" propaganda campaign, a program specifically designed to weaken and disarm the United States and other major powers of the free world. The chronology discloses that Communists everywhere were promoting this campaign at the very time they were supporting the Chinese and North Korean Communists who, despite their peace slogans, were committing armed aggression in Korea.

An April 3, 1953, statement by the late Secretary of State John Foster Dulles, recorded in the chronology, expressed skepticism over the Soviet "peace" offensive. He said at the time: "Nothing that has happened, or which seems to me likely to happen, has changed the basic situation of danger in which we stand." Mr. Dulles cited three "basic facts" concerning the Soviet Union which had not changed during the "peace" drive: (1) Russia was still "a heavily armed totalitarian state" under the dictatorship of "a small group" that controlled "1/3 of the people [and] the natural resources of the world"; (2) the Soviet leaders remained basically hostile to other countries which had not accepted the Soviet system of control; and (3) the Russian leaders "do not recognize any moral inhibitions against the use of violence."

The chronology refers to other instances in which Communists have resorted to force and violence in an effort to attain their revolutionary goals. Communist guerrillas continued to plague Indo-China and the Philippine Islands. The Chinese Nationalists reported in May 1951 that the Chinese Communists on the mainland had executed 2,260,000 persons. Of these executions 1,300,000 were confirmed by the Chinese Communists themselves.

Events documented in the study demonstrate that the Communist Party, U.S.A. (CPUSA), is a subversive organization operating as part and parcel of the World Communist Movement. On April 20, 1953, the Subversive Activities Control Board (SACB) found the CPUSA to be a Communist-action organization within the meaning of the Internal Security Act of 1950 and ordered it to register as such with the U.S. Attorney General. The Board declared that the CPUSA functions primarily to advance the objectives of the international Communist movement and found it to be "substantially directed, dominated, and controlled by the Soviet Union." It also said that the CPUSA was dedicated to the "establishment of a dictatorship of the proletariat in the United States, a goal which would rob the American people of the freedoms they have forged."

In addition to the CPUSA case, the U.S. Attorney General petitioned the SACB for an order requiring certain groups to register under the Internal Security Act as Communist-front organizations. The conviction of "second string" CPUSA leaders for conspiracy to violate Smith Act provisions against forceful overthrow of the Government was another example of this country's determination to meet the threat of Soviet communism from within. In August 1953, the U.S. Attorney General stated that since the Smith Act trials

started the party had become better organized and more difficult to detect.

The chronology makes reference to the testimony of FBI Director J. Edgar Hoover before a Senate Subcommittee on Appropriations in March 1951. Mr. Hoover warned that the CPUSA was dedicated to sabotage and to militant revolt against our Nation "if and when the time comes." In testifying 2 years later, Mr. Hoover stated that the operations of the party had been completely decentralized and that it had gone underground. Numerous CPUSA district headquarters had been abolished and the party had been reorganized into small cells of not more than five members each. Mr. Hoover also disclosed that Communist fronts, however, continued to operate in practically all fields.

During the period covered by the third volume of the chronology, there were numerous disclosures of Soviet espionage activities in the United States, including the well-publicized case of Ethel and Julius Rosenberg, who were executed in June 1953 for conspiring to transmit atomic secrets to the Soviet Union. Communists throughout the world conducted a mammoth propaganda campaign which was designed to cover up the crime and exploit the Rosenberg case for the purposes of advancing the cause of international communism.

A report released by the Senate Internal Security Subcommittee in August 1953 revealed that Soviet agents had penetrated the Federal Government during the 1930's and 1940's "from the lower ranks to top-level policy and operating positions" and had stolen "thousands of diplomatic, political, military, scientific, and economic secrets \* \* \*." The late Elizabeth Bentley, a former Communist courier, told the Senate subcommittee in 1952 that two Communist espionage groups were probably still functioning in the Government at the time. Miss Bentley testified that she had known of the existence of four cells. Only two of them had then been exposed.

The espionage activities of William W. Remington, Nathan Gregory Silvermaster, Lauchlin Currie, and Harry Dexter White while Government employees are also recorded in the chronology.

The study notes that the Committee on Un-American Activities and other congressional committees conducted numerous investigations and hearings on various phases of Communist infiltration in American society. In March 1951, the study notes, this committee had released a documented reference volume entitled *Guide to Subversive Organizations and Publications*, which contained a compilation of 624 organizations and 204 publications which had been declared Communist-front or Communist-action enterprises in official statements by congressional and executive authorities and by various State and Territorial investigating committees.

The chronology and index were prepared by Dr. Joseph G. Whelan, analyst of Soviet and East European Affairs, Foreign Affairs Division, Legislative Reference Service, Library of Congress, in consultation with Dr. Sergius Yakobson, senior specialist in Russian Affairs of the Library's Legislative Reference Service, and with the research staff of the Committee on Un-American Activities.

## CHAPTER III

### REFERENCE SERVICE FOR MEMBERS OF CONGRESS

Members of Congress and representatives of investigative agencies in the executive branch of the Government continued in 1964 to make use of the large collection of public material on subversive activities which the committee has acquired over the period of many years.

The committee received almost 2,300 requests from Members of Congress soliciting information on an approximate total of 4,200 individuals and 2,500 organizations or publications. In compliance with House rules granting Members of Congress access to committee records, the staff prepared some 2,400 written reports in reply to these requests. The committee pursued its customary policy of confining such reports to that information which is contained in publicly available sources only.

In addition, the committee recorded 2,300 visits in the past year from representatives of 25 offices in the executive arm of the Government. Many of these visits involved a full day of inspection of the committee's files. The committee's collection of material from publicly available sources has for many years been made available to executive agencies engaged in security work. However, the committee's limited staff and working space has made it necessary to restrict the number of agency representatives reviewing committee materials at any one time. Statistics with respect to the use of committee files by executive employees, therefore, do not indicate the true extent of demands for information from the executive branch of the Government.

The committee's public files are composed of printed material from such sources as hearings and reports of this committee and other official governmental investigating agencies; general reference books; and innumerable periodicals, newspapers, pamphlets, letterheads, and leaflets issued by organizations which have been found to be subversive by Federal authorities.

This material also is utilized constantly by the committee's own staff members throughout the year. The committee's Files and Reference Section, for example, handled more than 2,000 requests for information during the past year from other sections of the committee staff and prepared a total of 11,300 reproductions of materials from these files for use in connection with committee investigations and hearings.

As indicated in the foreword to this Annual Report, the U.S. Court of Appeals has commented favorably on the committee's reference service for Members of Congress, citing it as evidence of its effort to assist the legislative process by keeping the Congress informed as to the Communist conspiracy.

## CHAPTER IV

### BIBLIOGRAPHY OF COMMITTEE PUBLICATIONS FOR THE YEAR 1964

At the beginning of 1964, the committee had on hand 184,500 copies of publications printed prior to that year. During 1964, the committee received 89,000 reprints of publications released in previous years, plus 10,000 reprints of World Communist Movement, Volume III (released in 1964).

In addition, 51,050 copies of hearings and reports held in 1963 but not printed and released until 1964 were received, as well as 22,025 copies of publications printed and released in 1964. The committee thus had a total of 369,475 copies of hearings and reports on hand for distribution in 1964. While this quantity appears large, the demand for committee publications is extremely heavy, and it is necessary to keep considerable numbers on hand at all times to fill the continuing requests received from Members of Congress, religious and educational institutions, civic, patriotic, veterans', and other groups.

During the year 1964, the committee distributed 206,480 copies of the above total to Members of Congress, governmental agencies, and to private individuals and organizations.

Following is a list of publications released by the committee during the second session of the 88th Congress:

#### HEARINGS <sup>1</sup>

Hearings Relating to H.R. 352, H.R. 1617, H.R. 5368, H.R. 8320, H.R. 8757, H.R. 10036, H.R. 10037, H.R. 10077, and H.R. 11718, Providing for Creation of a Freedom Commission and Freedom Academy, Part 1, February 18 and 19, 1964.

Hearings Relating to H.R. 352, H.R. 1617, H.R. 5368, H.R. 8320, H.R. 8757, H.R. 10036, H.R. 10037, H.R. 10077, and H.R. 11718, Providing for Creation of a Freedom Commission and Freedom Academy, Part 2, February 20, April 7 and 8, and May 19 and 20, 1964.

Communist Activities in the Buffalo, N.Y., Area, April 29 and 30, 1964.  
Communist Activities in the Minneapolis, Minn., Area, June 24, 25, and 26, 1964.

Testimony of Rev. James H. Robinson, May 5, 1964.

Violations of State Department Travel Regulations and Pro-Castro Propaganda Activities in the United States, Part 5, Sept. 3, 4, and 28, 1964.

#### REPORTS

World Communist Movement: Selective Chronology 1818-1957, Volume III, 1951-1953.

Annual Report for the Year 1964.

<sup>1</sup> The hearings listed in this section include only the committee's public hearings. In addition to these published hearings, the committee held 20 sessions of executive hearings which have not been released. In these hearings it received 1,475 pages of testimony from 31 witnesses, 7 of whom were also heard in public sessions.

CHAPTER V  
CONTEMPT PROCEEDINGS  
UNITED STATES DISTRICT COURTS  
NEW CITATIONS

On December 10, 1964, the committee, in accordance with the provisions of United States Code, Title 2, section 194, providing the procedure for bringing congressional contempts to the attention of the executive branch for prosecution, reported to the Speaker of the House, which was then in adjournment sine die, the refusals of three witnesses to testify before a subcommittee.

These contempts were committed on December 7, 1964, in an executive session, which was the tenth of a series of hearings which had been authorized by the committee on February 19, 1964, on the security aspects of the temporary admission into the United States of aliens who are inadmissible under certain provisions of the Immigration and Nationality Act.

Because of the nature of the subject matter and the involvement of certain executive agencies in the administration of the act, the committee preliminarily determined, under the applicable rules of the House and of the committee, that these hearings should be held in executive session, final determination resting, by rules and practice, with the subcommittee appointed by the chairman to conduct these hearings.

The subcommittee held nine such executive sessions from March 12 to September 9, 1964, in which were heard a number of witnesses from an executive department.

Pursuant to subpoenas, *Russell A. Nixon*, *Dagmar Wilson*, and *Donna Allen* appeared before the subcommittee in Washington, D.C., on December 7, 1964, at an executive session. Nixon protested that the hearing was in an executive session and refused to be sworn to testify. Mrs. Wilson was sworn before the subcommittee, but refused to answer a pertinent question put to her by the subcommittee and made a blanket refusal to answer any questions to be put to her by the subcommittee, also protesting the executive session. Mrs. Allen took an affirmation before the subcommittee, refused to give her name and address or to answer any questions of the subcommittee, again in protest to the executive session. Mrs. Wilson and Mrs. Allen were represented by counsel. Nixon stated that he did not desire counsel.

The subcommittee heard at length the objections of the witnesses to being heard in executive session and explained to the witnesses and counsel the reasons therefor. After consultation with the office of the Parliamentarian, the subcommittee overruled the objections of the witnesses to being heard in executive session and made final demand for the a to comply. The witnesses persisted in their refusals, and the matter was reported by the subcommittee to the full commit-

tee, which unanimously voted on December 10, 1964, to report these refusals to the Speaker of the House.

The committee report and recommendation was made to the Speaker on December 11, 1964. That same day, the Speaker certified these contempts of the House to the United States Attorney for the District of Columbia, pursuant to statute (2 U.S.C. § 194).

On December 30, 1964, the grand jury in the United States District Court for the District of Columbia, indicted Nixon, Mrs. Wilson, and Mrs. Allen for these contempts of Congress in violation of section 192 of Title 2 of the United States Code.

Prior to the filing of this *Annual Report for the Year 1964*, the District Court, on February 26, 1965, in disposing of defense motions to dismiss the indictments of these witnesses, ruled that the subject of the inquiry was within the jurisdiction of the committee; that the committee and the subcommittee had authority under House and committee rules to hold executive sessions on the subject under inquiry; that the Speaker acted in conformity with the statute (2 U.S.C. § 194) in certifying the contempts to the United States attorney; that the committee may constitutionally compel witnesses to give testimony; and, finally, that the indictments were properly drawn to charge offenses within the contempt of Congress statute.

#### PREVIOUS CITATIONS

The contempt indictment against *Robert Lehrer* in the U.S. District Court in Hammond, Ind., which had been under consideration for dismissal since the reversal of the conviction of Edward Yellin in the Supreme Court on June 17, 1963,<sup>1</sup> was dismissed by the court on Lehrer's motion on February 12, 1964. Lehrer, together with Yellin, Victor Malis, and Alfred James Samter, had refused to answer questions of a subcommittee of this committee in Gary, Ind., in February 1958, at public hearings on the subject of Communist Party activities in basic industry, particularly colonization in the steel industry.

In reversing Yellin's conviction, the Supreme Court considered former committee Rule IV<sup>2</sup> which required that a witness be first interrogated in executive session if a majority of the committee or subcommittee "believes" that public interrogation "might endanger national security or unjustly injure his reputation, or the reputation of other individuals."

Prior to his appearance before the subcommittee, Yellin had requested an executive session by a telegram addressed to the committee's general counsel at Washington, after the subcommittee and the general counsel had already left Washington for the hearings in Gary. It was answered in the negative by the staff director in Washington. The Court held that the committee must consider whether, under Rule IV, the witness' reputation would be "unjustly injured" when it made its initial determination to call him in public session and, also, upon any express request for an executive session. Although

<sup>1</sup> 374 U.S. 109.

<sup>2</sup> Committee Rule IV was changed in 1961, making danger to national security the only criterion requiring executive session under committee rules. House Rule XI, 26(m), however, is still in effect and is similar in some respects to the old committee Rule IV.

Lehrer did not request to be heard in an executive session, the indictment against him was dismissed under the first part of the ruling of the Supreme Court in Yellin's case.

Also because of the Supreme Court's ruling in the Yellin case, the indictment against *Sidney Turoff* was dismissed by the court on motion of the government on December 22, 1964, in the U.S. District Court in Buffalo, N.Y. Turoff had refused to answer questions of a subcommittee at a public hearing on Communist Party activities in the Buffalo area on October 1, 1957, and had not requested to be heard in executive session. Prosecution of this case had previously been held up awaiting decisions of relevant cases in the appellate courts.

Indictments against *Frank Grumman* and *Bernard Silber* were tried in the U.S. District Court in the District of Columbia in November 1963, charging them with refusals to answer questions of a subcommittee holding public sessions in Washington, D.C., in 1957, inquiring into Communist Party infiltration into the communications industry. Grumman and Silber were members of a Communist-dominated union called the American Communications Association, Grumman being employed by Western Union and Silber by RCA Communications, Inc. Silber had requested to be heard in executive session, but Grumman had not. On March 6, 1964, the trial court acquitted Grumman and Silber because it found that the committee had not given the requisite consideration to hearing them in executive sessions under former Rule IV as interpreted by the Yellin case.

*Norton Anthony Russell* was tried in the U.S. District Court for the District of Columbia for refusing to answer questions about himself and others in hearings on Communist Party activities in the Dayton-Yellow Springs, Ohio, area, held in Washington in November 1955. Russell was not present at the commencement of the hearings when the subcommittee chairman made his opening statement giving the subject matter of the investigation. The trial court directed a verdict of acquittal for Russell on March 6, 1964, holding that it had not been shown that Russell was aware of the subject under inquiry. Russell had not objected before the committee, and had not made any part of his refusals to answer the questions, that he was unaware of the subject of the inquiry, nor had he objected to the pertinency of the questions asked him. The court relied upon the case of *Goldie Watson v. U.S.*<sup>2</sup> in the U.S. Court of Appeals for the District of Columbia, which required proof of awareness of the subject of inquiry even to a witness not claiming lack of such awareness. The Watson case and now the Russell decision go beyond the Watkins case<sup>3</sup> which held:

Unless the subject matter has been made to appear with undisputable clarity, it is the duty of the investigative body, upon objection of the witness on grounds of pertinency, to state for the record the subject under inquiry at that time and the manner in which the propounded questions are pertinent thereto. [Emphasis added.]

This rule from the Watson and Russell cases, that *all* witnesses must be apprised of the subject of inquiry, must now be regarded as a fundamental requirement of hearing procedure.

<sup>2</sup> 280 F. 2d 689 (1960).  
<sup>3</sup> 351 U.S. 178 (1957).

The conviction of *Martin Popper* had been reversed by the U.S. Court of Appeals for the District of Columbia on July 5, 1962, for failure of the indictment to allege the subject under inquiry as required by the Supreme Court in the *Russell* case.<sup>5</sup> In 1964 it was determined by the Government in considering reindictment of Popper that the requirements of later appellate decisions could not be met, and consequently prosecution of Popper was dropped. Considered controlling were the *Yellin* case interpretation of former committee Rule IV, requiring committee consideration of executive sessions even when not requested by the witness, and the *Shelton* case,<sup>6</sup> holding that subpoenas may be issued but not authorized by the chairman of the committee. Popper, one of the founders of the National Lawyers Guild, had refused to answer questions as to his Communist Party membership at times when he applied for and traveled under United States passports at hearings before a subcommittee investigating passport security and travel control.

The dismissals and acquittals of the contempt cases noted above were all based upon court decisions announcing new rulings on congressional committee procedures decided after the particular hearings involved were held.

The indictment against *Harvey O'Connor* for refusing to respond to a subpoena of the committee to attend a hearing in Newark, N.J., September 5, 1958, on the subject of Communist Party activities in the Newark, N.J., area, was pending in the U.S. District Court in Newark, at year end.

#### UNITED STATES COURT OF APPEALS

*John T. Gojack*, an international vice president of the Communist-controlled United Electrical, Radio and Machine Workers of America, who had refused to answer questions of a subcommittee conducting hearings on Communist Party infiltration in labor in February and March 1955, had been convicted in the United States District Court for the District of Columbia on December 13, 1963. He was sentenced to 3 months in prison and a \$200 fine. Gojack's appeal to the U.S. Circuit Court was argued on December 10, 1964, and had not been decided at year end. Gojack relied principally on the contention that questions of the subcommittee about his Communist Party activities in the field of labor violated his first amendment rights.

As regards this claim, the Supreme Court has already handed down a decision which may determine the outcome of Gojack's appeal.

In the case of *Lloyd Barenblatt*,<sup>7</sup> a college professor who refused to answer questions about his Communist Party activities in the field of education, relying upon the first amendment, the Supreme Court held that the House Committee on Un-American Activities in conducting an investigation into Communist Party activities may constitutionally compel the giving of such testimony in the field of education over a claim of first amendment rights. In sweeping language the Court asserted the power of Congress to inform itself in the field of subversive activities, recognized the validity of the assignment of this function to this committee, and upheld the right of the committee

<sup>5</sup> 369 U.S. 749 (1962).

<sup>6</sup> 327 F. 2d 601 (CCADC, 1963)

<sup>7</sup> 360 U.S. 109 (1959).



to compel testimony against claimed constitutional rights save only those against self-incrimination. The Court said:

The Rule [creating the Committee] comes to us with a "persuasive gloss of legislative history," *United States v. Withovich*, 353 U.S. 194, 199, which shows beyond doubt that in pursuance of its legislative concerns in the domain of "national security" the House has clothed the Un-American Activities Committee with pervasive authority to investigate Communist activities in this country.

\* \* \* \* \*

In light of this long and illuminating history it can hardly be seriously argued that the investigation of Communist activities generally, and the attendant use of compulsory process, was beyond the purview of the Committee's intended authority under Rule XI.

\* \* \* \* \*

The Court's past cases establish sure guides to decision. Undeniably, the First Amendment in some circumstances protects an individual from being compelled to disclose his associational relationships. However, the protections of the First Amendment, unlike a proper claim of the privilege against self-incrimination under the Fifth Amendment, do not afford a witness the right to resist inquiry in all circumstances. Where First Amendment rights are asserted to bar governmental interrogation resolution of the issue always involves a balancing by the courts of the competing private and public interests at stake in the particular circumstances shown. These principles were recognized in the *Watkins* case, where, in speaking of the First Amendment in relation to congressional inquiries, we said (at p. 198): "It is manifest that despite the adverse effects which follow upon compelled disclosure of private matters, not all such inquiries are barred. . . . The critical element is the existence of, and the weight to be ascribed to, the interest of the Congress in demanding disclosures from an unwilling witness."

\* \* \* \* \*

That Congress has wide power to legislate in the field of Communist activity in this Country, and to conduct appropriate investigations in aid thereof, is hardly debatable. The existence of such power has never been questioned by this Court, and it is sufficient to say, without particularization, that Congress has enacted or considered in this field a wide range of legislative measures, not a few of which have stemmed from recommendations of the very Committee whose actions have been drawn in question here. In the last analysis this power rests on the right of self-preservation, "the ultimate value of any society," *Dennis v. United States*, 341 U.S. 494, 509. \* \* \*

## CHAPTER VI

### LEGISLATIVE RECOMMENDATIONS

#### I. ASSASSINATION OF PRESIDENT OR VICE PRESIDENT

It is recommended that legislation be adopted to make punishable as a Federal offense the unlawful killing of the President or Vice President of the United States.

Title 18, United States Code, sections 1111, 1112, and 1113, respectively, make murder, manslaughter, the attempt to commit murder or manslaughter, Federal crimes only when committed within "the special maritime and territorial jurisdiction of the United States." This special jurisdiction is defined in section 7 of Title 18, United States Code, and generally includes the waters within the admiralty and maritime jurisdiction of the United States (high seas and navigable waters) and lands reserved or acquired for the use of the United States and under its exclusive or concurrent jurisdiction.

Murder or manslaughter of the President or Vice President—or any other person—would also be punishable under Federal law if committed while aboard an aircraft in flight in interstate or foreign commerce (49 U.S.C., sec. 1472(k)).

In addition, wrecking a train, or its facilities and appurtenances used in interstate or foreign commerce, resulting in the death of any person (including, of course, the President or Vice President) is a Federal offense punishable under section 1991, 18 United States Code.

Apart from these statutes, the only provision of law making murder or manslaughter committed within the jurisdiction of any State punishable as a Federal crime is section 1114 of Title 18, U.S.C. This section, however, is limited to the killing of certain officers and employees of the United States, principally Federal law enforcement officers, while engaged in the performance of official duties or on account of the performance of official duties. It applies only to categories of employees specifically listed in the section, such as: Federal judges, U.S. attorneys, marshals and deputy marshals, employees of the FBI, Justice Department, Secret Service, Narcotics and Customs Bureaus, Internal Revenue and National Park Services, postal inspectors, immigration officers, Coast Guardsmen, and persons carrying out certain assignments for the Agriculture and Interior Departments or the National Aeronautics and Space Administration.

The committee believes it a matter of importance to the national security that the unlawful killing of the President or Vice President be made punishable as a Federal offense, even though such act is committed within the jurisdiction of one of the States. Certainly, from the constitutional and various other viewpoints, the President and Vice President are more important personages than the Federal officers listed in section 1114, Title 18, mentioned above, and their deaths have far greater impact on the national security and welfare. The reasons

which support section 1114, therefore, sustain the present recommendation.

Additional reasons are suggested by the facts concerning the assassination of President Kennedy on November 22, 1963. A self-confessed Marxist, Lee Harvey Oswald, was accused of the assassination. The murder of Oswald by Jack L. Ruby, 2 days later, obviated trial of the accused assassin. President Johnson, therefore, appointed The President's Commission on the Assassination of President John F. Kennedy (the Warren Commission) "to ascertain, evaluate and report upon the facts relating to the assassination of the late President John F. Kennedy and the subsequent violent death of the man charged with the assassination." (Executive Order 11130, November 29, 1963)

The President's Commission issued its report on September 24, 1964. It found, among other things, that:

The shots which killed President Kennedy \* \* \* were fired by Lee Harvey Oswald.<sup>1</sup>

The Commission stated it could not make any "definitive determination" of Oswald's motives in killing President Kennedy. It did, however, mention a number of factors which might have influenced his decision to do so. One of these factors was:

His avowed commitment to Marxism and communism, as he understood the terms and developed his own interpretation of them; this was expressed by his antagonism toward the United States, by his defection to the Soviet Union, by his failure to be reconciled with life in the United States even after his disenchantment with the Soviet Union, and by his efforts, though frustrated, to go to Cuba.<sup>2</sup>

Is there a valid basis for the Warren Commission's determination that Oswald's commitment to Marxism and communism might have influenced his decision to assassinate President Kennedy?

Certain findings about the Communist movement and the teachings of its leaders who are revered by Communists the world over are relevant to this question. They indicate that, coupled with the factual evidence developed about Oswald's Communist ties, there was good reason for the Commission's finding. According to the precepts and dogma of communism, "peace-loving socialist" (i.e., Communist) forces are waging an irreconcilable struggle against "imperialist capitalists" led by the United States. Communists are taught that they must work for the destruction of all non-Communist governments and that victory will surely be theirs because the so-called laws of history make a Communist world society absolutely inevitable.

The Congress has found:

There exists a world Communist movement which, in its origins, its development, and its present practice, is a worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, *terrorism*, and *any other means deemed necessary*, to establish a Communist

<sup>1</sup> Report of The President's Commission on the Assassination of President John F. Kennedy, U.S. Government Printing Office, 1964, p. 19.

<sup>2</sup> *Id.*, at 23.

totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization.<sup>3</sup> [Emphasis added.]

This finding has been upheld by the Supreme Court.<sup>4</sup> The Supreme Court has also upheld the finding of the Subversive Activities Control Board that within the United States, the world Communist movement is spearheaded by the Communist Party of the United States, a group operating under the control of the Soviet Union.<sup>5</sup>

Other Communist groups of notable strength in the United States, generally described as Marxist-Leninist or Marxist (and usually having international ties), although following independent disciplines, are dedicated to the same basic views and objectives and often operate in concert with the Communist Party.

The objective of all these groups is the overthrow of the United States Government with a view toward supplanting it with a Soviet-style or "proletarian" dictatorship. Together they swell the tide of activity directed toward this end. The basic doctrines of these groups teach violence, revolutionary action, and involve the adherents in an emotional atmosphere of fixed, intense hatred of non-Communist governments and those who constitute their leadership. Tons of propaganda to this effect are disseminated among their members, and among non-Communists in the United States as well, by these groups. Such propaganda is also distributed outside the United States—by agencies of the Soviet Union, Red China, Cuba and by numerous Communist parties and groups throughout the world.

The fact that a Presidential Commission has found that an admitted Marxist with a variety of Communist associations and ties assassinated President Kennedy created a deep stir and frantic reaction within the Communist movement. Leaders of Communist groups hastened to disassociate themselves from the actions of Oswald and were quick to claim that Marx and Lenin—and they themselves—rejected "such acts of violence and terror." Even today, the Soviet Union and the U.S. Communist Party persist in promoting the claim that the President was assassinated by some as yet undiscovered "rightist" or that Oswald was "an informer and provocateur for the FBI or some other intelligence agency of the U.S. Government."<sup>6</sup>

The fact of the matter is that Lenin admonished all Communists:

We have never rejected terror on principle, nor can we do so.<sup>7</sup>

Lenin made this statement in May 1901, in the course of criticizing certain Russian Communist revolutionaries who had supported recent attempts on the life of a Tsarist government official and a church dignitary and who were forecasting a reign of "Red terror." He made it clear in his criticism, however, that his objections to assassinations were based on his opinion that they were "inopportune and inexpedient" under "present circumstances." Successful overthrow of the Tsarist government, Lenin stated, depended upon the creation of a "central revolutionary organisation" to lead the discontented masses. "Departure of the most energetic revolutionaries to take up

<sup>3</sup> Internal Security Act of 1950, sec. 2(1).

<sup>4</sup> *Communist Party of the United States v. Subversive Activities Control Board*, 267 U.S. 1 (1961).

<sup>5</sup> *Ibid.*

<sup>6</sup> Herbert Aptheker, leading U.S. Communist Party theoretician, writing in the party's monthly, *Political Affairs*, February 1964, p. 52.

<sup>7</sup> Lenin, "Where To Begin?" *Selected Works*, (New York: International Publishers, 1943), vol. II.

the work of terror," he pointed out, would impede efforts to establish such an organization. He went on to say:

Terror is a form of military operation that may be usefully applied, or may even be *essential* in certain moments of the battle, under certain conditions \* \* \* We would not for one moment assert that *individual strokes of heroism* are of no importance at all. But it is our duty to utter a strong warning against devoting *all* attention to terror, against regarding it as the *principal method* of struggle, as so many at the present time are inclined to do. [Emphasis added.]<sup>8</sup>

Fifteen years later, on October 25, 1916, in commenting on the assassination of the Austrian Prime Minister by the Austrian Socialist, Friedrich Adler, Lenin was much more specific in stating the Communist view of political assassinations:

As for the political evaluation of the act [that is, the assassination], we, of course, remain in our old conviction, confirmed by the experience of a decade, that individual terroristic acts are a purposeless form of political struggle.<sup>9</sup>

Lenin once again took pains, however, to show that he was not against assassination, per se:

"Killing is no murder," wrote our old *Iskra*<sup>10</sup> about assassinations. We are *not at all against* political murders \* \* \* but from the point of view of revolutionary tactics, individual acts are purposeless and harmful. \* \* \* Only in direct, immediate connection with a mass movement could or should individual terrorist acts be of use. \* \* \* [Emphasis Lenin's.]

\* \* \* It would have been good if there had been found some leftist group which would have published in Vienna a broadside \* \* \* which would have justified Adler's act morally (killing is no murder), but which would have explained to the workers that it is not terrorism that is needed but a systematic, continuous, self-sacrificing work of revolutionary propaganda, agitation, etc. \* \* \*<sup>11</sup>

What is the real Communist view of assassinations?

"Killing is no murder \* \* \*. We are *not at all against* political murders."

What really mattered to Lenin—and matters to Communists today? It is the "political evaluation of the act." That is what counts—the Communist evaluation of whether or not the assassination is useful to their cause.

When Lenin wrote "Where To Begin?" he was mainly concerned with the lack of a "central revolutionary organisation" (i.e. Communist Party) in Russia to exploit the unrest which had been manifested in recent student demonstrations in that country. Under the prevailing circumstances, he considered individual acts of terror diver-  
sionary, "inopportune and inexpedient." But he clearly implied that

<sup>8</sup> Ibid.

<sup>9</sup> Lenin, Letter to Franz Koritschoner, *Sochinennya (Works)* (3d ed.; Moscow: Partinnoe Izdatelstvo (Party Publishing House), vol. XXIX (1933), pp. 311-313.

<sup>10</sup> A newspaper which was established by Lenin and his friends in Germany in 1900 and illegally distributed within Russia.

<sup>11</sup> Lenin, letter to Franz Koritschoner, op. cit.

under different conditions they would be important "individual strokes of heroism."

Moreover, since Lenin's time, the Communists have made it clear that their "political evaluation of the act" is such that they do not limit Lenin's principle concerning the utility of assassinations to the conditions prescribed in a general way in "Where To Begin?"

Was the assassination of President Kennedy, in fact, an expedient, useful act from the Communist viewpoint? We can hardly expect to learn the answer to this question from the only persons in position to really know the truth, the leaders of the principal Communist camps. We have seen conflicting public reactions: open jubilation in Peking and professed regret in Moscow, coupled with a sustained, highly organized propaganda campaign to gloss over Oswald's Communist ties and place the blame for the assassination on "rightists."

Whether or not Peking or Moscow desired the assassination of President Kennedy, it is clear that Communist adherents, in whom ideas of violence, disloyalty, and hatred are daily inculcated by the propaganda organs of the Communist movement and the statements of its leaders, cannot be expected always to understand or act upon the refinements of Communist dogma or directives or judgments, as to the expediency of a particular act at any given moment. Because hate is so large an element in Communist doctrine and propaganda, it is reasonable to conclude that Oswald's close association with the Communist movement and reading of its basic works and propaganda organs markedly influenced his thinking and conduct. Oswald was involved in the U.S. Communist agitation-propaganda effort, leading the attempted organization of a Fair Play for Cuba Committee chapter in New Orleans—and the Communist propaganda he read portrayed the President as the leader of that government deemed by Communists to be their principal enemy.<sup>12</sup>

<sup>12</sup> On September 9, 1963, just a few months before the assassination of President Kennedy, the *Miami Herald* published the following dispatch from Havana, Cuba, which, in the light of subsequent events, assumes great significance, particularly in view of Oswald's role in the Fair Play for Cuba Committee:

"HAVANA.—Prime Minister Fidel Castro said Sunday 'U.S. leaders' would be in danger if they helped in any attempt to do away with leaders of Cuba.

"Bitterly denouncing what he called recent U.S. promoted raids on Cuban territory, Castro said:

"We are prepared to fight them and answer in kind. U.S. leaders should think that if they are aiding terrorist plans to eliminate Cuban leaders, they themselves will not be safe."

"The bitterest Castro attack yet on President Kennedy was made early Sunday morning in a rambling, informal post-midnight dissertation following a reception at the Brazilian embassy.

"'Kennedy is the Batista of his times . . . and the most opportunistic American President of all times,' Castro said.

"Fulgencio Batista was the Cuban dictator ousted by Castro's revolution.

"The United States, Castro said, 'is fighting a battle against us they cannot win.'

"'Kennedy is a cretin,' Castro asserted, 'and a member of an oligarchic family that controls several important posts in the government. For instance, one brother is a senator and another, attorney general . . . and there are no more Kennedy officials because there are no more brothers.'"

"Castro said recent sea and air raids on Cuban industry had done no damage to speak of, and said Cuban knew 'the hand of the United States and its Latin American puppet governments, particularly Guatemala, Costa Rica, and Nicaragua, are behind those attacks.'"

Another incident which demonstrates Castro's view on the utilization of terror should be kept in mind. In November 1962, less than a month after the Cuban missile crisis, the FBI arrested five pro-Castro Cubans in New York City. Two of them were attached to the Cuban mission to the United Nations. Another had recently arrived in the United States on a diplomatic passport to serve with the mission, but had not yet been granted official diplomatic accreditation.

The five had weapons, explosives, and incendiary devices in their possession at the time of their arrest. According to the FBI, they intended using the weapons to damage oil refineries in New Jersey and also to create panic by exploding them in large retail stores in New York City. They were formally charged with conspiring to injure and destroy national defense materials.

Following a formal protest from the Department of State, the two so-called diplomats left the United States and returned to Cuba. The other three were not tried, being exchanged instead (in April 1963) for Americans held by Castro.

Inasmuch as three of these Cubans were official representatives of the Castro regime in the United Nations, there can be little doubt but that their conspiracy to sabotage—and to utilize terror devices that would probably have killed a number of people—had Castro's blessing.

In its recommendations for amendment of Title 18, U.S. Code, to give Federal jurisdiction in the offenses set forth, the committee finally observes that, where acts of violence involve Marxist movements, all facts can be developed only with the assistance or use of Federal agencies. These movements are largely national and international in scope and frequently involve foreign governments, groups, or organizations. State officers do not have the facilities or means to develop all facts surrounding the commission of an offense in which such movements are involved. The direction by President Johnson to the Federal Bureau of Investigation, and his subsequent creation of a special national commission, to ascertain the facts surrounding the assassination of President Kennedy would seem to make this clear. Moreover, bringing the commission of the offense within the jurisdiction of the United States also avoids a conflict of investigative jurisdiction, places responsibility in the Federal authorities, and thus avoids any deterioration of the investigative process. For all these reasons the committee recommends legislative action.

The committee, in repeating this recommendation first made in its *Annual Report for the Year 1963*, is pleased to note that the Warren Commission made a similar recommendation for legislative action in its report of September 24, 1964.

## II. AREA RESTRAINTS ON TRAVEL

It is recommended that legislation be adopted explicitly authorizing the President to regulate travel by United States citizens to specific areas or countries, at such times as he finds that the national interest requires such action, and making the violation of such restraints punishable as an offense against the United States.

The need for such legislation appeared as a result of intensive investigation and a series of hearings undertaken by this committee in 1963 and 1964 concerning the pro-Castro and Communist propaganda activities of a substantial number of United States citizens who had traveled to Cuba since early in 1961, apparently in contravention of law and regulations. (See *Violations of State Department Travel Regulations and Pro-Castro Propaganda Activities in the United States*, parts 1, 2, 3, and 4, Hearings before the Committee on Un-American Activities, U.S. Government Printing Office, 1963, and part 5, 1964.)

This committee recommendation is not based on the belief that the President of the United States does not possess power to impose general prohibitions or restrictions on the travel of Americans to or within certain areas of the world. Rather, it is based primarily on evidence, developed in the committee's above-mentioned hearings, that there is need to strengthen the existing law (section 1185(b), Title 8, U.S.C.) making violations of Presidential travel restrictions a punishable offense.

The President's power to regulate travel to specific areas under certain conditions derives from his implied constitutional duty to conduct the foreign affairs of the United States and from his position as the chief executor of the activities of the Federal Government in the field of international relations and for the defense of the Nation and the prevention of war. This power has been repeatedly claimed and exercised by the President in the course of our history.

Although the President has frequently exercised the power to impose area restraints on travel, this power had not been tested in the courts or made the subject of judicial determination until recently. In three noteworthy cases decided by the United States Court of Appeals for the District of Columbia Circuit during the last few years, the Federal judiciary has had occasion to pass upon the constitutionality of the exercise of this power. In these cases—*Worthy v. Herter*, 270 F. 2d 905, decided June 9, 1959; *Frank v. Herter*, 269 F. 2d 245, decided July 6, 1959; and *Porter v. Herter*, 278 F. 2d 280, decided April 28, 1960—the exercise of the power has been upheld, and in all three cases certiorari was denied by the United States Supreme Court (361 U.S. 918).<sup>13</sup> In view of the significance of these cases to the legislative problems, they deserve exposition.

### *Worthy v. Herter*

The opinion in this case was written by Chief Judge Prettyman for a unanimous panel of the court of appeals, consisting also of Justice Burton (sitting by designation) and Circuit Judge Miller.

William Worthy, Jr., was a newspaperman, duly accredited by the *Afro-American* Newspapers, the *New York Post*, and the Columbia Broadcasting System. A passport had originally been issued to him in 1955, containing a restriction stating that it was not valid for travel to five named areas under control of governments with which the United States did not have diplomatic relations, including portions of China, Korea, and Vietnam under Communist control, and also a restriction against travel in Hungary. Under this 1955 passport, despite the

<sup>13</sup> The United States Supreme Court may have occasion to pass directly upon the issues involved by reason of an appeal now pending, filed with the Court on May 15, 1964, and likely to be heard by the Supreme Court in January 1965, in the case of *Louis Zemel v. Dean Rusk, Secretary of State, and Robert F. Kennedy, Attorney General* (No. 1115, October Term, 1963).

Zemel applied to the Department of State for a validation of passport for travel to Cuba. The application was denied, and he filed his action in the United States District Court for the District of Connecticut, seeking a declaratory judgment and to enjoin the enforcement and execution of the Passport Act of 1926 and section 215 (8 U.S.C. 1185) of the Immigration and Nationality Act of 1952. A three-judge court, convened pursuant to 28 U.S.C. 2282, granted the defendant's motion for summary judgment, one judge dissenting upon the merits of the case (228 F. Supp. 65, decided February 20, 1964). A statutory appeal (a matter of right, as distinguished from an application for writ of certiorari, which is a matter of grace) was taken from this decision directly to the Supreme Court.

Also presently pending in the Court of Appeals for the Third Circuit is the case of *Alan M. MacEwan and Mary G. MacEwan v. Dean Rusk, Secretary of State, and Robert F. Kennedy, Attorney General*. The plaintiffs filed an action in the United States District Court for the Eastern District of Pennsylvania, seeking a declaratory judgment which would in effect declare invalid, on constitutional grounds, regulations issued by the Secretary of State pursuant to which he refused to endorse their passport for travel to and from Cuba. On March 30, 1964, a summary judgment against them was entered by the district court on motion of the defendants.

The Court of Appeals for the Ninth Circuit has similar issues before it in the pending case of *United States v. Helen Travis*. Helen Travis was convicted on May 14, 1964, in the U.S. District Court for the Southern District of California, at Los Angeles, on two counts of unlawful departure from the United States for travel to Cuba (Criminal case No. 32880). In a memorandum opinion dated October 30, 1963, the trial court had previously denied defendant's motion to dismiss the indictment.

The issues presented in the MacEwan and Travis cases may well be disposed of in the Zemel appeal. However, it is not certain whether or not the Zemel case will be decided on the merits. This will depend upon the Supreme Court's action with respect to the jurisdictional question raised by the Government's motion to dismiss the appeal, which asserts that the three-judge court was improperly convened and hence the Supreme Court lacked jurisdiction to entertain the appeal.

A second Worthy case, *William Worthy, Jr. v. United States*, No. 20062, in the United States Court of Appeals for the Fifth Circuit was decided February 20, 1964. Worthy was charged under sec. 1185, Title 8, U.S. Code, with unlawful entry into the United States following his travel to Cuba without a validated passport. His conviction was reversed. The court held that it was a violation of the defendant's constitutional rights to make punishable an entry of the United States by a citizen. However, the court of appeals made clear that it would not necessarily take the same view with respect to a prosecution for unlawful departure under the same section of the statute, and further stated that:

Although the right of foreign travel may not be arbitrarily or unreasonably restrained, it is not an absolute right. \* \* \* The right of the Congress to require passports and to impose reasonable restrictions upon foreign travel is not dependent upon the existence of a state of war, but may be exercised under the broad power to enact legislation for the regulation of foreign affairs.

The Government did not seek review of this decision. However, the Government is seeking an additional judicial interpretation with respect to the "entry" provisions in the case of *U.S. v. Levi Laub, et al.*, currently pending in the U.S. District Court for the Eastern District of New York.



restrictions, Worthy had nevertheless traveled extensively in both Communist China and Hungary. In 1957 Worthy applied for a renewal of this 1955 passport. He was asked whether he would make a commitment to abide these same restrictions in the 1957 renewal for which he applied. Worthy declined to make such a commitment, and the application for renewal of passport was refused.

The refusal of the passport did not rest upon Worthy's writings, character, or membership in any organization. This the court made clear, and thus distinguished the issue in this case from that involved in *Kent v. Dulles*, hereafter noted. The present case was an application of the general policy of refusing Government sanction to travel by United States citizens in certain areas of the world presently under Communist control, deemed to be trouble spots, where the presence of American citizens and the official approval of their presence would impede the execution of American foreign policy in relation both to those countries and to other countries.

The court unanimously held that such designation of restricted areas was within the power and authority of the Executive, for the following reasons:

(1) The designation of certain areas of the world as forbidden to American travelers falls within the power to conduct foreign affairs. The imposition of such restrictions is an instrument of foreign policy. "The essence of the conduct of foreign affairs is the maintenance of peace, the prevention of war. The Constitution places that task of prevention in the hands of the Executive. The two correlative powers, to conduct war and to prevent war, are Executive functions under our Constitution." The court concluded that the President has ample power to impose these restrictions under the Constitution itself, and apart from statute.

(2) Although there is ample power under the Constitution itself to impose geographical restrictions, there is also a statutory power to designate restricted areas under section 1185(b) of Title 8 U.S.C., the Immigration and Nationality Act, and the Act of July 3, 1926 (22 U.S.C. 211a).

(3) As to Worthy's claim that the right to travel is protected by the Constitution, being a part of the right to liberty, the court answered this claim in a lucid passage which deserves to be set forth in full, as follows:

The right to travel is a part of the right to liberty, and a newspaperman's right to travel is a part of the freedom of the press. But these valid generalizations do not support unrestrained conclusions. For the maintenance and preservation of liberty, individual rights must be restricted for various reasons from time to time. In case of a clear and present danger to the national security, even so generally unrestricted a right as speech can be restricted. In case of a reasonably anticipated threat to security or to law and order, many acts by individuals can be restricted. An assembling mob bent on disorder can be dispersed. A man with a contagious disease can be locked in his house. Potentially dangerous actions must be restricted in order to prevent harm to others. So we have sanitation, fire, building and speeding regulations.

Liberty itself is inherently a restricted thing. Liberty is a product of order. There is no liberty in anarchy or in chaos.

Liberty is achieved by rules, which correlate every man's actions to every other man's rights and thus, by mutual restrictions one upon the other, achieve a result of relative freedom. The mere day-to-day maintenance of the order which insures liberty requires restrictions upon individual rights. Some actions, neither harmful nor potentially dangerous, must be restricted simply for the sake of good order in the community. So we have parking, traffic and zoning regulations and rules of court.

No individual may take whatever he pleases, and so all others are free to enjoy their possessions. One man may not assault another with whom he disagrees, and this restriction protects the freedom of all to speak and live peacefully. One may not spread vicious lies about another, and so all are free to enjoy their good reputations. Every person is forbidden to join with his competitors to drive another person out of business, and so all are free to pursue their trades and buy products at reasonable prices. Everybody's liberty is restricted by prohibitions against driving recklessly, spreading disease, and leaving hidden dangers on property, and so the whole community is free to enjoy health. One cannot trample his neighbor's flower beds, or even trespass on his lawn. Even in a neighborhood community every man's right to roam is drastically restricted. A man who asserts his own uninhibited freedom to go where he pleases is a menace and is quickly put in his place. He may not park where he pleases, or drink where he pleases, or spit where he pleases. In the community the police take care of these matters, and in so doing the officers act as servants of the rest of the community; they are the government.

Freedom to worship as each one chooses is restricted in some ways. Worship by human sacrifice is forbidden. A member of one religion cannot interrupt the services of another religion in order to worship in his own way. Through this restriction all have freedom to worship as they choose.

Freedom of the press bears restrictions. It does not include the right to publish what another has registered with the copyright office. Merely because a newsman has a right to travel does not mean he can go anywhere he wishes. He cannot attend conferences of the Supreme Court, or meetings of the President's Cabinet, or executive sessions of Committees of the Congress. He cannot come into my house without my permission, or enter a ball park without a ticket of admission from the management, or cross a public street downtown between crosswalks. He cannot pass a police cordon thrown about an accident, unless he has a pass from the police. A newsman's freedom to travel about is a restricted thing, subject to myriad limitations.

The peace-loving have rights. Those who recognize the fundamental necessities of liberty as a delicate product of order have power to protect themselves and their liberty. The liberty of everyone, law-abiding citizen and criminal alike, is involved in the maintenance of order and is threatened when disorder brings either the necessity or the oppor-

tunity for force to replace correlated rules of conduct. Such a threat may easily arise from conditions in foreign lands. The people have a right to protect their liberty, no matter whence the threat.

Indeed it is quite clear that those who cry the loudest for unrestricted individual freedom of action would be the loudest in bemoaning their fate if their plea were granted. The same release from constituted authority would set free persons so powerful, so ruthless, so bent on autocratic control that no newsman would have any liberty whatever. The customary prompt transformation of unrestrained liberty into dictatorship is one of the poignant lessons of history. These pleas for unrestricted individual freedom seem to us to be made upon a firm assumption that not too many people will be granted such liberty and not too much liberty in any event. Worthy himself says he does not plead for an unrestricted liberty for all people. His plea is for his own liberty to do what he happens to choose.

So we conclude on the point that the right to travel, like every other form of liberty, is, in our concept of an ordered society, subject to restrictions under some circumstances and for some reasons.

*Frank v. Herter*

This case was decided for the court of appeals by Judges Bazelon, Fahy, and Burger.

This decision is a *PER CURIAM* decision of one paragraph, in which the court stated that the questions involved were decided by this court in *Worthy v. Herter* and that, therefore, the complaint of Waldo Frank to remove from his passport a travel restraint clause as to Communist China and to enjoin the enforcement of sanctions against the plaintiff was dismissed upon a motion of the Secretary of State for summary judgment.

However, there is a *concurring* opinion by Judge Burger, who felt that there was something more involved in this appeal of Frank than was involved in the *Worthy* case. Judge Burger pointed out that the issue in the *Worthy* case related only to the power of the President to impose an area restriction on travel of United States citizens, whereas in the *Frank* case an additional issue was presented, namely: Conceding the Secretary's power to limit travel to Communist China, was the formula and criteria prescribed for the selection of a limited number of news correspondents who were permitted to travel to Communist China unconstitutionally discriminatory as to Frank?

It appeared that Frank was a teacher and lecturer, who had an invitation to lecture in Communist China and sought removal of a travel restraint clause in a duly issued passport which he held, restraining travel to that country. The passport held by Frank—like all those issued by the State Department in recent years—contained the following provision:

This passport is not valid for travel to the following areas under the control of authorities with which the United States does not have diplomatic relations: Albania, Bulgaria and those portions of China, Korea and Viet-Nam under Communist control.

In support of his complaint seeking removal of the restraint, Frank made three contentions: (1) The Secretary of State had no statutory authority to prevent United States citizens from traveling to China; (2) the travel restrictions are a violation of his first amendment rights of free speech and press and the deprivation of his right to earn a living by activities requiring travel; and (3) the Secretary's action in granting travel rights to 25 or 30 representatives of various news services, while denying the same rights to him individually, was an unreasonable discrimination in violation of due process under the fifth amendment.

Frank's pleadings described him as a writer, scholar, and teacher, who has lectured here and abroad and who wrote for 20 Latin American papers. He asserted that he had an invitation to lecture at the University of Peking.

The Secretary of State in reply responded as he did in *Worthy v. Herter*: (1) That an essential feature of United States policy toward world communism generally and Communist China in particular is to withhold recognition, *de facto* and *de jure*, of that regime; (2) that in the implementation of that policy, travel of United States citizens to the China mainland has been prohibited; (3) that the Executive's power to conduct foreign affairs springs from the inherent powers of a sovereign, confirmed by the Constitution and implemented by joint action of the President and Congress in statutes; and (4) that in implementation of U.S. policy, the Secretary has developed a formula to permit a limited number of news-gathering agencies to designate representatives to receive passports to Communist China, the agencies being selected on the basis of established past interest in foreign news coverage.

Judge Burger said that the first two contentions of Frank were disposed of in *Worthy v. Herter*, but that the challenge to the Secretary's action as being discriminatory is not necessarily controlled by the *Worthy* case. Judge Burger then dealt with the charge of unconstitutional discrimination. He declared that the Secretary's decision relating to the manner of selection of correspondents to be afforded travel privileges to China is a political decision not subject to judicial review unless it appears that the decision of the Secretary was so arbitrary as to render the basis of the choice discriminatory:

If, for example, the choice was limited only to Democrats or only to Republicans, obviously that would be improper and would fall. But judicial review even of the formula of selection is narrow and it is limited to determining whether the basis of the choice bears some rational relationship to the ends to be served. The distinction made between news agencies with a demonstrated interest in foreign news coverage and individual reporters must have some relevance to the purpose to be achieved.

In this case the Secretary invited each news-gathering agency with a demonstrated interest in reporting foreign news to apply for leave to go to the China mainland and specifically set as an eligibility criterion the maintenance of at least one full-time correspondent overseas. Judge Burger said:

Our Government has decided to try out this program of allowing some news correspondents to go to Communist

China on an "experimental and temporary basis" because presumably, as a calculated risk, in the conduct of foreign affairs it may help our ultimate objectives of world peace and stability, reduction of tensions, and resistance to Communism. In such an experiment the political branches of the government must be allowed wide latitude in carrying out its policy.

Judge Burger then said it was not the duty of the court to decide whether the Secretary of State had developed the best formula for this program, but to decide merely whether he had exceeded his authority or had acted discriminatorily. Judge Burger found that the formula established for the selection of a limited number of correspondents was not discriminatory and he, therefore, concurred in the judgment dismissing the complaint.

### *Porter v. Herter*

This appeal was decided by Justice Burton (sitting by designation) and Circuit Judges Danaher and Bastian, in a brief *PER CURIAM* decision.

Porter was a Member of Congress, representing the Fourth Congressional District of the State of Oregon, who on August 7, 1958, was issued a passport on which appeared a restriction identical to that contained in Frank's passport and previously quoted. On June 10, 1959, Porter applied to the Department of State for permission to visit Red China, asserting:

A member of Congress has a right to go anywhere in the world to do his duty as a U.S. legislator as he sees it, except in time of war or emergency. Any other policy would seem to be an unconstitutional breach of the separation of powers.

Porter's application was denied. He then instituted suit in the district court asserting that the Secretary's action was in violation of his rights under the Passport Act of 1926 and the Constitution of the United States. He asked for an injunction to restrain the Secretary from withholding passport facilities and for an order compelling the Secretary to remove the limitation upon his use of the passport for travel to China.

The court in its decision noted that, although Porter as a member of the Committee on Post Office and Civil Service had been authorized to travel on behalf of that committee in an official capacity to Okinawa and Japan to investigate personnel problems of overseas employees, he had no comparable authority from Congress to travel in Communist China. The court held that his status as a Member of Congress, without more, does not entitle him to be exempted from regulations of the Executive in matters within the Executive's constitutional competence. The court particularly pointed out that there was no question in this case of a conflict between the legislative and executive branches in which the court would be called upon to resolve opposing constitutional claims. The issue here was merely a right asserted by Porter in his individual capacity, although a member of the legislative branch; and, under such circumstances, he, as an individual Congressman, must conform to the passport regulations which are equally

applicable to all citizens and which have been authorized by the branch of the Government having jurisdiction over the subject. The court said that, viewed in this light, his rights are subject to the considerations discussed in *Worthy v. Herter* and *Frank v. Herter*.

It is significant that in the above-mentioned cases the courts did not question the general authority of the President—apart from specific statute—to impose area restrictions on travel. Nevertheless, whatever powers may be vested in the President alone in this area, there is no doubt that the President and the Congress, acting together, may exercise the total powers of a sovereign state, subject to constitutional requirements, in matters concerning travel, including area restrictions.

The committee's hearings indicate, however, that the security problem facing this country today is not so much one of power to regulate travel as it is the effectiveness of existing laws which attach penalties to travel undertaken in violation of Presidential directives.

This is a problem the President alone cannot solve. Only the Congress, in the exercise of its legislative function, can create or impose penal sanctions for the infringement of such regulations or prohibitions as the President may promulgate.

Although recognizing the historic power of the President to place area restrictions on travel, the committee believes that his hand should be strengthened by the enactment of legislation expressing the will and intent of the legislative branch of the Government, spelled out in direct and positive form. The committee takes this position because, as previously indicated, existing statutes contain weaknesses which need correction in the interest of national security. A review of the provisions of these statutes and their administration relative to unauthorized travel to Cuba during the past 3 years indicates what these weaknesses are and what steps should be taken to correct them.

In the past, the Secretary of State has claimed and exercised the power to fix area restrictions on travel pursuant to the Act of July 3, 1926, 44 Stat. 887; 22 U.S.C. 211a. That act provides as follows:

The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge, as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports.

Based on the authority of this statute the President, as long ago as March 31, 1938, adopted the following regulation (22 CFR 51.75):

The Secretary of State is authorized in his discretion to refuse to issue a passport, to restrict a passport for use only in certain countries, *to restrict it against use in certain countries*, to withdraw or cancel a passport already issued, and to withdraw a passport for the purpose of restricting its validity *or use in certain countries*. [Emphasis added.]

The Immigration and Nationality Act of 1952 (Title 8, U.S.C., section 1185) provides that *when the United States is at war or during the existence of any national emergency proclaimed by the President:*

After such proclamation \* \* \* has been made and published and while such proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States unless he bears a valid passport.

Any person who shall willfully violate any of the provisions of this section, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$5,000, or, if a natural person, imprisoned for not more than 5 years, or both \* \* \* and any vehicle, vessel, or aircraft together with its appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

This statute is the only expression of congressional intent specifically supplementing the President's constitutional power to impose area restrictions on travel and making violations of Presidential area restrictions a punishable offense. It is limited, however, to conditions when the United States is at war or during the existence of a national emergency.

It was called into effect after Castro seized power in Cuba—and is still in effect today—by reason of the national emergency proclaimed by President Truman on December 16, 1950 (64 Stat. A 454), and not since terminated.

Prior to January 19, 1961, Department of State regulations did not require that a valid passport be possessed by a United States citizen traveling between the United States and any country or territory in North, Central, or South America (or in any island adjacent thereto) unless the citizen was traveling to, or arriving from, a place for which a passport would be required (i.e., some place outside the hemisphere) and was traveling to or from it *via* countries of this hemisphere.

Following the break in diplomatic relations with Cuba on January 3, 1961, the Department of State, through its appropriate officer, on January 16, announced, in Public Notice 179, that:

In view of the conditions existing in Cuba and in the absence of diplomatic relations between that country and the United States of America I find that the unrestricted travel by United States citizens to or in Cuba would be contrary to the foreign policy of the United States and would be otherwise inimical to the national interest.

\* \* \* \* \*

Hereafter United States passports shall not be valid for travel to or in Cuba unless specifically endorsed for such travel under the authority of the Secretary of State or until this order is revoked.

Three days later, on January 19, 1961, U.S. travel regulations were amended to require a valid passport for any citizen of the United

States traveling to Cuba. The new regulations specifically provided that no valid passport shall be required of a citizen of the United States or of a person who owes allegiance to the United States:

When traveling between the United States and any country, territory or island adjacent thereto in North, Central, or South America, excluding Cuba: *Provided*, That this exception shall not be applicable to any such person when traveling to or arriving from a place outside the United States for which a valid passport is required under this part, if such travel is accomplished via any country or territory in North, Central, or South America or any island adjacent thereto: \* \* \* (22 CFR 53.3)

In the hearings undertaken by the committee relating to travel to Cuba in violation of these statutes and regulations, it became clear from the testimony of witnesses and various exhibits received in evidence that the travelers did not regard either the pertinent statutes or regulations as adequate to make punishable their travel to Cuba after January 19, 1961, although they possessed no passports specifically endorsed for travel to Cuba. Their reasons, as claimed and asserted, although vaguely expressed in most instances, fell into three principal categories.

One theory strongly advanced was that the statute and the regulations were unlawful infringements upon the "right" to travel and were thus unconstitutional and void. It was variously asserted that the "right" to travel was a personal matter not subject to governmental interference, that it was essential to the right to learn what is going on in various parts of the world, and was also involved in the exercise of the first amendment freedoms of speech and association. The previously quoted court decisions; namely, *Worthy*, *Frank*, and *Porter*, it is believed, dispose of this claim.

The second principal argument asserted was that the action of the State Department in regulating travel to Cuba was simply a "public notice" and was not based upon any "law" which specifically proscribed or limited travel to Cuba. It was claimed that the "policy" of the State Department could not serve as a substitute for specific legislation and that, in any event, such legislation would be void because unconstitutional.

It appears that this argument is lacking in validity because the State Department's regulations barring travel to Cuba without a specially validated passport, as published in the Code of Federal Regulations, were based specifically on the authority to restrict travel granted to the President by Congress in section 1185 of the Immigration and Nationality Act of 1952. Thus, despite the claims of the travelers to the contrary, the regulations were based on law.

In form letters distributed to potential "student" travelers by organizers of the 1963 group trip to Cuba, the advice was also given, and the third claim made, that where the individual was in possession of a "valid passport" at the time he departed from the United States (which would be the case if he entered a Western Hemisphere nation for which no passport was required or some other country for which he held a "valid passport") his travel to Cuba thereafter would not be an unlawful "departure" or in violation of law unless he "used" his passport for entry to Cuba. It became obvious from the record



that most of the witnesses were acting upon this advice and theory. They had obtained passports on the representation that they proposed to travel to countries of this hemisphere or Europe, not naming Cuba. They then traveled to Cuba after visiting other countries. This device—for the evidence indicates it was no more than that—was an obvious attempt to evade the intent of the law by reliance on a supertechnical interpretation of it. Obviously, any person who left the United States under the conditions described, *with the intent of visiting Cuba*, would be in violation of the purpose of the law.

Actually, it appeared from the context of the testimony that the validity of the law regulating travel to Cuba was not a matter of material concern to the travelers. The legal objections raised by them appear simply as a smokescreen to cover a basic Communist agitational effort to conduct propaganda favorable to the Castro regime, and to communism generally throughout the world, undertaken primarily under the leadership of the Progressive Labor Movement, a Communist splinter group. The record clearly shows that the travel was organized in aid of the immediate objective of breaking the ban on travel to Cuba and as a first step in the long-range objective of breaking the attempted isolation of Cuba by the United States. To obscure these objectives the Communists adopted a favored and basic technique of appearing to champion “civil rights”—the “liberty to travel” and the “right to learn”—to conceal the real objective of undermining American foreign policy designed to contain or suppress a regime hostile to the security of the Nation and to the interests of liberty-loving people everywhere.

It was also clear that, by pointing up an alleged “right to travel” to Cuba and deliberately violating the State Department ban on such travel, the travelers hoped to embarrass and degrade the United States in the eyes of the whole of Latin America and other areas of the world as well. This was to be accomplished by creating the impression that a group of typical American students, at odds with their Government and its “repressive laws” and policies, were concerned only with seeing the truth which the Government was trying to withhold from them. By their actions and subsequent glowing speeches favorable to Castro and communism in Cuba, they would influence Americans at home and peoples in all parts of the world, non-Communist as well as Communist. A picture was to be painted, however false, that Cuban communism was wonderful and that the American Government had been suppressing and misrepresenting the truth. The obvious hope was entertained that, by bringing American foreign policy into disrepute, the people of the United States would ultimately demand a change in governmental policy. At the same time, the travelers apparently saw an opportunity to discredit the legitimate channels of anticommunism in the United States, such as the State Department, the Federal Bureau of Investigation, and congressional committees. Finally, this “daring” exploit and coup by the recently formed Progressive Labor Movement was expected to give stature to this new organization and to stimulate its growth.

While the objections of the Cuban travelers appear to be without substance in light of the broad language of the statute authorizing the President to make such limitations and exceptions as he may authorize and prescribe concerning departure from or entry into the United States, it is clear that certain of their claims have not been expressly

the subject of judicial determination. Undoubtedly, these issues will be presented for judicial determination under indictments returned in the United States District Court for the Eastern District of New York against a number of the travelers who have been subpoenaed to appear as witnesses before this committee.

The investigations of the committee revealed that certain of those who traveled to Cuba without specific passport validation for such travel were as fully conscious of the statutory support given to the President's restrictions on travel to Cuba by the Act of 1926 as they were of such support given them by section 1185 of Title 8, the Immigration and Nationality Act. Therefore, in order to avoid the criminal penalties provided by the Act of June 25, 1948 (18 U.S.C. 1544) for the misuse of passports—that is to say a willful use or attempted use of passport in violation of the conditions or restrictions contained in it—those travelers who bore passports made a special effort not to “use” them when obtaining visas from Cuban authorities to visit that country. It appears from the testimony taken at the hearings that those travelers possessing passports were advised not to exhibit them to foreign officials concerned with the issuance of visas for travel to Cuba.

However, some doubt has been expressed as to whether the Act of 1926 would be construed to authorize area restraints, or gives any authority to the Secretary of State beyond certain ministerial powers. What this statute authorizes in this respect has not been the subject of final determination by the Supreme Court of the United States, although there has been passing comment upon it in the recent case of *Kent v. Dulles*, 357 U.S. 116, decided June 16, 1958. That case dealt with the validity of individual restraints—the power of the Secretary of State to deny a passport to Communists—either under the Immigration and Nationality Act of 1952, 8 U.S.C. 1185, or the aforesaid Act of 1926, 22 U.S.C. 211a. The Supreme Court there pointed out that no more should be inferred from section 211a of the Act of 1926 than that, in it, the Congress was adopting a prior administrative practice of reviewing passports falling into two categories: the first pertinent to the citizenship of the applicant and his allegiance to the United States which had to be resolved by the Secretary of State in the light of the command of Congress that passports shall be granted to no other persons (22 U.S.C. 212), and the second, whether the applicant was participating in illegal conduct, that is, trying to escape the toils of the law, promote passport frauds, or otherwise engaging in conduct which would violate the laws of the United States. The Court by its language was thus appearing to confine the Act of 1926 largely to a ministerial function with little or no discretionary power. In any event, the Act of 1926 is merely a restriction upon the availability or use of passports for travel, but *does not prohibit the travel itself or make such travel unlawful*.

The committee's investigations indicate that, since early 1961, over 325 persons have traveled to Cuba without passports validated for such travel. The committee has no indication that the Department of Justice has been delinquent in its efforts to prosecute those who have traveled to Cuba illegally, or who have conspired to arrange such travel. Yet, as of this date, only 13 indictments have been obtained for any offense in connection therewith. It has been urged in some quarters that an obstacle to prosecutive action under the existing

statutes may be the need to prove that the traveler, on departing from the United States to go to a country for which no passport is required or to one for which he has a valid passport, actually intended to go to Cuba and that he traveled in this fashion in an effort to avoid the penalties of the law.

In the light of these problems, Chairman Willis on November 6, 1963, introduced H.R. 9045. This bill would amend section 1185 and provides that when the President shall find that "the interests of the United States require" that restrictions and prohibitions shall be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof—

it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen or national of the United States to—

(1) depart from or enter, or attempt to depart from or enter, the United States unless he bears a valid passport; or

(2) travel to, enter, or travel in or through any country or area, or attempt to travel to, enter, or travel in or through any country or area, unless he bears a passport specially endorsed for and authorizing such travel or entry therein; or

(3) travel to, enter, or travel in or through any country or area, or attempt to travel to, enter, or travel in or through any country or area to which travel by United States citizens has been prohibited by the President.

The committee believes this bill remedies the already noted deficiencies found in existing statutes so far as relates to the effective and expeditious prosecution of persons who violate area travel bans, whether they apply to Cuba or any other country.

First, the bill permits exercise of the Presidential power whenever he finds regulation of travel necessary in the national interest. He is thereby not confined, as in the operation of section 1185 of Title 8, U.S. Code, to time of war or national emergency.

Secondly, the bill makes punishable the act of traveling into prohibited areas. Under the existing section 1185, the offense is limited to an unlawful departure from, or entry into, the United States without "a valid passport." The provisions of the bill remove the statute from any ambiguity of expression. It likewise relieves the enforcement agencies of an extremely difficult burden in particular cases—because of investigative problems—of proving venue, that is to say, the specific point of departure from, or entry into, the United States.

Thirdly, the statute likewise lightens the burden of proof in prosecutions under section 1185 with respect to proving the intent of the individual to travel to a proscribed area at the time of "departure" from the United States. To sustain a prosecution under the statute, it is now essential that the prosecution prove that at the time of "departure" from the United States, the traveler intended, for example, to travel to Cuba while not in possession of a passport specially endorsed for travel to that territory. Testimony received in committee hearings indicated that several of the witnesses traveled first to areas such as Mexico or Canada, for which travel is authorized without a passport, or traveled to areas in Europe while in possession of passports "valid"

for that area, and then subsequently traveled to Cuba. Where the travel was not directly to Cuba, there is in many instances difficulty in proving that the "departure" from the United States was unlawful, or, as in the words of the statute, that the departure was without a "valid passport."

Fourthly, the loophole apparently thought to exist by some of the travelers in the Act of 1926, namely, that under that statute only the "misuse" of a passport would be unlawful, is eliminated. Under the bill, it is the travel itself that becomes unlawful without regard to the use of a passport.

In all respects the bill strengthens the hand of the President in the execution of foreign policy, by giving him explicit legislative authorization to exercise a power already impliedly possessed by him and implementing this power with penal sanctions in the event his regulations are violated. For the reasons outlined, the committee deems it essential that existing law be amended, and for this purpose proposals along the lines of the chairman's bill are recommended.

### III. PASSPORTS

It is recommended that legislation be adopted authorizing the Secretary of State, in his discretion, to deny passports, or to grant restricted passports, to persons whose actual or principal purpose in traveling abroad is to engage in activities which will further the aims and objectives of the Communist conspiracy.

The necessity for such legislation became apparent following the Supreme Court decisions of June 16, 1958, in the cases of *Kent* and *Briehl v. Dulles*, 357 U.S. 116, and *Dayton v. Dulles*, 357 U.S. 144. The Court struck down the Secretary of State's regulations denying passports to participants in the Communist movement on the basis that there was no specific congressional authorization for the promulgation of such regulations. The serious consequence of these decisions, as the committee pointed out 7 years ago in its *Annual Report for the Year 1958*, was indicated by the fact that from June 16, 1958, the date of the decisions, to November 7, 1958—a period of less than 5 months—the State Department was required to grant passports to 596 persons who had records of activity in support of the international Communist movement.

Two years before the Supreme Court action in these cases, this committee recognized the weakness in the regulations of the Secretary of State arising from the absence of specific legislative authority for them. In its *Annual Report for the Year 1956* the committee pointed out that:

Although recognizing the historic discretion of the Secretary of State to issue, withhold or limit passports under regulations adopted pursuant to Executive orders, the committee believes that the hand of the Secretary should be strengthened by the enactment of legislation expressing the will and intent of the legislative branch of the Government spelled out in direct and positive form. \* \* \*

Of such concern were the holdings of the Supreme Court in the *Kent*, *Briehl*, and *Dayton* cases that, less than 1 month after they were handed down, President Eisenhower on July 7, 1958, sent a message to the Congress requesting enabling legislation. In this message he said in part:

*To the Congress of the United States:*

Since the earliest days of our Republic, the Secretary of State has had the authority to issue or deny passports. Historically this authority stems from the Secretary's basic responsibilities as the principal officer of the President concerned with the conduct of foreign relations. Congress has over a period of years given the Secretary of State certain additional statutory authority in the field.

In recent years the Secretary of State has based his limitation of passports on two general grounds. The first of these has been that an applicant's travel, usually to a specific country or countries, was inimical to United States foreign relations.<sup>14</sup> The second of the general grounds of denial has been that the applicant is a member of the Communist Party; is under Communist Party discipline, domination, or control; or that the applicant is traveling abroad to assist knowingly the international Communist movement.

Recently the Supreme Court limited this power to deny passports under existing law. It is essential that the Government today have power to deny passports where their possession would seriously impair the conduct of the foreign relations of the United States or would be inimical to the security of the United States.

\* \* \* \* \*

I wish to emphasize the urgency of the legislation I have recommended. Each day and week that passes without it exposes us to great danger. I hope the Congress will move promptly toward its enactment.<sup>15</sup>

Following this message, the President submitted proposed legislation to the 85th Congress (S. 4110, H.R. 13318). This was not adopted. Following the Supreme Court decision of June 16, 1958, in the 85th and each Congress thereafter, other bills have been introduced—but none enacted—to give authority to the Secretary of State to promulgate regulations denying passports to those traveling abroad when the proposed travel is to give support to the Communist conspiracy.

On August 23, 1958, the House passed H.R. 13760, which had been introduced by Mr. Selden on August 12, 1958. There was no Senate action. The following year, in the 86th Congress, the House on September 8, 1959, passed H.R. 9069, which had also been introduced by Mr. Selden. Again, there was no Senate action.

A little over 3 years later, the situation was temporarily relieved by another Court decision. On June 5, 1961, the Supreme Court, in the Communist Party case (367 U.S. 1), upheld the Subversive Activities Control Board finding that the Communist Party was a Communist-action organization and, as such, was required to register under the Internal Security Act of 1950. The Board's order for the Communist Party to register became final on October 20, 1961, and on that date section 6 of the Internal Security Act became effective as to Communist Party members. This section made it unlawful for a member of a Communist organization that has registered, or against which there is in effect a final order of the Board requiring it to register, to make application for a passport, or to use or attempt to

<sup>14</sup> See Recommendation II, "Area Restraints on Travel," supra, pp. 76-89.

<sup>15</sup> *Congressional Record*, July 7, 1958, p. 3046.

use any such passport, and prohibited the issuance of a passport to such person.

A little over 21½ years later, however, on June 22, 1964, in the case of *Aptheker and Flynn v. The Secretary of State*, 378 U.S. 500, the Supreme Court declared section 6 of the Internal Security Act unconstitutional.

Hence, at the present time, the floodgates are open. The Department of State and Government of the United States are powerless to restrain or restrict the travel of hundreds of persons whose travel abroad has been for the purpose of serving the aggressive plans of the world Communist movement, whose objective is to bring down and destroy our free society and its constitutional form of government.

It is clearly within the power of Congress to enact legislation curbing such travel. The cases of Kent, Briehl, and Dayton were decided not on the basis of any constitutional prohibition against denials of passports, but on the ground of lack of congressional authorization for the Secretary of State (and perhaps the President) to establish a regulation beyond his individual competence. Aptheker and Flynn decided only that such legislation must be carefully tailored so as not to "sweep unnecessarily broadly and thereby invade the area of protected freedoms." The cases are of interest and importance and should be considered for the light they throw on the problems involved in the exercise of legislative power in relation to the "liberty" or "right" to travel.

The separate cases of Rockwell Kent, a well-known artist, and Dr. Walter Briehl, a psychiatrist, were decided in one opinion at 357 U.S. 116. Each had made application for passport. Kent expressed a desire to visit England and to attend a meeting of the Communist World Council of Peace in Helsinki, Finland. Briehl stated his desire to attend an international psychoanalytic congress in Geneva and a World Mental Health Organization Congress in Istanbul.

Both Kent and Briehl had been identified as members of the Communist Party, with extensive records in support of its activities, particularly its propaganda operations. Both Kent and Briehl were asked to supply the Passport Office with an affidavit relating to present or past membership in the Communist Party. Both were advised that unless these affidavits were submitted, their applications could not be favorably considered. Both were also informed at the same time that they were nevertheless entitled to a hearing, and hearings were granted to both. Due to the refusal of both applicants to submit affidavits, their applications were rejected.

The regulations under which these passports were refused had been adopted September 4, 1952, and published at 22 CFR 51.135 to 51.143. Section 51.135 provides:

In order to promote the national interest by assuring that persons who support the world Communist movement of which the Communist Party is an integral unit may not, through use of United States passports, further the purposes of that movement, no passport, except one limited for direct and immediate return to the United States, shall be issued to:

(a) Persons who are members of the Communist Party or who have recently terminated such membership under such circumstances as to warrant the conclusion—not otherwise

rebutted by the evidence—that they continue to act in furtherance of the interests and under the discipline of the Communist Party;

(b) Persons, regardless of the formal state of their affiliation with the Communist Party, who engage in activities which support the Communist movement under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they have engaged in such activities as a result of direction, domination, or control exercised over them by the Communist movement.

(c) Persons, regardless of the formal state of their affiliation with the Communist Party, as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and willfully, of advancing that movement.

Section 51.142 provides:

At any stage of the proceedings in the Passport Division or before the Board, if it is deemed necessary, the applicant may be required, as a part of his application, to subscribe, under oath or affirmation, to a statement with respect to present or past membership in the Communist Party. If applicant states that he is a Communist, refusal of a passport in his case will be without further proceedings.

Both Kent and Briehl claimed that the requirement of an affidavit concerning Communist Party membership was unlawful and applied to the district court for declaratory relief. The district court and the court of appeals decided against them. The Supreme Court granted certiorari on November 25, 1957.

Two months later, the Supreme Court agreed to review the case of Weldon Bruce Dayton, whose request for a passport had been denied and which denial, like Kent's and Briehl's, had been upheld by the United States district court and the court of appeals. Dayton, a native-born citizen and physicist, was connected with various Federal projects. He had also been associated as a teacher with several universities. In March 1954 he applied for a passport to travel to India for the purpose, he said, of accepting a position as research physicist at the Tata Institute of Fundamental Research, affiliated with the University of Bombay.

The director of the Passport Office advised him that his application was denied because the Department of State "feels that it would be contrary to the best interests of the United States to provide you passport facilities at this time." Dayton's "associations," suggesting involvement in nuclear espionage, as will hereafter appear, were too direct to escape the attention of a government having a duty and resolve to prevent it.

Upon receipt of notice of refusal, Dayton conferred with the Passport Office and, as a result, executed an affidavit by which he said, in part, "I am not now and I have never been a member of the Communist Party." He further denied that he had ever engaged "so far as I know" in any activities in support of the Communist movement; that his "sole purpose" in going abroad was to engage in research in physics; and that his going abroad "so far as I know or can imagine"

would not in any way advance the Communist movement. Despite this affidavit, Dayton's application for a passport was refused.

Dayton appealed to the Board of Passport Appeals. A hearing was held at which witnesses for him and for the State Department testified. After further proceedings and review by the Secretary of State, the application was finally refused on the basis of section 51.135 of the previously mentioned regulations.

The Secretary of State had found that Dayton, while at the University of California, had been chairman of an organization—the Science for Victory Committee—conceived and organized by Communist Party officials as a front for propaganda and espionage activities; that he was closely associated with persons identified as Communists who were involved in the nuclear espionage apparatus of Julius Rosenberg; that since 1938 Dayton had maintained close association and relationship with Bernard Peters, an identified member of the Communist Party and a suspected espionage agent actively engaged in support of Communist Party activities both here and abroad. (Peters had renounced his American citizenship in 1955 and was, in fact, responsible for Dayton's offer of employment at the Tata Institute in India, where Peters was to work in close collaboration with him.)

On June 16, 1958, the Supreme Court held that the denial of passports to Kent, Briehl, and Dayton was unconstitutional. The Dayton case was reversed on the basis of the Court's opinion in Kent and Briehl. The decisions were 5-4. The majority opinions were written for the Court by Mr. Justice Douglas. Mr. Justice Clark wrote the dissenting opinions, in which he was joined by Justices Burton, Harlan, and Whittaker.

Writing for the majority in Kent and Briehl, Mr. Justice Douglas stated that the Court did not reach the question of constitutionality, but concluded only that neither of the applicable statutes, namely, section 1185 of the Immigration and Nationality Act of 1950 (Title 8, U.S.C.) and section 211a of the Passport Act of 1926 (22 U.S.C.),<sup>16</sup> delegated to the Secretary of State the kind of authority which he had exercised in these cases. He said, "If we were dealing with political questions entrusted to the Chief Executive by the Constitution, we would have a different case."<sup>17</sup>

<sup>16</sup> These statutes are set forth in the preceding recommendation II "Area Restraints on Travel," supra at pp. 76-89.

<sup>17</sup> The line distinguishing "political questions" from "judicial questions," however, is not clearly drawn. In the foregoing section of this report, the committee dealt with *area* restraints on travel (denials of special validations of passports) applied against the travel of Worthy, Frank, and Porter to certain countries. These are to be distinguished from *individual* restraints (denials of passports for *any* travel abroad) imposed upon Kent, Briehl, and Dayton.

The authority for the area restriction imposed on travel to Cuba by the President is said to be the exercise of his inherent or implied constitutional power to conduct the foreign affairs of the United States, requiring no congressional support to establish its validity. Such restrictions bar travel of *all* citizens, regardless of individual "associations" or activities. Moreover, the imposition of such area restrictions, the committee suggests, is to be regarded principally as "political questions," about which courts have repeatedly denied their competence to judge. As the Court said in *Chicago & Southern Air Lines, Inc. v. Waterman Steamship Corp.*, 333 U.S. 103 (1948), at 111: "

The President, both as Commander-in-Chief and as the Nation's organ for foreign affairs, has available intelligence services whose reports are not and ought not to be published to the world. It would be intolerable that courts, without the relevant information, should review and perhaps nullify actions of the Executive taken on information properly held secret. Nor can courts sit *in camera* in order to be taken into executive confidences. *But even if courts could require full disclosure, the very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative. They are delicate, complex, and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry.*" [Emphasis added.]

It would certainly seem that the imposition of individual restraints in aid of the national security involves "political" questions. One of the principal objectives of foreign policy is the preservation of the national security. The restrictions on individual travel of Communists obviously has this objective.



He stated, however, that there was more involved here. While the issuance of a passport carries some implication of intention to extend diplomatic protection, its crucial function today, he said, is control over exit. He added:

And, as we have seen, the right of exit is a personal right included within the word "liberty" as used in the Fifth Amendment. If that "liberty" is to be regulated, it must be pursuant to the law-making functions of the Congress. \* \* \* And, if that power is delegated, the standards must be adequate to pass scrutiny by the accepted tests.

Where activities such as travel are involved, he continued, the Court would construe narrowly all delegated powers that would curtail them. The Court would not find in the broad, generalized power conferred by the foregoing statutes any authority "to trench so heavily on the rights of the citizen." He pointed out that the only law Congress had passed expressly curtailing the movement of Communists—section 6 of the Internal Security Act of 1950—had not then become effective. It would be "strange to infer," he said, that pending the effectiveness of that law the Secretary would have been silently granted by Congress the larger power to curtail the free movement of citizens.

One may or may not reasonably agree with the precise holding of the Court, namely, that neither section 1185 nor section 211a delegated to the Secretary of State the power which he exercised.

Four members of the Supreme Court did not agree, and their argument to the contrary seems persuasive. Nevertheless, should Congress in fact now act to fill the void, the issue then remains whether certain individual restraints may be imposed on those liberties claimed by certain citizens.

Section 6 of the Internal Security Act, previously referred to, reads as follows:

(a) When a Communist organization \* \* \* is registered, or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful for any member of such organization, with knowledge or notice \* \* \* that such order has become final—

(1) to make application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States; or

(2) to use or attempt to use any such passport.

This section was adopted following the receipt of abundant evidence by this committee, and other committees of Congress, that travel and use of passports by Communists posed positive dangers to the national security and impaired the execution of American foreign policy. An express finding relating to such travel was incorporated in sec. 2(8) of the act, as follows:

Due to the nature and scope of the world Communist movement, with the existence of affiliated constituent elements working toward common objectives in various countries of the world, travel of Communist members, representatives, and agents from country to country facilitates communication and is a prerequisite for the carrying on of

activities to further the purposes of the Communist movement.

Section 6 of the Internal Security Act became effective on October 20, 1961, the date the order of the Subversive Activities Control Board directing the Communist Party of the United States to register under section 7 of the act as a "Communist-action organization"<sup>18</sup> became final. The registration order had been earlier upheld by the Supreme Court in its decision in *Communist Party of the United States v. Subversive Activities Control Board*, 367 U.S. 1, decided June 5, 1961.

Subsequent to this decision, the Passport Office of the Department of State in January 1962 notified Elizabeth Gurley Flynn and Herbert Aptheker, top leaders and paid functionaries of the Communist Party (and respectively its national chairman and the editor of its theoretical organ, *Political Affairs*), that the passports which they held, and which had been issued prior to the promulgation of the final registration order of the Board, were revoked because the Department of State believed their use of their passports would violate section 6 of the act.

Aptheker and Flynn requested, and received, hearings to review the revocation. After being denied relief in appropriate review proceedings, they took their case to the United States Supreme Court. They alleged that section 6 was unconstitutional and violated the fifth amendment as a deprivation, without due process of law, of their constitutional liberty to travel abroad. Their contention was upheld in a decision of the Court rendered June 22, 1964.

Mr. Justice Goldberg, writing for the Court,<sup>19</sup> observed that a governmental purpose to control or prevent activities constitutionally subject to regulation may not be achieved "by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms." He rejected the argument of the dissenters that section 6 was constitutional as applied to Aptheker and Flynn and hence was not to be voided by the Court in view of the principle that those to whom a statute may be constitutionally applied will not be heard to attack the statute on the ground that it might be unconstitutionally applied as to other persons. He—with Justices Warren, Black, Douglas, and Brennan concurring—held the statute to be unconstitutional on its face, irrespective of the fact that it might, under a limited construction, be constitutionally applied to some. In reaching this conclusion, he advanced four principal reasons.

He first observed that section 6 swept within its prohibition both "knowing and unknowing members" [of the Communist Party]. He wrote that where the fact of membership in a group has been made the criterion for limiting the individual's freedom, this cannot be done without regard to the knowledge of such person concerning the organization to which he belonged. He pointed out that in a prior decision the Court had held the due process guarantee of the Constitution to be violated when a State, in attempting to bar disloyal individuals from its employ, excluded persons solely on the basis of organizational memberships without regard to their knowledge concerning the organizations to which they belonged. This, he indicated, was an indiscriminate classification of innocent with

<sup>18</sup> That is, as Mr. Justice Douglas said, "a disciplined organization operating in this Nation under Soviet Union control to install Soviet-style dictatorship in the United States."

<sup>19</sup> Separate concurring opinions were filed by Justices Black and Douglas. Dissenting were Justices Clark, Harlan, and White.

knowing activity and, therefore, a constitutionally prohibited assertion of arbitrary power.

Mr. Justice Goldberg also held that section 6 rendered irrelevant the member's degree of activity in the organization and his commitment to its purposes. He said these factors, like knowledge of the organization's purposes, would bear on the likelihood that the travel by such a person would be attended by the type of activity which Congress sought to control. He noted, as the Court had previously elsewhere noted, that men adhering to an organization or political party do not always subscribe unqualifiedly to all its platforms or asserted principles. The evil of section 6 was, he said, that it established an "irrebuttable presumption" that individuals who are members of specified organizations would, if given passports, engage in activities inimical to the security of the United States. He reiterated the contention that, even assuming that some members of the Communist Party had illegal aims, it cannot be inferred automatically that all members shared their evil purposes or participated in their illegal conduct.

The third argument advanced by the Court in condemnation of section 6 was that this section applies to the Communist Party member regardless of the purpose for which he wished to travel. Mr. Justice Goldberg said that the effect of the statute was to proscribe travel for innocent purposes; that, for example, it would be a crime for a member of the registered organization to apply for a passport to travel abroad to visit a sick relative or to receive medical treatment or for some other wholly innocent purpose. He noted also that section 6 applied regardless of the "security-sensitivity" of the areas in which the member wished to travel. The individual might desire to visit a relative or to read manuscripts in some library abroad.

Related to the Court's third objection was its final one, that in passing upon the constitutionality of the abridgment of "liberty," it was important for Congress to consider that it has within its power "less drastic" means of achieving the congressional objective of safeguarding our national security. Mr. Justice Goldberg pointed out, as an example, the Federal Employee Loyalty Program under which, by executive order, membership in a Communist organization was not considered conclusive, but only as one factor to be weighed in the totality of factors. He further observed that the legislation proposed by President Eisenhower, following the decision in *Kent-Briehl*, supra, did not make membership in a Communist organization, without more, a disqualification for obtaining a passport. He suggested that such proposals demonstrated the conviction of the executive branch "that our national security can be adequately protected by means which, when compared with section 6, are more discriminately tailored to the constitutional liberties of individuals."

In the decisions discussed in this section, the Supreme Court made it clear that it viewed the individual's right to travel as a fundamental right that could not be lightly denied or curbed. Nowhere in any of these decisions did it hold, however, that under no circumstances could an individual be denied a passport. It found only that the statute and regulations at issue in these decisions failed to meet certain tests of necessity and explicitness. Its decisions serve as a guide for the enactment of legislation which would meet these tests.

The Internal Security Act, reported by this committee, it should be emphasized, was designed to control certain Communist Party activities. Although section 6 of this act barred passports to members of the Communist Party, this section was never intended to serve as general passport security legislation. It was a provision of the act designed to deprive persons who were formally, or technically, members of the Communist Party of one of the weapons they had been using in their efforts to undermine the United States.

Therefore, even if section 6 of the Internal Security Act had been upheld by the Supreme Court, there would still be need for legislation to close the security gap in the area of passports created by the Kent-Briehl-Dayton decisions of 1958. Two years before these decisions were handed down, the committee, as previously mentioned, pointed out in its *Annual Report for the Year 1956* that there was no specific legislative authorization for the Secretary of State to deny passports to any individual. It made the same point in annual reports issued subsequent to 1958 and prior to the June 1964 Supreme Court decision holding section 6 unconstitutional.

It is apparent that travel abroad by persons other than formal Communist Party members can seriously impair the national and security interests of the United States. This would be true of any person, for example, who was engaged in espionage, no matter what country he was serving by his spy activities. Communist espionage agents, of course, assiduously avoid Communist Party "membership." They, as the committee has recognized from the beginning, would not be impeded in their movements by the Internal Security Act. Other legislation is necessary to deal with the problem of both Communist and non-Communist espionage agents and persons of other types whose travel abroad would be detrimental to national interests.

Securitywise, the June 1964 decision of the Supreme Court holding section 6 of the Internal Security Act unconstitutional throws the country back to the period immediately following the Kent-Briehl-Dayton decisions of June 1958, when there was absolutely *no* effective security legislation in the passport field. Today, the highest-ranking officials of the Communist Party commute between Moscow and the United States at will. There is no way for the executive branch to halt this traffic in subversion unless Congress acts.

The committee urgently recommends, as it has for a number of years, the enactment of legislation conferring upon the Secretary of State explicit authority to deny passports to all persons whose travel abroad would be contrary to the interests and the national security of this country.

#### IV. SMITH ACT

The need for clarification of congressional intent with respect to the terms "advocate" and "teach" as used in the Smith Act of 1940, is indicated by the decision of the Supreme Court in the case of *Yates v. United States*, 354 U.S. 298 (1957).

The Smith Act, as amended, provides that:

Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political sub-

division therein, by force or violence, or by the assassination of any officer of any such government; or

Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purpose thereof—

Shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department, or agency thereof, for the five years next following his conviction.

If two or more persons conspire to commit any offense named in this section, each shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. (18 U.S.C. 2385)<sup>20</sup>

Prior to June 17, 1957, the date *Yates v. United States* was decided, and following the adoption of the Smith Act in 1940, the Department of Justice prosecuted 146 leading Communist Party functionaries for violation of the Smith Act. Of this number, a total of 109 party members were convicted at trial in the district courts of the Nation. Of the total of 109 persons convicted, only 38 convictions were sustained on appeal or certiorari. The bulk of the convictions were reversed as a consequence of the principles enunciated in *Yates v. United States*, a decision which dealt a severe blow to the effectiveness of the Smith Act, hitherto the principal legislation aimed toward the containment of the Communist conspiracy within the United States. It is significant that not one single Smith Act prosecution has been instituted by the Department of Justice since the decision in that case of June 17, 1957. If the Smith Act is again to become an important weapon against the Communist conspiracy, it is vital that the Congress strengthen the act by the adoption of legislation which would renew its effectiveness.

The *Yates* case was a prosecution charging 14 leaders of the Communist Party with conspiring to advocate and teach the duty and necessity of overthrowing the Government of the United States by force and violence and to organize as the Communist Party of the United States a society of persons who so advocate and teach, with the intent of causing the overthrow of the Government by force and violence as speedily as circumstances would permit. The 14 defend-

<sup>20</sup> As a result of the *Yates* decision, this section was amended by adding the following new paragraph: "As used in this section, the terms 'organizes' and 'organize', with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons." (Public Law 87-486, approved June 19, 1962)

ants were convicted at trial, and each of them was sentenced to 5 years' imprisonment and a fine of \$10,000. The court of appeals affirmed. Upon grant of certiorari by the Supreme Court, the convictions were reversed. Although a new trial was awarded as to some of the defendants, the Department of Justice was unable to prosecute in view of the principles enunciated in *Yates*, and abandoned the prosecutions.

In the district court, at trial of the defendants in *Yates*, the trial court had clearly charged that the holding of a belief or opinion did not constitute advocacy or teaching; that the Smith Act did not prohibit persons who may believe that the violent overthrow of the Government is probable or inevitable from expressing that belief; and that any advocacy or teaching which did not include the urging of force or violence as the means of overthrowing the Government was not within the charge of the indictment. The trial court instructed the jury that:

The kind of advocacy and teaching which is charged and upon which your verdict must be reached is not merely a desirability but a necessity that the Government of the United States be overthrown and destroyed by force and violence and not merely a propriety but a duty to overthrow and destroy the Government of the United States by force and violence.

Yet the majority of the Supreme Court reversed a trial of 4 months' duration and held that this charge was inadequate; that the court should have added expressions that such advocacy and teaching must be "a call for action" and done—

"with the intent that such teaching and advocacy be of a rule or principle of action and by language reasonably and ordinarily calculated to incite persons to such action \* \* \*."

This is certainly a difference without a distinction. Is not the teaching of a "necessity" and the imposition of a "duty" to overthrow the Government (to quote the trial court's instruction) a "call for action" and a "principle of action" ordinarily calculated to "incite" persons to act (to quote the Supreme Court)? It is stronger; it imposes an *obligation* to act. Is not the advocacy of that duty, as necessity, together with the *urging* of force and violence, an intentional incitement?<sup>21</sup>

In dissenting, Mr. Justice Clark pointed out that the majority decision in *Yates* was "an exercise in semantics and indulgence in distinctions too 'subtle and difficult to grasp'." Reminding the Court that the conspiracy in *Yates* included the same group of defendants as in *Dennis v. United States*, 341 U.S. 494 (1951), and *United States v. Flynn*, 216 F. 2d 354 (1954), although the defendants in *Yates* occupied a lower echelon in the party hierarchy, and reminding the majority that the convictions in *Dennis* and *Flynn* were based upon evidence closely paralleling that in *Yates*, he found the decision in *Yates* incomprehensible. He said:

I thought that *Dennis* merely held that a charge was sufficient where it requires a finding that "the Party advocates

<sup>21</sup>This was, in effect, long ago recognized by Justice Holmes (dissenting, in *Giltow v. New York*, 268 U.S. 652, at 673), who wrote: "It is said that this manifesto was more than a theory, that it was an incitement. It offers itself for belief and if believed it is acted on unless some other belief outweighs it or some failure of energy stifles the movement at its birth. The only difference between the expression of an opinion and an incitement in the narrower sense is the speaker's enthusiasm for the result."

the theory that there is a duty and necessity to overthrow the Government by force and violence . . . not as a prophetic insight or as a bit of . . . speculation, but as a program for winning adherents and as a policy to be translated into action" as soon as the circumstances permit.

An example of the result of the Yates decision was a reversal in 1958 of the prior conviction of six second-rank Communist leaders for violation of the Smith Act, on appeal to the circuit court of appeals in the case of *United States v. James E. Jackson, et al.*, 257 F. 2d 830 (C.C.A. 2, 1958). This decision was based upon the so-called call-for-action test laid down by the Supreme Court of the United States in the Yates case. In commenting upon the holding in *Yates*, the court stated:

In distinguishing this extremely narrow difference between the advocacy or teaching which constitutes a violation and that which does not, the Supreme Court said: "The essential distinction is that those to whom the advocacy is addressed must be urged to *do* something, now or in the future, rather than merely *believe* in something."

Six years ago, in its *Annual Report for the Year 1958*, this committee noted the holding in *United States v. James E. Jackson, et al.*, and now repeats what it then said:

The committee is of the opinion that the Supreme Court of the United States in the Yates case, in attempting to construe the terms "advocate" and "teach" as terms of art, wholly failed to ascertain the obvious intent of Congress as disclosed by the customary meaning of those terms when used in conjunction with the terms "duty" and "necessity" as used in the act. The question of whether advocacy and teaching of the *duty* and *necessity* of overthrowing the Government by use of force and violence constitutes mere advocacy and teaching of an abstract doctrine or whether it is advocacy or teaching directed at promoting of unlawful action, was neither considered nor decided by the Court in the Yates case. To construe the terms "advocate" and "teach" out of the context in which they were used could only result in doing violence to the plain intent of Congress in the use of those terms.

The committee considers it essential that the Smith Act be buttressed by the adoption of appropriate legislation toward that end.

It is believed that this would be accomplished by enacting statutory definitions of "advocate," "teach," "duty," "necessity," "force," and "violence" so that it would be clear to the courts the type of acts Congress intends to be outlawed by the Smith Act.

#### V. SCHEMES TO DEFRAUD

It is recommended that legislation be adopted:

- (1) Making it a Federal offense to obtain or attempt to obtain money or property by any scheme to defraud, or through any false or fraudulent representation, or by concealing or covering up by any trick, scheme, or device a material fact for the purpose

of promoting the interests or benefiting the government of a foreign country, a foreign political party, any alien resident abroad, or any association, partnership, corporation or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country.

(2) To establish a system of licensing or registration of persons who solicit from residents of the United States any money or property for such purposes, requiring, *inter alia*, a detailed accounting of the disposition of any such money or property received which shall be open to public inspection.

The need for legislation on this subject appeared as a result of investigations and hearings conducted by this committee recently and over the course of prior years. Extensive fund-raising activities are conducted by United States Communists in the interest of the revolutionary movement here and abroad. The evidence reveals that the Communists, in seeking support from the American public at large, do not make a full disclosure either of their identity or true purpose.

#### VETERANS OF THE ABRAHAM LINCOLN BRIGADE

This matter was most recently brought to the attention of the committee in its investigation of an activity of the Veterans of the Abraham Lincoln Brigade, a Communist-front organization which, under the false representation of assisting "striking workers," has in fact sought contributions of money and property from United States citizens for the purpose of assisting the Communist underground in Spain. (See *U.S. Communist Party Assistance to Foreign Communist Parties—Veterans of the Abraham Lincoln Brigade*, Hearing before the Committee on Un-American Activities, U.S. Government Printing Office, 1963.)

On July 29, 1963, the committee received the testimony of Moe (Mosess) Fishman, executive secretary of the Veterans of the Abraham Lincoln Brigade, an organization which maintains its offices at Room 405, 49 E. 21st Street, New York City. This organization was cited as subversive and Communist by the Attorney General in 1947. In proceedings under the Internal Security Act of 1950, it has been found by the Subversive Activities Control Board to be a Communist-front organization. The findings of the Board were, on December 17, 1963, affirmed by the United States Court of Appeals for the District of Columbia. The case is presently before the Supreme Court for disposition on certiorari.

The VALB has also been cited as a Communist front by the Special Committee on Un-American Activities and by this committee.

Mr. Fishman was subpoenaed to testify before the committee because, in the early part of 1963, advertisements bearing the caption "What About The Children?" were placed in the Communist Party newspaper, *The Worker*, and in the *National Guardian* by the Veterans of the Abraham Lincoln Brigade.

The ads were the opening of a campaign to solicit money and other assistance, allegedly on behalf of the wives and children of men in Spain "now imprisoned because they dared to take part in the great strikes of 1962." Readers were urged to make one of these families their concern.



They were asked to clip a coupon printed in the advertisement, fill it out, mail it to the VALB "and find out how you can help. We will put you in direct contact with a Spanish family and tell you how you can help them."

This coupon contained, in addition to other material, the following insert: "I want to make a contribution. Here it is \*\$——."

The footnote to this line indicated by the asterisk, read: "Please make checks to: M. Fishman, Secretary."

The committee's hearing revealed that, in response to readers' requests for details, Mr. Fishman had forwarded letters soliciting good used clothing and giving the names and addresses of persons in Spain to whom the clothing should be forwarded.

Six letters which the VALB had mailed to persons who had responded to its advertisements—each one containing the name and address of a different family in Spain—were introduced in the hearing record. Only one of the six families had a member who was actually jailed during the strikes in Spain in the spring of 1962—and that individual had been imprisoned for activity in Communist cells as well as for strike activity, but had been released from prison 2 months before the VALB first advertised for aid to families of the alleged imprisoned Spanish strikers. With that exception, all of the others had family members who had been imprisoned for Communist activity prior to the 1962 strikes. The husband of one had been released from jail 16 years earlier and was not even residing in Spain at the time of VALB activity in behalf of his family.

Mr. Fishman was asked how many persons had responded to the VALB plea for financial contributions and used clothing. He invoked the fifth amendment in refusing to respond to the question.

Fishman, a veteran Communist Party member, has long been active in seeking assistance from the United States public in aid of international operations of the Communist movement. His activities have centered mainly on assisting the Spanish Communist apparatus.

During the Spanish Civil War, Mr. Fishman had served in the International Brigade from 1937 to 1938. Later, after returning to the United States, he was placed in charge of the warehouse of the Joint Anti-Fascist Refugee Committee (JAFRC), an organization cited as subversive by the Attorney General in 1947, which operated what was called the Spanish Refugee Appeal.

The Joint Anti-Fascist Refugee Committee, established in 1942, represented itself as a purely "philanthropic" organization which provided relief and rehabilitation, without regard to "creed," to thousands of individuals exiled from their homelands following the Spanish Civil War.

According to testimony received before the Subversive Activities Control Board, Mr. Fishman assisted in packing JAFRC materials and supplies which were ostensibly going to persons in Spain suffering under Franco's regime but which were actually being sent to the Communist underground in Spain. When asked about his activities in this respect during the course of the committee's hearing of July 29, 1963, Mr. Fishman declared that the "public record" showed that the clothes collected by the "Spanish Refugee Appeal" were "administered and distributed solely by the Quakers and Unitarians of the United States."

The public record does not substantiate Mr. Fishman's claim. While World War II was in progress, the Joint Anti-Fascist Refugee

Committee was required to submit financial reports to the President's War Relief Control Board. These reports indicate that from 1942 until mid-1945, \$67,986, representing only about 12% of the total wartime relief collections of the JAFRC, had been distributed by the American Friends Service Committee in France and North Africa and that \$114,360—21% of the JAFRC wartime relief—was distributed by the Unitarian Service Committee in France, Switzerland, Portugal, and Spain.

Thus, only 33% of the JAFRC's wartime collections was distributed by the two groups which Mr. Fishman claimed were the sole administrators and distributors of these funds. Who managed and distributed the other 67%—and who received the portion of it which was distributed as relief?

This unanswered question assumes considerable importance in view of the following facts:

1. The director of the Unitarian Service Committee's European relief activities from the spring of 1941 until the fall of 1947 was Noel Field, a former State Department employee and a member of an underground Communist cell within the United States Government, who has lived behind the Iron Curtain since 1949.

2. Almost half the JAFRC's wartime collections were sent to a local "relief" organization in Mexico, headed by Vicente Lombardo Toledano, an avowed Marxist and well-known leader of Communist-dominated Latin American labor unions.

3. Gerhart Eisler, for many years the secret boss of the U.S. Communist Party as Moscow's Comintern representative in the United States, was on the payroll of the JAFRC and was paid more than \$6,000 by the organization during the years 1942-1946 under the name "Julius Eisman." During that time Eisler rendezvoused with officials of the Communist Party, U.S.A., in the New York offices of the JAFRC.

In 1953, the Attorney General instituted proceedings to compel the JAFRC to register as a Communist front under the terms of the Internal Security Act. The organization dissolved in February 1955, prior to the termination of these proceedings.

Earlier, however, during the course of a public inquiry into its activities by the New York State Joint Legislative Committee on Charitable and Philanthropic Agencies and Organizations in 1955, the JAFRC refused to provide the investigating committee with records relating to where and how its funds were disbursed, and its officials invoked the fifth amendment in response to questions on the subject.

The New York State committee reported that there was reason to doubt the accuracy of the few incomplete records produced by the JAFRC and noted that, although the organization's books showed a total collection of \$1,325,010 as of the end of 1954, fund raising and administrative expenses were taking 78 cents of every dollar raised from the public and "there is reason to assume that a good part of the receipts raised from the public \* \* \* went to provide jobs to support the faithful members of the Communist Party."

The Communist Party of the United States, as well as "independent" and dissident Marxist-Leninist groups, frequently render assistance to Communists in other countries and places in the world by fraudulent or dubious relief campaigns of one kind or another. This prosperous country—prosperous because it is free—will pay the toll for its own funeral if Communists have their way.

Recent committee hearings relating to the activities of two other Communist-front groups formed in the United States, namely, the Medical Aid to Cuba Committee and the Friends of British Guiana, both of which were engaged in propaganda and fund-raising activities, further illustrate "relief" and financial aid which Communists in the United States have given to Communists abroad.

#### MEDICAL AID TO CUBA COMMITTEE

The Medical Aid to Cuba Committee (MACC) was formed in October 1961, with offices in New York City. It was dissolved on January 31, 1963, following the U.S. agreement to provide \$25 million worth of medical supplies to the Castro government of Cuba in exchange for its release of 1,113 men held prisoner after their capture in the Bay of Pigs invasion.

At the time of its dissolution, the MACC claimed to have purchased and shipped several tons of medicines to Cuba with contributions which had been made by the public in response to its appeals. It also stated that it had sent to Cuba "substantial gifts" of medicines and medical supplies which had been donated to it and a shipment of medical books and journals.

Melitta del Villar (Mrs. Louis J. Amster) was chairman of MACC. The medical director was Dr. Louis Miller. The first treasurer was Albert Baker, who served from the time of the group's formation until February 1962. He was succeeded by Sidney J. Gluck, who remained in office until the group's dissolution.

In hearings held by the committee in November 1962, Mrs. del Villar testified that by May of 1962 the organization had collected between \$20,000 and \$30,000 for medical relief to Cuba. She refused to discuss her personal attitude toward the Communist dictatorship established by Castro in Cuba. When confronted with committee evidence, however, she did admit membership in, and speaking engagements on behalf of, the notoriously pro-Castro Fair Play for Cuba Committee.

Committee efforts to subpoena Dr. Miller for the hearings were unsuccessful. Mrs. del Villar testified that she had not been personally acquainted with Dr. Miller before inviting him to serve as medical director of the organization and that she could not recall who had recommended him to her.

When informed by the committee that Dr. Miller had been one of the "principal New York contacts" of Soviet espionage agent Arthur Alexandrovich Adams,<sup>22</sup> and that Louis Budenz had testified that he had met Dr. Miller during the 1940's at enlarged meetings of the National Committee of the Communist Party, Mrs. del Villar stated that she knew nothing about Dr. Miller's Communist background.

Sidney Gluck, treasurer of the MACC, had previously been identified as a member of the Communist Party by Mrs. Mildred Blauvelt, an undercover agent in the Communist Party for the New York City Police Department, when she testified before this committee on May 3, 1955. In his appearance before the committee in its hearings on the Medical Aid to Cuba Committee, Mr. Gluck invoked the fifth amendment in response to questions concerning present and past membership

<sup>22</sup> *Report on Soviet Espionage Activities in Connection with the Atom Bomb*, House Committee on Un-American Activities, September 28, 1948:174.

in the Communist Party, Mrs. Blauvelt's identification of him, and other Communist activities.

In the course of her testimony, the committee pointed out to Mrs. del Villar that it had been the practice of Communist governments in the past to make political use of relief, whether in the form of food, clothing, or medical supplies, by distributing it to Communist Party members and collaborators and withholding it from those not considered loyal to the regime. She was then asked whether or not the MACC had made any follow-up to determine how the medicines and medical supplies it had shipped to Cuba were distributed.

Mrs. del Villar admitted that there had been no follow-up and claimed to be ignorant of the usual Communist practice of making political use of relief. She also claimed, however, to have "complete confidence" that the supplies were being distributed in Cuba on the basis of need. The supplies, she said, were sent to the National Hospital in Havana, and the director of this hospital, Dr. Martha Frayde, communicated with the MACC on Cuba's medical needs.

The committee also received the testimony of three Cuban refugee doctors who had escaped to the United States after Castro's seizure of power. All three testified that there was a shortage of medical supplies in Cuba. Dr. Emilio V. Soto stated, however, that, when he left Cuba in August of 1960 American drug manufacturing firms were still operating in Cuba and supplying medicines to the medical profession. He expressed the belief that the shortage had been deliberately created by Castro to promote anti-U.S. feeling in Cuba.

Dr. "X," identified only as such in order to protect relatives in Cuba from reprisals, stated that when he left Cuba in 1962 very few American medical supplies were available. He expressed the belief that the shortage was caused by the government's inability to purchase sufficient quantities, combined with the Soviet Union's failure to provide medical supplies of the quality to which Cubans were accustomed. He stated that the government controlled all medical supplies and that no private hospitals remained in Cuba. He also testified that Dr. Frayde, to whom the MACC sent its medical aid, was a well-known Communist.

Dr. Jose G. Tremols, who came to this country in the latter part of 1960, stated that he had been part owner of a private hospital when he left Cuba and the hospital was not able to obtain needed supplies, but that it did get some items through one of its interns who "had very good relations with the government."

#### COMMITTEE FINDINGS RE MEDICAL AID TO CUBA COMMITTEE

The Medical Aid to Cuba Committee, as is clear from its name, made no effort to conceal the fact that it was sending aid to a country which was generally recognized as Communist controlled. It proclaimed, however—in public statements—that its aid was "non-political" and "strictly humanitarian."

The facts indicate there is reason to doubt these claims and that there was fraud and concealment of material facts in its public appeals and operations:

1. In a brochure listing its officers and sponsors, the MACC omitted any notice of the fact that its treasurer and medical director were identified Communists.

Moreover, in a quarter-page advertisement placed in the *New York Times* of November 13, 1962, the MACC listed its chairman, Melitta del Villar, and the names of its sponsors, but omitted the

names of these two officers, Sidney Gluck, the treasurer, and Dr. Louis Miller, the medical director. In a marked departure from normal practice in such cases, which calls for contributions being sent to an organization's treasurer, contributors were directed to make checks payable to Elizabeth Sutherland, whose name also appeared in the ad as one of the group's sponsors. Miss del Villar testified that Elizabeth Sutherland had been chosen for this role because she had a "beautiful name." Miss Sutherland acknowledged in testimony before the committee that she had "acted as nominal treasurer for the purposes of this advertisement." She also admitted that she had formerly been a member of the Fair Play for Cuba Committee.

Also, in regard to the organization's claim that it was "nonpolitical," it is significant that Helen Travis, Harriett Buhai, Jean Kidwell Pestana, Rose Rosenberg, and Dr. Murray Abowitz were associated in various capacities with the activities of the Los Angeles Medical Aid to Cuba Committee—and all have been identified as members of the Communist Party.

2. The previously mentioned ad in the *New York Times* said that the MACC was sending drugs and supplies to Cuba "for free distribution to sick men, women and children of Cuba." The Los Angeles Board of Social Service Commissioners, however, denied the Los Angeles Medical Aid to Cuba Committee a permit to solicit cash contributions at a public meeting held on June 6, 1962, on the grounds that the organization had provided no evidence that would assure the Board that "the medical items procured would go to needy persons unable to pay." In addition, as previously indicated, Mrs. del Villar testified that the MACC had made no follow-up to determine the distribution of its relief supplies. It was therefore in no position to make the above-quoted claim in the *New York Times* ad.

3. The following statement also appeared in the *New York Times* ad—

since there is no trade with the United States, Cuba has no way to get U.S. dollars. And without U.S. dollars, Dr. G.— and other physicians like him—cannot buy U.S. drugs.

This statement was deceptive. Cuba could obtain U.S. dollars. As revealed in subsequent hearings of this committee, the Communist government of Cuba, in the summers of 1963 and 1964, financed lengthy trips to Cuba by large groups of U.S. so-called students. The air travel for these two groups, paid for in the United States with U.S. currency, cost approximately \$125,000. Had Castro desired to do so, he could have obtained a license to transfer funds in this amount—or even a much greater amount—from the Royal Bank of Canada to the United States to pay for medical supplies needed by the Cuban people. (As pointed out in the *New York Times* ad, President Kennedy, in instituting economic sanctions against Cuba in February 1962, exempted medicines and food from the embargo.)

The evidence strongly supports the conclusion that the Medical Aid to Cuba Committee, despite its claims to being "non-political" and "strictly humanitarian," was a front organization, operating chiefly under the direction of—and was also supported by—Communists and Castro sympathizers; that it made misleading statements in its public appeals; and that its purpose was to obtain free medical supplies for Castro, thus permitting him to direct more money to the support of Communist subversion in the Western Hemisphere.

## FRIENDS OF BRITISH GUIANA

The Friends of British Guiana (FBG) was formed in March 1962, when Dr. Cheddi Jagan was Prime Minister of British Guiana. Its purpose, as proclaimed in public statements, was—

to provide Dr. Jagan's movement, the People's Progressive Party, with a linotype machine, photoengraving equipment, and other essential printing machinery to enable it to meet its important political obligations.

The organization invited the public to "join in making a democratic daily newspaper possible for these embattled friends of democracy." It added that some money had already been raised for this cause, that "only a few thousand dollars" more were needed, and that the committee had been formed to give the campaign "a final push."

The Friends of British Guiana has never made any public announcement of its dissolution, nor has it ever given a public accounting of the sums received as a result of its public appeals, or of the disposition of those funds.

In view of the fact that the United States is declared by Communist leaders to be the number one enemy of communism and the prime target of Communist subversive activities—and in view of the anti-Communist position of the American people—it is clear, the committee believes, that failure to reveal Communist control or orientation of any organization appealing to the U.S. public for funds or material assistance of any kind is concealment of a material fact.

## COMMITTEE FINDINGS RE FRIENDS OF BRITISH GUIANA

There was fraud, deception, and concealment of material fact in the public appeals made by the Friends of British Guiana for the following reasons:

1. The organization's public appeals described Jagan and his People's Progressive Party as "embattled friends of democracy."

The U.S. Department of State, however, in its official document *World Strength of the Communist Party Organizations*, which is up-dated and published annually by the Department's Bureau of Intelligence and Research, designates Jagan's People's Progressive Party as "Communist." The 1964 edition of this document points out that the chairman of the British Commission of Inquiry which investigated the 1962 riots in Georgetown, British Guiana, characterized Jagan as "an avowed Communist." Moreover, Jagan, in addressing the PPP's Annual Congress in April 1962, openly told his followers:

We must not be divided on the issue of Communism. Communism is winning throughout the world. It will win everywhere.

Further, in his appearance before the British Commission of Inquiry, Jagan testified that he believed in the tenets of communism.

2. The FBG, in its literature, identified Jagan's political opposition as "reactionary."

Jagan's principal political opposition, however, the People's National Congress, led by Forbes Burnham, is identified in all recent editions of the above-mentioned State Department document as "non-Communist Left." In addition, the aforementioned British Commission of Inquiry found that some of the opposition to Jagan and his party in British Guiana was motivated by the belief that

Jagan's policies were "leading the country towards Communism." It also concluded that:

There is very little doubt that many of his speeches and some of his deeds gave rise to the apprehension that despite his evasions and profession to the contrary, he was acting as a communist.

3. The only persons identified as officers of the FBG in its public appeals were Leo Huberman, its provisional chairman, and Marcia Rabinowitz, the group's treasurer. The pro-Communist records of these two persons were concealed from the public.

Huberman, in his appearance before the committee in November 1962, stated that he was an "independent Marxist-Socialist" and believed in "working, together with others, including Communists, to the extent that their aims and methods coincide with mine." His public record indicates that Communist aims and methods have coincided with his on numerous occasions during the past 25 years. He denied being a member of the Communist Party, but admitted having talked personally with Cheddi Jagan within the past year. He refused to say whether the conversations concerned the activities of the Friends of British Guiana.

Marcia Rabinowitz, treasurer of the FBG, in her appearance before the committee on November 15, 1962, invoked the fifth amendment when asked if she was presently a member of the Communist Party and whether, as committee information indicated, she had been a member of the Coney Island Club of the Communist Party in the Second Assembly District, Kings County, New York City.

In addition, the FBG did not reveal to the public that it had a vice president who was a high-ranking Communist Party official. Michael Crenovich signed the application for the post office box in New York City which the group used as its mailing address. In doing so, he listed himself as vice president of the Friends of British Guiana. Crenovich had been identified by this committee in 1961 as a member of the National Committee of the Communist Party. In hearings on the Friends of British Guiana held in November 1962, Crenovich invoked the fifth amendment when asked if he was then, or had ever been, a member of the Communist Party or if he was, as committee information indicated, "one of the principal contacts between Latin American and U.S. Communists." He also invoked the fifth amendment when asked if he had discussed his activities in behalf of the Friends of British Guiana with Felix Cummings, the U.N. correspondent for Jagan's newspaper, *Thunderer*, who was registered with the Department of Justice as a U.S. agent for Cheddi Jagan.

In addition to the above, the following facts are also relevant to the concealment of the Communist nature and purpose of the Friends of British Guiana in public statements and appeals made by the organization.

Victor Rabinowitz, a New York City attorney, who is the husband of Marcia Rabinowitz and who has been associated with various Communist causes over a period of years, is a registered agent of the Communist government of Fidel Castro. On three separate occasions when called to testify before a Senate committee, he has invoked the fifth amendment when asked whether he was or had been a Com-

munist Party member. Victor Rabinowitz visited British Guiana early in 1962, prior to the formation of the FBG. On February 26, 1962, the Communist newspaper, the *National Guardian*, published an article about British Guiana written by him. The article was completely pro-Cheddi Jagan and his People's Progressive Party. In closing his article, Rabinowitz stated that two things were "urgently required" if Jagan and his party were to be successful in carrying out their program. The first was, in Rabinowitz' words, "a daily newspaper capable of countering the opposition's propaganda machine \* \* \*"

The Friends of British Guiana was established the following month with Rabinowitz' wife, Marcia, serving as its secretary.

4. Crenovich, in applying for the FBG's P.O. Box in New York City, described the organization as a "Committee to promote friendship between U.S. and British Guiana." This, too, was highly deceptive. The FBG was admittedly formed to help only the People's Progressive Party. Inasmuch as the 1961 estimated population for British Guiana was almost 600,000 and, as late as 1964, Jagan's PPP had an estimated membership of only 10-12,000 members (though it had won 45.8 percent of the vote in the last election), the FBG operation would help only a Communist minority in British Guiana and, therefore, could not possibly promote friendship between this country and the anti-Communist majority of that country. As a matter of fact, by helping the Communist minority, the Friends of British Guiana was not only operating contrary to official U.S. policy, but tended to weaken the friendship between the two countries as a whole.

The record clearly indicates that the Friends of British Guiana was a Communist organization formed for the purpose of serving world Communist interests by providing direct assistance to the Communist leader of British Guiana in the hope that, if and when British Guiana obtained complete independence, the assistance provided would be instrumental in helping convert it to a Communist nation. (See *U.S. Communist Party Assistance to Foreign Communist Governments—Medical Aid to Cuba Committee and Friends of British Guiana*, Parts 1 and 2, Hearings before the Committee on Un-American Activities, U.S. Government Printing Office (1963).)

It is clear from the record of investigations that the Communist apparatus is engaged in repeated, widespread, and substantial fundraising activities. In the process, the American public is victimized. Responding with its usual generosity to ostensible humanitarian appeals, the American public is deceived into paying the freight for propaganda, espionage, and other subversive activities designed to accomplish the destruction of their own country and all free societies.

There is presently no Federal statute, general in application, making punishable the obtaining of money or property by false pretenses, that would specifically grant to Federal enforcement officers the responsibility for safeguarding the interests of the people and the Nation with respect to frauds of the sort outlined here.

This is a subject upon which the Federal Government may appropriately legislate in the exercise of its constitutional powers. Article I, Section 8, Clause 18 of the Federal Constitution, grants to the Congress the power "to make all laws which shall be necessary and proper for carrying into execution" the powers delegated to it and all other powers vested by the Constitution "in the Government of



the United States, or in any Department or Officer thereof." While in general the police power is reserved to the States, the Federal Government has under the Constitution a clear power to define crimes in aid of the execution of the powers conferred upon it by the Constitution. The Federal Government has enacted a large body of criminal statutes in the exercise of its sovereign powers, in some instances reserving an exclusive jurisdiction and in others acting concurrently on similar subjects with the States. In the instance of the proposed criminal statute, which is in regulation of foreign commerce and in aid of the proper execution of foreign policy, there would seem to be no doubt as to the propriety of the exercise by Congress of the power to enact this type of statute. Moreover, because of the involvement of foreign nations and nationals, enforcement of the proposed legislation is a matter that can be more effectively and properly executed by the Federal agencies.

Likewise, the enactment of legislation, along the lines of similar statutes now adopted by many of the State governments, to establish a system of licensing or registration of persons who solicit money or property from residents of the United States for the purposes set forth in the recommendation, would be appropriate and desirable. There is presently no Federal legislation of this type. The Foreign Agents Registration Act of 1938 purports to regulate "agency" relationships and serves other purposes. However, there is excepted from the latter act money or property solicited or collected "to be used only for medical aid and assistance, or for food and clothing to relieve human suffering." Nor does it have the broad application and precise purpose of the type of legislation proposed.

CHAPTER VII  
MEMORIAL RESOLUTION

FRANK S. TAVENNER, JR., IN MEMORIAM

The following resolution in memory of the late Frank S. Tavenner, Jr., general counsel of the Committee on Un-American Activities, was unanimously adopted by the committee (and ordered to be included in its *Annual Report for the Year 1964*):

*Whereas*, having faithfully served his country in combat in World War I; and

*Whereas*, having mastered fully by will and wit the arts of law, he devoted his splendid services to his beloved State, Virginia, for four decades where in private practice he was first to defend the rights of men, and later as U.S. District Attorney was first to prosecute their excesses; and

*Whereas*, as acting chief counsel of the Supreme Council of Allied Powers in Japan, he successfully brought the major Japanese war criminals to the bar of justice; and

*Whereas*, as this committee's general counsel since 1949, he continually demonstrated an ever-present regard for witnesses' prerogatives which he courteously respected; but

*Whereas*, as one deeply devoted to justice, he brooked no trespass upon his Nation's integrity, nor assault upon its honor by counterfeit minorities spawned of foreign powers; and

*Whereas*, since the committee keenly feels its immeasurable loss: Now, therefore, be it

*Resolved*, That the members duly acknowledge and recognize its late counsel not only as a legal artisan of rare skills, but also for the whole man who enjoyed them. And to him who bequeathed a measure of security to his country—and much of himself to his many associates, let it be known that here was a man:

Calm and controlled in controversy, decisive and deliberate in  
debate,

Faculties honed by logic, yet sweetly tempered in prudence,

To truth a staunch ally, to error a determined foe,

In counsel compassionate, in temperament gentle,

Dignified in defeat, humble in success,

The last to accept fame, the first to acknowledge blame.



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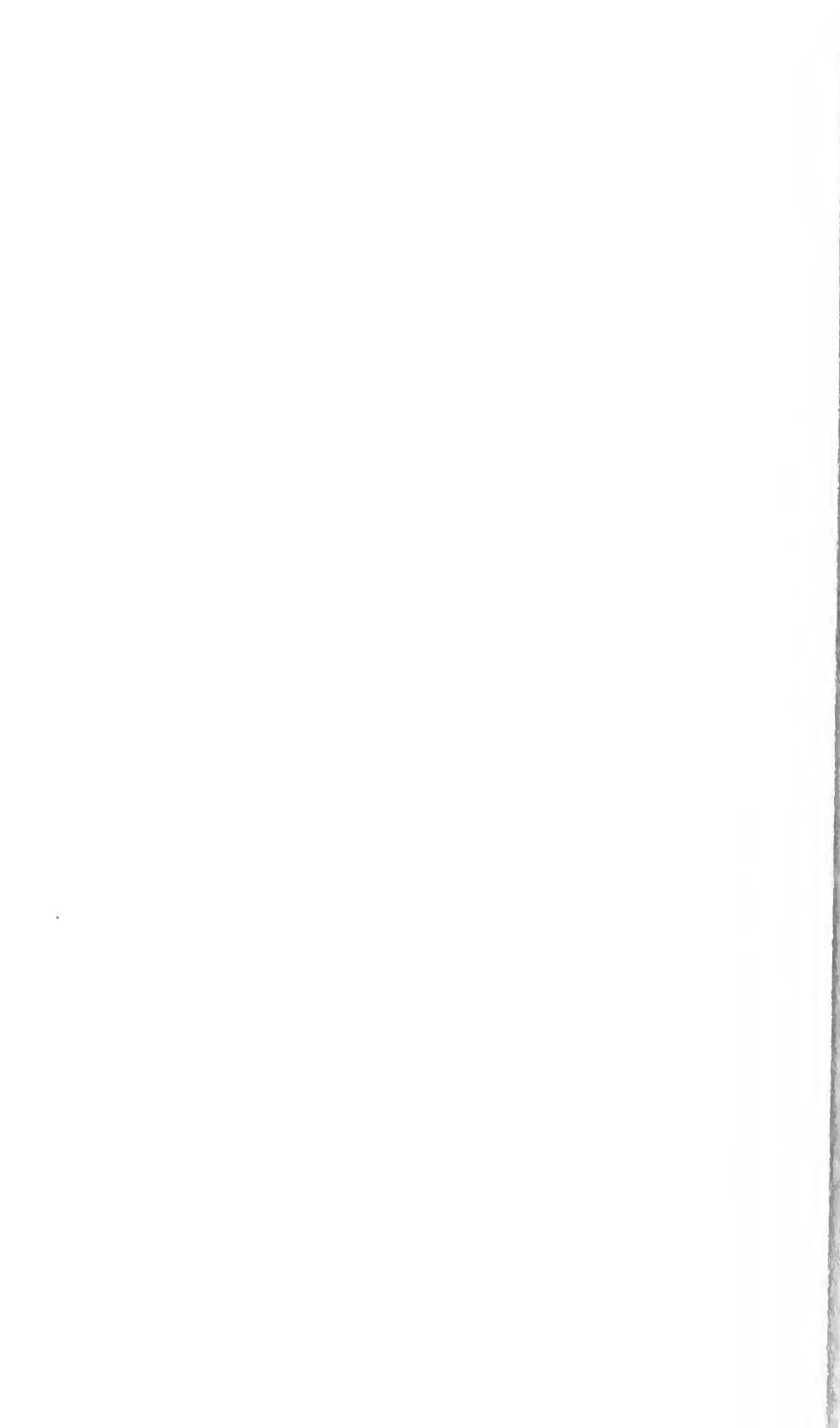












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