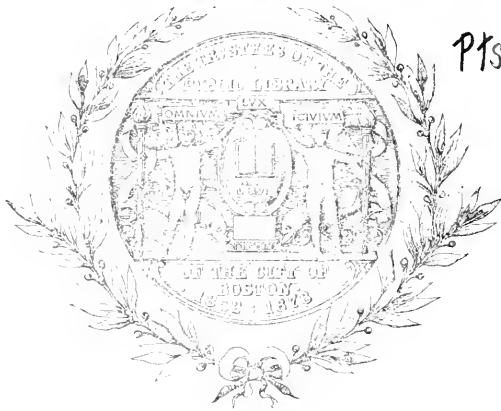




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COMMUNIST ACTIVITIES AMONG PROFESSIONAL GROUPS IN THE LOS ANGELES AREA—PART 3

HEARING

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

Congress, HOUSE OF REPRESENTATIVES

EIGHTY-SECOND CONGRESS

SECOND SESSION

SEPTEMBER 30, OCTOBER 1 AND 2, 1952

Printed for the use of the Committee on Un-American Activities



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COMMUNIST ACTIVITIES AMONG PROFESSIONAL GROUPS IN THE LOS ANGELES AREA—PART 3

TUESDAY, SEPTEMBER 30, 1952

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10 a. m., in room 518 Federal Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood (chairman), Francis E. Walter, Morgan M. Maulder, Clyde Doyle, James B. Frazier, Jr., Harold H. Velde, and Donald L. Jackson.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., assistant counsel; Louis J. Russell, senior investigator; William A. Wheeler and Charles E. McKillips, investigators; and John W. Carrington, clerk.

Mr. Wood. Let's have order, please. In case there are persons present who were not here on yesterday, I desire to repeat this announcement, that there will be no demonstration of any character in this room during the process of these investigations, and the officials have requested that the audience refrain from smoking in the room. Please observe these precautions.

(The following statement, made by the chairman on the preceding day, September 29, 1952, at which time the witness testified on Communist infiltration of the Hollywood motion-picture industry, has been ordered inserted at this point as being applicable to this day's proceedings:)

Mr. Reporter, please let the record show that, acting under the authority of the resolution establishing the House Committee on Un-American Activities of the Seventy-ninth Congress of the United States, I have set up a subcommittee for the purpose of conducting hearings beginning in Los Angeles today and composed of the following members: Representatives Francis E. Walter, Morgan M. Maulder, Clyde Doyle, James B. Frazier, Jr., Harold H. Velde, and Donald L. Jackson, and myself, John S. Wood, as the chairman.

In this connection, I desire personally to express my very deep appreciation to these members of this committee who have left their respective districts in this election year where the general election is so near at hand to come here and aid in the discharge of this very important task and responsibility the Congress of the United States has placed upon us.

I feel that I bespeak the sentiments of the law-abiding American citizens of this community.

During the course of the hearings conducted by a subcommittee of the Committee on Un-American Activities of the House of Representatives a little more than a year ago in this room, Mr. Harold Ashe, who has been downtown section organizer of the Communist Party in Los Angeles and a State chairman of the State Central Committee of the Communist Party, testified that he convinced the Communist Party that a professional unit of the party should be organized in Los Angeles. Mr. Ashe, according to his testimony, organized the Communist Party unit known as "The One Hundred," from which another Communist Party unit, designated "The One Hundred Fifty," was formed.

The members of various professions were recruited into these professional units of the Communist Party on the basis that their identity would not be exposed. One of the purposes of this hearing is to ascertain whether this organizational work begun by Mr. Ashe has developed into an organized effort on the part of the Communist Party to establish Communist Party cells within various professions in the Los Angeles area, the extent and nature of such alleged Communist Party penetration into the various professions, and the purpose and objectives of the Communist Party in such alleged activities.

(End of statement.)

Mr. WOOD. Call your next witness, counsel.

Mr. TAVENNER. Is Mr. John Porter present?

Mr. MARSHALL. Mr. Porter is not present. Mr. Porter is engaged in trial in department 19 of the superior court of this county, which is just two blocks away. Being unaware of the precise order in which the witnesses would be called and being engaged in trial, he has asked me to advise the committee that he will be through today and will be available.

Mr. TAVENNER. The subpoena reads that the witness was subpoenaed for 10 o'clock. This is the first notice that I have had of any desire for continuance or postponement.

Mr. MARSHALL. No request for a continuance could have been made, because we were uncertain as to whether or not Mr. Porter would be called.

Mr. TAVENNER. The subpoena required him to be here at 10 o'clock. There is no uncertainty about that.

Mr. MARSHALL. There is no uncertainty about that, but by reason of the fact that he is a lawyer engaged in practice and is actually engaged in trial, that is the situation.

Mr. WALTER. When was his case attached?

Mr. MARSHALL. You mean when did the trial commence?

Mr. WALTER. Yes.

Mr. MARSHALL. The trial commenced either Thursday or Friday of last week, and he expected to be through on Monday, but because of a certain holiday the case was continued over the holiday until this morning.

Mr. TAVENNER. Will counsel state his name, please?

Mr. MARSHALL. My name is Daniel G. Marshall.

Mr. DOYLE. Is it a jury trial or court trial? What court is it in, please?

Mr. MARSHALL. Department 19.

Mr. DOYLE. Before what judge?

Mr. MARSHALL. Judge Thomas Cunningham.

Mr. DOYLE. Do you have any definite word of when the trial will finish?

Mr. MARSHALL. Sometime during the day.

Mr. WOOD. In view of the statement of counsel, while it is not a good showing for a postponement of the testimony of this witness, however, if it doesn't interrupt this program that counsel has outlined, I personally feel that some indulgence should be extended to him until he can finish this trial today, if it is just today, because we will be here longer than today.

Mr. TAVENNER. I would like, Mr. Chairman, if possible, to have a definite understanding about it as to when the trial of that case is expected to be concluded. I understood him to say at noon today.

Mr. MARSHALL. At sometime during the day was the word that Mr. Porter gave me. Now, I can be in contact with him at noontime to find out just what the situation is.

Mr. TAVENNER. Mr. Chairman, I suggest that immediately upon the conclusion of that trial that the witness report here to the committee and we then determine when he shall appear as a witness.

Mr. WOOD. Will that be satisfactory?

Mr. MARSHALL. That will be satisfactory. He is to report here at the conclusion of that trial.

Mr. WOOD. Yes, and not later than today.

Mr. MARSHALL. Not later than this afternoon.

Mr. WOOD. Yes.

Mr. MARSHALL. Thank you.

Mr. TAVENNER. Mr. Fred Steinmetz.

Mr. WOOD. Is Fred Steinmetz in the hearing room?

Mr. KENNY. I might say that Mr. Marshall and I are representing Mr. Steinmetz, and he may have had some confusion, thinking it was tomorrow. However, we will check his office and see where he is.

Mr. WOOD. May I inquire, Mr. Counsel, if the witness has been subpoenaed?

Mr. TAVENNER. Yes, sir; the witness was subpoenaed, just as the other witness was, for 10 o'clock this morning.

Mr. WOOD. Mr. Counsel, if you have evidence of the fact that he has been subpoenaed, the record should be completed to that effect.

Mr. TAVENNER. Will you bear with me just a moment?

Mr. MARSHALL. With respect to the witness Steinmetz, I have just telephoned his office and they advise me that he left there at 9:30 for this committee hearing. I have looked for him out in the hall. I don't see him.

Mr. TAVENNER. Well, if he left at 9:30, would he have had time to be here by this time?

Mr. MARSHALL. It might be a rather close fit with traffic, and so forth. The office is in Hollywood. Parking is rather scarce around today.

Mr. WOOD. Counsel, of course it will be appreciated that the committee is without authority to act with regard to these witnesses until it is in the record that they have been subpoenaed to appear here, and

that is why I suggested that if you are in position to put forward the proof that a subpoena has been issued to them, that you do so.

As to Mr. Steinmetz, I assume that there is no controversy, because they say he has been subpoenaed and is on his way.

Mr. TAVENNER. We are not in position to do that at this moment, for the reason that the subpoena issued was for an earlier date. We have that subpoena with the return on it. When the hearing was continued, telegrams were sent to these individuals, and we do not have copies of those telegrams present in the room with us. That is why I was asking for a little time to see if we had them.

Mr. WOOD. Is it the desire of counsel that we take a recess until such time as they can be produced?

Mr. TAVENNER. No, sir. I wouldn't want to hold up the proceedings for that, but I do suggest that we wait a few minutes to see if Mr. Steinmetz would arrive, which would conclude this matter if he did arrive, I assume.

Mr. KENNY. I have a suggestion. Mr. Marshall and I represent Mr. Steinmetz and others, and we do have a motion to quash his subpoena, as well as the subpoenas of other lawyer witnesses who have been subpoenaed here.

Mr. WOOD. May I suggest, counsel, that you identify yourself for the record?

Mr. KENNY. My name is Robert W. Kenny. It might give the committee something to consider while Mr. Steinmetz is making his way through traffic. Mr. Marshall and I are ready. We have copies of the motion ready for each member of the committee.

Mr. WOOD. Would you present them?

Mr. NEUSOM. Before that is done, I am also appearing as attorney for some of the witnesses, and I have joined in the motion to quash. My name is Thomas G. Neusom.

Mr. KENNY. Laurence R. Sperber is the fourth attorney who is associated in this motion.

Mr. SPERBER. I am Mr. Sperber.

Mr. WOOD. The motion is embodied in the writing?

Mr. KENNY. It is. I could summarize it, or perhaps the committee wants to look through it first.

Mr. WOOD. The committee will stand in recess for 10 minutes while it considers the motion.

(Short recess was taken.)

Mr. WOOD. I will file a copy of the motion with the reporter for inclusion in the record, the motion to quash the subpoenas that have been presented to the committee.

The committee, after consideration of the motion to quash, has unanimously directed that I inform counsel that the motion is overruled.

Who do you have, Mr. Tavenner?

Mr. TAVENNER. Mr. Fred Steinmetz.

Mr. WOOD. Do you solemnly swear that the evidence that you will give this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STEINMETZ. I do.

Mr. WOOD. Be seated, please.

TESTIMONY OF FRED H. STEINMETZ, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, DANIEL G. MARSHALL, THOMAS G. NEUSOM, AND LAURENCE R. SPERBER

Mr. TAVENNER. Are you represented by counsel, Mr. Steinmetz?

Mr. STEINMETZ. Yes; I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. KENNY. I think we have already done that. That is, it is myself, Mr. Robert W. Kenny, Mr. Marshall, Mr. Neusom, and Mr. Sperber. We appear as counsel for Mr. Steinmetz.

Mr. TAVENNER. When and where were you born, Mr. Steinmetz?

Mr. STEINMETZ. I was born in Los Angeles in 1909.

Mr. TAVENNER. Where do you live?

Mr. STEINMETZ. In Los Angeles.

Mr. TAVENNER. What is your profession?

Mr. STEINMETZ. I am an attorney.

Mr. TAVENNER. How long have you practiced your profession in Los Angeles?

Mr. STEINMETZ. Since 1940.

Mr. TAVENNER. Will you state briefly to the committee what your educational training or preparation has been for the practice of your profession?

Mr. STEINMETZ. Well, I attended high school and college. I received my bachelor of arts degree from the University of California at Berkeley. Thereafter I received my bachelor of laws degree from the University of California at Berkeley.

Mr. TAVENNER. Mr. Steinmetz, when the first lawyer was called to testify in public session before this committee in January of this year with regard to his knowledge of the existence of the Communist Party cells made up exclusively of the legal profession in the Los Angeles area, three matters were specifically pointed out to him.

I desire now to repeat those matters so that you yourself may be clear on the subject.

It was pointed out to him that in interrogating him there was no intention of asking him any questions which would violate the confidential relationship of counsel and client.

It was also pointed out to him that the right and duty of a lawyer to represent his client and the reciprocal privilege of a client to employ the lawyer of his choice were not involved in the proceedings and no questions would be asked the witness regarding such matters.

And, third, that the Congress of the United States in placing upon this committee the duty of investigating the extent, character, and objects of un-American activities in the United States, the diffusion within the United States of subversive and un-American propaganda emanating from abroad or arising in this country and which attacks the principles of the form of government guaranteed by our Constitution, and all other questions relating thereto that would aid Congress in any necessary remedial legislation, has not exempted lawyers from the scope of its inquiry.

In addition to making these things clear to you, I want to state that neither you nor any of the other lawyers who have been subpoenaed as witnesses at this hearing have been subpoenaed because you or they

have appeared as counsel for any witness who has been subpoenaed before this committee.

In fact, it is not believed that more than two lawyers who have been subpoenaed before these hearings has at any time appeared before this committee as counsel for a witness, and I think only one of those since I have been connected with the committee, which has been for a period of more than 3 years.

You have been subpoenaed as a witness because the committee has sworn testimony that you have knowledge concerning the subject of this inquiry.

Now, that sworn testimony will be found in the printed record of the committee and consists of the testimony of Mr. David Aaron, who was an attorney practicing law in the city of Los Angeles; a witness by the name of Albert M. Herzig, who was also a practicing lawyer in this area; Mr. A. Marburg Yerkes, also a practicing lawyer here; and Mr. William G. Israel, also a practicing lawyer.

I think I should refer, before asking you specific questions, to the testimony of Mr. Aaron, who appeared before the committee in January of this year. Mr. Aaron testified as to how membership in the Communist Party was solicited by lawyers in the city of Los Angeles, how he joined a cell of the Communist Party made up exclusively of members of the legal profession; that this cell had a name called the Engels Club.

Mr. Aaron testified that, after having had explained to him the testimony of Mr. Ashe regarding this original decision to organize cells within the professions, they were instructed not to advise any person, even though they knew that person to be a member of the Communist Party, that they were members. In other words, that there was a certain character of secrecy regarding membership in the professions that did not exist within the Communist Party generally. In fact, this is his exact testimony on that:

I asked him this question:

Occupying a position as a lawyer, you were not expected to stand on the street corner and sell the Daily Worker or the People's World, were you?

Mr. AARON. No, sir. Not only that, but we weren't even supposed to admit to anybody, even if we knew that they were members of the Communist Party, we weren't even supposed to admit to them that we belonged to it. Nobody was supposed to know that.

Mr. KENNY. Mr. Tavenner, we have the record here, and it would be helpful if you would give us the record reference.

Mr. TAVENNER. Page 2513.¹

Mr. Aaron also testified regarding the Communist Party literature which he studied and which was given to him to study in his Communist Party cell, made up exclusively of members of the legal profession, which appears on page 2515.²

He was asked this question:

What was the character of this literature which you discussed?

Mr. AARON. Well, we were told to read books on the Communist Party, and we were told that it was absolutely necessary that we subscribe to a magazine called Political Affairs and to keep up to date on all current matters as reported therein; and somebody usually had an assignment to discuss a certain problem of some kind from a Marxist or Communist point of view, and those things got too involved for me.

¹ Communist Activities among Professional Groups in the Los Angeles Area, pt. 1, p. 2513.

² Ibid.

QUESTION. You referred to Political Affairs, I believe?

Mr. AARON. Yes, sir.

Mr. Aaron then went on to describe his activity within the Communist Party and the circumstances under which he left it. During the course of the testimony, page 2518,¹ he identified you as one of the members of this group or cell of the Communist Party. You were also identified by Mr. Herzig as having been a member of this same group or cell. You were also identified by Mr. A. Marburg Yerkes and also by Mr. William G. Israel.

Now, that testimony being correct, you are in position to advise this committee regarding the manner of formation of this organization, the extent of its operations and its objectives, and I would like to call upon you to do that.

Mr. STEINMETZ. Well, Mr. Tavenner, first of all, I would like to refer to that portion of your statement wherein you referred to having previously stated either to a witness or to someone that it wasn't the intention of this committee to interfere with the lawyer-client relationship.

Now, I recognize that that was either you or a member of this committee stating that or making that statement. I just want to say that in my opinion there isn't the slightest possibility that that is true. I think that is the very intention of this committee, to interfere with the freedom of choice of the American people of a lawyer of their own choosing, despite what you said to that witness, Mr. Tavenner. I think that is the exact purpose of this committee in calling lawyers to the stand.

I think it is the intention of this committee in the future to give lawyers pause before they take cases to carefully examine their clients and, if they happen to have unpopular views, to refuse to take them because of fear of this committee, because of fear of an inquisition into their associations and their political thoughts.

Mr. WOOD. Well, the question asked you doesn't call for a summation of your present beliefs on the subject. The question asked you is whether or not you are willing now to give the committee the benefit of what information you have on the subject that this committee is now engaged in investigating, and that is the extent, nature, and character, and objective of the Communist movement in this area.

Are you willing to do so or not?

Mr. STEINMETZ. Well, now, in view of my beliefs regarding the purposes of this committee and my training as a lawyer, my training in the field of constitutional law—

Mr. TAVENNER. We can't quite hear you.

Mr. STEINMETZ. I say in view of my feelings and beliefs concerning the intent of this committee, and in view of my training as a lawyer, especially in the field of constitutional law and the rights guaranteed to the American people under the Bill of Rights, I certainly feel that my conscience compels me not to enter into any activity or to say anything which in any way would help this committee in what I conceive to be its purpose: That of destroying the liberties of the American people. For that reason, my conscience compels me to decline to answer that question, both on the ground that to do so would make me a participant in undermining the guaranties

¹ Ibid.

contained in the first amendment to the United States Constitution as well as to undermine the privileges accorded me and all the other American people by the fifth amendment to the Constitution of the United States.

I therefore, because I feel compelled by my conscience to do so, decline to answer.

Mr. TAVENNER. Is that your only reason for declining to answer?

Mr. STEINMETZ. For all of the reasons I have just stated.

Mr. TAVENNER. Mr. Chairman, I suggest that the witness be directed to answer the question as to what knowledge he has of the Communist Party cell made up exclusively of lawyers in Los Angeles.

Mr. WOOD. It is the view of the chairman that the reasons offered by the witness as his justification for refusing to answer are not valid reasons. It would be a rather sad commentary if a lawyer of the bar of this Nation was to be singled out as a group with special privileges over and above and against other citizens.

I direct that the witness answer the question.

Mr. MOULDER. May I interpose a suggestion? The question was would he be willing to answer such questions and such questions haven't been propounded to the witness.

Mr. TAVENNER. I believe the question should be more specific.

Mr. WOOD. Very well.

Mr. TAVENNER. Mr. Steinmetz, do you have any knowledge of the existence of a Communist Party cell made up exclusively of members of the legal profession in the city of Los Angeles?

Mr. STEINMETZ. For the reasons which I just advanced to the previous somewhat ambiguous question, I decline to answer. I want to make it clear in declining to answer that I am standing upon my constitutional rights, including the rights accorded me under the fifth amendment not to incriminate myself.

Mr. TAVENNER. You have now mentioned the fifth amendment.

Mr. STEINMETZ. I thought I had before, Mr. Tavenner. I believe the record will show that I did.

Mr. TAVENNER. I am told that you did. I had not understood it.

Mr. STEINMETZ. I also mentioned the first amendment.

Mr. TAVENNER. Was the testimony of Mr. Aaron with regard to your own membership in that group true or false?

Mr. STEINMETZ. For the same reasons previously given, I decline to answer that question.

Mr. TAVENNER. Was the testimony of William G. Israel, A. Marburg Yerkes, and Albert M. Herzig, identifying you as a member of this Communist Party group made up exclusively of members of the legal profession in Los Angeles, true or false?

Mr. STEINMETZ. For the same reasons, I decline to answer that.

Mr. TAVENNER. Then, having determined that you will not testify regarding those matters, I would like to ask you whether or not you were properly quoted and correctly quoted in an issue of the Los Angeles Examiner published on January 24, 1952, at which time you were reported as saying in comment upon the testimony received in Washington from Mr. Aaron and others [reading]:

That's interesting. This thing will undoubtedly be followed by some attempt to intimidate me. If that happens, I shall have counsel and then will be glad to give a statement.

Were you properly and correctly quoted?

Mr. STEINMETZ. That was quite sometime ago, Mr. Tavenner. According to my recollection, I think it is substantially a correct quotation.

Mr. TAVENNER. Well, in making that statement that you would be glad to give a statement, did you mean you would be glad to give a statement as to what you know about the subject under inquiry?

Mr. STEINMETZ. Well, among other things, Mr. Tavenner, in a proper forum, where I wasn't confronted with what I consider to be a table including some 8 or 10 persons, all of whom I consider to be intent upon destroying my liberties and with mine, those of the other American people. I think I would be glad to make statements, not one but many. However—and I would today make the same statement, in substance, that I made at that time, but I don't believe that I care to make any further statements at this time.

Mr. JACKSON. May I ask a question? Would you, Mr. Steinmetz, before what you call "a proper forum," under oath testify that you were never a member of the Communist Party?

Mr. STEINMETZ. Well, I think, Mr. Jackson, I will reserve my decision on that until the occasion arises, if you don't mind.

Mr. WALTER. What would you consider the "proper forum"; a Communist Party cell meeting?

Mr. STEINMETZ. Well, because of the nature of the question, Mr. Chairman, I think I will decline to answer that question for the reasons previously given.

Mr. WOOD. Do you so decline?

Mr. STEINMETZ. I thought I said I did.

Mr. WOOD. You said you "thought" you would.

Mr. STEINMETZ. Very well. I feel compelled by my conscience to decline, and I will decline.

Mr. WOOD. Do you decline to answer it for that reason, for the reasons you have given?

Mr. STEINMETZ. Yes, because my conscience compels me to, I do decline.

Mr. TAVENNER. Is that the only reason that you refuse to answer that question?

Mr. STEINMETZ. For the reasons previously given, Mr. Tavenner.

Mr. TAVENNER. State the reasons. It looks like you are not coming to the point.

Mr. STEINMETZ. My rights under the first amendment to have freedom of speech and freedom of thought, and my rights under the fifth amendment.

Mr. WALTER. In other words, you decline to answer it because you feel to answer it might incriminate you in some future proceedings; is that right?

Mr. STEINMETZ. Or tend to subject me even to an unwarranted prosecution, Mr. Wood, is my understanding of the fifth amendment. I'm sorry, I mean Mr. Walter.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. STEINMETZ. For the same reasons previously given—

Mr. TAVENNER. What reasons?

Mr. STEINMETZ. Well, as I stated before, I feel that the activities of the committee, and particularly that question which you have just

asked me, is a constitutional invasion of my rights as an American citizen under the first amendment of the United States Constitution. That is part of my reason.

The second part of my reason is that I feel that in answering that question it amounts to a surrendering of my rights under the fifth amendment of the United States Constitution.

Mr. TAVENNER. I ask that he be directed to answer the question.

Mr. WOOD. I am not sure I get the answer clearly. Anyway, the question that was asked you is pertinent to this inquiry, and you are directed to answer the question.

Mr. STEINMETZ. Well, again, I say that I feel compelled by my conscience and therefore do decline to answer that question on the basis of the constitutional privileges which I have stated previously, including my rights not to incriminate myself and give evidence which might incriminate myself or subject me to a prosecution, however unwarranted, and under my rights under the first amendment to have freedom of speech.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. STEINMETZ. For the same reason, I decline to answer that question.

Mr. TAVENNER. Mr. Steinmetz, during the testimony of Mr. Aaron and others, it was indicated that members of this Communist Party cell took part in other activities in the community, and that has been true in regard to the testimony with reference to many Communist Party cells in other phases of activity.

Now, we have information that your name appeared in connection with a number of activities, and it is the desire of the committee to know and understand to what extent those activities originated within the Communist Party or resulted from direction and suggestion of the Communist Party.

I show you a page from the November 2, 1940, issue of the Long Beach Independent. It is a full-page advertisement of the Civil Rights Congress, demanding dismissal of certain contempt charges as well as what is referred to as a witch-hunt grand jury.

Will you please look at it and state whether or not your name appears there as one of the signers?

Mr. STEINMETZ. Well, may I have the question reread, please, just the last part of it?

Mr. TAVENNER. My question was whether or not your name appears on that document as one of the signers.

Mr. STEINMETZ. In my looking at that document, Mr. Tavenner, I gather that it refers in some way to the protection of civil rights. My understanding of the activities and the philosophy governing this committee is such that anything having to do with the field of civil rights would be subject to inquisition and punishment to the extent—

Mr. WOOD. Please confine your answer to the question.

Mr. STEINMETZ. May I not explain my answer?

Mr. WOOD. The question asked you first is does your name appear on that document? That is a very simple question.

Mr. STEINMETZ. I understand that, but I thought I would be permitted to explain it. I will now answer the question. I feel that for those reasons and for the constitutional reasons which I have hereto-

fore advanced in declining to answer other questions, I do decline to answer this question.

Mr. TAVENNER. Will you advise the committee as to how your name became used in that connection, whether you permitted it to be used, and if so, the circumstances under which the use of your name was obtained?

Mr. STEINMETZ. Same answer to that question.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Steinmetz Exhibit No. 1."

Mr. WOOD. Let it be marked.

(The document above referred to was marked "Steinmetz Exhibit No. 1.")

Mr. TAVENNER. The Civil Rights Congress issued a call to a Bill of Rights conference to be held in New York City July 16 and 17, 1949. Did you sponsor that call? Were you one of the sponsors?

Mr. STEINMETZ. For the same reasons heretofore given, I decline to answer that.

Mr. TAVENNER. The Daily Worker of August 10, 1950, at page 5, carries a news item regarding an open letter to the President of the United States, released by the American Committee for Protection of the Foreign Born, signed by a number of persons who declare their concern over the announcement by the Department of Justice that it would seek denaturalization of a number of American citizens.

Your name appears in the article as one having signed this open letter. Will you examine it, please, and state if your name appears as one of the signers?

Mr. STEINMETZ. Well, Mr. Tavenner, while I have no doubt that in these times, with concentration camps I understand being built in the State of California to house hundreds of thousands of people whose views this committee does not like, that the foreign born need protection.

Mr. WALTER. Just a minute, in that connection. Let me tell you that those places are being built to house approximately 2,800 people who have been convicted of crimes involving moral turpitude and for whom it is impossible to obtain passports from the countries from whence they came. It is not hundreds of thousands. It is about 2,773.

Mr. STEINMETZ. I saw a newspaper account, at least, by officials of our Government to the effect that they were capable of housing hundreds of thousands, and I will be glad to—

Mr. WALTER. You just take my word for it. I happen to be the chairman of the Immigration Committee, and I know what this is all about.

Mr. WOOD. In any event, let's confine our discussions to answers to the questions that are asked, and we will proceed a lot faster.

Mr. TAVENNER. Now, will you answer the question, please?

Mr. WOOD. The question is, Does your name appear on this paper?

Mr. STEINMETZ. For the reasons heretofore given, while I feel this way about the need for protection—

Mr. WOOD. Answer the question.

Mr. STEINMETZ. I decline for the constitutional reasons heretofore given.

Mr. TAVENNER. Well, do you believe that persons who have obtained citizenship by fraud should not be in a proper case denaturalized?

Mr. STEINMETZ. I believe that a person's political thoughts, his associations, his exercise of his rights of speech in this country should in no wise be made a test as to whether he is or is not a desirable resident of the United States. Our country was founded, in my opinion, as a haven of the oppressed, and I believe we are fast losing that under the impetus given to this hysteria by this committee. I do believe that—

Mr. WALTER. Do you know of a single case where a court has revoked the citizenship of a person because of his political beliefs if they were not communistic?

Mr. STEINMETZ. I think by the standards of this committee and because of the entire atmosphere surrounding this hearing, I feel that I should and do decline to answer that question for the constitutional reasons heretofore given.

Mr. WALTER. What criminal prosecution do you feel that you are confronted with if you are asked to answer the question of whether or not you know of a single case where a person other than a Communist has had his citizenship revoked? How do you think you could be prosecuted for answering that question?

Mr. STEINMETZ. Mr. Walter, I believe you are a lawyer, are you not?

Mr. WALTER. You have a look at Who's Who and you'll find out.

Mr. STEINMETZ. I think you are. I think that you must know, therefore, that if I claimed my constitutional privileges in answering the first question, that to answer the second question now would be, in effect, a surrender of my privileges claimed in answering the first question. I therefore decline to answer the last question for the same constitutional reasons.

Mr. WOOD. There is no constitutional provision that bears out that statement that you have a right to decline to answer the question as you see fit. But let's keep our legal conclusions in the clear, if we can, particularly when they are not founded on sound law.

Proceed.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Steinmetz Exhibit No. 2."

(The document above referred to was marked "Steinmetz Exhibit No. 2.")

Mr. MOULDER. May I ask if his signature does appear in that document or what name does appear?

Mr. TAVENNER. Yes, sir.

Mr. MOULDER. Mr. Chairman, I make a request in that connection that the appropriate citation on the American Committee for Protection of the Foreign Born be made in the record.

Mr. WOOD. Yes. Let it be ordered for the American Committee for Protection of the Foreign Born and also the Civil Rights Congress.

Mr. TAVENNER. According to the People's Daily World of April 6 1950, at page 10, you sponsored a conference and convention of the Civil Rights Congress to be held in Los Angeles on April 13, 1950. Is that information correct?

Mr. STEINMETZ. For the same reasons, Mr. Tavenner, the same constitutional reasons that I have heretofore elaborated upon—I assume that you do not want me to repeat the particular constitutional provisions.

MR. TAVENNER. Now that you have made it clear on what grounds you rely, there is no objection as far as I am concerned to stating it is on the same grounds.

MR. WOOD. It will be considered when he refers to the same grounds, if he does again, that it raises the grounds he has given, including the pertinent constitutional provisions.

I would like the record to disclose at this time that the Civil Rights Congress is an organization that has been cited as a subversive organization by the Attorney General of the United States.

MR. TAVENNER. The citation is as follows:

"Cited as subversive and Communist" by Attorney General Tom Clark, December 4, 1947.

I desire to offer the document referred to; that is, the issue of the People's Daily World, in evidence and ask that it be marked "Steinmetz Exhibit No. 3."

(The document above referred to was marked "Steinmetz Exhibit No. 3.")

MR. WOOD. And since the question was asked this witness with reference to the American Committee for the Protection of Foreign Born, I would like to have the record disclose the status of that committee also determined by the Attorney General of the United States.

MR. TAVENNER. The American Committee for the Protection of Foreign Born was cited as subversive and Communist by Attorney General Tom Clark on June 1, 1948.

I have no further questions, Mr. Chairman.

MR. WOOD. Mr. Walter, do you have any questions of the witness?

MR. WALTER. Mr. Steinmetz, are you of the opinion that the Constitution of the United States offers some sort of guaranty to people who advocate the overthrow of the Government of the United States by force and violence?

MR. STEINMETZ. I feel in view of the nature of the forum with which I am confronted here this morning, while I would be glad to debate that question under other circumstances under which I had a free choice, but being here under compulsion, under the circumstances I feel compelled to decline to enter into a discussion of my opinions in that area or in that field.

MR. WALTER. You have already expressed your opinions in that area and in that field, and I gathered from what you said that you believed that the Constitution of the United States guarantees to the citizens of the United States some sort of a right to attempt to destroy that very document.

MR. STEINMETZ. Well, Mr. Walter—

MR. WALTER. Am I erroneous in that conclusion that I reached?

MR. STEINMETZ. Well, I think apparently that you are pointing out that this is an inconsistency in my willingness on some occasions to express my opinions and my unwillingness on other occasions. That may be due, Mr. Walter, to the fact that you are asking the questions and I have to answer under compulsion. I don't have the same advantage and therefore I want to claim one of the few advantages that I think I have left, and that is to express those opinion questions that I want to discuss and to decline to discuss that which I don't want to discuss.

Mr. WOOD. Will you yield to me at the moment, Mr. Walter, to make this observation?

If you are willing to answer these questions truthfully that have been asked you with respect to your connection, association, or affiliation with the organizations about which you have already been interrogated, I will give you all the opportunity you want to elaborate on them and explain them.

Mr. WALTER. I have no further questions.

Mr. WOOD. Mr. Moulder, do you have any questions?

Mr. MOULDER. Yes, sir, just two or three questions.

Where is your office located from which you engage in the practice of law?

Mr. STEINMETZ. In the city of Los Angeles.

Mr. MOULDER. In what building and what office number?

Mr. STEINMETZ. Does this have any pertinency? What is the pertinency of that?

Mr. MOULDER. I just wonder if you would refuse to answer that as you have all the other questions.

Mr. STEINMETZ. I ask you what the pertinency is to this.

Mr. MOULDER. To properly identify you, as to who you are. Your name is Fred H. Steinmetz. We are trying to designate as to just exactly who you are.

Mr. STEINMETZ. I believe it is in the telegram as correctly stated there, Mr. Moulder. That is the telegram which I received summoning me to this postponed hearing.

Mr. MOULDER. Then do you refuse to answer that question?

Mr. STEINMETZ. Well, my address, as I say, is correctly stated in the telegram. I believe you have a copy. It is 6513 Hollywood Boulevard.

Mr. MOULDER. Is that your residence address or your law office?

Mr. STEINMETZ. That is my law office.

Mr. MOULDER. In view of the answer to that, the thought occurs to me, in the event of a conflict or war with Communist Russia, would you fight on the side of our own country?

Mr. STEINMETZ. Well, Mr. Moulder, it just seems to me that you are asking a pretty hypothetical question. Are you expecting a war?

Mr. MOULDER. That is a very evasive response to my question. I think any loyal American citizen would have no hesitation whatsoever in answering that question.

Mr. STEINMETZ. I didn't say I would have any hesitancy in expressing my predictions about my future conduct if I were discussing the matters, sitting around even with you, if I were not here under compulsion, but personally, my belief and certainly my hope is that there is not going to be a war.

Mr. MOULDER. We also hope that there will not be, but you certainly are going around a circle in answering that question. By what reason would any loyal American citizen hesitate to answer that question immediately if he is a loyal American?

Mr. STEINMETZ. I have been asked other questions here, Mr. Moulder, which I would have no hesitancy in discussing with you, as I say, or anyone else if I were not here under compulsion. I just desire not to discuss my opinions, and I believe that my opinions don't have any relevance to the purpose of this hearing, and for that reason—

Mr. WALTER. Maybe we can clarify this whole situation by excusing you from testifying under the subpoena and then inviting you to come back this afternoon when you are not under any compulsion, and if that were done would you answer frankly the questions that were asked you?

Mr. STEINMETZ. I think, Mr. Walter, my answer is that if you were willing to sit down with me and plan, with me having an equal voice in the arrangements for the occasion in the invitation of the audience, subject matter to be discussed, limitations on the subject matter, the agenda, if I were to have an equal voice in arranging the agenda of such a discussion, I certainly would be willing to discuss with you the possibility of holding such an occasion and to the possibility of my participating in it, but to come here as you say, I think you will agree with me as a lawyer, Mr. Walter, that it still takes place in this atmosphere which has been created by the committee, and I think the air of compulsion would still exist and be in effect, and I am inclined to doubt that I would avail myself of that opportunity.

Mr. WALTER. I understand, of course. I understand exactly. That's all.

Mr. WOOD. In other words, if I understand you correctly, you are willing to discuss these subjects about which you have been interrogated here if you are not under oath and subjected to the penalty of violating the oath.

Mr. STEINMETZ. I don't believe the record will show that that was my answer.

Mr. WOOD. Would you discuss them and answer them frankly under oath subject to the penalties of violating the oath?

Mr. STEINMETZ. I don't understand the meaning of that question.

Mr. WOOD. You know that there are penalties attached to violating an oath to testify truthfully, don't you? You know that.

Mr. STEINMETZ. Yes; I do.

Mr. WOOD. Is there any forum in which you would be under that obligation with the penalties attached to violating it that you would be willing to testify in concerning the matters about which you have been asked here?

Mr. STEINMETZ. If you are asking me if there is any place in which I would consent to giving up my constitutional rights, my answer to that is that I believe not.

Mr. WOOD. Mr. Moulder, any further questions?

Mr. MOULDER. No.

Mr. WOOD. Mr. Doyle?

Mr. DOYLE. Mr. Steinmetz, you are a member of the California bar and so am I, as you know.

Mr. STEINMETZ. I don't happen to know that. I will take your word for it.

Mr. DOYLE. I assumed that your three worthy counsel knew it. I am sure they do. I assumed that you did, because I am a member of the State bar legislative committee of the State bar of California. I noticed you repeated to my worthy colleague time and again that you are under compulsion. Have you read Public Law 601?

Mr. STEINMETZ. I believe that I did, Mr. Doyle, at some point.

Mr. DOYLE. And you remember the essence of it that this committee is challenged or detailed by Congress, by your Congress, by

the way, also, to investigate the extent of subversive activities in the United States, and the United States Congress, your Congress by the way, gave us the power of subpoena.

Now, you received one of those subpoenas, didn't you?

Mr. STEINMETZ. I did receive a subpoena; yes, sir.

Mr. DOYLE. Well, that was a subpoena from the Congress of the United States, wasn't it?

Mr. STEINMETZ. It was a subpoena which stated that it was by order of the committee.

Mr. DOYLE. You don't question that, do you, at this time, that it was by order of the committee?

Mr. STEINMETZ. I might, of course, question the telegrams which were sent to me from Fullerton, which I wasn't aware was the seat of the United States Government, but that is what I am here in response to today.

Mr. DOYLE. Are you taking the position now, although you didn't disclose it until I asked this question, that because the committee offered you the courtesy of a postponement which you wanted from January—which courtesy was extended—are you raising the point that the seat of the Government is not in Fullerton?

Mr. STEINMETZ. Are you implying that I at any time asked for a continuance?

Mr. DOYLE. It has been continued and you raised the point that you got a telegram.

Mr. STEINMETZ. I thought you were suggesting that I had requested a continuance.

Mr. DOYLE. Are you raising the point that the telegrams were not sufficient to bring you here?

Mr. STEINMETZ. Not seriously, although I think I might very well do so. The point is that I am here, Mr. Doyle.

Mr. DOYLE. Thank you. Now, do you feel that the United States Congress has no power to authorize one of its committees to issue subpoenas to call American citizens before it to question them on anything affecting the welfare of the United States as to subversive activities?

Mr. STEINMETZ. I think Congress correctly has the power to compel testimony on any subject provided the call is in accordance with the Constitution of the United States to which Congress is subjected, and in my opinion the purposes of this committee do not fall within that category, and I believe that ultimately it will be so held.

Mr. DOYLE. I believe you stated, and I wrote it down, unless I made the mistake of one or two words, which I don't think I did—I wrote down and you volunteered this, by the way:

I believe a person's political beliefs in this country should not be the basis of deportation.

You volunteered that statement just a few minutes ago. Do you remember that?

Mr. STEINMETZ. Well, I wouldn't want to have the record read. If you are asking me whether that is exactly what I said—

Mr. DOYLE. Substantially.

Mr. STEINMETZ. I think something like that.

Mr. DOYLE. In other words, if a person's political beliefs in this country should be in the mind of that person, including any Communist or any other person, should be that it was all right to advocate the

forceful overthrow of the Constitution of the United States, I understand your testimony to be that that shouldn't be grounds for deportation.

MR. STEINMETZ. Now Mr. Doyle, I think this is an attempt around the back door—

MR. DOYLE. No, I am going in the front door, sir. I am going right at you to get a statement from you as to what you believe if you are willing to give it to us.

MR. STEINMETZ. I believe I stated my beliefs rather fully before on this subject, so I don't think that I care to go over the same ground again.

MR. DOYLE. That isn't the same grounds, sir. You referred to political beliefs, and I am asking you now whether or not if the political belief of a person in this country is that they have the right to advocate the forceful overthrow of the constitutional form of this government, do you or do you not believe that that should be grounds for deportation?

MR. STEINMETZ. Well, Mr. Doyle, I feel that I have stated my beliefs in this area as much as I care to. I don't feel that I want to go further at this time.

MR. WOOD. Do you refuse to answer the question for the grounds previously stated?

MR. STEINMETZ. Yes; I think I do decline to answer that.

MR. DOYLE. For what reasons do you decline? I didn't hear you say for the same reasons.

MR. STEINMETZ. For the reasons previously given throughout.

MR. DOYLE. You made a voluntary statement:

In a proper forum I will be willing to discuss that, but not in the presence of a forum made up entirely of persons interested in destroying my freedom of speech.

You were conferring with counsel. Did you hear all I read?

MR. STEINMETZ. Would you mind rereading it? I am sorry, sir.

MR. DOYLE. I thought you hadn't heard it.

In a proper forum I will discuss that, but not in the presence of a forum made up entirely of persons interested in destroying my freedom of speech.

Do you remember so stating?

MR. STEINMETZ. I remember some such statement. I don't recall what it was in response to, but I recall making some such statement.

MR. DOYLE. Well, now, as one member of this committee, I want to make it crystal clear to you, young man, that I am not interested nor will I participate directly or indirectly in destroying anyone's freedom of speech, not yours, even, but I do take the position that no person in my country has a right to claim the constitutional privilege and yet claim under that privilege the right to advocate the forceful overthrow of my form of government. [Applause.]

MR. WOOD. Mr. Marshal [addressing United States marshal], the next outburst of that character that occurs in this room, I will direct that you expel the people from the room who engage in it. If it becomes necessary to clear the room, we will do that.

MR. DOYLE. In other words, Mr. Steinmetz, I couldn't let your voluntary statement challenging the position of all of the members of this committee, myself included, go unanswered, because it is absolutely

false. But I will not tolerate knowingly any citizen advocating the forceful overthrow of my Government.

Just one statement, Mr. Chairman. I want to make it clear to this member of the California bar, which I am: I have just returned from Korea within the last few days, and I saw plenty of evidence that the Communist Party principles in the United States of America emanate from Moscow in Soviet Russia over there, and I wish to make it crystal clear that my position is that the Communist Party in the United States is part of an international conspiracy to forcefully overthrow our democratic constitutional form of government.

One thing further. I am a lawyer. I want to make it crystal clear, too, that neither directly or indirectly will I participate in any question or any activity which directly or indirectly undertakes to go into the relationship of attorney and client. So, when you charge that this committee is doing that, I say your charge is absolutely false.

Mr. WOOD. Mr. Frazier?

Mr. FRAZIER. No questions, Mr. Chairman.

Mr. WOOD. Mr. Velde?

Mr. VELDE. Mr. Steinmetz, have you ever been a member of the Armed Forces of the United States?

Mr. STEINMETZ. Yes; I have.

Mr. VELDE. When was that?

Mr. STEINMETZ. I believe the period was from September 1943 until September or October of 1945.

Mr. VELDE. You have been asked, I believe by Mr. Moulder, whether or not you would participate in a war on the side of the United States in case it came between the United States and Communist Russia.

There is a war going on at the present time in Korea between the United States and other allies and Chinese Communists and Korean Communists. Would you participate in that war on the side of the United States?

Mr. STEINMETZ. Well, in the first place, my understanding is that the President of the United States has classified that as "a police action."

Mr. VELDE. Regardless of how he classifies it, I think you can get killed in a police action just as definitely as you can in a war.

Mr. STEINMETZ. I am inclined to agree with you on that. I am confused as to whether it is a war or a police action.

Mr. VELDE. If it is a police action, would you participate on the side of the United States?

Mr. STEINMETZ. Well, my own opinion, Mr. Velde, is that it would be in the best interests of the United States and the people of the United States that there be peace throughout the world, including in Korea, at the earliest possible time. I think lives are being lost needlessly over issues that ought not to be made the occasion for the losing of lives.

I will say, however, that I have always obeyed the laws of my country, and I would continue to do so.

Mr. WOOD. Mr. Jackson?

Mr. JACKSON. Mr. Steinmetz, just in order that the record my be clear as far as this matter of attorneys versus this committee is concerned, it should appear in the record that the American Bar Associ-

ation gave its endorsement to the work of this committee last year: I believe the first time in the history of the American Bar Association. Am I correct in that, counsel?

MR. TAVENNER. Yes, sir.

MR. JACKSON. Now, Mr. Steinmetz, you have stated on several occasions during the course of your testimony that in the atmosphere created by this committee you would refuse to answer certain questions.

Do you believe that the acts of aggression on the part of the Soviet Union which have brought 10 or 12 million free peoples to their knees has had anything to do with creating the atmosphere of which you speak?

MR. STEINMETZ. My belief is that the atmosphere to which I objected and which today I think can be amply described as a state of hysteria, so that people are getting afraid to talk and to write what they please, I believe that hysteria is the product of the work and activities of this committee almost primarily, though there are other agencies possibly in my opinion who contributed to it.

MR. JACKSON. Do you believe further that the estimated 7 to 10 million people, human beings, in the concentration and slave camps of the Soviet Union have contributed anything to the state of hysteria on the part of the American people?

MR. STEINMETZ. In answer to that, I don't feel that I have any beliefs on that subject.

MR. JACKSON. Do you believe that the theft and transmission of hundreds of documents by Communist agents in this country has had anything to do with the feeling on the part of the American people that perhaps communism represents something of a menace to this country?

MR. STEINMETZ. The only thing I care to say on that is to repeat what I said before about my beliefs in connection with the hysteria engendered in this country.

MR. JACKSON. Your statements on that carry no considerable amount of weight with me.

MR. STEINMETZ. I am aware of that.

MR. JACKSON. We have taken millions of words from Communists and former Communists which would indicate that this international conspiracy does seek to overthrow this Government and to affect the freedom, yes, and the peace and the security of every American citizen.

So far as I personally am concerned, I believe you were a member of the Communist Party cell and the lawyers' branch. I have certainly heard nothing that you have said today that has tended to clear my mind that you are not still a member of the Communist Party.

You play fast and loose with the committee. You haven't pulled your punches. You have told us what you think, and I am happy to tell you what I think.

MR. STEINMETZ. I might say in response to that, while my opinions don't carry much weight with you, I think the feeling is somewhat mutual. I am inclined to hope that the American people will share in my opinion more than yours.

MR. JACKSON. I wouldn't want your support.

Mr. WOOD. Any further questions, counsel?

Mr. TAVENNER. No, sir.

Mr. WOOD. Is there any reason why this witness shouldn't be excused from further attendance?

Mr. TAVENNER. No, sir.

Mr. WOOD. So ordered. We will stand in recess for 10 minutes.

(A short recess was taken.)

Mr. WOOD. Let's have order, please.

Mr. TAVENNER. I would like to call again Mr. John Porter.

Mr. MARSHALL. As I reported to Mr. Tavenner during the recess, the State court adjourns at 12 o'clock. I have sent word to Mr. Porter to meet me here at 12 o'clock, or as soon thereafter as he can arrive here, so I can find out from him whether or not his trial has finished.

Mr. TAVENNER. May I inquire again what court he is in?

Mr. MARSHALL. He is in department 19 of the superior court, the presiding judge of which is Judge Thomas Cunningham.

It is my information that some inquiry was made at the courtroom, presumably by someone attached to the committee, as to whether or not Mr. Porter was in attendance at that courtroom, and that the clerk erroneously replied that he was not in attendance, but he is actually there.

Is that what Mr. Tavenner had in mind?

Mr. TAVENNER. That satisfies me, because we had information he was not there.

Mr. WALTER. What is the name of the case?

Mr. MARSHALL. I don't know the title of the case.

Mr. TAVENNER. Then I will call Miss Pauline Epstein.

Mr. WOOD. Will you raise your right hand and be sworn, please?

Do you solemnly swear that the evidence you will give this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss EPSTEIN. I do.

Mr. WOOD. Do you have counsel?

Miss EPSTEIN. Yes; I do.

Mr. WOOD. Will counsel please identify himself for the record?

Mr. MARSHALL. The witness is represented by Mr. Thomas G. Neusom, Mr. Robert W. Kenny, and myself, Daniel G. Marshall.

TESTIMONY OF PAULINE EPSTEIN, ACCOMPANIED BY HER COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. Will you state your name, please?

Miss EPSTEIN. Pauline Epstein.

Mr. TAVENNER. When and where were you born?

Mr. MARSHALL. If Mr. Tavenner please and if the committee please, I had assumed that the next question to be asked is what is her profession or occupation, and the witness would then reply that she is an attorney at law.

Mr. WOOD. Can't you let the witness do her own replying?

Mr. MARSHALL. I wanted to ask the committee at this time for the opportunity to proceed, if I may, with an argument on our motion to quash.

Mr. WOOD. The motion has already been acted upon by the committee unanimously.

Mr. MARSHALL. May we submit that the motion is one which we think is well taken, to which we have devoted considerable effort—

Mr. WOOD. We don't gainsay the good faith of counsel in urging the motion. The point is that the motion has been overruled and we don't care to hear any further argument about it.

Mr. MARSHALL. It seems to us that it is a rather summary disposition of our argument which, in a 10-minute recess—

Mr. WOOD. I assume that counsel are familiar with the procedure here. The only thing this committee can do is act on motions that are made, and they have done so. So as far as that motion is concerned, it is a matter that has already been passed upon and is closed.

Mr. MARSHALL. I take it you refuse us leave to present our argument at this time in support of the motion.

Mr. WOOD. Surely, because the motion has been acted on.

Mr. MARSHALL. You will recall that the motion had no presentation whatsoever except to hand up printed copies to the committee.

Mr. WOOD. Yes, sir.

Mr. MARSHALL. And we believe that a proper development of it requires at least some remarks in support of the grounds.

Mr. WOOD. The committee has considered the argument in the motion which embraces 11 pages of argument. That was considered and acted on, and the ruling has been announced. The matter is closed as far as the committee is concerned.

Proceed, Mr. Tavenner.

Mr. TAVENNER. When and where were you born?

Miss EPSTEIN. August 17, 1907, Brooklyn, N. Y.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Miss EPSTEIN. I am and have been since August 17, 1918.

Mr. TAVENNER. What is your profession?

Miss EPSTEIN. Attorney at law, State of California, and have been admitted to practice in some of the courts of the Federal Government.

Mr. TAVENNER. How long have you engaged in the practice of law in California?

Miss EPSTEIN. Since December 8, 1933.

Mr. TAVENNER. What was your educational preparation for your work?

Miss EPSTEIN. I attained a certificate as bachelor of laws at Southwestern University here in Los Angeles.

Mr. TAVENNER. Were you present in the hearing room this morning when Mr. Fred Steinmetz first appeared as a witness?

Miss EPSTEIN. I was.

Mr. TAVENNER. You heard the statement that I made to him with reference to the witnesses who testified in Washington regarding the existence of a cell of the Communist Party made up exclusively of members of the legal profession in the Los Angeles area?

Miss EPSTEIN. I did hear you make your statement.

Mr. TAVENNER. Well, the purpose in calling you as a witness, as it was in calling Mr. Steinmetz, was to ascertain what information you have regarding the subject under inquiry, inasmuch as the sworn testimony given to this committee is to the effect that you have personal knowledge of that situation.

Now, before I ask you any questions in regard to it, however, I want to refer to an issue of the Los Angeles Examiner which contained statements made by various persons subpoenaed—various persons whose names were mentioned in the course of the testimony in Washington, by the lawyers who testified that they themselves had been members of such a group. You are quoted as follows [reading]:

Anybody who talks about Communist Party membership one way or the other today is a little silly, I think. I know David Aaron is a lawyer. I have talked to him. Otherwise, I have no comment.

Now, let me assure you that the subject of communism in this country is not a silly question.

Mr. MARSHALL. Is this a question or a speech?

Mr. TAVENNER. I am preparing a question.

This committee feels that it is a very serious matter and it desires such information, if you are willing to give it, as to what you know about the extent and character of that organization within the legal field and what its objectives are.

Are you willing to cooperate with the committee in giving it such information as you have?

Miss EPSTEIN. I am not willing to cooperate with the committee at all. I believe that the committee is engaged in an unconstitutional attempt to inquire into the philosophy, into the affiliations, into the belief of citizens, and I believe that any inquiry or any question as to a person's belief or affiliations is entirely one which a person may answer or may refuse to answer within their own discretion.

I believe that a person should decide whether or not he or she wants to answer those questions, because I believe that there should be no force used or any kind of stress or any kind of punishment to stand as the alternative to answering the question.

In these days I believe that anybody who does answer a question concerning communism is certainly not protecting himself or herself or using the discretion which a person with ordinary intelligence should use.

Mr. TAVENNER. Then you disagree with the statement of Mr. Yerkes in his testimony where he testifies to the general effect—

Mr. MARSHALL. May we have the page reference?

Mr. TAVENNER. I haven't the page right before me now. [Continuing:] Where he testified to the general effect that while a member of the Communist Party he came to the conclusion that a person could not be a loyal American and still be a member of the Communist Party?

Do you believe that a person can be a loyal American and at the same time be a member of the Communist Party of the United States?

Miss EPSTEIN. Severing the parts of your statement from the parts of your question—in other words, disregarding your statement concerning Mr. Yerkes, for the reason that I do not wish to discuss him in any way and will refuse to answer any questions that concern him—if you are willing to do that and restrict your question to “Do I [you] believe that a person may be a member of the Communist Party and a loyal citizen?”—would you do that?—and then I'll answer it.

Mr. TAVENNER. Surely.

Miss EPSTEIN. All right.

Mr. TAVENNER. Do you believe that a person can be a member of the Communist Party and be a loyal citizen today?

Miss EPSTEIN. I believe that the affiliation of a person does not necessarily reflect his loyalty or disloyalty to the American people or to the Government of the United States or to the blueprint from freedom which we have in our Constitution, and I believe that any appellation of a person merely by the fact that he is or is not a member of the Communist Party would have no probative value.

Mr. TAVENNER. Do you believe that the Communist Party is a conspiratorial group designed to overthrow the United States Government by the use of force and violence if necessary?

Miss EPSTEIN. I would refuse to engage in any discussion concerning the nature of the Communist Party or its principles or whether or not it is or is not a conspiracy for the reason that any answer would imply that I do have knowledge concerning the nature and the form of the Communist Party. As to those questions I would refuse to answer.

Mr. TAVENNER. If you are unwilling to answer, if you refuse to answer whether or not the Communist Party is a conspiratorial group designed to overthrow our form of government by the use of force and violence if necessary, how is it that you can say in your opinion that to become a member of such an organization would put one in the position of not being a loyal American, if a member?

Miss EPSTEIN. I don't believe that I said it would put one in the position of not being a loyal citizen. I believe that was your statement.

Mr. TAVENNER. I think you said it would not.

Miss EPSTEIN. My statement was that mere membership would not determine whether a person was loyal or disloyal.

Mr. TAVENNER. Just mere inactive membership?

Miss EPSTEIN. I am not saying mere inactive membership.

Mr. TAVENNER. What kind of membership are you saying?

Miss EPSTEIN. Let's get this straight. All of us here are schooled in the laws which pertain to the Constitution of the United States. You gentlemen have made a career of it, and within the last 9 months or so I also have lived with the Constitution.

So let's put it this way, that under the Constitution Congress may not make a law that is a bill of attainder. I don't know of anything that can be less than a bill of attainder than is a law that says that all persons belonging to group A or B or C, if C is a Communist Party or some other party, are disloyal, and I believe that constitutionally speaking and speaking as one lawyer to another that no person who has within his heart the meaning of the Constitution of the United States could say that membership, whether it is a passive or active or thinking membership, would automatically make him loyal or disloyal.

Mr. TAVENNER. But if a person believes in the overthrow of the Government of the United States by use of force and violence if necessary, he cannot be a loyal person. Isn't that true?

Miss EPSTEIN. I agree with you there, if—however, you gentlemen have had it in various ways, in every way which you know how—you have had it that this organization does believe in the overthrow of the Government of the United States by force and violence and you are trying to demonstrate it now merely by your repetition of a phrase, and I don't think that any person has a right to absorb a dogmatic statement that is not followed by facts.

Now, I will refuse——

Mr. TAVENNER. Maybe you can help us with the facts.

Miss EPSTEIN. I refuse for the reason that I believe that your entire inquiry is in a field that is protected against your actions under the first amendment. Now, when the Constitution is changed, then you will have the right to inquire, because then there will be no first amendment and there will be no fifth amendment.

Mr. TAVENNER. The Constitution changed by whom?

Miss EPSTEIN. By the people of the United States or by Congress. There are several ways of changing the Constitution, and until the Constitution is changed——

Mr. TAVENNER. And still another way of changing it is by destroying it by the use of force and violence, isn't it?

Miss EPSTEIN. I don't believe there is any real threat to the Government of the United States on the point of force and violence, and I don't believe that this Government will ever be changed by force and violence, and I don't believe that force and violence will ever accomplish a change in any country.

Mr. WOOD. Might I point out to the witness at this time that there is no provision of the Constitution that requires a person to surround themselves with the fifth amendment in order to avoid answering questions as to subversive influences in the community. If indeed it is a privilege at all, it is merely a privilege; it is not a requirement.

Miss EPSTEIN. If I may be permitted to answer the gentleman, I believe that whenever the Constitution of the United States is attacked it is the obligation of a lawyer to meet that attack. I believe that you are attacking it now.

Mr. WOOD. We are attacking communism now.

Miss EPSTEIN. You are attacking the Constitution.

Mr. WOOD. We are seeking information from people who we hope will not take advantage of a privilege to shield themselves behind the fifth amendment in order to avoid answering direct questions as to their own affiliation or knowledge concerning others affiliated with this organization. We might as well get the record straight.

Miss EPSTEIN. Are you the chairman of this committee?

Mr. WOOD. Yes.

Miss EPSTEIN. Mr. Wood, look. This business of surrounding yourself or hiding behind the fifth amendment is just so much poppycock, if you will excuse me. If a citizen comes before you and claims the privileges that were meant for him—and remember the fact that these 10 amendments were created to prevent the Government from acting against the people——

Mr. WOOD. I am not going to enter into any argument with you. I haven't asked any question. What I am simply saying, in order to keep the record straight, is that there is no requirement in the Constitution of the United States, and counsel knows that, which requires any person to claim a protection of the fifth amendment in order to avoid answering a question. If it is anything at all, it is a privilege. It is not a requirement.

Now wait a minute until I get through.

And this idea of saying when you are under oath and you are asked a question as to whether or not you have Communist affiliations yourself or whether you know of anyone else that has it, and then to say that "I won't answer that because it may tend to incriminate me,"

and that is what the fifth amendment says, you are either swearing falsely, or it would do just that, one or the other.

Any further questions?

Miss EPSTEIN. You don't know what I think.

Mr. WOOD. I don't hope for any agreement between your philosophy and mine.

Miss EPSTEIN. You don't know my philosophy.

Mr. WOOD. I am beginning to find out a little bit.

Mr. TAVENNER. I am not so much interested in your philosophy as I am your knowledge and what is going on in this group or cell of the Communist Party, of which only members of the legal profession are said to be members.

Miss EPSTEIN. I have already answered, and though I know the privileges may be waived and privileges may be sold for money or for other things, I still believe that under the first amendment and under the fifth amendment I have the right and I claim that right to refuse to answer your questions.

Mr. TAVENNER. Now, you have stated in the press that you knew Mr. Aaron. "I know David Aaron is a lawyer." How long have you been acquainted with David Aaron?

Miss EPSTEIN. I refuse to answer any questions concerning David Aaron, for the reason that any answer I may give may possibly be used against me in some future area, not this inquiry, but area of judiciary inquiry, and under my rights under the fifth amendment I will refuse to answer. I do refuse to answer.

Mr. TAVENNER. Do you also know Mr. William G. Israel?

Miss EPSTEIN. I will refuse to answer any questions concerning Mr. Israel for the same reasons.

Mr. TAVENNER. Mr. Israel, in the course of his testimony in Washington, said that he had been a lawyer in Seattle, that he came to Los Angeles, that he had been a member of the party where he had lived and that after arriving in Los Angeles he found that he had been transferred here and he was asked by two lawyers to become a member of this special group which was composed only of lawyers.

He testified that he did not attend more than about seven meetings until he withdrew from it after learning more about it, he testified that among the places where the meetings were held—well, he said this in his exact language—

Mr. MARSHALL. What page?

Mr. TAVENNER. 2619.¹

After I joined the party I attended approximately seven meetings, six or seven. I can even remember where the meetings were.

Q. Where were they?

A. (By Mr. Israel). I attended three meetings at the home of Ben Margolis. I attended one meeting at the home of Pauline Epstein. I attended one meeting at the home of Victor Kaplan, and I attended one meeting at the home of Jack Frankel.

Was Mr. Israel telling the truth or not when he said he met in a Communist Party meeting in your home?

Miss EPSTEIN. As to Mr. Israel, I will answer no questions for the same reasons.

Mr. MOULDER. Were any Communist Party meetings ever held in your home?

¹ Ibid.

Miss EPSTEIN. I will answer no questions in that mood; in other words, any questions with respect to the Communist Party which would link me with the Communist Party—

Mr. WOOD. Do you refuse to answer that question?

Miss EPSTEIN. I answer that under the fifth amendment that I refuse to answer. Any answer, yes or no, would be a false answer because it presumes that he has a right to ask—

Mr. WOOD. Just wait a moment. Is that the reason for your answer?

Miss EPSTEIN. My answer was stated under the fifth amendment.

Mr. WOOD. Well, is it based on your conception that a member of this committee hasn't the right to ask a question, or is it based on the fifth amendment, protection against criminal prosecution? Which is it based on?

Miss EPSTEIN. My first objection is based on the first amendment because I believe the committee has no right to inquire. My second objection is based on a very real danger under the fifth amendment.

Mr. MOULDER. I ask the question: Are you now or have you ever been a member of the Communist Party?

Miss EPSTEIN. I refuse to answer that question under the fifth amendment, based primarily on the fifth amendment and also on the first amendment.

Mr. TAVENNER. Now, Mr. Aaron in the course of his testimony before the committee, after having admitted his own membership in this special cell of which lawyers only were members, was asked to tell the committee something about his activities. This question was asked him:

Was there any requirement within your group, that is, your Communist group, that you as Communists also become members of the Lawyers Guild?

Mr. MARSHALL. What page?

Mr. TAVENNER. 2512.¹

Mr. AARON. It is my understanding that we absolutely had to be members of the Lawyers' Guild.

Were you a member of the Lawyers' Guild?

Miss EPSTEIN. Are you asking me with reference to Mr. Aaron or with reference to myself? I said I will answer no questions concerning Mr. Aaron. If you divorce your question from Mr. Aaron—

Mr. WOOD. The question asked you was, were you a member of the Lawyers' Guild?

Miss EPSTEIN. Wait a second. Did you hear all that preceded it? He stated things that had to do with Mr. Aaron. I will not comment on Mr. Aaron's statement whatsoever, under the fifth amendment or over the fifth amendment.

Mr. WOOD. That is the only question asked you now: Are you a member of the Lawyers' Guild?

Miss EPSTEIN. I will assume that the first part of the statement is excluded. I am a member of the National Lawyers' Guild.

Mr. TAVENNER. When did you become a member?

Miss EPSTEIN. I really don't know. I became a member as soon as I was aware that it existed and I was eligible.

Mr. TAVENNER. Was David Aaron a member of the Lawyers' Guild?

¹ Ibid.

MISS EPSTEIN. He was a member of the Lawyers' Guild.

MR. TAVENNER. I have just stated to you what Mr. Aaron's testimony was about the directions members of this Communist Party had received with regard to joining the Lawyers' Guild. Do you know as a member of the Lawyers' Guild whether Communists were advised to become members of it?

MISS EPSTEIN. Your question is a little bit lopsided. Two things would have to be known. One thing is the policy of the Communist Party and the other thing is the policy of the National Lawyers' Guild. As to the policies—

MR. TAVENNER. Suppose you answer it separately.

MISS EPSTEIN. As to the Communist Party, I will refuse to state, because I stand on the fifth amendment. As to the National Lawyers' Guild, I know of no such requirement for entry into the Lawyers' Guild as membership in the Communist Party.

Is that what you are referring to?

MR. TAVENNER. No. I didn't ask whether there was any requirement on the part of the guild.

MISS EPSTEIN. State it again.

MR. TAVENNER. My question was whether or not you had any knowledge that members of the Communist Party were being directed to enter the Lawyers' Guild.

MISS EPSTEIN. As to the Communist Party, I stand on the fifth amendment.

MR. TAVENNER. I have no further questions.

MR. WOOD. Any questions, Mr. Walter?

MR. WALTER. No.

MR. WOOD. Any further questions, Mr. Moulder?

MR. MOULDER. I ask the same question that I asked the other witness, as to where your office is located.

MISS EPSTEIN. My office is located at 3028 Wabash Avenue, Los Angeles, Calif., directly across from the branch office of the Bank of America, next door to a cleaning establishment on one side and next door to a theater that has been closed for a couple of years.

MR. MOULDER. I am just asking that in order to identify you. Some other person might have the wrong person in mind, and we wouldn't want the implication that someone else was testifying other than yourself.

Can you state whether or not Communist Party meetings are now being held in your home?

MISS EPSTEIN. You know I will not answer any questions concerning the Communist Party, because I believe you do not have the right to ask them under the first amendment, and because under the fifth amendment any answer I might give would tend to be used against me if in the future I am faced with a judiciary inquiry.

MR. MOULDER. That is all.

MR. WOOD. Any questions, Mr. Doyle?

MR. DOYLE. Are you familiar with the brief text of Public Law 601?

MISS EPSTEIN. I don't know if I am familiar with it.

MR. DOYLE. That is the provision under which this committee functions.

MISS EPSTEIN. Yes. I believe that Congress has even appropriated money for the purpose of your inquiries.

Mr. DOYLE. Yes; of course. That would logically follow, wouldn't it?

Mr. WOOD. And I might interpolate at that point, if you will permit me, that the appropriation was by unanimous vote.

Mr. DOYLE. Unanimous vote of the United States Congress.

Miss EPSTEIN. And for the purpose of uncovering subversive propaganda activities, not necessarily to uncover whether or not a citizen was or was not a member of the Communist Party.

Mr. DOYLE. Our duty is to uncover subversive activities, wherever they are.

Miss EPSTEIN. Propaganda activities.

Mr. DOYLE. The word "propaganda" I think is not used in the text.

Mr. MARSHALL. Do you have a copy of the resolution? We would like to read it.

Mr. DOYLE. I am directing your attention now to our direction that we investigate subversive activities.

Miss EPSTEIN. To give us all of the bases of the discussion that will follow, if there is a text of it, I would like to have it read, because it is my belief that the word "propaganda" precedes "activities" wherever it is used.

Mr. DOYLE. That's right. I will read it.

The Committee on Un-American Activities as a whole or by subcommittee is authorized to make from time to time investigations of the extent, character, and objects of un-American propaganda activities in the United States, 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 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.

Miss EPSTEIN. Mr. Doyle, "propaganda" precedes "activities" and follows "subversive" in the part of the text which you have read. I would like to explain—

Mr. DOYLE. Well now, let me ask you my question, please. The part I refer to is "the diffusion within the United States of subversive and un-American propaganda."

Directing your attention, therefore, to point 2—and I am glad to see you were perfectly familiar with the section; I assumed you were from your previous statements—you feel, don't you, that this committee, acting under congressional authority unanimously voted by Congress, should investigate subversive and un-American propaganda wherever we find it?

Miss EPSTEIN. You are authorized to do so. However, I think that the basic reason for your existence is to investigate in order to be able to propose legislation.

Mr. DOYLE. We are here—

Miss EPSTEIN. I haven't finished my statement.

Mr. DOYLE. All right.

Miss EPSTEIN. The end of my statement is this, that since the purpose is to investigate into those areas wherein you may have the ability because of your investigation to propose legislation, you see—well, since Congress may make no law concerning the freedom of the press or expression of religion and so on—I have it right here—but you see,

any results of your investigation would lead to unconstitutional legislation.

Mr. DOYLE. I am not yielding time for you to make a speech for which you are prepared.

Miss EPSTEIN. I have the Constitution in front of me, State of California and of the United States.

Mr. DOYLE. I am familiar with the Constitution the same as you are. I am a member of the bar also.

Miss EPSTEIN. Do we have to be reminded?

Mr. DOYLE. We are reminded every day. We are reminded by our responsibilities every day, I assure you.

Miss EPSTEIN. Both of us.

Mr. DOYLE. You don't have to open the book to be reminded. What I am calling your attention to is this: You would expect us to investigate, therefore, under point 2, subversive activities, wherever we find them, wouldn't you?

Miss EPSTEIN. Subversive propaganda activities I would expect you to investigate. However, I don't—

Mr. DOYLE. To investigate for the purpose of recommending remedial legislation.

Miss EPSTEIN. But the only recommendation you could make would be to change the Constitution. I also question if the Constitution will permit it.

Mr. DOYLE. We can recommend constitutional legislation to be enacted by Congress.

Miss EPSTEIN. And until the first amendment is revoked, I will not help you.

Mr. DOYLE. We are not intending to do that.

May I ask you this one question finally? We are representing the United States Congress by unanimous approval. We feel that the Communist Party, or the John Doe Party, or members of the Communist Party, or the John Doe Party, have been or are participating in subversive activities.

Miss EPSTEIN. Propaganda.

Mr. DOYLE. And propagandizing subversive activities. Whether the whole party was doing it or just a portion of the party were doing it, you would expect us to come to Los Angeles and even question members of the bar and get them to help us, wouldn't you?

Miss EPSTEIN. Of course. The only thing is this—

Mr. DOYLE. What is your answer? May I have your answer?

Miss EPSTEIN. I say, of course, I would expect you to come because you are being paid to come and to make inquiry into this field.

Mr. DOYLE. And we would have a right as a member of the bar to expect your truthful cooperation, wouldn't we?

Miss EPSTEIN. You have a right to expect from me nothing less than support of the Constitution of the United States and the Constitution of the State of California, and you will get nothing less than that.

Mr. DOYLE. I think we have gotten less than that, because we are asking about subversives wherever it exists.

Miss EPSTEIN. You are asking about propaganda activities, and you are asking questions without authority. I believe that no group has a right to tell me where to look for the truth, and hear everything

that is written and everything that is said, but I have a right to prevent you from curtailing expression, either oral or written, under the Constitution.

Mr. DOYLE. I take this position, and you are a fellow member of the bar and so am I. I take this position, that merely because we are members of the bar we have no right to plead exceptions to the bill under which we are operating, whether you are a Communist or no matter who you are. We are not inquiring into the relation of attorney and client.

Under the basis of having the right to assume or having people assume that we are loyal American citizens, we have a right under the law under which we operate to expect your loyal cooperation, and that is all we are asking. We are not inquiring into the relationship of attorney and client at all.

Miss EPSTEIN. Just a moment. I think it is unfair——

Mr. WOOD. One at a time, please.

Mr. MOULDER. You made a statement we were paid to come out here. I want to clarify that.

Mr. WOOD. Just wait a moment. Will you run down just a minute?

Miss EPSTEIN. I have a right to defend myself.

Mr. WOOD. A member of the committee desires to make a correction in a statement you made.

Mr. MOULDER. You made the allegation or charge that the committee was paid to come out here.

Miss EPSTEIN. You are acting by authority of Congress and under appropriations. Without appropriations, naturally you wouldn't——

Mr. MOULDER. That isn't paid to individual members.

Miss EPSTEIN. It is no shame to any of you to be a part of the committee. I think it is an honor to be a member of a committee and to work under the direction of Congress.

Mr. MOULDER. We are not paid, Miss Epstein.

Miss EPSTEIN. Are you working without pay as a Member of Congress?

Mr. MOULDER. Members of Congress receive their salary, but there is no extraordinary compensation given to any member of this committee to come out to California to conduct the hearing.

Miss EPSTEIN. I am not accusing you of coming out here as an interloper.

Mr. WOOD. Have you any further questions, Mr. Doyle?

Mr. DOYLE. No further questions.

Mr. WOOD. Mr. Frazier, have you any questions?

Miss EPSTEIN. Mr. Chairman.

Mr. WOOD. Just a moment.

Mr. FRAZIER. Miss Epstein, why do you feel that you would subject yourself to criminal prosecution if you honestly answered the question whether you are or are not a member of the Communist Party?

Miss EPSTEIN. I refuse to answer that. The same fifth amendment protects me. However, I would like to answer Mr. Doyle. Mr. Doyle asked whether a lawyer has a right to more than the privileges of other citizens. My answer is that a lawyer, by reason of his calling and training, does not have to give up the right which other citizens have. I don't intend to become a second-class citizen because I have assumed the obligation and the responsibility of a lawyer.

MR. DOYLE. We don't ask a lawyer to give up any citizenship rights, but we don't take the position either that because you and I are lawyers that we are entitled to a special exception under the text of the bill under which we operate.

MISS EPSTEIN. Your answer is correct.

MR. DOYLE. Thank you. We are in agreement on that point, at least.

MR. WOOD. That is gratifying. Any further questions, Mr. Frazier?

MR. FRAZIER. No further questions.

MR. WOOD. Mr. Velde?

MR. VELDE. No questions.

MR. WOOD. Mr. Jackson?

MR. JACKSON. Miss Epstein, I assume that you are for peace. I believe you mentioned peace during the course of your testimony.

MISS EPSTEIN. I am for peace.

MR. JACKSON. Do you believe it is possible for us to reconcile our differences internationally with the Soviet Union?

MISS EPSTEIN. I believe that any disagreement can be settled in the area of discussion and negotiation. I believe after the last World War we hadn't settled any questions and we are still negotiating peace.

MR. JACKSON. You believe that at the conference table it is possible to work out a coexistence between the Soviet Union and the United States?

MISS EPSTEIN. We must for our own survival.

MR. JACKSON. Let me remind you that Stalin said it is inconceivable that the United States and the Soviet Union can exist side by side in the same world. Do you agree with that or are you in disagreement with that statement?

MISS EPSTEIN. In the first place, I don't know what Stalin said or didn't say. I believe that all differences between peoples must be negotiated; that arms solve no questions.

MR. JACKSON. You believe then that in spite of the statement made by Stalin—and I assure you that the statement is true—your feeling is that Mr. Stalin is wrong if he states that we cannot coexist side by side in the same world?

MISS EPSTEIN. I am not discussing Mr. Stalin at all. If you ask me about my own opinion, my own opinion is we must negotiate peace. We may not have peace by vanquishing other people or by subjecting them to our type of living.

MR. JACKSON. You believe then that through negotiation that it is possible for the United States and the Soviet Union to exist side by side in the same world?

MISS EPSTEIN. We must find a way.

MR. MOULDER. Do you have any knowledge concerning communistic or subversive activities whatsoever?

MISS EPSTEIN. Are you talking about propaganda activities?

MR. MOULDER. Either one.

MISS EPSTEIN. If you are talking about activities, I consider it out of the scope of your inquiry. If you are talking about propaganda activities, I will stand on the fifth amendment and not discuss any question that has to do with communism.

MR. WOOD. Any further questions, counsel?

MR. TAVENNER. No, sir.

MR. WOOD. Is there any reason why the witness shouldn't be excused from further attendance?

MR. TAVENNER. No, sir.

MR. WOOD. So ordered, and the committee stands in recess until 2 o'clock.

(Whereupon at 12:30 p. m. a recess was taken until 2 p. m. of the same day.)

AFTERNOON SESSION

(The subcommittee reconvened, pursuant to recess, at 2:00 p. m.)

MR. WOOD. Let us have order, please.

Who do you have, Mr. Counsel?

MR. TAVENNER. Mr. Matthew M. Richman.

MR. RICHMAN. I am here, sir.

MR. WOOD. Will you raise your right hand and be sworn, please?

Do you solemnly swear the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

MR. RICHMAN. I do, sir.

TESTIMONY OF MATHEW M. RICHMAN, ACCOMPANIED BY HIS COUNSEL, MORRIS E. COHN

MR. WOOD. Do you have counsel representing you?

MR. RICHMAN. Yes, sir, I have counsel here; the old adage about, "He who represents himself has a fool for a client and a bigger fool for a lawyer."

MR. WOOD. Will you identify yourself?

MR. RICHMAN. My good friend, Mr. Morris E. Cohn, office neighbor.

MR. WOOD. Proceed.

MR. TAVENNER. What is your name, please, sir?

MR. RICHMAN. Matthew M. Richman, sir.

MR. TAVENNER. When and where were you born?

MR. RICHMAN. Philadelphia, Pa., on December 11, 1910.

MR. TAVENNER. Do you now live in Los Angeles?

MR. RICHMAN. I do, sir.

MR. TAVENNER. How long have you lived here?

MR. RICHMAN. You want the exact date, Counsel?

MR. TAVENNER. Not the exact date. Approximately. The year is certainly close enough.

MR. RICHMAN. I think it was 1944, Counsel; April, I believe, of 1944.

MR. TAVENNER. I understand you are engaged in the practice of law.

MR. RICHMAN. That is correct, sir.

MR. TAVENNER. How long have you been engaged in the practice of law?

MR. RICHMAN. Approximately 14 years, except for a period of 4 years when I was in the armed services, and even then I engaged in the practice of law there, too.

MR. TAVENNER. Would you tell the committee briefly what your educational preparation consisted of?

Mr. RICHMAN. Well, I graduated from the public schools and high school, and I hold a bachelor of science and bachelor of arts and a bachelor of laws degrees, and I have taken a number of courses which have, I hope, prepared me to qualify for participation as a member of the bar.

Mr. TAVENNER. Mr. Richman, there were four attorneys from this area who testified before the Committee on Un-American Activities in Washington. One of those four, Mr. Albert M. Herzig, testified that, according to page 2529¹ of the record, soon after coming to Los Angeles he was informed that he had been transferred, his Communist Party membership had been transferred, from the place where he formerly resided to Los Angeles, and that he and his wife were asked to attend a meeting in Los Angeles, of the Communist Party, and he says: "* * * at, if I recall, Ben Margolis' house." He said he also attended Communist Party meetings at Marburg Yerkes' home, and he thought at Charlie Katz' home.

I am reviewing this testimony so that you may know the exact character of it, because I want to base several questions upon it.

Mr. RICHMAN. May I see the record, Mr. Tavenner, if you are going to question me about that statement?

Mr. TAVENNER. Yes; I think I have an extra copy.

(The witness conferred with his counsel.)

Mr. TAVENNER. It is on page 2532.¹

(The volume of proceedings referred to was handed to Mr. Richman.)

Mr. TAVENNER. Mr. Herzig, on page 2532, also was questioned about the secrecy of the membership in this Communist Party cell located here in Los Angeles. He testified to some extent about the course of instruction or indoctrination which was given him.

This witness does not identify you as being a member of that group, but others who there testified, Mr. David Aaron and Mr. A. Marburg Yerkes, identified you as a member of that group, a group which they testified was composed solely of members of the legal profession.

Now we find from the Los Angeles Times that when that information was made public at the time they testified in public, that you denounced the committee and that you said you would not dignify the droppings of an informer with a reply.

Now, each of these gentlemen who testified before the committee explained in detail how they became members of the Communist Party and why they left the Communist Party. They stated that they felt, at least Mr. Yerkes did, that he felt it was his duty as a citizen to cooperate with this committee and give it the information that it desired, that was within his knowledge.

So I want to ask you: Do you know whether there was a cell of the Communist Party in Los Angeles composed solely of members of the legal profession?

Mr. RICHMAN. Are you finished? You had your mouth open, and I thought you were going to say something else.

Mr. TAVENNER. I am waiting with the greatest expectancy.

Mr. RICHMAN. I doubt that, Counsel.

I might say, Counsel, that I decline to answer that question for a number of reasons. In the first place, I will decline to answer ques-

¹ Ibid.

tions about any group, any person, any group of persons, any organization, any political party, any publication, as a matter of principle, because I don't feel that I owe an accounting of any group that I have been a member of or persons that I have met, to this or any other body. I don't feel as though a congressional committee is my judge or my peer.

I also feel, Counsel, that this is a Government of delegated powers. You see, I am a social scientist by avocation, as well as a lawyer, and I have studied political science very thoroughly, and I think that I know something about our federal form of government. I think this is federal form of government in which there are delegated powers to the Federal Government as well as to the States under the ninth and tenth amendments.

And therefore, there are certain areas which the American people have reserved unto themselves, as they very well have the right to do, in which neither the Federal Government nor the State governments may intervene, whether it be the legislative, the judicial, or the executive branch of the Government. And I feel that questions of this character are an invasion of my rights under the first amendment to the Constitution, go far afield of the rights of this committee to investigate, because I do not believe, as a lawyer, that you can constitutionally predicate any legislation upon this kind of an inquiry.

Furthermore—

Mr. TAVENNER. Let me interrupt you there a moment.

Mr. RICHMAN. Don't hesitate.

Mr. TAVENNER. Do you believe that if a conspiracy exists to overthrow the Government of the United States by the use of force and violence—

Mr. RICHMAN. Would you give me a chance to answer one question at a time? I can't—

Mr. MOULDER. The question was very simple: Do you know?

Mr. WOOD. You decline to answer the question that was asked you, sir?

Mr. RICHMAN. I would like to state all of my reasons, and I have not given a complete answer, Mr. Chairman.

Mr. WOOD. I would be glad for you to state them, but I do not want an argument about them. Would you just state your reasons?

Mr. RICHMAN. Yes; I certainly am trying to do so to the best of my ability.

Mr. WOOD. I do not get that. Maybe I am obtuse about it. But let us have your reasons, if any.

Mr. RICHMAN. My first reason, to make it crystal clear to you, is that I believe that such questions, and questions of a kindred nature, are a violation of the ninth and tenth amendments of the Constitution.

Mr. WOOD. You have already told us that.

Mr. RICHMAN. Well, you said you didn't understand, and therefore I am repeating it for your benefit.

Mr. WOOD. I do not understand yet that that is a reason, but go ahead.

Mr. RICHMAN. I am trying to state legal grounds, Mr. Congressman, and I am doing so to the—

Mr. WOOD. That is not a legal ground.

Mr. RICHMAN. That is a matter of opinion, sir. And as a lawyer—

Mr. WOOD. That is a matter of the Supreme Court decisions.

Mr. RICHMAN. Which one?

Mr. WOOD. They have held several times you cannot decline to answer a question that is asked you unless you can do so upon the provisions of the Constitution that protect a man from giving evidence against himself.

Mr. RICHMAN. I should like an authority on that.

My other reasons, Counsel, for declining to answer this question is that I also believe that it is an invasion, unconstitutional invasion of the rights under the first amendment to the Constitution, which, to my knowledge, is still in the Constitution, and that any question which you ask about my association with persons or organizations or periodicals, or things of that character, represent an invasion of my rights under the Constitution, and I would not abrogate those rights.

Thirdly, of course, I decline to answer, since Mr. Wood has already indicated to me what the Supreme Court has said, upon the fifth amendment, and for each and all of those reasons; in addition to which, of course, I am strongly of the opinion, along with Justice Douglas of the Supreme Court, that my being subpoenaed here, and the summoning of other attorneys here, is a concerted effort to destroy and interfere with the independence of the bar, to make it impossible or certainly extremely difficult for persons who are accused of being witches in obtaining counsel of their choice and persons who are competent to represent them and who are desirous of doing so.

Mr. WALTER. When did Justice Douglas say that?

Mr. RICHMAN. I will be very happy to read it to you, since you ask me that question. He said it—I don't have the date here, but I have a direct quote from his statement. He also had it published in the New York Times, I believe, of July of last year, sir.

Mr. WALTER. That is all I wanted, just the date.

Mr. RICHMAN (reading):

Fear even strikes at lawyers at the bar. Those accused of illegal Communist activity—all presumed innocent, of course, until found guilty—have difficulty getting reputable lawyers to defend them. Lawyers have talked with me about it. Many are worried. Some could not volunteer their services, for if they did, they would lose clients and their firms would suffer.

Mr. WALTER. I am acquainted with that; and I did not ask you to read it, I asked you when, because I am acquainted with that and I have read it.

Mr. RICHMAN. Justice Douglas said that.

Mr. WALTER. You think it was in July of last year?

Mr. RICHMAN. Well, as close as I can recall, and I don't have the exact date. I will be very happy to get it for you, if you want it.

But that fear is present even more so today than it was then, and I think that activities of this committee by subpoenaing members of the bar, who seek to do their duty and obey the oath of their office, is further intimidation of the bar, and it is further that black fear of reprisal which Justice Douglas spoke about.

For each and all of those reasons, Counsel, I respectfully decline to answer your question.

Mr. TAVENNER. You do not carry your beliefs to the extent, I hope, that if a conspiracy exists to overthrow the Government of the United States by force and violence, that the fact that a person is a member

of the legal profession should in any way interfere with an investigation of his activities with regard to such a group?

Mr. RICHMAN. Counsel, if you are asking for my beliefs, I have no desire to state them here, under these circumstances.

Mr. TAVENNER. You made a statement very close to that, and I am exploring the very thing which you, yourself, have said.

Mr. RICHMAN. I take it as a fellow lawyer, that you know that if I choose not to express an opinion on one occasion, that I don't waive the right to express an opinion on another occasion.

Mr. TAVENNER. So you will not express any further opinion on that subject?

Mr. RICHMAN. I have no desire to at this time; and perhaps subsequently I may.

Mr. TAVENNER. Do you know of any instances when high functionaries of the Communist Party, including specifically Dorothy Healy, appeared before a group of lawyers in Los Angeles?

Mr. RICHMAN. Have you finished the question, Counsel?

Mr. TAVENNER. Yes.

Mr. RICHMAN. I can't tell, when you drop your voice that way, whether you are still looking for something to say.

Mr. TAVENNER. I didn't know you had difficulty in hearing me.

Mr. RICHMAN. I heard you, but the way in which you put the question, I didn't know whether you were finished or not, and I didn't want to interrupt you.

I believe your question, if I followed it correctly, contains a reference to an organization which is on the list of this committee and the Attorney General. As I have indicated heretofore, for each and all of the reasons which I have advanced, and upon each and all of the legal grounds which I have stated, I decline to answer that question.

Mr. TAVENNER. Have you at any time been a member of the Engels group or club of the Communist Party?

Mr. RICHMAN. Well, again, Counsel, you are asking me the same question in another form, I believe, and I don't want to appear to be repetitious or take up the time of this committee unnecessarily, but I decline to answer that question upon the same grounds and for the same legal reasons.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. RICHMAN. Again I decline to answer that question upon the same grounds and for the same legal reasons which I have advanced heretofore.

Mr. TAVENNER. Have you ever been?

Mr. RICHMAN. I hope you understand I am trying to be consistent, sir.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. RICHMAN. Again I decline to answer that question upon the same grounds and for the same legal reasons stated heretofore.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. I have one, to clarify your attitude as a witness. You quoted Justice Douglas—

Mr. RICHMAN. And I would like the opportunity to quote him in full.

Mr. MOULDER. No. With reference to his reference there to the exercise of professional capacity, that is, of the practice of law. Now,

do you mean to maintain that the questions that Mr. Tavenner has propounded to you with reference to communism have some connection with your law practice? Is that the basis of your refusal to answer?

Mr. RICHMAN. I have stated the basis of my refusal to answer, Congressman; but I do state, and I make it very emphatic, sir, that I feel that these proceedings are an attempt to intimidate courageous members of the bar, in these hysterical times, who are willing to do their duty and obey their oath of office to take the cases of the clients without regard to themselves personally. And Justice Douglas was saying, as I read, that "fear strikes even lawyers at the bar."

Mr. MOULDER. We are not endeavoring to find out about your law practice, or any privileged communications, or anything else, or any association on your part in connection with a client. We are asking you about your communistic activities. And do you wish to deny or affirm that you have been indulging in such communistic activities, aside from your professional practice?

Mr. RICHMAN. Congressman, I have already given my answers to the questions propounded to me, and I stand upon those answers. I simply wanted to make it crystal clear to you, and I think that you ought to accord me the courtesy of permitting me to read the balance of the statement.

Mr. MOULDER. It has no connection; the opinion that you have cited.

Mr. RICHMAN. I think it has a very definite connection; and in fact, that is the basis for my being brought here today.

Mr. WALTER. Now, just a minute. What do you mean by that? The basis of your being brought here today is what?

Mr. RICHMAN. Would you be kind enough to accord me the courtesy of permitting me to finish that portion of Justice Douglas' remarks, which I think are à propos?

Mr. WALTER. I have read it, but you just said something about the basis of your having been brought here, and not because you are a lawyer and not because you defend people who have been charged with subversive activities, but you have been subpoenaed to come here because this committee was of the opinion that perhaps, being a member of the bar, you would be willing to make some kind of contribution to the work that we are doing. And you have been named as being a Communist, and we thought and we believe that is the fact. We believe that you are a Communist or have been, and we had an idea that perhaps you could help us find out how far reaching were the activities of the lawyers in this community.

Mr. RICHMAN. I can best help you by reading to you what Justice Douglas said.

Mr. WALTER. I know what he said, and I read it before you did.

Mr. RICHMAN. Why did you ask me when it was made?

Mr. WALTER. Because I had forgotten the date; that is all.

Mr. WOOD. Any further questions?

Mr. MOULDER. Did you ever attend any Communist meeting independent of your capacity as a lawyer, but as a person, at any kind of Communist meeting?

Mr. RICHMAN. Congressman, I tried to be very clear about the position I was taking, as a principle position. And now, I respectfully decline to answer your question, sir, for the same reasons and upon the same legal grounds.

Mr. MOULDER. That is all.

Mr. DOYLE. Are you a member of the Los Angeles Bar Association, Mr. Richman?

Mr. RICHMAN. No, sir; I am not.

Mr. DOYLE. Are you a member of the National Lawyers' Guild?

Mr. RICHMAN. I decline to answer that question, sir, upon the same grounds and for the same legal reason which I have heretofore given.

Mr. DOYLE. That is, you are afraid of self-incrimination if you state whether or not you are a member of the Los Angeles National Lawyers' Guild?

Mr. RICHMAN. Congressman, I have assigned, I think, six separate grounds, and I could assign others, but for the purpose of brevity I gave six, and I am standing upon each and all of them, sir.

Mr. DOYLE. Are you a member of the American Bar Association?

Mr. RICHMAN. No, sir; I am not.

Mr. DOYLE. Are you a member of the State bar of California?

Mr. RICHMAN. Yes; I am, sir. That is required by law, as you well know.

Mr. DOYLE. That is right.

Are you a member of any other professional group connected with the practice of law, or I mean are you a member of any honorary group among the lawyers of the State, or in the Nation, other than the Los Angeles Lawyers' Guild or the National Lawyers' Guild?

Mr. RICHMAN. Did you say "honorary member"?

Mr. DOYLE. No; any honorary society, any professional group among the lawyers of California, or of the Nation, other than the National Lawyers' Guild.

Mr. RICHMAN. I am a member of the Beverly Hills Bar Association. Is that what you mean?

Mr. DOYLE. Yes.

Mr. RICHMAN. I am sorry. I didn't understand your question. I am a member of the Beverly Hills Bar Association.

The only reason I am not—well—

Mr. DOYLE. Why do you state that you are a member of the Beverly Hills Bar Association and you do not claim your constitutional privileges there, but you do when I ask you if you are a member of the National Lawyers' Guild? Is there any difference in their objectives?

Mr. RICHMAN. There is this guide,¹ furnished by the courtesy of Mr. Jackson's office, that makes a difference, sir, and as a matter of principle I have said to you that I will not answer any questions about any persons or groups or organizations or political parties that have been named or mentioned before this committee or on the Attorney General's list or any other list of similar nature.

Mr. DOYLE. You and I are both members of the bar.

Mr. RICHMAN. Yes, sir. I am very, very happy to be a member of the bar.

Mr. DOYLE. So am I.

Now, you and I took an oath of office as members of the bar.

Mr. RICHMAN. We certainly did, sir.

Mr. DOYLE. And we believe in fulfilling that oath; do we not?

Mr. RICHMAN. I have tried to, to the best of my ability, I assure you.

¹ Guide to Subversive Organizations and Publications prepared and released by the House Committee on Un-American Activities as H. Doc. 137, May 14, 1951.

Mr. DOYLE. And when I became a member of the United States Congress I took an oath to do my duty. Under Public Law 601, the United States Congress by unanimous vote assigned each and every member of this committee with which you are sitting the obligation of investigating the extent and character and objects of subversive and un-American propaganda and activities in the United States.

If you were a member of this committee under that assignment, and you had taken the oath as a Member of Congress, and you had any information that there were subversive activities in any group designed to undermine the constitutional form of the United States Government, would you not be asking questions of every person who had any possibility of connection with knowing any of the facts about subversive activities, and would you not deem it your loyal duty to the United States Government to question people factually, regardless of who they were, if you had any idea they could give information?

Mr. RICHMAN. Congressman, if you are talking about sabotage or sedition or things of that character, absolutely yes, sir; but the point is, in these times of hysteria, I have found that "subversive activities" means one thing to you, and it means another thing to me, and it means a third thing to somebody else, and it is one of these catch-all clauses, you know, which defies due process. And if it were in a criminal statute it would be stricken down as being vague and indefinite and uncertain.

I don't know what you mean by "subversive activities." And I say to you, sir, that if you investigate my opinions, and if you ask me what organizations I have belonged to, and if you ask me whether I know certain persons, if you ask me whether I have been in their homes, and if you ask me what I read, I consider that to be an invasion of the constitutional rights of a free American, sir, and I feel that you have no right to do so.

Mr. DOYLE. Do you consider that the Communist Party in America has no connection with subversive activities or propaganda designed to destroy the Government of the United States by force and violence?

Mr. RICHMAN. Congressman, you know, you are a lawyer, this is "Have you stopped beating your wife yet?" And if you answer "Yes" or "No," you are damned anyhow. And I have indicated to you, sir, my position, and I try to be a principle person; and I didn't take this position lightly, I give you my word of honor. I thought about it quite a bit, because I wanted to discharge my duties as an American citizen, and I think I am doing it to the best of my ability here today.

Mr. DOYLE. Well, I just wish to say this to you, as a fellow member of the bar: I have read the brief submitted by worthy counsel for certain lawyers before this committee, and I do not conceive of the members of the bar as being in a separate group of citizenship from any other group of citizens or any other individual citizens of the United States.

Mr. RICHMAN. Unless you misunderstand me, Congressman, I don't take any such position either; that there is any difference between a lawyer and a nonlawyer, and I think a citizen is a citizen.

Mr. DOYLE. I am very glad to get that statement from you, because that is the exact position of this committee, contrary to what the brief has.

Mr. RICHMAN. It is my position, Congressman, that in calling lawyers who are likely to or who have in the past defended persons

accused of being witches, of political heresy, if you please, that you are doing a disservice to the bar of this country, and that you are destroying the independence of the bar. And I love the tradition of the law, because it has been steeped into me in all of the years—since I was knee high to a grasshopper I wanted to be a lawyer—and I believe in civil liberties. And by calling lawyers, not because they are lawyers but because they have a special function in our society to defend those who are accused of crimes and accused of political heresy, that you do a disservice, as Justice Douglas has pointed out—

Mr. DOYLE. Now, I have let you make a speech, and will you let me make one?

Mr. RICHMAN. I haven't finished, Congressman. [Continues:] And he says this is a dark tragedy, and I agree with him, to intimidate lawyers.

Mr. DOYLE. Now, may I just make one statement clear, in closing? You do not consider that because a man is a member of the bar he should not be questioned factually about subversive activities in the United States; do you?

Mr. RICHMAN. Again, Congressman, I say to you, I don't know what you mean by "subversive activities."

Mr. DOYLE. Activities that tend to destroy, according to Mr. Webster, who wrote the dictionary—tend to destroy and tear apart, and to ruin and to dissolve. That is the meaning of Mr. Webster of "subversive."

Mr. RICHMAN. Then let me point out some accusations by Senator McCarthy against George Marshall, General Marshall, as being part of a conspiracy to do something or other against this Government; and also accusations against Dean Acheson, the Secretary of State, who was supposed to be a "front man" for the Communists, who conceivably is active in subversive activities. The President of the United States.

You see, "subversive activities," that phrase today, Congressman, means all things to all people, and it is a catch-all clause, as I said. You asked me if I would do my duty as a loyal American citizen. I would say "Yes," because I consider myself to be a loyal American citizen, and I hope the day never comes when I am not.

Mr. DOYLE. All right, now, you have taken an opportunity, and I have given it to you deliberately because I am expecting your further cooperation in giving us this very point, your viewpoint on this: Do you know anything about any activities of the Communist Party in Los Angeles or in California which would help us understand the extent to which the Communist Party or its leadership, if at all, is engaged in advocating and propagandizing against the form of constitutional government which we have?

Mr. RICHMAN. Mr. Doyle—

Mr. DOYLE. That is just a question of fact: Do you know anything?

Mr. RICHMAN. Now, I say to you again: This is "Have you left off beating your wife yet?" And I decline to answer it for each and all of the other reasons I stated heretofore.

Mr. DOYLE. All right; that is all.

Mr. WOOD. Mr. Frazier?

Mr. FRAZIER. I have no questions.

Mr. JACKSON. I have no questions, Mr. Chairman.

Mr. WOOD. In order to keep the record straight, the only purpose this committee has had in subpoenaing members of the bar before it is because certain members of the bar of this city have been named before this committee, in sworn testimony of other witnesses who have not been prosecuted for perjury, as members of the Communist Party. It has been the uniform policy of this committee, when such occurs, to give each and every person so named an opportunity in the same forum to deny, admit, or explain such sworn accusations.

It is regrettable to me that a man of your intelligence is unwilling to avail himself of that privilege, to say whether they are or whether they are not; and, if so, why. But it is a matter that we cannot control.

As I remarked this morning, when a man testifies under his oath that to say whether he is a member of an organization or not would tend to incriminate him, there is only one of two facts. That is, that he is either telling an untruth or his answer would do just exactly that.

Mr. RICHMAN. That is not the law, Congressman.

Mr. WOOD. Any further questions, Mr. Counsel?

I am talking about the facts.

Mr. RICHMAN. You are talking about law.

Mr. WOOD. I am just talking about facts, and I just say if you say that to answer a question whether you are a Communist or not would incriminate you, it would do that, or your answer is wrong.

Mr. RICHMAN. Let me give you a hornbook illustration.

Mr. WOOD. I am talking about facts, and—

Mr. RICHMAN. You remember the illustration, and I think it is in all of the lawbooks, of *A* who is a mortal enemy of *B*.

Mr. WOOD. I was not asking you any questions. I was making a statement.

Any further questions?

Is there any reason why this witness should not be excused?

Mr. RICHMAN. Mr. Congressman, for the benefit of those people who haven't heard the statement, may I finish that?

Mr. WOOD. You are excused from further attendance on the committee.

Mr. RICHMAN. Thank you very much for the courtesy not extended. (The witness was excused)

Mr. TAVENNER. Mr. Ben Margolis.

Mr. WOOD. Would you stand, please?

You solemnly swear the evidence you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MARGOLIS. I do.

Mr. WOOD. Let us have order, please.

TESTIMONY OF BEN MARGOLIS, ACCOMPANIED BY HIS COUNSEL, LEO BRANTON, ROBERT W. KENNY, TOM NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. Would you state your name, please?

Mr. MARGOLIS. My name is Ben Margolis.

Mr. Chairman, I have a statement here, and I wonder if you would permit the reading of a voluntary statement by a witness who has no intention of becoming one of your stool pigeons?

Mr. WOOD. The rule of this committee, as you well know because you have practiced considerably before it, is that we would be glad to have you file with the committee any statement you desire.

Mr. MARGOLIS. I also know that stool pigeons are allowed to say anything that they please. If you stand on your knees before this committee, you can talk all you want; if you stand on your feet, you are shut up.

Mr. TAVENNER. Are you represented by counsel, Mr. Margolis?

Mr. MARGOLIS. Yes. I am represented by Mr. Leo Branton, who is sitting here to my left, and I hope the committee won't hold that against him; and I am represented by Mr. Robert W. Kenny, who is sitting not quite so much to my left; and I am also represented by Mr. Tom Neusom and Mr. Daniel G. Marshall, for whom there appears to be no room up here.

Mr. TAVENNER. If you desire chairs to be moved closer to you, we will be glad to accommodate you.

When and where were you born, Mr. Margolis?

Mr. MARGOLIS. I was born in New York City on April 23, 1910, and almost from the first day that I can remember, I have hated tyranny, and that is why I feel the way that I do about this committee.

Mr. TAVENNER. Are you now engaged in the practice of law?

Mr. MARGOLIS. Yes; I am. I am engaged in the practice of law and in an attempt to uphold the Constitution of the United States at every opportunity available to me.

Mr. TAVENNER. Where have you engaged in the practice of your profession?

Mr. MARGOLIS. Well, I have had—I have engaged in the practice of my profession in many places in the United States, but I have had offices in only two cities.

Mr. TAVENNER. That is what I am referring to, of course.

Mr. MARGOLIS. I have had offices in San Francisco, Calif., and I presently have an office in Los Angeles, Calif.

Mr. TAVENNER. How long did you have an office in San Francisco?

Mr. MARGOLIS. From the time I was admitted in 1933, I had various offices there until I left San Francisco in 1943.

Mr. TAVENNER. Since that time, have you maintained an office in Los Angeles?

Mr. MARGOLIS. That is so.

Mr. TAVENNER. Are you acquainted with Mr. Edward Dmytryk?

Mr. MARGOLIS. Mr. Tavenner, unfortunately Mr. Dmytryk, according to my knowledge, has become a member of your stable, and I would refuse to answer any questions concerning any such person, on the grounds, first, that it would tend to degrade me to associate myself with any such person.

Mr. TAVENNER. And, of course, you know that is no defense to the question.

Mr. MARGOLIS. I think it is a very good American defense to this question, but I intend to rely upon a number of them, including this one. You will not tell me what I know, Mr. Tavenner. I will tell you what I know to the extent that I feel like telling you, and no further.

Mr. TAVENNER. Well, you are familiar with the decisions on the subject?

Mr. MARGOLIS. Yes; I am familiar with the decisions on the subject, and I think I know them very much better than you.

Mr. TAVENNER. That may be, but I am glad to know that you are acquainted with that one.

Mr. MARGOLIS. I will repeat, that I will not admit any association with any person of that character, on the ground that the admission of such association would tend to degrade me; on the further ground that you are attempting to invade my right of association, my right of freedom of speech, and if I were to answer such a question I would help you to desecrate the Constitution of the United States, which I will not do. I also refuse to answer on the ground that you are attempting to destroy the highest sovereignty in this land, the sovereignty of the people of the United States, to think as they will and to tell their Congressmen what they think, and not to have their Congressmen tell them what they should think.

This is in violation of the ninth and tenth amendments—do you want me to finish my answer?

Mr. WALTER. No.

Mr. MARGOLIS. If you ask me questions—

Mr. WALTER. Just at that point, I want to point something out to you: That we are the tools of the people of the United States, and we are here—

Mr. MARGOLIS. You are the tools of something else.

Mr. WALTER. We are not here because of any choice, and there is not a man on this committee who selected this assignment. The people of the United States put us on this committee.

Mr. MARGOLIS. I don't think the people of the United States put you on this committee. That may be your opinion.

Mr. WALTER. Well, but the vote in the Congress for this committee was unanimous.

Mr. MARGOLIS. You were put on this committee by the vote of the Congress because you have terrorized the Congress as well as the people of the United States, and there are many newspapermen in Washington who have recognized that.

Mr. WOOD. I am not going to permit the committee to be further insulted by this witness, and I am going to request that the witness and direct the witness to answer the questions that are asked him, and if possible in a civil way.

Any further questions, Mr. Counsel?

Mr. MARGOLIS. Do you withdraw that last question, or do you want me to complete my reason for refusing to state it?

Mr. TAVENNER. I think if the witness has any further reason for refusing to answer the question, he should state it.

Mr. MARGOLIS. Yes.

I think that I was saying that I refuse to answer this question on the additional grounds that it violates the ninth and tenth amendments of the Constitution of the United States, because of the fact that the purpose of this committee is to tell—

Mr. WOOD. The committee knows what the ninth and tenth amendments are; if you invoke it, that is far enough, and—

Mr. MARGOLIS. Are you afraid to hear my grounds, Mr. Chairman?

Mr. WOOD. No, sir. I am just getting a little weary of your contemptuous attitude.

Mr. MARGOLIS. If you get weary, I have nothing but contempt for this committee, and I will show it as long as I am up here.

Mr. WOOD. It is entirely mutual, but I am trying my best to keep from showing it to you.

Mr. MARGOLIS. May I finish my reasons?

Mr. WOOD. State your reasons, but not an argument.

Mr. MARGOLIS. I can only state them fully, and I intend to state them fully, and I want to protect my rights against anything this committee does, and I want to state—

Mr. WOOD. You have named the ninth and tenth amendments, and is there any further legal—

Mr. MARGOLIS. I want to state how the ninth and tenth amendments apply.

Mr. WOOD. That will not be permitted, because the committee is familiar with the ninth and tenth amendments.

Mr. MARGOLIS. Do you wish to withdraw the question?

Mr. WOOD. I want you to state any further legal reasons you have.

Mr. MARGOLIS. My further reason, legal reason, is that I refuse to answer this question on the ground that no committee, this committee nor any other committee, has the right to tell the American people what they can or they cannot think. On the contrary, it is the function of the American people to tell their Congressmen they should or should not vote, and you are reversing the process of legislation by becoming a tyrannical government, by seeking to make this a tyrannical government instead of the democratic government that it was intended to be.

I further refuse to answer this question on the grounds of the fifth amendment, because I will not aid you in your attempts to persecute me and others.

Mr. WOOD. Any further questions?

Mr. TAVENNER. I am not certain whether the witness, in his explanation, relied upon the fifth amendment, or not.

Mr. WOOD. That was his final answer.

Mr. TAVENNER. Mr. Margolis, at page 2506¹ of the records of the committee—

Mr. MARGOLIS. You can save yourself some time. I have read that, and I am not going to answer the questions. Why waste the taxpayers' money?

Mr. TAVENNER. I say, at page 2506 of the record, Mr. David Aaron testified that he recalled the names of the persons who owned the homes where the meetings were held, that is, Communist Party meetings. He said, "There was Katz, Margolis."

Was a Communist Party meeting attended by Mr. David Aaron ever held in your home?

Mr. MARGOLIS. Mr. Aaron falls into the same company as Mr. Dmytryk, and I refuse to answer any questions involving Mr. Aaron or involving my political associations or beliefs of the kind that you have asked me, on the grounds previously stated. And you can save yourself a lot of time and trouble and save the taxpayers some money by not repeating the same questions over in different form.

¹ Communist Activities Among Professional Groups in the Los Angeles Area—pt. 1, p. 2506.

MR. TAVENNER. Mr. Yerkes testified before the committee, and his testimony appears at page 2547¹ of the transcript, as to how he became a member of a cell of the Community Party in Los Angeles made up solely of members of the legal profession. He told of having first met you at the time he delivered a report at some meeting; and that finally, after joining your law firm, Mr. Victor Kaplan asked him if he would like to know more about the Communist Party, and that then he was advised to attend a meeting of the group.

He then testified regarding his participation in the meetings of the Communist Party, and he referred to you as one of the members of that group.

Was that true, or was it false?

MR. MARGOLIS. A moment ago you asked somebody whether he heard very well. Do you hear very well, Mr. Tavenner?

MR. TAVENNER. Will you answer the question?

MR. MARGOLIS. You heard me state a while ago that I would refuse to answer any of that kind of questions.

MR. WOOD. What are you going to answer about this one that has just been asked?

MR. MARGOLIS. I will decline to answer, Mr. Chairman. And I don't want to be threatened, and I don't intend to be, and I will decline, Mr. Chairman, to answer that question, on all of the grounds which I have previously stated; and on the additional ground that it is no accident that the lawyers that you have subpoenaed are those who have been leading the fight for the defense of the civil liberties of the people of this country, and that is no accident. And if you will look throughout the land, those who you have been attacking, you have been attacking because they have been fighting for the rights of minority groups whose rights are invaded by actual force and violence in communities and States from which many of you come, including your chairman.

MR. WOOD. That statement is deliberately false, and everybody who knows the work of this committee knows it is.

Are there any further questions?

MR. MARGOLIS. I say it is the truth, and I assert it under oath, Mr. Chairman.

MR. WOOD. I am not going to sit here—

MR. MARGOLIS. If it is a lie, you can prosecute me for perjury.

MR. WOOD. You can't prosecute a man for lying when the lying is not material to the issues involved, and that is not material.

MR. MARGOLIS. I wouldn't raise the question of materiality on that. I am perfectly willing to prove that, and if you want me to prove it by chapter and verse, I will prove it right now.

MR. TAVENNER. Were you a member of the Communist Party in January of 1946?

MR. MARGOLIS. I guess you don't care how many dollars of the taxpayers' money is being spent, do you? I have told you—

MR. WOOD. Answer the questions that are asked you.

MR. MARGOLIS. I have told you my position, Mr. Tavenner.

MR. TAVENNER. What is your position with reference to that question?

¹ Ibid.

Mr. MARGOLIS. I have told you my position with respect to all questions like that.

Mr. TAVENNER. That one hasn't been asked you. What is your answer?

Mr. MARGOLIS. My position is the same with respect to this question as it is with respect to all others of that type, and it is going to be the same, Mr. Tavenner.

Mr. TAVENNER. Why have you changed your mind as to answering the questions of whether or not you were a member of the Communist Party in January of 1946?

Mr. MARGOLIS. Why have I changed my mind?

Mr. TAVENNER. Yes.

Mr. MARGOLIS. You are making an assumption.

Mr. TAVENNER. No, I have the record before me, and you appeared as a witness before the California Fact-Finding Committee in January of 1946, and the hearing began on January 2, 1946, but I do not know just which day you appeared, and it may have been 1 or 2 days later. At that hearing, the record shows that you were asked this question:

Mr. Margolis, have you yourself ever been affiliated with the Communist Party?

Answer: No, I have not.

Question: Or the Communist Political Association?

Answer: No.

Question: Or the Young Communist League?

Answer: No.

Question: Or American Youth for Democracy?

Answer: No.

Question: Have you ever sponsored any of those organizations?

Answer: I have never been a sponsor for any of the organizations.

Do you recall that?

Mr. MARGOLIS. I don't recall that specific testimony, but I want to say that since 1946 I have learned a lot, first of all about constitutional rights, and second, about the hysteria that is going on in this country. And my position today is different than it was in 1946, because conditions in this country are different than they were in 1946.

Mr. TAVENNER. Yes, but were you a member of the Communist Party in January of 1946?

Mr. MARGOLIS. I am now testifying in 1952, when conditions are different than they were in 1946, and I am not going to answer that question if you ask it 100 times in 100 different ways; and the reasons that I have given, I repeat now.

Mr. TAVENNER. Were you telling the truth under oath when you stated you were not a member of the Communist Party?

Mr. MARGOLIS. Isn't that clever of you, and another way of asking the same question; that is so beautiful. You are not going to get an answer to that question, whether you wheedle and whether you are clever or think you are clever, and no matter what method you try, I am not going to answer that question. I am not going to serve your purposes in this committee.

Mr. TAVENNER. You are not going to say now whether you were telling the truth under oath then, or not, are you?

Mr. MARGOLIS. I am not going to say now anything about my political affiliations. And an answer to the question as to whether I was telling the truth then would give you information as to my political

affiliations, and I don't intend to give you that information. Is that clear enough for you?

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. MARGOLIS. Are you serious?

Mr. TAVENNER. Here is one statement back in 1946 in which you say you were not, and I think I have a right to test the credibility of your statement then.

Mr. MARGOLIS. I have told you, Mr. Tavenner, I am not going to testify about my political affiliations, and I am not going to help destroy the first amendment, and I just won't do it.

Mr. TAVENNER. And for the same reasons, you will not tell this committee anything regarding the organization of a Communist Party cell in Los Angeles made up entirely of members of the legal profession?

Mr. MARGOLIS. I am not going to tell you anything about those organizations, whether I know anything or not, because of the reasons that I have stated, and because I believe that this country will only be free so long as people will determine for themselves and will not have any congressional committee determine what organizations they may or may not belong to. Once a congressional committee can say to the people of the United States, "You may belong to this organization, and not that organization; you may say this and not that; and you may associate with him and not him," then that is the end of democracy in this country, and I will not be a party to ending democracy in this country.

Mr. TAVENNER. Not even in the event that organization has for its purpose the overthrow of the very Government which you say you seek to protect?

Mr. MARGOLIS. This assumes something, and if you have any evidence with respect to anybody that they are engaged in acts of overthrowing the Government of the United States, or of doing anything else by force and violence, why don't you prosecute, and why don't you go after some of the lynchers and after the people in Cicero who use force and violence? And I say, prosecute those who use force and violence, and don't try to use this committee to talk hypocritically about that objective while you are actually trying to pry into people's beliefs, associations, and what they think. No matter what questions you ask, and no matter how you try to cover it up, that is what you are doing here; and the American people know that is what you are doing here, and I am not going to help you do it.

I want to make the record clear that while I am not repeating in each instance all of the reasons which I have previously stated, with respect to each declination I repeat all of the reasons; and if you want me to repeat them now, I will be glad to do so.

Mr. TAVENNER. You mean to include the fifth amendment?

Mr. MARGOLIS. I mean to include the first amendment, the fifth amendment, and the ninth and tenth, and everything else that I urged.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Mr. Walter, any questions?

Mr. WALTER. I have no questions.

Mr. MOULDER. You made some reference to stool pigeons. Ordinarily, that term is used describing associates in the criminal world. How do you apply it here, as an associate of yours who formerly was

engaged in some subversive or criminal activity and who now has revealed your association, and you would call him a stool pigeon. How do you use that term?

Mr. MARGOLIS. May I answer that question? I use the term in exactly the same sense that Mr. Chaffee—Mr. Chaffee of Harvard University, the greatest authority on free speech in the United States—used that term. I think he said that a stool pigeon is one who spies on his neighbors; one who tattles on everything that he hears; and one who, even those who you hate and distrust, one who, if he has the opportunity for money or for anything that will advance him, will tell anything about anybody; and one who will lie at the drop of a hat. And Mr. Chaffee bases this upon the historical definition of stool pigeons, which are among the most hated creatures in the United States and throughout the world. A stool pigeon is a word of abomination, and that is the way I intend it, and that is it.

Mr. MOULDER. And he is a stool pigeon even though he tells the truth, is that so?

Mr. MARGOLIS. Persons who violate confidences with respect to ideas, persons who violate confidences, who tattletale with respect to what their neighbors say, and who listen at keyholes, are stool pigeons. But stool pigeons historically never tell the truth, and they are incapable of it, and no person who would stoop that low is capable of telling the truth with any degree of consistency.

Mr. MOULDER. What was the man's name that he referred to?

Mr. TAVENNER. Dmytryk.

Mr. MOULDER. Well, then, do you now allege he was not telling the truth about you?

Mr. MARGOLIS. Now you are asking the same kind of a question Mr. Tavenner asked, and I will give you exactly the same answer. He is a stool pigeon, and I am not going to dignify him by responding to him, and I refuse to answer it on all of the grounds I previously stated. And I don't think I have to answer the accusations of stool pigeons, and I don't have to answer the accusations of this committee, and I won't.

Mr. MOULDER. That is all, Mr. Chairman.

Mr. DOYLE. I have no questions at this time.

Mr. FRAZIER. I have no questions.

Mr. JACKSON. Mr. Chairman, I have no questions, but I think certainly that the testimony of this witness is one excellent reason why the sessions of this committee, and every other congressional committee, should be carried before the eyes of every American citizen: The arrogance, and the hatred of our institutions and our way of life; yes, and of the Congress of the United States, should be—

Mr. MARGOLIS. I challenge you to a public debate on who loves our institutions the most.

Mr. JACKSON. I have too much respect for myself and my beliefs to engage in any sort of a debate—

Mr. MARGOLIS. You are afraid, and you are scared to death, and you know how you would come out.

Mr. JACKSON. I have yet to see the Communist or the Communist sympathizer—

Mr. MARGOLIS. You are taking an opportunity to make a soap-box speech, and you have got to—

Mr. JACKSON. Are you opposed to me?

Mr. MARGOLIS. Am I opposed to you! And how!

Mr. JACKSON. Well, I am glad to hear it. That is the greatest election speech I could ask of anyone.

Mr. MARGOLIS. I will be glad to repeat that on a public platform, and I will pay the expenses, and we will argue about who is the better American, you or I.

Mr. WOOD. I want to ask you a question as a lawyer. If perjury was committed in 1946, as a matter of law it would be barred by the statute of limitations now, would it not?

Mr. MARGOLIS. Yes, it would.

Mr. WOOD. That is all.

Any further questions?

Mr. TAVENNER. No.

Mr. MARGOLIS. I won't send a bill for that, Mr. Wood.

Mr. WOOD. The witness is excused.

(The witness was excused.)

Mr. TAVENNER. I will call Miss Esther Shandler.

Mr. WOOD. Will you raise your right hand?

Do you solemnly swear the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Miss SHANDLER. I do.

TESTIMONY OF ESTHER SHANDLER, ACCOMPANIED BY HER COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please?

Miss SHANDLER. My name is Esther Shandler.

Mr. TAVENNER. Are you represented by counsel?

Miss SHANDLER. I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. KENNY. Robert W. Kenny, Thomas G. Neusom, and Daniel G. Marshall.

Mr. TAVENNER. When and where were you born, Miss Shandler?

Miss SHANDLER. I was born in Passaic, N. J.

Mr. TAVENNER. Are you a resident of Los Angeles?

Miss SHANDLER. I am.

Mr. TAVENNER. When did you come to Los Angeles?

Miss SHANDLER. Approximately 19 years ago.

Mr. TAVENNER. Are you a member of the legal profession?

Miss SHANDLER. I am.

Mr. TAVENNER. How long have you been engaged in the practice of your profession in Los Angeles?

Miss SHANDLER. I was admitted to the State Bar of California on December 6, 1945.

Mr. TAVENNER. And you have been engaged continuously in the practice of law in Los Angeles since that time?

Miss SHANDLER. Since approximately April of 1946.

Mr. TAVENNER. Of what does your educational training consist, and preparation for the practice of your profession?

Miss SHANDLER. I graduated from the usual grammar and junior high school levels, and I also graduated from Los Angeles High

School; and I received my bachelor of arts degree at the University of California at Berkeley; and I received my bachelor of laws degree at the same institution, the University of California at Berkeley.

Mr. TAVENNER. Miss Shandler, Mr. Aaron, David Aaron, appeared as a witness before the Committee on Un-American Activities in Washington on January 23, in 1952. He testified that he was a member of the Communist Party from 1946 until 1948, and that he was a member of a cell or group of the party to which only members of the legal profession were admitted. He identified you as a member of that Communist Party group.

Was that statement or testimony of Mr. David Aaron true, or was it false?

Miss SHANDLER. I don't care to dignify the testimony of an informer before this committee by identifying myself with such a person. On that basis, and also on my constitutional rights of being able to belong to any organization that I wish and of associating with any person that I wish. I further refuse to answer that question under the provisions of the first amendment, and, finally, by virtue of the provisions of the fifth amendment to the Constitution of the United States, I do not care to be a witness against myself.

Mr. TAVENNER. Now, you and other witnesses have reflected upon those who testified before this committee, and I think that I should point out to you one phase of Mr. Aaron's testimony.

I asked Mr. Aaron this question:

Did you meet with any obstruction or effort to discourage you from cooperating with this committee, and describing to it the professional cell about which you have testified?

And Mr. Aaron:

No, sir, I have not. After I was subpoenaed to appear before this committee, I talked to several of my best friends and clients, people with whom I am associated in service club and veteran's organization work, and their unanimous reaction has been that they think I am doing a fine thing and they certainly bear me no ill will about it.

Of course, I feel that it isn't a question of a fine thing. I am simply doing what I am directed to do, to appear before this committee. I wouldn't think of not appearing and I wouldn't think of refusing to answer a question, and I wouldn't think of doing anything but telling you the truth, to the best of my recollection.

Question: Did you go to one or more of your principal clients and explain your position?

Mr. AARON. I did, and I have received full cooperation and backing right down to the hilt.

Question: Are your friends in the service organizations which you mentioned acquainted with the facts relating to your Communist Party activities? Did you acquaint them with such facts?

Mr. AARON. I did, and their unanimous reaction has been the same: "We have known you since you came out here in 1948, and we know what you have done, and we know what you have tried to do, and the way you have lived, and what you have said, and the people you have gone around with, and what you have thought, and, as far as we are concerned, you are 100 percent all right and anything you did in the past, all right, you made a mistake, anybody can make a mistake."

It has been a very encouraging thing, Mr. Tavenner. It makes me realize just how fine those people are.

Now, it seems that Mr. David Aaron has been considered by people who know him as a fine, loyal citizen to come forward and testify before this committee as to what he knew. Won't you do the same?

Miss SHANDLER. Mr. Tavenner, your portrayal of the individual that you mentioned to me is nothing but a picture of a traitor to his

country, a man who has sold the Constitution for a mess of pottage, for what he considers a livelihood, for his clients. I will not sell my rights under the Constitution, nor will I sell the rights of any of the people, or the rights of the Constitution that belong to all of the people, for the same reason. I decline to make any further statement upon your statement; and in answer to your question, I further make the answer that I have made before: I stand on the same grounds that I have heretofore mentioned.

Mr. TAVENNER. Mr. Yerkes, who also identified you as one of those who was a member of that group, that is, the Communist Party cell consisting solely of members of the legal profession, was asked this question:

Why did you come to that conclusion, that you consider it a duty to come here and cooperate with this committee, as you have? What impelled you to do that?

Mr. YERKES. Well, of course, this is subjective to me as a person. I feel, first of all, that it is the duty of a citizen to do the best he can in performing the role of citizenship, and I visualize and am firmly of the belief that one of these responsibilities is to assist my Government in any way it seeks to determine what and why and how of any issue of the day, and this issue of communism is an important one.

I am not going to sit in judgment of Communists; I cannot do this; I don't know enough about it. And neither am I going to take a position for them. I am just not able to appraise this beyond my own personal experience with it.

But I feel the committee has a right to examine all these things; and, as a citizen, I could not refuse, in honesty and dignity, to come.

Furthermore, as a member of the bar and being aware of the nature of the committee's inquiry at this time, I think here, too, the committee is entitled to know what I know, for what it is worth.

Are you willing to change your views, in the light of Mr. Yerkes' approach to this problem?

Miss SHANDLER. Mr. Tavenner, the word picture you have just painted sounds to me like the picture of a man who sold his highest obligation to his country, that of upholding the Constitution, for the sole purpose of holding down a job as a law instructor.

In answer to your question, I stand on the same grounds that I have heretofore mentioned.

Mr. TAVENNER. Let me read you what Mr. Israel had to say, Mr. William G. Israel. He also identified you as a member of this same group with him. I asked Mr. Israel this question:

Will you tell the committee, please, the circumstances under which you left the party, and the reasons?

Mr. ISRAEL. The reasons for leaving are connected, in a sense, with the reasons for going in. By the time 1947 came around it had become apparent to me that the Communist Party, rather than being a legitimate political party within the constitutional framework of the United States, was actually nothing more or less than a branch of the Soviet Foreign Office; that it was doing nothing more than spewing forth whatever happened to be the pronouncement from the Kremlin at the time.

And I must say that during my entire experience with the Communist Party, I cannot recall any policy which the party had ever adopted which deviated in any way from the interests of the Soviet Union.

* * * * *

Based upon my experience, the Communist Party, for instance, holds itself out as the true lover and supporter of the trade-union movement. I am absolutely convinced, not based upon my personal contact with the pipeline to Moscow, but merely based upon my own experience within the party, and experience in having received these various pronouncements, that if the Soviet Union ever decided that the trade-union movement in the United States was a reactionary movement, that the Communist Party would dump the trade-union movement, or that the Communist Party would dump the Negro people, for instance.

Those are among the reasons he assigned for leaving the party; and if they are truthful reasons, it would seem that they would be entitled to the very greatest weight and serious consideration by anyone who may have been a member of the party in making that decision for themselves. I ask you to consider it.

MISS SHANDLER. Mr. Tavenner, there necessarily must be a number of psychopathic personalities among informers. I don't care to make any comment other than that, and the statement I have made.

MR. TAVENNER. Are you now or have you ever been a member of the Communist Party?

MISS SHANDLER. As I mentioned before, I believe that I have—

MR. TAVENNER. Excuse me. I would like to divide that question. Are you now a member of the Communist Party?

MISS SHANDLER. You don't have to divide it. The answer to both is the same. I decline to answer that question under the grounds that I have heretofore mentioned, under the first and fifth amendments.

MR. TAVENNER. I have no further questions.

MR. WALTER. I have no questions.

MR. WOOD. Mr. Moulder?

MR. MOULDER. I have no questions.

MR. DOYLE. I have no questions.

MR. FRAZIER. I have no questions.

MR. JACKSON. I have no questions.

MR. WOOD. Is there any reason why the witness should not be excused?

MR. TAVENNER. There is no reason for not excusing the witness.

MR. WOOD. It is so ordered.

(The witness was excused.)

MR. WOOD. The committee will stand in recess for 15 minutes.

(Whereupon, a 15-minute recess was taken.)

MR. WOOD. Are you ready to proceed, Mr. Counsel?

MR. TAVENNER. Yes, sir.

I would like to call Mr. John Porter, please.

MR. WOOD. Do you solemnly swear the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

MR. PORTER. I do.

TESTIMONY OF JOHN WALCOTT PORTER, ACCOMPANIED BY HIS COUNSELS, ROBERT W. KENNY, THOMAS NEUSOM, AND DANIEL G. MARSHALL

MR. TAVENNER. What is your name, please, sir?

MR. PORTER. My name is John Walcott Porter. I have a statement which I ask leave to read at this time.

MR. WOOD. You may file the statement with the clerk, please.

MR. PORTER. I ask the opportunity to read it.

MR. WOOD. It has been the uniform practice of the committee that written statements are to be submitted and not read.

MR. PORTER. It is my understanding that other witnesses in the past have been allowed to read statements, and I ask the same opportunity as other witnesses have been given.

Mr. WOOD. Your understanding is incorrect. If you desire to submit the statement, you are at liberty to do so.

Mr. PORTER. I do desire to submit it.

Mr. WOOD. Very well, sir.

Mr. TAVENNER. Are you represented by counsel?

Mr. PORTER. I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall, Robert W. Kenny, and Thomas Neusom.

Mr. TAVENNER. When and where were you born, Mr. Porter?

Mr. PORTER. I cannot conceive the relevance of your inquiry, but the fact is that I was born in 1910 in the State of Massachusetts.

Mr. TAVENNER. What was the month and date of your birth?

Mr. PORTER. June 16 of that year.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Mr. PORTER. I practiced law in Los Angeles.

Mr. TAVENNER. Where do you live?

Mr. PORTER. I live in the county of Los Angeles.

Mr. TAVENNER. Where, what address?

Mr. PORTER. Would you mind explaining to me, Counsel, the relevance of that question, and I do not follow it at all.

Mr. TAVENNER. I don't want to make any exception to you. I have asked practically to know where people lived, and the county of Los Angeles is rather indefinite. And you said the city of Los Angeles; if you said that, I think I would have been satisfied. Is there any particular area that you can describe? I am not asking for the particular street address.

Mr. PORTER. I live in one of the Los Angeles suburbs.

Mr. TAVENNER. What is the name of it?

Mr. PORTER. If you would care to explain to me, Counsel, the relevance and pertinence of this inquiry, I will be glad to listen.

Mr. TAVENNER. Mr. Chairman, I ask that the witness be directed to answer the question.

Mr. WOOD. The question is a pertinent question beyond any doubt, on the question of identification.

Mr. PORTER. Do I understand I am directed to answer?

Mr. WOOD. Yes, sir.

Mr. PORTER. I live in the city of Pasadena.

Mr. TAVENNER. How long have you lived there?

Mr. PORTER. Well, I don't remember very clearly; a number of months.

Mr. TAVENNER. More than a year?

Mr. PORTER. No.

Mr. TAVENNER. Prior to coming to Pasadena, where did you live?

Mr. PORTER. Well, I lived for a time in Altadena, which is a suburb of Pasadena.

Mr. TAVENNER. Well, let me ask you this: You are practicing attorney, I believe?

Mr. PORTER. That is correct.

Mr. TAVENNER. How long have you been engaged in the practice of law?

Mr. PORTER. I was admitted to the bar originally in 1935, as I recall it.

Mr. TAVENNER. Where did you first practice?

Mr. PORTER. I was employed by the Federal Government as an attorney.

Mr. TAVENNER. Where?

Mr. PORTER. In Washington, D. C.

Mr. TAVENNER. In what position?

Mr. PORTER. Oh, I held a number of positions.

Mr. TAVENNER. Well, let us have them, please.

Mr. PORTER. I think the first was as an attorney in the Office of the Solicitor of the Department of Labor.

Mr. TAVENNER. When was that?

Mr. PORTER. From some time after my admission to the bar.

Mr. TAVENNER. What year would you place it?

Mr. PORTER. As I said before, I was admitted to the bar in 1935.

Mr. TAVENNER. How long did you—

Mr. PORTER. That may be in error. As I recall, my admission to the bar was somewhat later than that, perhaps 1937.

Mr. TAVENNER. Were you employed in the Labor Department before you were admitted to the bar?

Mr. PORTER. I may have been. I just don't remember it clearly at the moment.

Mr. TAVENNER. When were you first employed in the Labor Department?

Mr. PORTER. It seems to me that it was in the fall of 1935.

Mr. TAVENNER. And how long did you remain employed by the Labor Department?

Mr. PORTER. As I remember it was about a year and a half.

Mr. TAVENNER. After completing your employment with the Labor Department, how were you employed?

Mr. PORTER. By other agencies of the Federal Government.

Mr. TAVENNER. What was the next agency after leaving the Labor Department?

Mr. PORTER. I think it was the National Labor Relations Board.

Mr. TAVENNER. Do you recall when your employment began there?

Mr. PORTER. Not precisely; no.

Mr. TAVENNER. What year?

Mr. PORTER. Probably, as I now recall, about 1937.

Mr. TAVENNER. And how long did you remain employed by the National Labor Relations Board?

Mr. PORTER. Several years.

Mr. TAVENNER. Where did you reside during that period?

Mr. PORTER. In or around Washington, D. C.

Mr. MOULDER. Could you give us an approximate date when your employment ceased, Mr. Porter; that is, the year?

Mr. PORTER. It seems to me that it was during 1938, as best I can now recall.

Mr. MOULDER. Then you have not been employed in any position in the Government since the year of 1938?

Mr. PORTER. Yes; I was employed by the Government after 1938.

Mr. MOULDER. What was the latest year; that is the point I am trying to make.

Mr. PORTER. Either 1944 or 1945, as I recall.

Mr. TAVENNER. Then, as I understand it, some time during the year, during the summer of 1938, was it, that you ceased to be employed with the National Labor Relations Board?

Mr. PORTER. I find it extremely difficult to understand the pertinence or relevance of these questions, Counsel, and I would like to ask for a statement in that regard.

Mr. TAVENNER. No, sir; I am not going to tell you in advance the reason I have for asking the questions.

Mr. PORTER. Well, then, I shall have to take exception to them on that ground.

Mr. TAVENNER. I shall have to ask the chairman to direct you to answer.

Mr. WOOD. The question asked you was when you were employed by the National Labor Relations Board.

Mr. PORTER. I have already answered that, Mr. Chairman.

Mr. TAVENNER. What was the date? I didn't understand.

Mr. PORTER. Do I understand I am directed to answer, notwithstanding my exceptions to this line of inquiry?

Mr. WOOD. It is to be hoped that you will cooperate with us by answering the questions without having to be directed. I hold the question is a pertinent inquiry.

Mr. PORTER. Am I directed to answer?

Mr. WOOD. Yes, sir.

Mr. PORTER. As I said before, my present recollection is that I left the Labor Relations Board some time in 1938.

Mr. TAVENNER. How were you next employed by the Federal Government?

Mr. PORTER. By another agency.

Mr. TAVENNER. What agency?

Mr. PORTER. The Department of Justice.

Mr. TAVENNER. In what capacity?

Mr. PORTER. As an attorney.

Mr. TAVENNER. In what division or branch of the Department of Justice?

Mr. PORTER. The Antitrust Division.

Mr. TAVENNER. How long were you so employed?

Mr. PORTER. You are asking me for dates which not only are irrelevant and without pertinency here as far as I can see, but which don't come to mind readily, in any precise fashion.

Mr. TAVENNER. Well, I realize it is difficult.

Mr. PORTER. I was employed by the Antitrust Division for several years.

Mr. TAVENNER. While you were so employed, where did you live?

Mr. PORTER. Part of the time in and around Washington, D. C.

Mr. TAVENNER. And you say in and around; what do you mean?

Mr. PORTER. Just that.

Mr. TAVENNER. Can't you be more definite than placing your residence as in and around? Many people live over in the State of Maryland, and some in the State of Virginia, and some in the District.

Mr. PORTER. Would you like me to go back to the date of my birth and tell you everywhere I lived, and every point in my life?

Mr. TAVENNER. If I did—

Mr. PORTER. How I have voted, and all of the other private details of my life?

Mr. TAVENNER. If I felt it was necessary, I would have asked you.

Mr. PORTER. I don't doubt that, Counsel.

Mr. TAVENNER. Now will you answer my question?

Mr. PORTER. What is the question?

Mr. TAVENNER. Where did you live when you were working for the Department of Justice between 1938 and the several years thereafter while you were so employed?

Mr. PORTER. As I have stated before, I lived for a part of the time in and around the city of Washington, D. C.

Mr. TAVENNER. Specifically what was your address while you were living in and around and about Washington, D. C.

Mr. PORTER. I would have to look back into some records or something to refresh my recollection for an accurate answer on that question.

Mr. TAVENNER. Was it 718 Wolf Street, Alexandria, Va.?

Mr. PORTER. Apparently you have the answer, Counsel.

Mr. TAVENNER. Well, what is your answer. Is that true or not?

Mr. PORTER. I did live at that address.

Mr. TAVENNER. When?

Mr. PORTER. I don't now recall.

Mr. TAVENNER. Did you live there in 1939?

Mr. PORTER. It may have been.

Mr. TAVENNER. Did you live there in 1938? Can't you fix with some degree of certainty when you lived in Alexandria, Va.?

(Witness conferred with counsel.)

Mr. MARSHALL. May we have the question read again?

(Question was read by the reporter.)

Mr. PORTER. Probably I could, if I referred back to whatever souvenirs of the time I may have, among my records, but at the moment I do not recall precisely the dates.

Mr. TAVENNER. What employment did you have with the Federal Government after you left the position of the Assistant Attorney General, or assistant in the Antitrust Division of the Department of Justice?

Mr. PORTER. I don't think that I said that I was assistant.

Mr. TAVENNER. Special assistant, excuse me. I believe you were a special assistant, were you not?

Mr. PORTER. I don't recall the titles. You are asking me now as to—

Mr. TAVENNER. First let us get this straight. What was your position in the Department of Justice?

Mr. PORTER. As I previously stated, again reserving my objections to the irrelevance of this entire line of inquiry, I was employed as an attorney, and what the precise titles were does not come to mind now.

Mr. TAVENNER. Where were you next employed in the Government?

Mr. PORTER. You mean by what agency?

Mr. TAVENNER. Yes.

Mr. PORTER. I believe by the Office of Price Administration.

Mr. TAVENNER. Where were you located while so employed?

Mr. PORTER. Part of the time in Denver, Colo.

Mr. TAVENNER. What was your position?

Mr. PORTER. There it was in charge of enforcement of the price and other regulations which were in effect during the war.

Mr. TAVENNER. Do you recall the date of your appointment to that position?

Mr. PORTER. No, not at this time.

Mr. TAVENNER. Do you recall the year?

Mr. PORTER. Well, not precisely.

Mr. TAVENNER. How long were you employed there?

Mr. PORTER. Two or 3 years, as I remember.

Mr. TAVENNER. Did your position change while you were there?

Mr. PORTER. While I was there?

Mr. TAVENNER. At Denver.

Mr. PORTER. No, I think not.

Mr. TAVENNER. Were you employed by the Office of Price Administration at any other place than at Denver?

Mr. PORTER. I am sorry, I didn't hear the question. May I have it read?

Mr. TAVENNER. Were you employed by the Office of Price Administration at any other place than at Denver?

Mr. PORTER. Yes, I was.

Mr. TAVENNER. Where?

Mr. PORTER. In San Francisco, Calif.

Mr. TAVENNER. When did you go to San Francisco from Denver, approximately?

Mr. PORTER. Well, since I stated that I do not now recall precisely when we were in Denver, I can't answer that question with any greater preciseness, some time during the war years.

Mr. TAVENNER. How long did you remain in San Francisco as an employee of the Office of Price Administration?

Mr. PORTER. Perhaps a year and a half or something like that.

Mr. TAVENNER. Where did you reside while living in San Francisco?

Mr. PORTER. In San Francisco.

Mr. TAVENNER. Where?

Mr. PORTER. You mean the street address?

Mr. TAVENNER. Yes, if you remember it.

Mr. PORTER. I want to ask again what the pertinence and relevance of this inquiry is, Mr. Chairman. It seems to me that these questions are entirely improper, prying into personal details of no concern of this committee, or any other body, and I can think of no lawful purpose for which the inquiry can be made.

Mr. WOOD. The Chair holds that the question is a pertinent inquiry, and directs it be answered, sir.

Mr. PORTER. You are directing me to answer it?

Mr. WOOD. Yes, sir.

Mr. PORTER. May I have the question read?

(Question was read by the reporter.)

Mr. PORTER. It was on Twentieth Avenue, and I don't remember the number.

Mr. TAVENNER. Could it have been 146 Twentieth Avenue?

Mr. PORTER. It could have been, and I think it was.

Mr. TAVENNER. Did that terminate your employment with the Government or not, your service there with the Office of Price Administration in San Francisco?

Mr. PORTER. Counsel, from what has happened already, I think it is obvious that you have before you evidence which supplies an answer to every question you have asked me. I therefore object again to this personal prying into my history and raise the objection that it has no relevancy or propriety on any conceivable theory.

Mr. TAVENNER. Mr. Chairman, I request respectfully that he be directed to answer.

Mr. WOOD. It is a very simple question. Did your service with the Office of Price Administration in the city of San Francisco in the State of California terminate your employment with the Federal Government?

Mr. PORTER. It is very simple to pry into people's lives, and I agree, Mr. Chairman, but that is hardly a justification for such a practice.

Mr. WOOD. You are directed to answer the question.

Mr. PORTER. What is the question?

(Question was read by the reporter.)

Mr. TAVENNER. I believe I can simplify the question by asking it over. When did your employment with the Office of Price Administration in San Francisco terminate?

Mr. PORTER. Sometime toward the close of the war.

Mr. TAVENNER. Do you remember the year?

Mr. PORTER. Not with any sense of certainty.

Mr. TAVENNER. Have you had employment in the United States Government since that time?

Mr. PORTER. Yes.

Mr. TAVENNER. What is it or what was it?

Mr. PORTER. As an attorney.

Mr. TAVENNER. Where?

Mr. PORTER. No, I may be in error about that. I don't recall whether my work in the next agency was as an attorney in whole or in part. I think it was, yes.

Mr. TAVENNER. In what agency?

Mr. PORTER. The National War Labor Board.

Mr. TAVENNER. When did your employment begin with the National War Labor Board?

Mr. PORTER. Well, as I have stated, I don't recall when I left the OPA, and I therefore don't recall when I went to the War Labor Board, but one followed the other.

Mr. TAVENNER. One followed the other?

Mr. PORTER. Yes.

Mr. TAVENNER. How long were you employed by the National War Labor Board?

Mr. PORTER. Approximately a year, as I remember.

Mr. TAVENNER. Where were you located then?

Mr. PORTER. In Denver, Colo.

Mr. TAVENNER. After the termination of your employment by the National War Labor Board, how were you employed, if at all, by the Federal Government?

Mr. PORTER. I was not employed by the Federal Government.

Mr. TAVENNER. Do you recall the approximate date when your employment with the Federal Government was terminated?

Mr. PORTER. I don't recall the date, no.

Mr. TAVENNER. Do you recall the year?

Mr. PORTER. It seems to me that it was probably sometime in 1945.

Mr. TAVENNER. Now, will you tell the committee, please, briefly, what your educational preparation for the practice of law has been?

Mr. PORTER. Law school.

Mr. TAVENNER. Where?

Mr. PORTER. In Massachusetts.

Mr. TAVENNER. Do you object to naming the school?

Mr. PORTER. I object to appearing before this committee, which in my opinion is doing, and has in the past done, the most serious disservice to the rights of the American people, and I object to every question which has been asked of me, and which I anticipate will be asked of me.

Mr. TAVENNER. At page 2507¹ of the committee's hearings of this year, Mr. David Aaron was asked a question about the collection of dues in a Communist Party group or unit made up exclusively of members of the legal profession, and he was asked if he ever collected dues from Mr. John Porter, and his answer was, "I don't recall. I believe that I did, but I couldn't say that for sure." However, earlier he had been asked a question, "Was Mr. John Porter a member of this Communist group?" on the same page, to which he answered, "Yes, sir, he was at one time."

Was Mr. Aaron telling the truth about that, about his identification of you as a member of that group?

Mr. PORTER. Counsel, I deny the right or power of this committee to inquire into my associations or my opinions or my beliefs or those of any other person in these United States who live under our Constitution. I deny it on the basis of the first amendment, the terms of which I heard you state this morning were thoroughly familiar to you; on the basis of the fifth amendment, which protects the right of privacy as an employment to the rights guaranteed by the first amendment, and I charge this committee with contributing to the build-up of a big lie in this country with respect to the alleged menace of communism for the purpose of rushing the American people into a war which they do not want and which can only result in the destruction of this country and its institutions, if not the entire world, and on the basis of those objections my rights under the Constitution as a citizen and as a lawyer, I decline to answer the question.

Mr. TAVENNER. I understand you decline to deny the truthfulness of that statement by Mr. Aaron.

Mr. PORTER. I think you understand, counsel, that I decline to answer the question upon the grounds and all of the grounds which I have stated.

Mr. TAVENNER. And one of those grounds, you said, was the fifth amendment, is that correct?

Mr. PORTER. That is correct.

Mr. TAVENNER. What provision of the fifth amendment is it?

Mr. PORTER. For your information, Counsel, there is a provision of the fifth amendment which secures to persons living under the Constitution the right not to be compelled to become witnesses against themselves, a right which derives from a long and honorable history dating back to the period of the Inquisition when Protestants were tortured and forced against their will to answer before inquisitorial bodies. This committee in my opinion is the lineal descendant of those

¹ Ibid.

bodies, and I shall have no part in contributing to its development or strengthening.

MR. TAVENNER. Now, is that your reason for refusing to answer, or is it the provision of the fifth amendment which provides that no one may be forced or compelled to testify in a criminal case against himself?

MR. PORTER. I refer to that provision rather explicitly in my answer, and I stand upon that answer.

MR. TAVENNER. Are you acquainted with Mr. William G. Israel?

MR. PORTER. For all of the reasons which I have just stated, I am going to decline to answer that question, assuming that you are referring to one of the stool pigeons or informers in the stable maintained by this committee.

MR. TAVENNER. I am referring to an individual who had the courage to come before this committee and tell what he knew about a Communist Party cell made up exclusively of members of the legal profession in this area. Did I understand that you are refusing to answer that on the grounds that to do so might tend to incriminate you?

MR. PORTER. My observation is that this committee's conception of courage is of a person who comes on his knees before this committee begging for mercy and absolution. I have a different conception of courage, and I decline to answer your question on all of the grounds previously stated.

MR. TAVENNER. Well, what are those grounds?

MR. PORTER. Do you desire that I repeat my previous answer?

MR. TAVENNER. I want to know whether there is included among those grounds the fifth amendment, that provision of the fifth amendment which provides that you may not be required to answer as to any matter which might be deemed to incriminate you.

MR. PORTER. As the record will show, I included a reference to that clause of the fifth amendment among the grounds upon which I relied.

MR. TAVENNER. I show you a photostatic copy of a standard Form 57, which is an application for Federal employment, and will you examine the exhibit and state whether the signature on the last page of the application is a photostatic copy of your signature?

MR. PORTER. Is there a question pending?

MR. TAVENNER. Yes, sir.

MR. PORTER. May I have it read?

MR. TAVENNER. Yes, sir.

(Question was read by the reporter.)

MR. PORTER. I think it was as to my signature there, is that correct?

MR. TAVENNER. That is correct.

MR. PORTER. And you asked whether that is my signature?

MR. TAVENNER. Yes, sir.

MR. PORTER. My answer is that it appears to be.

MR. TAVENNER. Is there any doubt in your mind?

MR. PORTER. No serious doubt; no.

MR. TAVENNER. What address did you give on the application?

MR. PORTER. The document speaks for itself.

MR. TAVENNER. What address does it state?

MR. PORTER. It contains a lot of addresses.

Mr. TAVENNER. On the face of it, on the front of it, what does it give as your address, as of that time, as of the date of the execution of the application?

Mr. PORTER. Suppose you point out the portion of this document that you are asking me about.

Mr. WOOD. He is asking you about the address that is given on the document.

Mr. TAVENNER. I think it appears——

Mr. PORTER. There are a number of addresses on the document.

Mr. TAVENNER. I think it appears as question No. 5, right under your name.

Mr. PORTER. Line 5 on this document which is entitled "Application for Federal employment" reads: 146 Twentieth Avenue, and the next line: "San Francisco 21, California."

Mr. TAVENNER. And that is where you lived at that time?

Mr. PORTER. I am sure it is.

Mr. TAVENNER. What is the date of the application which you find answered as question No. 8?

Mr. PORTER. I am sure that you could read this quite as readily as I could, Counsel. You are referring to item 8?

Mr. TAVENNER. Item 8 is date of this application.

Mr. PORTER. Is that what your question relates to?

Mr. TAVENNER. Yes.

Mr. PORTER. The entry here reads "1-18-44."

Mr. TAVENNER. As a result of the making of this application, what position did you receive?

Mr. PORTER. I take it we are going back on this bypath again into the irrelevant area of my personal history; is that correct?

Mr. TAVENNER. No, I am just asking you for the answer.

Mr. PORTER. What is the question? Read the question.

(Question was read by the reporter.)

Mr. PORTER. At that time I was working for the Government during the anti-Fascist war and was seeking to contribute as best I could to the winning of that war. I am not now positive in my memory, and I notice that the document shown me does not seem to indicate it, as to what agency the application was made for, and I therefore feel unable to answer the question.

Mr. TAVENNER. Let me see if I can refresh your recollection. You had been employed prior to that time and possibly at that very time by the Office of Price Administration, as principal attorney, had you not?

Mr. PORTER. I don't recall the title, but I was employed by the OPA as I have already stated.

Mr. TAVENNER. And as a result of that application, weren't you transferred to the position of enforcement attorney, the Regional War Labor Board at Denver?

Mr. PORTER. I can't answer that. It doesn't appear from the face of the application whether any transfer was requested or resulted from what I have seen of it. I did work for the War Labor Board as I have previously stated.

Mr. TAVENNER. Wasn't that your next employment after leaving the Office of Price Administration?

Mr. PORTER. As I answered before, the War Labor Board job followed the OPA job.

Mr. TAVENNER. Will you read question 17 on the application? I would like for you to read it into the record. It is on the front page.

Mr. PORTER. Let me hand this back to you and ask you to read it, Counsel.

Mr. TAVENNER. Do you refuse to read it?

Mr. PORTER. I prefer that you read it.

Mr. TAVENNER. Why?

Mr. PORTER. You are conducting the examination, as I understand it.

Mr. TAVENNER. Then I will ask you to read the question on your own form of application, Form 57.

Mr. PORTER. You seem to suggest that I have some responsibility for the question, which is not the case.

Mr. TAVENNER. No.

Mr. PORTER. And I take none.

Mr. TAVENNER. But you have a responsibility for the answer, and I am going to ask you to read that, too. Would you read the question and the answer?

(The witness conferred with his counsel.)

Mr. PORTER. Mr. Chairman, may I ask that counsel read the question that he desires read into the record?

Mr. WOOD. He has asked you to read the question No. 17 and your answer to it.

Mr. PORTER. My understanding is that I am here under subpoena in order to answer certain questions or listen to certain questions.

Mr. WOOD. That is one of them.

Mr. PORTER. And I don't understand that this is a question. I would like to have Mr. Tavenner read this, if you please, Mr. Chairman.

Mr. WOOD. Mr. Tavenner has asked you to read it, and that is a question, and will you read it or not?

Mr. PORTER. If I am directed to, of course.

Mr. WOOD. I direct you to read the question and the answer.

Mr. PORTER. Item 17, Counsel?

Mr. TAVENNER. Yes, sir.

Mr. PORTER. The print is a little difficult, but as I read it, it appears to be as follows:

17. Do you advocate or have you ever advocated or are you now or have you ever been a member of any organization that advocates the overthrow of the Government of the United States by force or violence?

Mr. TAVENNER. Will you read your answer?

Mr. PORTER. "X."

Mr. TAVENNER. And "X" appears under the column "No." I believe there is a place for the answer, a column marked "Yes" and a column marked "No," and which column did you check?

Mr. PORTER. An "X" appears in the column marked "No."

Mr. TAVENNER. Was that a truthful statement at that time? Was that a truthful reply to the question?

Mr. PORTER. To what question?

Mr. TAVENNER. To question 17.

Mr. PORTER. Well, as I read it, question No. 17 includes at least three or perhaps four or more questions.

Mr. TAVENNER. Regardless of the number, was it a truthful answer?

Mr. PORTER. With respect to each of the several parts of this question are you asking?

Mr. TAVENNER. Each and every part.

Mr. PORTER. It was, so far as I knew or understood at that time and now know or understand.

Mr. TAVENNER. Were you a member of the Communist Party on January 18, 1944, the date on which that answer was made to question 17?

Mr. PORTER. This is the big lie question again, which this committee has made such a feature of throughout its existence, and I have previously stated that I do not recognize the authority of this committee to pry into my associations or beliefs or those of any other person. This is the type of question with which this committee is seeking to terrorize and intimidate the American people into a silence under which they are in danger of being driven into war, even as was the case under Hitler in Germany. I am not going to answer any questions with respect to my affiliations and I take that position in reliance upon my rights under the first amendment to the Constitution, and under the fifth amendment to the Constitution, which implements the first in the manner which I have previously described.

Mr. WOOD. Is that your answer to the last question that was asked you?

Mr. PORTER. That is my answer to the last question.

Mr. TAVENNER. You stated that on the basis of the information that you had at that time that you considered that your answer was correct, and I believe you also added on the basis of the information that you now have.

Mr. PORTER. That is correct.

Mr. TAVENNER. Will you explain your answer as to what you meant when you replied "No" to the question, "Do you advocate or have you ever advocated or are you now or have you ever been a member of any organization that advocates the overthrow of the Government of the United States by force and violence"?

Mr. PORTER. When this committee or counsel asks a question about force and violence or the advocacy thereof, I can only think of the thief who calls out pointing at a passer-by "Stop, thief," because this committee by steadfastly and studiously refusing throughout its life to deal with the force and violence which does occur in these United States against brother and sister citizens of the Negro people and other minority peoples, is directly contributing to that kind of outrage. I can refer you, Counsel, as a specific example, as I did in the statement which you would not allow me to read, to the bombing of a respected Negro family in Los Angeles on Dunsmuir Avenue some months ago, about which this committee so far as I am aware has done absolutely nothing, and has had absolutely nothing to say, although two of its members are from the Los Angeles area.

Mr. MOULDER. Do we have any authority to prosecute someone for violation of the State laws of California?

Mr. PORTER. You claim, as I understand it, the authority to investigate subversive activities, although your resolution is limited to the investigation of speech and thought and expression, all of which are

protected by the first amendment. If you were honest in your claim you would investigate the really subversive activities of those who throw bombs and practice discrimination against the Negro people and the citizens of the United States.

Mr. MOULDER. Did the State officials fail to perform their duty in that respect?

Mr. PORTER. They and Federal officials likewise, including this committee, and particularly the local members of this committee, Doyle and Jackson.

Mr. DOYLE. How do you know that? How do you know what we have done, whether or not we have done anything. You have used my name.

Mr. PORTER. I know that you have not uncovered the perpetrators of these outrages, and I know that had you issued a statement or taken action with respect to investigating these matters, you would have seen to it that it was spread all over every headline in the country.

Mr. DOYLE. That is your appraisal of me as a member of the bar and a member of the committee, is it? I have never met you, sir, have I, and you have never met me before, and I have never talked with you in my life, and is it your opinion that it is the jurisdiction and the prerogative of this committee to come into a local municipality and enforce the law against violations of State and municipal ordinances? Is that what you think this committee is to do? Is that what you want a Federal committee of Congress to do, to come in and run the municipal government or the State government? Or is that just a sham on your part, making an excuse?

Mr. PORTER. You have asked me a dozen or so questions in one.

Mr. DOYLE. I know you are very technical. I have observed that all through your testimony. But when you use my name, sir, I want you to understand that I am going to challenge any statement by you that I know is false, as far as I am concerned. You cannot get by with it.

Mr. PORTER. Now I would like a chance to answer your question. You asked for a matter of my opinion, and I want the record to be clear that I do not concede the right of this committee to compel from me an expression of any opinion whatsoever on any subject. However, I chose to express my opinion on this subject, and I state to you that if this committee were sincere or honest in claiming the power and duty to investigate subversive activities, it would be investigating the people who have thrown bombs on Dunsmuir Avenue, and the people who are still attempting to restrict minority citizens to a ghetto area in spite of the fact that the Supreme Court has held restrictive racial covenants unconstitutional, and it would be investigating the KKK, and the lynchers, legal and otherwise, in the Southern States of the United States, and it would be attempting to secure the rights of a democratic society to all of our citizens.

Mr. DOYLE. Would it be investigating the Communist Party of which you are claimed to be a member by some people, or would it not?

Mr. PORTER. What it has done, as I have already said, is to use the big lie of the menace of communism as a smoke screen behind which and by means of which to terrorize good Americans into closing their mouths and failing to speak up on the crucial issues of the day,

which are to secure democracy for our Negro brothers and sisters, and to find the path to peace in this world.

Mr. DOYLE. What about the Caucasians who are members of the Communist Party: Would it be investigating them? You have been alleged to be a member of the Communist Party, or are you, or were you?

Mr. PORTER. You are doing precisely what I have pointed out is the pattern of this committee, and instead of answering my point with respect to the really subversive activities abroad in these United States, you are throwing back again to the Communist Party questions as the big lie.

Mr. DOYLE. As one of the subversive groups in which there are many subversive people, the Communist Party of America is one in my judgment, and we are investigating them, and we are asking your cooperation as a member of the bar to tell the truth and tell all of the facts, and not hide behind a smoke screen.

Mr. PORTER. The only thing this committee has ever investigated or purported to investigate is opinion, that is an area which the Congress has no business to go into and no power to legislate in.

Mr. DOYLE. Unless it advocates the use of force and violence to overthrow the Constitution of the United States.

Mr. PORTER. There is no such exception in the first amendment, Congressman Doyle, and if you will get out the language of it, I will prove that to you.

Mr. WOOD. Any further questions by counsel?

Mr. TAVENNER. I happen to have an answer to the question I asked, and I would like to have the witness answer it now since his speech.

Mr. PORTER. I think Congressman Doyle did interrupt. What was the question?

Mr. TAVENNER. You testified that the answer that you gave to question 17, on the basis of the information that you had at that time, and which you have acquired later, was correct. Now I am asking you what you meant when you said that it is correct on the basis of the information that you had?

Mr. PORTER. I meant that it was true, and that neither at that time nor at any other time have I advocated anything other than the fullest extension of the democratic process to all Americans, nor have I belonged to any organization which I understood to advocate anything but the fullest extension of the democratic process to all Americans.

Mr. TAVENNER. Then do I understand the basis of your answer is what you understood about the organizations that you were a member of?

Mr. PORTER. Of course.

Mr. TAVENNER. Well, was one of those organizations the Communist Party?

Mr. PORTER. I have already answered that question several times before, and stated the reasons for my answer. Do you want me to do it again?

Mr. TAVENNER. If you had been a member of the Communist Party, would you have said so on that application?

Mr. PORTER. That hypothetical question doesn't change the situation at all, Counsel.

Mr. TAVENNER. Were you a member of the Communist Party when you were in the Department of Justice?

Mr. PORTER. I have answered that question in one form or another previously, and I will make the same answer again: I am not answering with respect to my beliefs, opinions, and associations, for all of the reasons which I have previously stated.

Mr. WOOD. He is not asking you about your beliefs and associations. He is asking about your membership in an organization, and what is your answer to that, specifically, the Communist Party, at the time you were employed by the Department of Justice?

Mr. PORTER. I stand upon the answer already made, and I am not going to answer any questions with respect to my associations with respect to the Communist Party, upon all of the grounds which I have previously stated a number of times.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. PORTER. I make the same answer—

Mr. TAVENNER. I have no further questions.

Mr. PORTER. For the same reason.

Mr. WOOD. Do you have any questions?

Mr. WALTER. I have no questions.

Mr. MOULDER. I have one question that I wanted to ask.

You made some comment about the conflict over in Korea. Do you approve or disapprove of the action of our Government participating in the fight against the spread of communism in Korea?

Mr. PORTER. Here again, this is an area of opinion, which I think the committee has no right to enter into. However, for the very reason that the committee has succeeded in intimidating so many people to the point where they don't dare to speak up on this, the prime issue of the day, perhaps, I choose to exercise my right, in my judgment and discretion, to answer your question. My answer to it is that I heartily disapprove of the action of the United States in entering Korea as it did, and I live and work to the best of my ability to bring about a termination of the war in Korea at the earliest possible time in order to put an end to the stupid and futile and insane loss of life among American soldiers and among the soldiers of other countries, and also among the civilian population of Korea, which is being burned alive by gasoline bombs dropped, I am ashamed to say, by American planes.

Mr. MOULDER. In other words, you are opposed to this Government taking any action against communistic aggression?

Mr. PORTER. I don't accept the words which you seek to put in my mouth, Congressman. I am opposed to this Government going into Korea for the purpose of establishing domination over the natural resources of North Korea; for the purpose of intervening in the internal affairs of a sister people who are entitled to equal sovereignty with that of the American people, or any other on the face of the globe.

Mr. MOULDER. If the North Koreans were Fascists, would you still have the same opinion you now have?

Mr. PORTER. You are asking me hypothetical questions with respect to a set of facts contrary to the facts which are before us. I have expressed my opinion with respect to the real issues which are based upon the existing circumstances of the day.

Mr. MOULDER. I just have one more question, and I will be very brief. You mentioned the bombing a while ago, somewhere in Los Angeles. Did you report your knowledge and information that you had concerning that to the local officials?

Mr. PORTER. My knowledge of it came to me through the Los Angeles press, which reported it widely, which at that time assured us that the agencies of the State, city, county, and other government bodies would spare no effort to uncover the perpetrators of the outrage and to bring them to justice.

Since that time there hasn't been a word about it in the newspapers, nor any effective action by any agency, including this committee.

Mr. MOULDER. According to the investigations and the facts revealed before this committee, the Communists have instigated such bombings themselves in order to spread about the hatred that you have mentioned.

Mr. PORTER. Are you aware, Congressman, of the fact that in the several prosecutions of members and leaders of the Communist Party under the Smith Act, which have taken place in New York and Los Angeles and Baltimore, and so on, there has not, as I am informed, been a single syllable of testimony to support a claim that any such acts have ever been committed by any of the defendants in those cases or by any other member or leader of the Communist Party; and had there been such evidence, I would feel sure, as I am sure you do, if the evidence was worth anything that it would have come out in one or another of those prosecutions.

Mr. MOULDER. Our hearings reveal that it has been a policy or program on the part of the Communists to stir up and to instigate such incidents as that, to create racial prejudice and racial troubles.

Mr. PORTER. With the kind of witnesses that you have had before you—

Mr. MOULDER. They do it themselves, and then try to make it look like someone else.

Mr. PORTER. And with the kind of hysteria and intimidation which this committee has generated in the United States, I wouldn't be surprised at anything a witness might have said before this body.

Mr. MOULDER. You have made one statement that you were sure and confident the Communist leaders that you mentioned a while ago had never committed such an act. Upon what do you base your information, and how do you have knowledge of that?

Mr. PORTER. I stated that as I understand the testimony given in the prosecutions under the Smith Act, in Los Angeles and elsewhere, I am relying upon the record made by the Department of Justice in those inexcusable prosecutions under the Smith Act.

Mr. WOOD. Did you say "inexcusable"?

Mr. PORTER. I tripped over the word. I mean to say, if I may explain it, that I think the Smith Act—and I regret that the Supreme Court made this mistake—I think that the Smith Act is the most clearly unconstitutional piece of legislation that I can conceive of, flying directly in the face of the guaranties of the first amendment and of freedom of speech and expression.

Mr. WOOD. I did not mean to elicit an opinion from you. I was not sure that I understood whether you said "excusable" or "inexcusable," and I wanted to be clear about it.

Mr. PORTER. I think the prosecutions are indefensible, and a blot upon the good name of the United States.

Mr. WOOD. Any further questions?

Mr. TAVENNER. I have none.

Mr. FRAZIER. Mr. Porter, did you ever serve in the armed services of the United States?

Mr. PORTER. No. I regret very much that for physical reasons I was not accepted.

Mr. FRAZIER. That is all.

Mr. JACKSON. Mr. Porter, I do not know whether you are under a misapprehension, or whether it is a deliberate attempt to paint a picture which is not true. I might say in the incidents of the bombing on Dunsmuir Avenue, that I was contacted by both the Civil Rights Congress, by two newspapers in my district, and by several other organizations, for a statement. I wrote a long statement deploring, as every good, honest, sincere American deplores any act of violence, whether it be directed against a member of a minority group or against a member of the majority, so-called majority.

I simply want to put that fact straight, because my files will bear out the fact that such communications were sent, in which I expressed the hope that every law-enforcement agency would devote all of its available personnel to disclosing the perpetrators of the bombing.

Mr. PORTER. I would like to ask you, if I may, what you did about the outrage, aside from issuing a statement?

Mr. JACKSON. I was 3,000 miles away in Washington, Mr. Porter, and it is not customary for me to run home and it is not possible for me to run home on every traffic accident and every rape case or every murder.

Mr. PORTER. Somehow, Congressman, I don't equate this outrage with a traffic accident, and it seems to me to be of considerably greater significance and horror, and I would like to state that it is my understanding that this committee employs a stable of investigators for no better purpose than to snoop around into people's opinions, and I would like to ask if the committee ever assigned an investigator to look into this outrage, or similar incidents, such as in Cicero, Ill., or the assassination of Mr. and Mrs. Harrimore, in Miami, Fla.?

Mr. JACKSON. Crimes of violence are within the province of the local and the State law-enforcement agencies, and not of this agency.

Let me ask you this: When Gerald L. K. Smith was called before this committee, did you protest any limitation upon his freedom of speech, or upon his right of conscience?

Mr. PORTER. I have no recollection about the appearance of Smith before this committee. But I will say to you, Congressman, that I have protested and opposed and fought to the limits of my ability, the evil work of this committee, from the day of its inception under the unlamented Martin Dies, through the period.

Mr. JACKSON. I would like to have an answer to my question: Did you protest the appearance of Gerald L. K. Smith?

Mr. PORTER. I have answered your question—

Mr. JACKSON. Did you protest the appearance?

Mr. PORTER. To the extent you have interrupted me.

Mr. JACKSON. Did you protest the appearance before this committee of witnesses who were subpoenaed on the Ku Klux Klan investigation?

Mr. PORTER. I have no recollection of reading any report in any publication at any time of any investigation by this committee of the Ku Klux Klan.

Mr. JACKSON. For your information, it was investigated.

And did you protest the calling before this committee of witnesses of the German-American Bund?

Mr. PORTER. I make the same answer with respect to that.

Mr. JACKSON. I would suggest, Mr. Porter, that you read some of the hearings in more detail before you make rather wild-eyed statements. All three of those organizations, whose work I deplore as much as you do, and I deplore it almost as much, if not more, than I do the Communist activity in this country—but all of those organizations were before the House Committee on Un-American Activities, and witnesses were required to give testimony; and I think that that is pertinent, and it should be in the record.

Mr. PORTER. I would like to point out that the Ku Klux Klan is still flourishing in many sections of the country.

Mr. JACKSON. So is the Communist Party.

Mr. PORTER. And I would venture to say that, pound for pound, the transcripts of this committee's hearings with respect to such groups is outweighed by the transcripts with respect to the Communist Party and other organizations loosely described as "left wing," about 20,000 to 10.

Mr. JACKSON. Pound for pound, the members are also outweighed, I dare say, by the members of the Communist Party.

It is largely due to the efforts of the chairman of this committee, who was the first judge in all of Georgia or in the South to prosecute the Ku Klux Klan.

Mr. PORTER. I am happy to hear it, and I am sorry he stopped.

Mr. WOOD. We will have to have order.

I haven't stopped it.

Proceed, Mr. Counsel. Are there any further questions?

Mr. TAVENNER. No, sir, but I would like to file as an exhibit or offer as an exhibit, the photostatic copy of the application for Federal employment which was the basis of testimony here, and ask that it be marked "Porter Exhibit No. 1."

Mr. WOOD. It is so ordered.

(The document above referred to, marked "Porter Exhibit No. 1," is filed herewith.)

Mr. WOOD. Is there any reason why this witness should not be excused from further attendance on the committee?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. TAVENNER. I am sure there are witnesses present who have not been reached today, who could be advised to be here at 9:30 in the morning, but the subpoenas do call for 10 o'clock.

Mr. WOOD. Maybe we had better not interfere with that program, then.

We will adjourn until 10 o'clock. The committee will stand in recess until 10 o'clock in the morning.

(Whereupon, at 4:50 p. m., Tuesday, September 30, 1952, a recess was taken until 10 a. m., Wednesday, October 1, 1952.)

COMMUNIST ACTIVITIES AMONG PROFESSIONAL GROUPS IN THE LOS ANGELES AREA

WEDNESDAY, OCTOBER 1, 1952

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10 a. m., in room 518 Federal Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood (chairman), Francis E. Walter, Morgan H. Moulder (appearance as noted in transcript), Clyde Doyle, James B. Frazier, Jr., Harold H. Velde, and Donald L. Jackson.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., assistant counsel; Louis J. Russell, senior investigator; William A. Wheeler and Charles E. McKillips, investigators; and John W. Carrington, clerk.

Mr. WOOD. Let us have order, please.

I will ask the audience to please refrain from smoking in the hearing room; and I also repeat the admonition which I have given the last 2 days that demonstrations of any sort, favorable or unfavorable to the testimony introduced in this room, will not be tolerated on the part of the audience.

Are you ready to proceed, Mr. Tavenner?

Mr. TAVENNER. Yes, sir. I will call Mr. Grover Johnson.

Mr. WOOD. Do you solemnly swear the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. JOHNSON. I do.

Mr. WOOD. Have a seat, please.

TESTIMONY OF GROVER JOHNSON, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. MURRISH

Mr. TAVENNER. What is your name, please, sir?

Mr. JOHNSON. My name is Grover Johnson.

Mr. TAVENNER. Are you represented by counsel?

Mr. JOHNSON. I am represented by Mr. William Murrish.

Mr. TAVENNER. Will you please identify yourself for the record?

Mr. MURRISH. William B. Murrish, Los Angeles.

Mr. WOOD. Of the Los Angeles bar?

Mr. MURRISH. I am.

Mr. TAVENNER. Mr. Johnson, will you please state when and where you were born?

Mr. JOHNSON. I was born in Canton, S. Dak., on the 18th day of November 1893.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Mr. JOHNSON. No, of San Pedro, San Pedro Harbor.

Mr. TAVENNER. How long have you been a resident of San Pedro?

Mr. JOHNSON. I hesitated because I moved down there and I was back here. It was in 1942.

Mr. TAVENNER. Are you a practitioner at the bar at that place?

Mr. JOHNSON. I didn't understand that question.

Mr. TAVENNER. Are you a practitioner at the bar?

Mr. JOHNSON. I am a lawyer. I don't know about the other.

Mr. TAVENNER. Where did you practice your profession before going to San Pedro?

Mr. JOHNSON. I put in 6 years as district attorney in the State of Montana, and 4 years in general practice in San Bernardino, Calif., and a number of years in Los Angeles, and now in San Pedro.

Mr. TAVENNER. Approximately when did you begin the practice of law in Los Angeles?

Mr. JOHNSON. In 1931. Wait; I believe it was 1932. I was up at Stanford in 1931.

Mr. TAVENNER. Well, did you leave Los Angeles for San Pedro?

Mr. JOHNSON. Yes, sir.

Mr. TAVENNER. Mr. Johnson, Mr. Max Silver appeared as a witness before the Committee on Un-American Activities on January 22, 1952. I was asking him about the identity of certain individuals in southeastern California, and I asked him if he knew you. Mr. Silver's reply was: "Grover Johnson was a member of the party," meaning the Communist Party.

QUESTIONER. Can you give us further identification relating to Grover Johnson?

Mr. SILVER. Grover Johnson came from the State of Montana. For a number of years he was the coworker of Leo Gallagher as an attorney, and for the International Labor Defense cases, and he ran for office in the Thirteenth Congressional District against formerly the late Congressman Cramer and for some other office that I cannot recall. Later there was some arrangement whereby there was a necessity for a firm in the harbor proper.

Mr. JOHNSON. Is this all one question?

Mr. TAVENNER. This is all one answer by Mr. Silver. I will read that over. [Reading:]

Later there was some arrangement whereby there was a necessity for a firm in the harbor proper, because of the Longshoremen's Union, and Grover Johnson moved to San Pedro and he was practicing there. His relationship with the party was not too good, as far as I knew lately, and I do not believe that he is a member now, but he was at one time.

At another point in his testimony Mr. Silver described a meeting in 1939. The question was asked:

Do you remember where that meeting was?

And the answer was:

Mr. SILVER. It was in Mr. Grover Johnson's house. Grover Johnson is an attorney in San Pedro.

Mr. DOYLE. And was the meeting at San Pedro?

Mr. SILVER. No; at that time Grover Johnson was still in Los Angeles. That was prior to the organization of the law firm and the division where Grover Johnson went to San Pedro and Gallagher remained in Los Angeles.

In questioning Mr. Silver further regarding that meeting, he answered as follows:

The meeting left an impression on me because I took a definite position on the role of Leo Gallagher as a person who really showed what he can do for the labor movement and the fact that we have to keep Gallagher in front. But I can't recall the other people there, and none of these people who were testifying here were there because that was an earlier period and it was more or less of a confidential type of meeting.

QUESTIONER. Grover Johnson, I assume, was there?

Mr. SILVER. Yes.

At an earlier part of the testimony—

Mr. JOHNSON. Is this all one question?

Mr. TAVENNER. I am giving you the information.

Mr. JOHNSON. May I have your name?

Mr. TAVENNER. My name is Tavener, counsel for the committee. I am trying to give you exactly the record as made in Washington during the course of the testimony of this witness as a basis for giving you an opportunity to make any explanation you desire regarding it, and as a basis for questioning you.

This meeting to which Mr. Silver referred—

Mr. JOHNSON. I won't answer any of your questions. Those men are both stool pigeons; and let me say to you, Mr. Tavener—

Mr. WOOD. You haven't been asked a question yet.

Mr. JOHNSON (continuing). Ever since I quit the firm—

Mr. WOOD. You haven't been asked a question yet.

Mr. JOHNSON (continuing). They have been around offering me money to become a stool pigeon, and now I am not here to take your 30 pennies.

Mr. WOOD. You haven't been asked any question yet.

Mr. WALTER. Who offered you money?

Mr. JOHNSON. The Immigration Department [service].

Mr. WALTER. Who?

Mr. JOHNSON. The FBI.

Mr. WALTER. Who?

Mr. JOHNSON. They don't give their names, my dear sir.

Mr. WALTER. I just don't believe you.

Mr. JOHNSON. I have been offered jobs up to \$15,000 a year to be a stool pigeon for private organizations and municipalities.

Mr. WALTER. Who offered you that kind of money?

Mr. JOHNSON. They don't give you their names.

Mr. WALTER. You mean some stranger came to you and offered you a \$15,000-a-year job?

Mr. JOHNSON. Yes; they come to your [my] office time and time again, and I kicked them out, but I can't kick you fellows out. You have subpoenaed me here this morning, but I am not taking your 30 pieces of silver. I have got to live with me, you see, and I like to live with me.

Mr. WALTER. You are alone in that.

Mr. JOHNSON. No; you are mistaken. I have seven children who love to live with me and a good wife.

Mr. WOOD. You haven't been asked a question.

Mr. JOHNSON. And good neighbors.

Mr. WOOD. Proceed, Mr. Tavenner.

Mr. JOHNSON. You are from South Carolina?

Mr. WOOD. No, sir.

Mr. JOHNSON. North Carolina?

Mr. WOOD. No, sir.

Mr. JOHNSON. I just wanted to make the record clear that I refuse to "Caudle" to them, you know; "Theron Lamar Caudle" to them.

Mr. TAVENNER. Mr. Johnson, let me continue, if you will, please.

Mr. JOHNSON. Go ahead; read your book.

Mr. TAVENNER. Mr. Silver was then asked this question [reading]:

Were you successful in quieting the revolt among the lawyers?

Mr. SILVER. I think I was; I was very arbitrary.

Mr. Silver, at that time, according to his testimony, was organizational secretary of the Communist Party for Los Angeles County. Do you recall the meeting to which he referred as having been held in your house?

Mr. JOHNSON. I refuse to answer that question. I refuse to answer any question with reference to Max Silver, who has appeared before your committee, on the ground that, to do so, I claim the privilege under the fifth amendment, and I claim the privilege under the first amendment, and, if you please, the ninth and the tenth amendments. I challenge the authority of this committee to ask me about anything in my own home in America.

Mr. TAVENNER. You stated that you claimed the benefit of the fifth amendment. What provision of it?

Mr. JOHNSON. Let me state it for you. Under the law as it stands today, you must say—a lot of movie stars found that out; some lawyers slipped in Washington—"On the ground that it would tend to incriminate me." And there I said it for you, and now you don't have to go out and give it to the press; I gave it to them. That is what the law requires, to protect yourself in America today.

My criminal record consists of two times drunk, Mr. Tavenner.

Mr. TAVENNER. I haven't asked you about any of your personal affairs.

Mr. JOHNSON. I thought, since I might incriminate myself, you thought I had a long criminal record, you see.

Mr. TAVENNER. Oh, no. Now, Mr. Johnson, let me ask you, what was the purpose of this meeting at which Max Silver, the head of the Communist Party in Los Angeles, was called, and which met in your home?

Mr. JOHNSON. Brother, I have never said that there was a meeting, and I have refused to testify under the privilege afforded me by the Constitution of the United States, the fifth amendment. Let the record be clear: On the ground that it might tend to incriminate me, and now that is clear; the Supreme Court even can read that.

Mr. TAVENNER. Now, when Max Silver testified that you were a member of the Communist Party at that time, was he telling the truth or not?

Mr. JOHNSON. I refuse to answer. I think Max Silver "Caudled," if you please.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. JOHNSON. I refuse to answer on the same grounds and—let me have the record clear—under the first and fifth amendments, on the

ground that to answer may incriminate me, and you don't have to hand that to the press or make any remarks about it unless you want to.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. WOOD. Mr. Walter, do you have any questions?

Mr. WALTER. No.

Mr. WOOD. Mr. Doyle, have you any questions?

Mr. DOYLE. Mr. Johnson, before you were asked any questions, I think you volunteered the statement "I don't want your 30 pieces of silver."

Mr. JOHNSON. That is right.

Mr. DOYLE. Did anyone for this committee offer you money to testify?

Mr. JOHNSON. No, but they sure cost me a lot of money. They subpoenaed me in February, and they have kept me on tenterhooks ever since, and I couldn't take a vacation or anything, and I don't know what the purpose was.

Mr. DOYLE. Then, when you volunteered the statement "I don't want your 30 pieces of silver," you did not mean to state that anyone—now, just a moment, please—you did not mean to state that anyone representing this committee had offered you money to testify; did you?

Mr. JOHNSON. No one on this committee offered me money. There was a very broad invitation to "come and see us," and "we want you to be a friendly witness, a cooperative witness in every way"; and, why, "you may become a candidate for the Vice Presidency."

Mr. DOYLE. Who told you that for this committee? Who told you that you might "become a candidate for the Vice Presidency"?

Mr. JOHNSON. I said that that was the inference.

Mr. DOYLE. Who inferred that to you, sir? You volunteered that statement, and now who told you that, claiming they were representing this committee?

Mr. JOHNSON. Well, now, I didn't bring along the pink sheet this morning, just a telegram, and I am going to have that framed. My wife put it away. It is up in the dish cabinet. But he lives—what is the town between Whittier and Anaheim? It is Fullerton. He lives at Fullerton, and he gave me a telephone message and he told me to get in touch with him, and I wrote his name on the back of the pink slip, and I believe he is the secretary for Doyle, although I wouldn't know Doyle, I wouldn't know Doyle—you know these campaign pictures are so bad, when they put up my picture, all of the people thought I was drunk, and they wouldn't vote for me.

Mr. WALTER. Are you sure that was the only reason?

Mr. JOHNSON. Well, I was a good, honest man. I didn't take any \$18,000. Are you a Democrat?

Mr. WOOD. I am not going to countenance this disturbance, and if it occurs again we are going to clear this room. This is not a vaudeville; this is serious business of your Government. I want it distinctly understood that that sort of action in this room will not be tolerated again.

Mr. JOHNSON. Mr. Chairman, I want to state that in 30 years of practicing law I have never addressed the court without standing up. I have reverence for our courts. This is a three-ring circus.

Mr. WALTER. You are making it that.

Mr. JOHNSON. Yes; you are attempting through your mediocre politics to "Hiss" yourself into high office.

Mr. WOOD. Your comments are improper, and beneath the dignity of the position that you hold as a member of the bar of this State, and beneath the dignity of the committee.

Mr. JOHNSON. That is attempting to act in the judicial branch of the Government.

Mr. WOOD. And it is beneath the dignity due to a segment of your Congress. I am not concerned about what you think about me as a member of this committee, and it is of absolutely no concern to me; but, as far as my responsibility is concerned as a Member of your Congress and the head of this committee, I demand and I am entitled to a decent, respectful attention.

Mr. DOYLE. I think that I will not ask the gentleman any more questions.

Mr. WOOD. Mr. Frazier?

Mr. FRAZIER. I have no questions.

Mr. VELDE. I have no questions.

Mr. JACKSON. I have no questions.

Mr. WOOD. Is there any reason why the witness should not be excused from further attendance on the committee?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. TAVENNER. I will call Mr. George Altman.

Mr. WOOD. Do you solemnly swear the evidence you shall give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ALTMAN. I do.

Mr. WOOD. I am going to ask again that the photographers refrain from taking pictures while the oath is being administered.

TESTIMONY OF GEORGE T. ALTMAN, ACCOMPANIED BY HIS COUNSEL, MORRIS E. COHN

Mr. WOOD. Mr. Altman, are you represented by counsel?

Mr. ALTMAN. Yes; I am.

Mr. WOOD. Will counsel please identify himself for the record?

Mr. COHN. My name is Morris E. Cohn, C-o-h-n.

Mr. WOOD. Of the Los Angeles bar?

Mr. COHN. Yes, sir.

Mr. TAVENNER. What is your name, please, sir?

Mr. ALTMAN. George Altman, A-l-t-m-a-n, and I also have a middle initial "T." I have not used it consistently.

Mr. TAVENNER. When and where were you born, Mr. Altman?

Mr. ALTMAN. In Minnesota, in 1897.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Mr. ALTMAN. Yes.

Mr. TAVENNER. How long have you lived here?

Mr. ALTMAN. Since approximately 1935.

Mr. TAVENNER. Are you a member of the legal profession?

Mr. ALTMAN. I am.

Mr. TAVENNER. How long have you engaged in the practice of law in Los Angeles?

Mr. ALTMAN. Since 1935.

Mr. TAVENNER. Briefly, what has been your educational preparation for the practice of your profession?

Mr. ALTMAN. Well, I went to high school and also went to college.

Mr. TAVENNER. Did you attend a law school?

Mr. ALTMAN. Only for approximately one semester.

Mr. TAVENNER. Mr. Altman, according to testimony before this committee, under oath, Mr. David Aaron, who said he was a member of the Community Party from 1946 to 1948—

Mr. ALTMAN. Mr. Tavenner, I have already read all of that testimony, and I am quite familiar with it.

Mr. TAVENNER. Then, to be very brief, Mr. David Aaron, Mr. A. Marburg Yerkes, and Mr. William G. Israel all testified to the effect that you were a member of a club or unit of the Communist Party consisting solely of members of the legal profession in and about Los Angeles. Was that testimony true or false?

Mr. ALTMAN. I decline to answer on the basis of the first amendment, the fourth amendment, the fifth amendment, including the privilege not to bear witness against myself, the sixth amendment, the ninth amendment, and the tenth amendment to the Constitution of the United States.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. ALTMAN. I decline to answer that on the same grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. ALTMAN. I decline to answer on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Are there any questions? Is there any reason why the witness should not be excused from further testimony?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered. The witness is excused.

(The witness was excused.)

Mr. TAVENNER. I will call Mr. Spencer Austrian.

Mr. WOOD. Will Mr. Austrian come forward?

Do you solemnly swear the evidence you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. AUSTRIAN. I do.

Mr. WOOD. Have a seat, please.

TESTIMONY OF SPENCER AUSTRIAN, ACCOMPANIED BY HIS COUNSEL, FRED HOROWITZ

Mr. WOOD. Are you represented by counsel?

Mr. AUSTRIAN. I am.

Mr. WOOD. Will counsel, for the record, please identify himself?

Mr. HOROWITZ. Fred Horowitz, of Los Angeles.

Mr. TAVENNER. What is your name, please, sir?

Mr. AUSTRIAN. Spencer Austrian.

Mr. TAVENNER. When and where were you born, Mr. Austrian?

Mr. AUSTRIAN. I was born in Chicago in 1908, if I am not mistaken.

Mr. WOOD. How do you spell your name?

Mr. AUSTRIAN. A-u-s-t-r-i-a-n.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Mr. AUSTRIAN. Yes; I am.

Mr. TAVENNER. How long have you lived here?

Mr. AUSTRIAN. I came to Los Angeles first in 1908, I believe. I am almost a native.

Mr. TAVENNER. Have you lived here the entire time since that?

Mr. AUSTRIAN. No; I departed and came back, I believe, in 1918. I have lived here continuously since then.

Mr. TAVENNER. Are you a member of the legal profession?

Mr. AUSTRIAN. I am.

Mr. TAVENNER. How long have you engaged in the practice of law in Los Angeles?

Mr. AUSTRIAN. Well, it is about 25 years ago that I first started practicing here.

Mr. TAVENNER. What was your preparation for the practice of your profession?

Mr. AUSTRIAN. Grammar school, high school, and college.

Mr. TAVENNER. Did you attend a law school?

Mr. AUSTRIAN. Yes; I did.

Mr. TAVENNER. What school?

Mr. AUSTRIAN. Loyola University.

Mr. TAVENNER. Mr. Austrian, a witness by the name of Harold J. Ashe, and his wife Mildred Ashe, testified before this committee on September 17, 1951, in this room, and told the committee of the plan of the Communist Party to organize professional cells, or cells within the Communist Party which were made up entirely of members of the various professions. They identified you as a member of the first group that they organized. I suppose that you are familiar with that testimony. If you are not, I will try to refresh your recollection.

Are you familiar with the testimony?

Mr. AUSTRIAN. No; I am not.

Mr. TAVENNER. Mrs. Mildred Ashe, in testifying, said this: "Well, one of the activities of that unit was the forming of the new music group, and it was a group to raise money."

Mr. AUSTRIAN. What unit is under discussion?

Mr. TAVENNER. The professional unit within the Communist Party. Let me go back a little further to the testimony of Mr. Ashe.

While we are examining the record for that, were you acquainted with Mr. Harold Ashe?

(The witness conferred with his counsel.)

Mr. AUSTRIAN. Well, my lawyer advises me to decline to make any response to that question, and he tells me that—

Mr. TAVENNER. Will you speak a little louder, please?

Mr. AUSTRIAN. My lawyer advises me to decline to make any response to that question, and he has advised me that I must say certain words in order to not get into trouble with you gentlemen: and, so, I guess I will have to say the words.

Mr. WOOD. You do not have to say anything that is not true. You do not have to say anything except to answer the questions, and your oath is the only thing that compels you in that.

Mr. AUSTRIAN. My counsel tells me I still should state for the record so that there will be something in the record to indicate the reason why I refuse, so I will not appear to be contumacious, that the reason I refuse is on the grounds of the privilege contained in the fifth amendment of the Constitution, prohibiting the requirement that a

person be made to bear witness against himself. It is awfully technical, but that is what he says I shall say.

Mr. TAVENNER. Is that the real ground and the real reason for your refusal to testify?

Mr. AUSTRIAN. Yes; I would say that it is unsafe for any decent citizen to answer either way before this committee.

Mr. TAVENNER. Your answer was so framed in doubt that I was uncertain from the language you used that you were actually relying upon the fifth amendment.

Mr. AUSTRIAN. Oh, yes; I want you to be very clear that I am relying upon it, Counsel. I wouldn't want you to be mistaken.

Mr. TAVENNER. Mr. Ashe, after having testified as to the setting up of a Communist Party cell by the number Z-100, and then the information of a second group under the number Z-150, in testifying as to the members, stated, in reply to the question "Proceed with the naming of any others," "Spencer Austrian, a Los Angeles attorney." So that is the language in which he identified you as a member of that group.

I then asked him, "You spoke of Spencer Austrian. Will you spell the last name, please?" And he did, and the spelling was A-u-s-t-r-i-a-n, and then this question was asked:

"Do you know anything about his present whereabouts?" And Mr. Ashe: "I understand he is still in Los Angeles."

Then when his wife took the stand and testified that she also had been a member of the Communist Party, and had attended some of these meetings, she testified, "I only attended one or two of those," meaning those meetings, "and that is about as much on that as I know, but that was one of the things that the unit was able to do."

There she was referring to the method of raising money.

Then she made this statement: "Spencer Austrian was also a member of that group."

Were Mr. and Mrs. Ashe telling the truth when they identified you as a member of that group, or were their statements false?

(The witness conferred with his counsel.)

(Representative Morgan M. Moulder entered the hearing room.)

Mr. AUSTRIAN. My attorney advises me to decline to respond to the question on the grounds of the fifth amendment.

Mr. WOOD. I did not get the last part. It has part of your answer. You said your attorney advised you. Do you decline to answer?

Mr. AUSTRIAN. I do decline.

Mr. WOOD. And for the reason that you previously stated?

Mr. AUSTRIAN. That is right.

(The witness conferred with his counsel.)

Mr. TAVENNER. Mr. Martin Berkeley testified before this committee on September 19, 1951, and he likewise identified you as a member of the Communist Party faction of the Hollywood Theater Alliance. Was that identification correct or false?

(The witness conferred with his counsel.)

Mr. AUSTRIAN. Counsel advises me to refuse to answer on the same grounds, and I do.

Mr. TAVENNER. Well, are you refusing to answer on the grounds that your counsel advised you?

Mr. AUSTRIAN. I am.

Mr. WALTER. Will you keep your voice up, please, because Mr. TAVENNER can't hear you. He did not hear that "and I do."

Mr. TAVENNER. Mr. AUSTRIAN, are you now a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. AUSTRIAN. My counsel advises me to refuse to answer on the same grounds, and I do.

Mr. TAVENNER. Are you willing to give this committee any information at all regarding the alleged Communist Party cell in Los Angeles which was composed solely of members of the legal profession?

Mr. AUSTRIAN. My attorney advises me to make no response to that question on the same grounds, and I therefore make no response.

Mr. TAVENNER. Have you at any time been a member of the National Lawyers' Guild?

(The witness conferred with his counsel.)

Mr. AUSTRIAN. My attorney advises me to make no response to that question on the same grounds, and I therefore make no response.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. AUSTRIAN. My attorney advises me not to make any response to that question, on the same grounds, and I therefore make no response.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. WOOD. Mr. Walter, do you have any questions?

Mr. WALTER. I have none.

Mr. DOYLE. Are you a member of the Los Angeles Bar Association?

(The witness conferred with his counsel.)

Mr. AUSTRIAN. Am I assured that is not a subversive organization?

Mr. DOYLE. I am asking you a question.

Mr. AUSTRIAN. I don't think I am; I really wouldn't remember.

Mr. DOYLE. I am a member of it, and I think in good standing, and I did not know it was a subversive organization; I hope it is not.

Mr. AUSTRIAN. You can't be too careful these days, Mr. Congressman.

Mr. WALTER. That is very apparent since we have been sitting here.

Mr. DOYLE. Are you in the active practice of law now?

Mr. AUSTRIAN. No, I am not.

Mr. DOYLE. Have you been in the last 5 years in active practice?

Mr. AUSTRIAN. No, I have not.

Mr. DOYLE. You are in some merchandising line, are you not, or some manufacturing line?

Mr. AUSTRIAN. Well, I have a number of investments, yes, sir.

Mr. DOYLE. I noticed you volunteered the statement, "It is unsafe to state before this committee." What is unsafe?

(The witness conferred with his counsel.)

Mr. DOYLE. Why is it unsafe to state what the fact may be before this committee? I do not want to insinuate that you are not telling the truth, that is why I asked that it be withdrawn.

Mr. AUSTRIAN. Would you read the question again, please?

(The question was read by the reporter.)

MR. AUSTRIAN. Well, in my view, gentleman, only a Communist or ex-Communist is safe in testifying before this committee.

MR. DOYLE. Your answer is that your view is that only a Communist or an ex-Communist is safe in testifying before this committee?

MR. AUSTRIAN. That is correct.

MR. DOYLE. Well, you ought to be perfectly safe, then, should you not?

(The witness conferred with his counsel.)

MR. AUSTRIAN. Well, my counsel advises me that I should make no response to that question, and I therefore make no response to it on the grounds previously stated.

MR. DOYLE. Now, may I assure you, Mr. Austrian, I am not trying to trap you. I have the utmost professional and personal regard for your worthy counsel by your side. I think it is splendid when you men bring high-class, worthy counsel in the room before us, and the committee always wants men in good faith to come into this room and be with us regardless of what their legal advice or counsel may be. But I did notice that you said it was unsafe and you volunteered that statement, and now can you help us?

May I base my statement this way: I am a lawyer, too, as you know, and we, as Members of Congress, are sworn under oath to do a duty under Public Law 601, and we are obligated to inquire of citizens over the country. Section 2 states that this committee as a whole, or subcommittee, is authorized to make investigations of the extent and character and objects of un-American propaganda activity in the United States, diffusion within the United States from foreign sources of subversive or un-American activities.

Now presently at this hearing we are looking into the activities of the Communist Party as to whether or not any of its members or the party is subversive in this area. Now, as Members of the United States Congress, we come before you fulfilling our oath, too, and asking you to tell us frankly, if you can, without our asking you to waive any constitutional protection that you conscientiously feel you have or that your counsel feels you have, but is there any area in which you can help us to get whatever the facts may be now as to why you feel it is unsafe for you personally to testify before this committee?

You said the only people for whom it is safe is Communists or former Communists, and now that certainly does not include you, does it?

MR. HOROWITZ. Would you excuse me for just a moment?

MR. DOYLE. Yes, indeed, Counsel.

(The witness conferred with his counsel.)

(Representative Donald L. Jackson left the hearing room.)

(Representative Francis E. Walter left the hearing room.)

MR. AUSTRIAN. Well, Congressman, I have just discussed this matter with my attorney.

MR. DOYLE. A little louder, Mr. Austrian, so our counsel can hear you.

MR. TAVENNER. Would you mind leaning forward a little?

MR. AUSTRIAN. I have just discussed the matter with my attorney, Mr. Congressman, and here is the position that I find myself in: I am sure that there has been some truth—

Mr. TAVENNER. We still can't hear you. If you will come forward a little, I think with the microphone system it will pick it up.

Mr. AUSTRIAN. The situation that I find myself in is this: I am sure that there has been some truth and some falsity testified to before this committee, and I don't know which is which, and on the other hand I don't know of any reason why I should put myself in the position of matching my veracity against any witness that can be dug up to come before this committee and give any version that they care to give which would put me in the position of defending myself, and I know of no reason why I should be subjected to that. I have done nothing wrong. I don't want to match my veracity against some stumble-bums, and I don't want to put the matter to the issue, simply because if I say one thing which I regard as the truth, and it is possible to find in the whole United States any drunken bum who will testify to the contrary, I will then be subject to a test of veracity between that person and myself. And knowing the temper of the times and the opinions of you gentlemen, I am sure that I would be required to defend myself, and that would take a great deal of energy and a great deal of money, and while I probably would be vindicated in the long run, because I have a great deal of faith in our courts, still why should I be put in that position?

Mr. DOYLE. Well, I want to thank you for taking the time to answer this question after conferring with your distinguished counsel. I somehow felt, and let me be frank with you, that as you answered the previous question that I somehow had a hunch that you wanted to go as far as you could conscientiously in cooperating with us as Congressmen under our official job. And when you volunteered the statement that it was only Communists and former Communists who could testify before this committee safely, I was quite shocked, to be frank with you. Now let me just make this statement so that perhaps it will help you in your thinking in the immediate future:

This committee is not interested in interfering with the freedom of thought. We are interested in helping to uncover people who deceptively and subversively advocate subversive activities as far as our Government is concerned. We do know that now and then people who are not interested in such subversive activities do identify with some of those unknowingly at the time, who advocate subversive activities in the United States, and we think perhaps we have discovered a few in Los Angeles in that category. I don't know whether you are in that category, but if you are, or if any other person in the room is, I want to say that this committee invites them to participate in uncovering the folks who are really subversive in their activities and intentions.

Now, this is not a court, as you know, and your worthy counsel knows we are not interested in prosecuting any person—that is not our function—but again I have a hunch that you, sir, with your distinguished counsel, are desirous of cooperating and protecting the integrity of our country against subversive and military aggression of Soviet communism. That is my impression of you, and I have never met you in my life. And I will be less than frank if I didn't state this straight across this hearing table. If you get to the point where you feel that you can help us do our official job as your Congressmen, why, I want to urge you to do it.

Mr. Wood. Mr. Frazier.

Mr. FRAZIER. I have no questions.

Mr. MOULDER. I have no questions.

Mr. VELDE. You referred to matching your veracity with someone. Who was it that you were referring to?

Mr. AUSTRIAN. Well, your counsel has stated that someone has testified about me before this committee and whoever it was has already testified about me and certainly those are the ones I have in mind, and it is possible, as I said, that in the future there might be someone who would so testify for psychological reasons, for money, for what I don't know. I am not implying anything, and all I say is, Why should I be put in the position of defending myself? I have no reason for doing that.

Mr. VELDE. Are you willing to admit now or deny that you know Mr. and Mrs. Ashe?

(The witness conferred with his counsel.)

Mr. AUSTRIAN. My counsel suggests that I respond that I have already answered that question by refusing to respond, that I again refuse to respond on the grounds previously stated.

Mr. VELDE. That is all I have.

Mr. WOOD. As I understand you, sir, Mr. Austrian, your declination to answer the questions propounded to you with respect to your connection with any branch or unit of the Communist Party is predicated upon your fear that hereafter there may be some legal action taken with respect to the truthfulness of your statement; is that right?

(The witness conferred with his counsel.)

Mr. AUSTRIAN. Again, my counsel, who is a very learned man, and whose advice I certainly am going to take if I am going to pay him, advises me that this business of stating the objection is extremely tricky, and you must state it in technical language, or you are deemed to have waived it. Now, I do not want to waive it and I want to take all of the necessary legal abracadabra that are necessary to preserve it and my counsel tells me that what I must say is that I refuse to respond on the grounds of the privilege contained in the fifth amendment and I therefore do respond on that ground.

Mr. WOOD. Of course you recognize, sir, that you are under oath, do you not?

Mr. AUSTRIAN. Yes, sir.

Mr. WOOD. Then are you willing to under your oath state that whatever your counsel advises you to say, you will say, whether it is true or not?

Mr. AUSTRIAN. No; quite the contrary, When my counsel advises me not to say anything, I will follow his advice, and I certainly would not commit falsehood if my counsel advised me to, and I don't think that you mean to imply that my counsel would so advise.

Mr. WOOD. No, sir, I did not. But several times you have said that your counsel advised you to say this, and you are going to say it, and I just wondered if you are saying it because of his advice or because it is true.

Mr. AUSTRIAN. I have discussed it in great detail with my counsel, and my counsel has advised me just as I have told you.

Mr. WOOD. We grant of course to counsel the privilege, and not only the privilege but it is their duty to advise their clients what their legal rights are, but not to advise the clients what the truth is.

Mr. AUSTRIAN. Beg pardon?

Mr. WOOD. But not to advise the clients what the truth is, and I am sure your counsel has not told you what the truth is with respect to your answer, being sought by these questions. He has simply advised you what the legal effect of your answer might be, because that is I am sure as far as counsel could go.

Mr. HOROWITZ. Your statement, Mr. Congressman, seems to imply—and I don't think you intended to—seems to imply that I may have advised him to answer not truthfully.

Mr. WOOD. I certainly did not intend that, and I tried to make it plain, and I am making it plain if I can now, your counsel advises you that to answer a question that is asked you might open the doors for other questions to be asked, and might ultimately be construed as a waiving of the privilege under the fifth amendment and other amendments that you have mentioned, but in no instance, I dare say, has your counsel told you what you should testify, because, after all, that is a matter between you and your conscience.

Mr. AUSTRIAN. I haven't testified to anything.

Mr. WOOD. Oh, yes, you have. And now let us see if you haven't. You have testified that to answer certain questions would incriminate you, and now that is a positive statement.

Mr. AUSTRIAN. No, I did not so testify.

Mr. WOOD. If you have not, you have got no privilege under the Constitution, and if you have not testified to that. You say now that you have not said that?

Mr. AUSTRIAN. I testified and my counsel has advised me that I should refuse to make any response whatsoever on the ground of the privilege contained in the fifth amendment, to wit, that a person cannot be required to bear witness against himself. I have not made any response.

Mr. WOOD. You have not made any response at all. Well, then, I am going to require you to make a response, if I can. You may confer with your counsel.

Mr. HOROWITZ. I think again that there is an error, and I don't want to make a point, but he did pursuant to my advice claim the privilege.

Mr. WOOD. I do not know whether he has or not, Counsel; he said he did not answer it at all.

Mr. AUSTRIAN. I intend to, and now if you tell me what specific words I should use in order to accomplish my intention, I will do it.

Mr. WOOD. You are under oath and I am not going to tell you what to testify about, and I am going to ask you some questions.

Mr. AUSTRIAN. I do claim the privilege.

Mr. WOOD. When you were asked a while ago if you were a member of a unit or a club of the Communist Party composed exclusively of lawyers here in the Los Angeles area at any time in the past, what was your answer to that, and what is it now?

(The witness conferred with his counsel.)

Mr. AUSTRIAN. My answer then and now is that I refuse to make any response to the question whatsoever, either in the affirmative or in the negative, upon the ground that according to the fifth amendment a person cannot be required to bear witness against oneself, and I do claim the privilege, and I claim all of the rights, duties, and obligations therein contained, and I do not wish to respond to the question,

and I do not respond to the question and I claim the protection of the Constitution.

Mr. WOOD. There must be, of course, some difference in construction of language between you and me. I hold that that is a response to the question; it is simply a refusal to answer the question.

Mr. AUSTRIAN. Gentlemen, are we splitting hairs here? You must be a lawyer too, sir.

Mr. WOOD. There are a lot of people in my State that would deny that.

Is there any reason why this witness should not be excused from further testifying?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

Mr. TAVENNER. Mr. Robert Katz is the next witness.

Mr. WOOD. Hold up your right hand, please.

Do you solemnly swear that the evidence you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KATZ. I do.

TESTIMONY OF ROBERT D. KATZ, ACCOMPANIED BY HIS COUNSEL, DANIEL G. MARSHALL AND THOMAS G. NEUSOM

Mr. WOOD. Have a seat.

Mr. TAVENNER. What is your name, please?

Mr. KATZ. Robert Katz.

Mr. TAVENNER. Are you represented by counsel?

Mr. KATZ. I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall and Thomas G. Neusom.

Mr. TAVENNER. When and where were you born, Mr. Katz?

Mr. KATZ. I was born in Illinois in 1913.

Mr. TAVENNER. Do you now live in Los Angeles?

Mr. KATZ. I do.

Mr. TAVENNER. How long have you lived there?

Mr. KATZ. Since 1935.

Mr. TAVENNER. Are you a member of the legal profession?

Mr. KATZ. I am.

Mr. TAVENNER. How long have you practiced law in Los Angeles?

Mr. KATZ. Since 1937.

Mr. TAVENNER. What has been your educational training, briefly?

Mr. KATZ. Grammar school, high school, college and law school, and self-study.

Mr. TAVENNER. Excuse me, I didn't hear the last.

Mr. KATZ. Self-study.

Mr. TAVENNER. Mr. Katz, during the course of the hearings relating to the existence of a Communist Party cell in Los Angeles made up exclusively of members of the legal profession, a member of that profession, Mr. A. Marburg Yerkes, testified that in the course of Communist Party meetings of that group, as follows, on page 2555:¹

I remember situations when Robert D. Katz brought literature to meetings, and I can recall situations when others did, but I cannot recall the names.

¹ Ibid.

Question: Was Mr. Robert Katz a member of this group, the Communist group?

Answer: Yes, sir.

Mr. Katz, was Mr. Yerkes telling the truth in identifying you as a person who was a member of this Communist Party group, and who brought literature to the meetings?

Mr. KATZ. Mr. Tavenner, when I was a youngster, the first thing I think that I can remember ever being taught—

Mr. TAVENNER. Will you answer my question?

Mr. KATZ. I am answering your question; yes, sir.

Mr. WOOD. Just answer the question. He was not asking you about being a youngster. He is asking you about the testimony.

Mr. KATZ. I am answering the question. The point I want to make is that I have been taught from the beginning that people who tell tales, and people who as kids we were taught were snitchers, in later life we were taught were, and called, stool pigeons or informers.

Mr. TAVENNER. Do you think that is an answer to my question?

Mr. KATZ. I am getting to the answer.

Mr. WOOD. Please answer it without giving your life history.

Mr. KATZ. I am stating the reasons for my answer at the same time.

Mr. TAVENNER. You are a lawyer and you should know that an explanation of an answer can be given only after the answer is made. Now, answer the question; and, then, if you have an explanation of it, you are at liberty, if it is pertinent.

Mr. KATZ. I feel it is pertinent.

Mr. TAVENNER. Let us have the answer. Is that a true or a false statement?

Mr. KATZ. For the reasons that you are inquiring into my opinions and beliefs, whether directly or indirectly through that question, I feel that that is prohibited under the first amendment to the Constitution of the United States, and for the reason that I wish to avail myself of the privilege granted by the fifth amendment of the Constitution of the United States not to bear witness against myself, and for the reason that I previously stated that such people as you have mentioned here are inclined, for selfish gain or motives personal to themselves, are more inclined to look to their own advantage than to the responsibility and accuracy of what they say, I don't care to answer the question.

Mr. WOOD. It isn't a question of what you care to do; what do you do?

Mr. KATZ. I did answer it, in this sense: We are having the same trouble the last witness had. I am declining to answer the question which is my right to do so.

Mr. WOOD. You have not up to that moment.

Mr. KATZ. Under the grounds of the fifth amendment, so that there is no misunderstanding about it.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. KATZ. I am going to decline to answer that question for the same reasons, the first amendment and the fifth amendment, and the same grounds as I previously gave to the last question.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. KATZ. The same answer as I gave you to the last one.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Are there any questions?

Mr. MOULDER. I merely want to make one observation of several witnesses like yourself who have appeared before the committee, making derogatory statements about other witnesses, but you never deny what counsel states here as being their testimony that it is the truth. That is, you call them a snitch and a stool pigeon, but you don't say that they are lying. That seems rather in conflict with the derogatory statements you make about those people.

Mr. KATZ. Well, you are asking for a matter of opinion as to what I think of those people, and I am free to give that opinion any way that I wish. I feel also that this is not the forum, the proper forum to get that issue as to who may be lying, or what.

Mr. MOULDER. In fact, when you say a person is a snitch it raises some sort of a presumption that maybe what they said about you is true.

Mr. KATZ. On the contrary, I think that you will find that the dictionary by its very definition shows that such people are not too careful with the truth and if they are motivated by personal gain and personal reasons.

Mr. MOULDER. But you haven't denied what they say as being true.

Mr. KATZ. You are putting words in my mouth that I don't think I said. I told you that I declined to answer the question. That is the answer I gave you.

Mr. MOULDER. If you decline to answer, you should just keep the response on that level and not say the person is a snitch, then, and a stool pigeon.

Mr. KATZ. I think as the chairman said, I have the right to explain my answers.

Mr. VELDE. Where did you go to law school?

Mr. KATZ. Chicago and Los Angeles.

Mr. VELDE. What schools?

Mr. KATZ. Kent College of Law.

Mr. VELDE. That is all I have.

Mr. WOOD. Any reason why the witness should not be excused from further attendance on the committee?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

The committee will stand in recess for 15 minutes.

(A brief recess was taken, after which the hearing was resumed with Congressmen Wood, Walter, Moulder, Frazier, Velde, and Jackson present.)

Mr. WOOD. Counsel, are you ready to proceed?

Mr. TAVENNER. Mr. William Esterman, please.

Mr. ESTERMAN. I would like a little more room to work, Mr. Congressman. This isn't even adequate. I note that those people over there have lots of table room and why can't we have a table like that? I don't want my attorneys hiding behind me.

Mr. WOOD. Sorry. I didn't arrange the room.

Mr. ESTERMAN. I will sit over there and you sit over here and maybe I could ask you some questions.

Mr. WOOD. We will make provision for your counsel.

Mr. ESTERMAN. I find this very cramped and inadequate, and I want a place to work.

Mr. WOOD. Do you solemnly swear that the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF WILLIAM B. ESTERMAN, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. ESTERMAN. Yes, I do.

Are we going to have room for our counsel? I would like my counsel sitting next to me, and not behind me. If I am going to be compelled to use these facilities, I am going to do them under objection. I don't like this. You say I have a right to counsel, but you make them sit in the balcony.

Mr. TAVENNER. What is your name, please?

Mr. ESTERMAN. Can we have a larger table so we can work?

Mr. TAVENNER. Are you determined to make a disturbance?

Mr. ESTERMAN. I am not determined to make a disturbance. I know the right to counsel, and it does not mean that my attorney can sit half-way back in the room.

Mr. TAVENNER. If there is any time when you wish to consult counsel and they are not close enough to you, we will certainly make the space available for you.

Mr. WOOD. Let the record show that there are three attorneys.

Was that all of the attorneys?

The MARSHALL. Yes.

Mr. WOOD. They are within easy reach of the witness.

Mr. ESTERMAN. You ask me my name.

Mr. WOOD. Yes.

Mr. ESTERMAN. William B. Esterman.

Mr. WOOD. Are you represented by counsel?

Mr. ESTERMAN. Yes, I am.

Mr. WOOD. Will counsel please identify themselves for the record?

Mr. NEUSOM. Thomas G. Neusom.

Mr. KENNY. Robert Kenny.

Mr. MARSHALL. Daniel G. Marshall.

Mr. TAVENNER. Do any members of the counsel staff feel that they do not have sufficient opportunity to consult their client? If they do, we will try to make any special arrangements.

Mr. ESTERMAN. I was talking about the right to consult my attorneys. That is the right I am talking about, and not their right to consult me. I am the one that has to be satisfied, and I am not.

Mr. TAVENNER. Will you please state the time and place of your birth?

Mr. ESTERMAN. Before I answer any questions, Mr. Tavenner, I would like to have you straighten me out on something, because I am very much confused.

I understood a member of this committee to announce the other day over a public address system that the reason this committee is here in Los Angeles is because you have discovered a conspiracy and that you are here to obtain evidence of this conspiracy, something about overthrowing the Government. I would like to ask you if you are seeking to obtain evidence of this conspiracy and my alleged participation in it by calling me to the stand. Is that what you are doing?

Mr. TAVENNER. We are asking you to give the committee any knowledge you have regarding the existence of a Communist Party cell which is under investigation and has been during a part of this year.

Mr. ESTERMAN. I take it you decline to tell me whether or not that is true.

Mr. TAVENNER. Not at all. We claim——

Mr. ESTERMAN. This statement was made by a member of your committee; that there was evidence of a crime, a conspiracy; that the people who were called were going to be called to the stand to give evidence; and if you are calling me to give evidence against myself, I would like to know about it, and I would like to know it now, and if you are calling me for some other reason, then please state it, and I know my rights, and I am a lawyer.

Mr. TAVENNER. Well, as the questions are asked, you will be able to judge for yourself what the purpose of them is.

Mr. ESTERMAN. I am sure.

Mr. TAVENNER. And if you have any further question when they are asked, I will be glad to try to answer it—as to the purposes of asking it.

Mr. ESTERMAN. You haven't told me yet whether that is the purpose, because one of your committeemen announced publicly that this was the purpose.

Mr. TAVENNER. The chairman made a very full statement as to what the purpose of this meeting was, and it was read into the record.

Mr. ESTERMAN. Then it isn't a fact, is it, that I am called to give evidence against myself; is that right, Mr. Tavenner?

Mr. WOOD. We are not the witnesses here, sir; we are a committee of Congress seeking information, and the only way we can get information is to ask questions.

Mr. ESTERMAN. What kind of information?

Mr. WOOD. The questions will indicate the type of information.

Mr. TAVENNER. And when and where were you born, Mr. Esterman?

Mr. ESTERMAN. I want to make it very clear on this record that apart from the fact that you have kept me waiting 9 months before you called me to the stand, and caused the cancellation of a number of trials in which I was engaged, matters of considerable consequence to me, and which demonstrate conclusively that what was said here yesterday by other attorneys to the effect that you are trying to intimidate the bar, is true regardless of any statement you may make to the contrary, and I have evidence of this, too, if you will give me the time to produce it.

Mr. TAVENNER. Will you favor us with an answer?

Mr. WOOD. You are directed to answer the question. When and where were you born?

Mr. ESTERMAN. I answered it.

Mr. TAVENNER. Do you live in Los Angeles?

Mr. ESTERMAN. I live in Altadena.

Mr. TAVENNER. How long have you lived there?

Mr. ESTERMAN. Does this question have a legislative purpose?

Mr. TAVENNER. It may.

Mr. ESTERMAN. Does the length of my residence in Altadena indicate to you that I have engaged in subversive activities?

Mr. WOOD. You are directed to answer the question.

Mr. TAVENNER. I ask that he be directed to answer the question.

Mr. ESTERMAN. I still object to it, but I will answer it, because it is no secret. I have lived in Altadena for 5½ years, give or take a month.

Mr. TAVENNER. You stated that you are engaged in the practice of law. Have you practiced law in this general vicinity during that period of time, 5½ years?

Mr. ESTERMAN. Yes, and I have practiced in many other vicinities, including Washington, D. C., where I took the last case on the fifth amendment, and concerning which I will be happy to supply you with briefs which will inform you, and you apparently appear to be informed better than you—

Mr. WOOD. We are not seeking information from you about our knowledge of the fifth amendment.

Mr. TAVENNER. Mr. Esterman, are you familiar with the testimony of Mr. David Aaron, Mr. William G. Israel, and Mr. A. Marburg Yerkes, given before the committee in January of this year?

Mr. ESTERMAN. Is that a question whether I am familiar with it?

Mr. TAVENNER. I asked you whether you were familiar with it.

Mr. ESTERMAN. That calls for a very broad conclusion. I have read a lot of your pornographic literature, but I can't say whether I am or not; and, if you want to refer to it, go ahead and read it.

Mr. TAVENNER. Mr. David Aaron—

Mr. ESTERMAN. Is he here now? I would like to cross-examine him.

Mr. TAVENNER. Well, you will have every opportunity to answer his statement that you were a member of the Communist Party cell of which he was a member.

Mr. ESTERMAN. This confirms what I have said publicly, and you are—

Mr. WOOD. We are getting just a little tired of being interrupted.

Mr. ESTERMAN. I am getting awfully tired of this committee.

Mr. WOOD. We can get through a lot quicker.

Mr. ESTERMAN. I don't want to get through with it quicker. I know my rights, and I am going to assert them, and I want to ask you this—

Mr. WOOD. We are not going to permit—

Mr. ESTERMAN (continuing). Whether you have convicted me of a crime out of my presence and are now asking me to prove my innocence; is that the purpose of your interrogation?—because, if it is, I am not going to have any part of it.

Mr. TAVENNER. My purpose is to ask you to give an honest account of what has transpired, if anything, that you know of, in the Communist Party cell alleged to exist in Los Angeles comprised solely of members of the legal profession.

Mr. ESTERMAN. I deny that is your purpose; I know your purpose.

Mr. TAVENNER. Will you answer the question?

Mr. ESTERMAN. What is the question? I didn't hear any question.

Mr. WOOD. It will be expunged from this record.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Were you a member of the—

Mr. ESTERMAN. There is a question on the record. He asked me to answer a question, and I don't know whether there is—is there a question?

Mr. TAVENNER. I withdraw the question, if there is any uncertainty as to it, and put it this way:

Have you at any time been a member of a Communist Party cell in Los Angeles made up exclusively of members of the legal profession?

MR. ESTERMAN. Have you finished?

MR. TAVENNER. That is the question.

MR. ESTERMAN. I want to make very clear why I am going to decline to answer this question, because I am going to decline. I will state my reasons concisely and precisely, and I will be glad to explain the legal reasons in case the legal principles are matters that have not come within your cognizance.

MR. TAVENNER. Thank you.

MR. ESTERMAN. My first reason is that under the first amendment to the Constitution of the United States, which is older than all of us here, no American may be compelled to disclose what is in his mind. Freedom of speech is guaranteed, and freedom of press is guaranteed, and freedom of conscience is guaranteed, and I invoke the first amendment.

No. 2: I invoke my constitutional rights under the fifth amendment to the United States Constitution, which includes, in addition to the "due process" clause, which is not recognized here, the proposition that no American can be compelled to bear witness against himself, and in this connection I supply you freely with a copy of my brief addressed to the Supreme Court in the matter of *Eugene M. Brunner v. The United States of America*, which contains on the third unnumbered page a list of cases, Mr. Tavenner, dealing extensively and comprehensively and very carefully with this right of which I speak, and for which I have a very passionate devotion and which I will never surrender to you or anyone else.

Thirdly, I refuse to answer this question because it has no legislative purpose. It is inconceivable to me as a lawyer that the resolution to which our friend here referred yesterday and which he did not read too well—it is inconceivable to me that that resolution could possibly result in legislation which would not be inimical to the first amendment of the Constitution of the United States. Conclusive demonstration of this fact is that you have never passed anything that is constitutional.

No. 4: I decline to answer on the ground that the resolution creating this committee within the meaning of the sixth amendment to the Federal Constitution is vague and ambiguous, and nobody can tell what it means.

No. 5: I decline to answer on the ground set forth in the ninth and tenth amendments. As someone here said very aptly yesterday, you are seeking to destroy the real sovereignty in this country, which is the people. You are the servants of the people, and they are not your servants.

No. 6: I decline to answer this question on the ground that the committee is illegally constituted; that there is at least one member who comes to Congress without the real expression of the voters in his State, because a great many of them have been disenfranchised, mostly because they have committed the crime of having a skin which is darker than the Congressman who presumes to represent them.

No. 7: Whether or not this committee is illegally constituted, it is using its powers, in my judgment as a lawyer, illegally and in an improper manner under the purported resolution that creates it.

No. 8: I am a member of the bar. I am sworn to support and defend the Constitution. I have taken this oath before the Supreme Court of the United States, to which I am admitted; before a number of circuit courts of appeal; before many district courts in many parts of the country; and, of course, before the Supreme Court of Illinois and before the Supreme Court of the State of California. My oath is to support and defend the Constitution unqualified, and I refuse to repudiate my oath, my oath of office, by joining with this committee in watering down the Constitution or any part of it.

I refuse further on the ground that this committee is acting improperly in that it is usurping the functions of both the administrative and legislative branches of the Government of the United States, the one heritage which, when I was in school, was supposed to have been the one thing that saved us from the kind of tyranny which this committee exemplifies.

And, finally, apart from the fact I am a lawyer, I am also an American, and I refuse to extend to this committee any aid or comfort, because they are an enemy of my country.

And those are my reasons for declining.

Mr. MOULDER. Which country are you referring to, this country or Russia?

Mr. ESTERMAN. That is an insulting question, and I will not dignify it by discussing it. You know where I was born, and I told you under oath I was born in Wisconsin. It may have seceded from the Union recently, but when I was born there it was part of the United States, and I didn't come up here to be insulted by you or anyone else.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. ESTERMAN. I have just—isn't that the same question you asked me a few minutes ago?

Mr. TAVENNER. No.

Mr. ESTERMAN. Well, then, I will give you the same answer. Do you want me to repeat it?

Mr. TAVENNER. Not unless you desire to.

Mr. ESTERMAN. May it be understood that the answer which I just gave you, with 10 points, I now incorporate by reference, as we lawyers say—

Mr. TAVENNER. Well, that has been the practice.

Mr. ESTERMAN (continuing). In answer to the last question, and I decline on the same grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. ESTERMAN. I give you the same answer, and I resent this tactic.

Mr. TAVENNER. I have no further questions.

Mr. ESTERMAN. I question whether you are a member of the bar, and I doubt it.

Mr. WOOD. Mr. Walter?

Mr. WALTER. I have no questions.

Mr. ESTERMAN. May I file this brief as an exhibit, and the committee may have it for nothing.

Mr. WOOD. Mr. Doyle?

Mr. DOYLE. Were you referring to prepared notes when you made your little speech?

Mr. ESTERMAN. I just had some little head notes.

Mr. DOYLE. You did not remember the points that you had in mind to refer to?

Mr. ESTERMAN. I think that I did. I just wanted to be absolutely sure that you, and the American people if it ever gets to them, know exactly why I refused to answer that question.

Mr. DOYLE. I just noticed your remark with reference to my little uncertainty on yesterday.

Mr. ESTERMAN. I was here, and I saw that; and the only reason I was here is because you subpoenaed me, as this is one place I wouldn't come voluntarily.

Mr. DOYLE. I did not have any notes when I made my little talk yesterday.

Mr. ESTERMAN. You are a lawyer. You should.

Mr. DOYLE. I did not need them, sir.

Mr. ESTERMAN. All right.

Mr. WOOD. Are there any further questions?

Mr. DOYLE. I have no further questions.

Mr. FRAZIER. I have no questions.

Mr. VELDE. I have no questions.

Mr. JACKSON. I have no questions.

Mr. WOOD. Just a moment, please.

Any reason why this witness should not be excused from further attendance on the committee?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. WOOD. Whom do you have next?

Mr. TAVENNER. Mr. Charles J. Katz.

Mr. WOOD. Do you solemnly swear the evidence you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KATZ. I do.

**TESTIMONY OF CHARLES J. KATZ, ACCOMPANIED BY HIS COUNSEL,
ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G.
MARSHALL**

Mr. WOOD. Mr. Katz, are you represented by the same counsel as the witness just preceding?

Mr. KATZ. I am represented by Tom Neusom, Bob Kenny, and Dan Marshall.

Mr. TAVENNER. What is your name, please, sir?

Mr. KATZ. Charles J. Katz.

Mr. TAVENNER. When and where were you born, Mr. Katz?

Mr. KATZ. Paterson, N. J., on July 19, 1905.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. KATZ. I do, sir.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. KATZ. I think about 30 years.

Mr. TAVENNER. You are a member of the legal profession?

Mr. KATZ. I am.

Mr. TAVENNER. How long did you practice your profession in Los Angeles?

Mr. KATZ. A quarter of a century today.

Mr. TAVENNER. What educational preparation did you have for your practice of your profession?

Mr. KATZ. After high school, I attended both the University of California, and got my LL. B. degree in 1927 at the University of Southern California.

Mr. TAVENNER. Mr. David Aaron has testified before the committee—

Mr. KATZ. I will probably help you—

Mr. TAVENNER. If you will let me state my question.

Mr. KATZ. Certainly, but I have read portions of the testimony, and I apprehend that in the interest of time, you might want to know.

Mr. TAVENNER. I will make it as short as I can.

Mr. David Aaron testified that when he became a member of the Communist Party cell in Los Angeles, made up exclusively of members of the legal profession, the first meeting which he attended was in your home. Do you recall the meeting?

Mr. KATZ. I shall not participate with Mr. David Aaron or anyone else in further watering down the rights which the people of this country have against inquisitorial proceedings. I decline to answer that question upon the following grounds:

First, the question itself lies outside the lawful bounds of the powers of this committee.

Second, this committee has no legislative purpose in this hearing, but is using the instrumentality of a legislative proceeding for the purpose of imposing a sanction upon me for the purpose of imposing a punishment upon me without due process of law, and that effort I shall resist.

I decline to answer the question because I learned about the first amendment by reading men like Zechariah Chafee, Grant, Justice Brandeis, Justice Oliver Wendell Holmes, to whose phrases I commend the attention of my interrogator and the members of this committee. I believe that within the meaning of the first amendment, that question is highly improper, because it infringes upon the right of freedom of speech, press, and association, guaranteed thereby.

I decline to answer the question by reason of the privilege accorded to a person not to bear witness against himself and not to give testimony against himself, as set forth in the fifth amendment to the Federal Constitution. I ask the committee to be good enough, in connection with that, to tell the American people what the law is; and it is the law that when one invokes the privilege of the fifth amendment, he admits no guilt, that the privilege exists for the innocent; and that if this committee is sincere in its statement that it upholds the laws and the Constitution, it will desist from the practice of drawing unfair inferences as against men who have lived all of their lives in this community, simply because at a time such as this, in circumstances such as these, they invoke their rights. And they hide behind nothing. They assert these rights to prevent their destruction.

Those are my reasons, sir, for declining to answer that question.

Mr. TAVENNER. Do you have any knowledge of the existence of a Communist Party cell in Los Angeles confined in membership to members of the legal profession?

Mr. KATZ. I think that question is one of the same character, and it falls within the same, as I see it, obnoxious classification as the earlier question; and to it I shall reply by asking you to be good enough to consider the prior answer as my answer to this question. Is that agreeable to you?

Mr. TAVENNER. That is.

Are you now a member of the Communist Party?

Mr. KATZ. The same answer, by adopting, gentlemen, the answer I gave earlier.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. KATZ. The same answer.

Mr. TAVENNER. I have no further questions.

Mr. KATZ. Are you satisfied that the same answer incorporates all of my answers?

Mr. WOOD. It will be so considered.

Mr. WALTER. You stated the committee was attempting to impose punishment on you; and punishment for what?

Mr. KATZ. That is what I would like to know. Punishment because of my ideas and my beliefs, and you punish a person by categorizing him as an unfriendly witness, by bringing him before you and by denying him the opportunity to cross-examine his accusers, and by denying him the right to call witnesses upon his own behalf. And it is, in my opinion, precisely the form of punishment, Mr. Congressman, which history indicates the good people of Massachusetts cried out against during the witch-hunting hysteria; and it is the same form of punishment that the people of Greece cried out against when there was an un-Grecian committee that tried Socrates; and it is the same kind of punishment that was meted out during the Inquisition, and when the victims of the Inquisition became powerful, it was the same kind of punishment meted out against members of another faith.

It is the old process, tragically enforced and enforced and enforced—and only the struggle of people can put us back on the right track again—by which you give people a dirty name and then ask them to come forward and explain it away.

There is no such right under our accusatorial system, and Congressmen sworn to uphold the Constitution, as you are, ought to revert to the process established, it seems to me, by our system of government, and to avoid the inquisitorial method.

Mr. WALTER. In all of the historical events that you have discussed, there was absent the one element that exists today; namely, the danger to the sovereignty by the activities of some of its people.

Mr. KATZ. Let me tell you something about—

Mr. WALTER. Don't bother to tell me about it. I know as much about it as you do.

Mr. KATZ. Perhaps you do. You may have forgotten just a few things.

Mr. WALTER. No. There is one thing that I cannot forget, and that is that today, now, the membership in the Communist Party constitutes a conspiracy to overthrow this Government.

Mr. KATZ. That is exactly what Marcus Aurelius said about the Christians, and that is exactly what the followers of King Henry VIII said about the Catholics, and that is exactly, word for word, what certain people said about Anne Hutchinson. Every time you find an in-

quisition, you find someone trying to justify it by saying, "We are imperiled."

Please read what Justice Oliver Wendell Holmes and Louis D. Brandeis, what Zechariah Chafee and others have said; and if I can help this committee, it will only be in calling your attention to that point of our heritage where you may inform yourself about these procedures.

Mr. WOOD. Any further questions?

Mr. WALTER. No.

Mr. MOULDER. I have no questions.

Mr. WOOD. Is there any reason why this witness should not be excused from further attendance on this committee?

Mr. TAVENNER. No, sir.

(The witness was excused.)

Mr. WOOD. Your next witness?

Mr. TAVENNER. Mr. Sam Houston Allen.

Mr. WOOD. Will you be sworn?

Do you solemnly swear the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ALLEN. I do.

TESTIMONY OF SAM HOUSTON ALLEN, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Mr. ALLEN. My name is Sam Houston Allen.

Mr. TAVENNER. Are you represented by counsel?

Mr. ALLEN. Yes, sir; I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. KENNY. Robert Kenny.

Mr. NEUSOM. Thomas G. Neusom.

Mr. ALLEN. I would like for the record to show indirectly I am represented by some score of other very reputable members of the bar who signed this motion to quash this iniquitous subpoena.

Mr. TAVENNER. Are they present?

Mr. ALLEN. No, they are not present.

Mr. TAVENNER. Mr. Allen, would you please state when and where you were born?

Mr. ALLEN. I was born on the 22d day of January 1898, 4 miles from Aubrey.

Mr. TAVENNER. What State?

Mr. ALLEN. Texas. It never produced a traitor yet, including me.

Mr. TAVENNER. Do you now live in Los Angeles?

Mr. ALLEN. No. I live in Van Nuys.

Mr. TAVENNER. How long have you lived at Van Nuys?

Mr. ALLEN. About 10 years.

Mr. TAVENNER. You are a member of the legal profession?

Mr. ALLEN. Yes, sir.

Mr. TAVENNER. Have you been engaged in the practice of law at Van Nuys since you moved there?

Mr. ALLEN. No. I practiced in Hollywood and Los Angeles and various other portions of the State.

Mr. TAVENNER. Of what does your preparation for the practice of law consist—that is, your scholastic preparation?

Mr. ALLEN. Well, when I was about 12 years, old Judge Iselan, who was a blacksmith in Aubrey, sold me Chitty's edition of Blackstone's Commentaries on the English Law. I stuffed myself with that, up until the time I went into the Navy. I went through Harvard in 17 weeks, the United States Navy radio school, and that didn't qualify me particularly to practice law, but it gave me some maturity, I think. I picked cotton and peas and I swung a longshoreman's hook on the dock in San Pedro, and then I went to night school, on the eighth floor of the Jewelers Building, the Los Angeles College of Law of the University of the West. Our campus was the men's room, I didn't get my subversive ideas huddling around with some duped students of a university in the shadow of Boalt Hall, or some place.

Mr. TAVENNER. Did you become a member of the Communist Party group in Los Angeles that was made up of intellectuals from the legal profession?

Mr. ALLEN. Intellectuals in the legal profession?

Mr. TAVENNER. Yes.

Mr. ALLEN. As you expected me to do, Mr. Tavenner, and you gentlemen of the committee, by reference I would like to incorporate all of the reasons so ably stated by one of my good friends and fellow members of the bar, Mr. William B. Esterman, and which is a matter of record. May it be deemed that I have stated all of those reasons in the interest of saving time?

Mr. TAVENNER. No sir: I think if you have any reason you should state it yourself.

Mr. ALLEN. I will state it now. I don't agree with you that you don't intend to invade the lawyer-client relationship. You have already invaded it.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. ALLEN. I decline to answer the question because as some of the Congressmen have refreshed their memory now on Public Law 601, this is an inquiry into propaganda activities and I don't know any way in the world except by the propagandation of ideas and I don't think it is competent for you to inquire into the realm of ideas of sovereign citizens, and I am sure you can't legislate constitutionally to regulate those ideas.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. ALLEN. I will leave it to the judgment of the American people what you have accomplished.

Mr. JACKSON. We are quite willing to stand on that same ground.

Mr. ALLEN. Because of the first amendment, and because of the fifth amendment, that provision of the fifth amendment which gives me the right not to incriminate myself, and in that connection I would like to say that if you think it is only for the guilty, why don't you advocate its repeal? I claim the privilege of the fifth amendment, and that answer might subject me to further persecution, to further loss of practice, and possibly in these hysterical times the loss of my liberty. That is why I decline to answer the question, and I advise you now, in the interest of time, I shall decline to answer all other similar questions.

Mr. JACKSON. Are you now a member of the Communist Party?

Mr. ALLEN. That is original in the light of what I just said; isn't it? I give the same answer, and for the same reason.

Mr. JACKSON. Have you ever been a member of the Communist Party?

Mr. ALLEN. I give the same answer and for the same reasons. Why don't you ask me about force and violence?

Mr. JACKSON. What do you know about the advocacy of force and violence by the Communist Party?

Mr. ALLEN. I hate and despise force and violence, whether it is done by a goon on a picket's head or by some Merry Christmas party in a Los Angeles police station, or even by Congressman Wood's threatened assault on a witness here yesterday.

Mr. JACKSON. I am Congressman Jackson.

Mr. TAVENNER. Will you answer the question?

Mr. ALLEN. Will you ask me again to answer the question?

Mr. TAVENNER. Repeat it to him, please.

(Question was read by the reporter.)

Mr. ALLEN. I don't know anything about it.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Mr. Walter?

Mr. WALTER. I have no questions.

Mr. WOOD. Mr. Moulder?

Mr. MOULDER. I have no questions.

Mr. WOOD. Mr. Doyle?

Mr. DOYLE. I have no questions.

Mr. FRAZIER. I have no questions.

Mr. VELDE. I have no questions.

Mr. JACKSON. I have no questions.

Mr. WOOD. Is there any reason why the witness should not be excused from further attendance?

(Statement made by the witness was ordered stricken from the record.)

Mr. WOOD. The Chair makes this announcement: That it has become obvious that during the length of time that some of the members of the committee are permitted to stay in Los Angeles this week that we are not going to be able to finish with all of the witnesses that are under subpoena here during this week. The hearings were set up only through Friday, on account of a matter that was mentioned in an announcement made by me on Monday. Several witnesses were necessarily excused from appearing on Monday and we had but a short session on Monday. The remaining witnesses under subpoena here who are members of the legal profession are excused from further attendance on the committee until Monday of next week, at which time

a subcommittee consisting of those members who are able to remain here will conclude the investigation, and those hearings will be in executive session.¹

We now take a recess until 2 o'clock. Those hearings will be in executive session at 10 o'clock Monday morning.

(Thereupon, at 12 noon, a recess was taken until 2 p. m. the same day.)

AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m., pursuant to recess, with the following members present: Representatives Francis E. Walter (presiding), Morgan M. Moulder (appearance noted in record), Donald L. Jackson, Clyde Doyle, and James B. Frazier, Jr.)

Mr. WALTER. The committee will come to order.

Mr. MARSHALL. May I address the committee? By reason of the announcement made by the committee just—

Mr. WALTER. Will you identify yourself?

Mr. MARSHALL. My name is Daniel G. Marshall.

Just before the session ended, the committee made an announcement with respect to which certain of the witnesses now wish to present a motion to the committee as follows:

All and each of the attorneys who have heretofore been subpoenaed by this committee who are represented by Robert W. Kenny, Thomas G. Neuson, Leo Branton, and myself, and who have been ordered to appear before a subcommittee of the committee in executive session on Monday, October 6, 1952, hereby move to quash said subpoenas, or in the alternative for an immediate hearing in open session. The grounds for this motion are as follows:

First, each of the moving attorneys has been under subpoena of this committee for many months and has been personally present in the hearing room during these hearings in compliance with their subpoenas. By virtue of these facts, the offices and court calendars of these attorneys have been disrupted both in respect to their function as officers of the court and their obligations to their clients. The further continuance of their attendance will seriously and unjustifiably aggravate this interference with the functions and responsibilities mentioned.

The second ground of the motion is as follows: That the unconstitutionality and illegality of these proceedings directed against the lawyers as set forth in the motion to quash heretofore filed and summarily denied by the committee are in the statement of lawyers who have already testified in public sessions had been fully confirmed by the proceedings up to the present time. The committee has stated no lucid reason for the continuance or for secret sessions. The real reason is that the committee no longer dares to carry out its lawless purposes in the open and now seeks to retreat behind closed doors.

Mr. WALTER. We will answer that right now. You will get an open hearing.

Mr. MARSHALL. Third—

Mr. WALTER. Would you like to have it televised?

Mr. MARSHALL. Now may I finish my motion?

The third ground is that this treatment amounts to punishment without any warrant or law or any semblance of due process of law.

¹ A decision was made later to hold these hearings in public. See p. 4169.

The fourth ground is that to this point these hearings have been a public inquisition, and the committee now proposes to convert them into a completely secret star-chamber proceeding.

The fifth ground is that every concept of American justice requires that an accused person be entitled to defend himself publicly and abhors secret trials, and I hand up to the committee the motion and several copies thereof.

Mr. WALTER. Before the motion is considered, I would like to know on whose behalf you are making the motion.

Mr. MARSHALL. Sir?

Mr. WALTER. On whose behalf are you making this motion?

Mr. MARSHALL. On behalf of all those lawyers who have been heretofore subpoenaed and who have been ordered to appear before a subcommittee of the committee on next Monday.

Mr. WALTER. Will you state the names of the people that you represent?

Mr. MARSHALL. Does counsel have the list of witnesses included in the list referred to by the chairman this morning?

Mr. WALTER. Are these the names?

Mr. MARSHALL. No; some of these have already been called.

Mr. WALTER. I think we can give this to Mr. Tavenner.

(The motion was handed to Mr. Tavenner.)

Mr. TAVENNER. The ones I have placed an "X" mark by have already been called.

Mr. WALTER. Mr. Marshall, will you give attention to Mr. Tavenner's enumeration of the names, or I can give these to you.

Aubrey Finn, J. Allan Frankel, Victor E. Kaplan, Seymour Mandel, Frank S. Pestana, Rose S. Rosenberg, Richard L. Rykoff, William M. Samuels, Esther Shandler.

Mr. TAVENNER. Esther Shandler has been called.

Mr. WALTER. Yes. F. Michael Snider, Laurence R. Sperber, Jack Tenner, and Leon Turret.

Mr. MARSHALL. That is correct.

Mr. WALTER. The committee will go into executive session in order to consider the matter now before it.

(The committee proceeded to executive session, after which the following proceedings were had:)

Mr. WALTER. The subcommittee, Mr. Marshall, has considered this motion to quash the subpoena and the other matters contained in it, and we have unanimously decided to give you the opportunity to present your clients immediately.

Mr. Tavenner, call the first witness.

Mr. TAVENNER. Mr. Richard Rykoff is the next witness.

Mr. WALTER. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RYKOFF. I do.

TESTIMONY OF RICHARD L. RYKOFF, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. WALTER. Are you represented by counsel?

Mr. RYKOFF. Yes, I am.

MR. WALTER. I think we can expedite matters by letting the record show that, in these matters, Mr. Marshall and his associates represent these people without going to the trouble of identifying them.

MR. MARSHALL. There is a variance with some witnesses. On this particular group that you refer to, that is correct.

MR. RYKOFF. Mr. Chairman, I would like to indicate, as long as we are on the subject of counsel, that I was sitting in the back row and did not hear too clearly, but I thought I heard some reference to an attorney other than counsel that I have retained. That particular counsel was a high-class counsel or dignified counsel; and, just to keep the record clear, I would like to indicate my firm belief that the counsel which I have are as courageous and fine as any counsel in this country, so that there should be no discrimination against them.

MR. WALTER. There is not going to be any discrimination, and we agree with you entirely. Proceed.

MR. TAVENNER. What is your name?

MR. RYKOFF. Richard L. Rykoff.

MR. TAVENNER. When and where were you born, Mr. Rykoff?

MR. RYKOFF. I was born in Los Angeles on December 24, 1918.

MR. TAVENNER. Are you now a resident of Los Angeles?

MR. RYKOFF. Yes; I am.

MR. TAVENNER. Are you a member of the legal profession?

MR. RYKOFF. Yes; I am.

MR. TAVENNER. How long have you been engaged in the practice of law?

MR. RYKOFF. Nearly 6 years.

MR. TAVENNER. Have you been engaged in the practice of law during that entire period in Los Angeles?

MR. RYKOFF. Yes.

MR. TAVENNER. What has been your educational training or your scholastic training for your profession?

MR. RYKOFF. I went through high school and college here in Los Angeles, and graduated from law school.

MR. TAVENNER. What law school?

MR. RYKOFF. Harvard.

MR. TAVENNER. Mr. Rykoff, there has been testimony on the part of Mr. David Aaron and other persons of the existence of a Communist Party cell in Los Angeles consisting solely of members of the legal profession. Mr. David Aaron has testified that you were a member of that group. Was his testimony in identifying you as a member correct or was it false?

MR. RYKOFF. Mr. Tavenner, I am going to decline to answer that question on several different grounds. In the first place, it is a question the answer to which would admit that this committee has a right to inquire into fields of beliefs and associations, and in my opinion this is far beyond the scope of this or any other legislative investigating committee.

The second reason is that, as I understand the statute which set up this committee, it empowers it only to investigate into the fields of associations and ideas and beliefs, and this I believe is beyond the constitutional powers of any investigating committee.

My third reason for refusing to testify is that under the fifth amendment I am accorded the privilege of refusing to give testimony which may be used against me at some future time.

My next reason is that, although the announced purpose of this committee is to investigate activities of some gigantic conspiracy, I cannot conceive this is the true reason for this, because I believe, if this committee really believed that, there would not have been a hiatus of some 10 or 11 months between the initial issuing of the subpoenas and this hearing; and my subpoena bears a date of some time in December 1951, and it is now October 1 of 1952. I doubt, therefore, that there was any pressing reason for this particular investigation, other perhaps than some continuation of this committee's function of attempting to intimidate and frighten and continue the hysteria which has been created.

For all of these reasons I am declining to answer that question.

Mr. TAVENNER. You state that you were served with a process in December?

Mr. RYKOFF. I said my subpoena bore the date of December, and I was served—I am not sure; it was sometime the following month, or maybe February.

Mr. TAVENNER. In fact, you were served on January 11, 1952; were you not?

Mr. RYKOFF. If that is what that bears; I am not sure.

Mr. TAVENNER. You are familiar with the fact—are you not—that within a very short period of time after that a trial was begun here in Los Angeles of certain people who were charged with Communist Party activities?

Mr. RYKOFF. No; as I recall, that trial involved an action under the Smith Act, which charged them with conspiracy to advocate the forceful overthrow of the Government.

Mr. TAVENNER. Would you not have felt that, if this committee had conducted the investigation and hearing which it is now conducting during the period of that trial, it might have prejudiced some of the persons who were involved in that case?

Mr. RYKOFF. In that case?

Mr. TAVENNER. Yes.

(The witness conferred with his counsel.)

Mr. RYKOFF. Do you have the starting date of that trial, counsel?

Mr. TAVENNER. No. I do not; not at my fingertips.

(Representative Morgan M. Moulder entered hearing room.)

Mr. RYKOFF. Counsel, I inquired of my counsel because I did not recall just when those dates were, and I am informed that the trial probably commenced shortly after the time that I received my subpoena; and it was over, as near as we can recall, sometime in July of this year.

Mr. TAVENNER. What time did the trial start; do you recall?

Mr. RYKOFF. The recollection is the latter part of January, or sometime around in there.

Mr. TAVENNER. And the subpoena for your appearance was for February 18?

Mr. RYKOFF. Yes.

Mr. TAVENNER. And you know as a matter of fact that these hearings have been continued a number of times on account of that trial.

Mr. RYKOFF. I don't know the reason for the continuance.

Mr. TAVENNER. Then let me tell you now that that is a fact.

Mr. RYKOFF. Well, counsel, you see, the fact of having been subpoenaed before this body I regard as not only prejudicial to myself in

my practice but also an attack upon my own rights as a citizen, and you can hardly get me to agree that the committee has done a good thing in continuing it. If the committee felt that it would be prejudicial to the trial in some way to have this hearing, they could just as well have quashed the subpoena and started them up at some future time when the trial was over with, and it is none of my business to tell the committee how to operate.

Mr. TAVENNER. Well, the continuance of your subpoena for all practical purposes was the same as quashing it and starting it again.

Mr. RYKOFF. I can't agree with that, counsel. There is a big difference between continuing a subpoena and quashing a subpoena.

Mr. TAVENNER. And reissuing it.

Mr. RYKOFF. A great big difference.

Mr. WALTER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. RYKOFF. I am going to decline to answer that question for the same reasons which I had previously given, and I think to the same question.

Mr. TAVENNER. No; that is the first time I have asked you that.

Mr. RYKOFF. I see. Well, in answer to the extended grounds which I gave to a very similar question I am——

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. RYKOFF. Counsel, if I haven't made it clear, I will make it clear at this point, that I am going to refuse to answer on the grounds which I have previously set out at some length, any question which refers to my political affiliations, for the reasons which I have set out, so that you can expect the same answer no matter how many times it is asked.

Mr. TAVENNER. You specified political affiliations, and I was confining my question to the Communist Party, which this committee has never agreed was a political party, so I want to make certain that you understand my question. My question is whether or not you have been a member of the Communist Party at any time.

Mr. RYKOFF. I decline to answer that for the same reasons which I have set forth at some length.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Any questions?

Is there any reason why the witness should not be discharged?

Mr. TAVENNER. No, sir.

Mr. WALTER. The witness is discharged from further attendance.

Mr. TAVENNER. I will call Mr. Fred M. Snider.

Mr. WALTER. Mr. Snider, raise your right hand, please. You swear the testimony you are about to give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SNIDER. I do.

Mr. WALTER. Be seated, Mr. Snider.

TESTIMONY OF FRED M. SNIDER, ACCOMPANIED BY HIS COUNSEL, DANIEL G. MARSHALL, THOMAS G. NEUSOM, AND ROBERT W. KENNY

Mr. TAVENNER. What is your name, please, sir?

Mr. SNIDER. Fred Michael Snider.

Mr. TAVENNER. You are represented by counsel?

Mr. SNIDER. I am.

Mr. TAVENNER. Will counsel identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall, Thomas G. Neusom, and Robert Kenny.

Mr. TAVENNER. When and where were you born?

Mr. SNIDER. Holton, Calif., December 25, 1911.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Mr. SNIDER. I am.

Mr. TAVENNER. How long have you lived here?

Mr. SNIDER. Well, currently about 6 or 7 years.

Mr. TAVENNER. You are a member of the legal profession?

Mr. SNIDER. I am.

Mr. TAVENNER. How long have you practiced law in this vicinity?

Mr. SNIDER. Six or seven years, since the beginning of 1946, right after I got out of the Army.

Mr. TAVENNER. What has been your scholastic training for the practice of your profession?

Mr. SNIDER. Well, after high school I received an A. B. degree from the University of Colorado, and then an LL. B. degree from the University of California, Boalt Hall.

Mr. TAVENNER. Mr. Snider, a witness by the name of David Aaron appeared before this committee and testified that you were known to him to be a member of the Communist Party in that you had attended certain Communist Party meetings with him. He was testifying regarding a cell of the Communist Party, the membership of which was kept secret and which consisted solely of members of the legal profession. Mr. A. Marburg Yerkes also appeared before the committee and identified you as a member of that same group. Were they correct in identifying you as a member of that group?

Mr. SNIDER. May I ask, counsel, if I am going to have an opportunity to cross-examine these two characters that you have mentioned?

Mr. TAVENNER. No.

Mr. SNIDER. I am to understand then that I am to be denied the right to cross-examine these persons?

Mr. TAVENNER. You are being asked a question as to whether or not—

Mr. SNIDER. I merely asked for clarification on your last answer, that I will have no right to cross-examine these two people that you have mentioned.

Mr. TAVENNER. There is no procedure prescribed for your calling Mr. David Aaron before this committee and cross-examining him.

Mr. SNIDER. I see. Well, this will influence then the answer that I am about to give.

In the first place, I will state that I am going to decline to answer that question, and I would like to state the grounds.

No. 1, by answering that question one way or another I would by inference, perhaps, admit that I knew those two people you mentioned. In so admitting, if that were the case, I feel that any such admission would certainly degrade me, and I feel that that is one reason why I will not answer that question.

In the second place, I feel that under the ninth and tenth amendments of the Constitution of this country, that this committee is unconstitutionally and illegally constituted. I feel that the rights that this committee is attempting to take upon itself belong to the people

of the United States. I am further going to refuse to answer that question because I believe that under Public Law 601 this committee is completely without authority to proceed; 601, as I understand it, is concerned with investigation of propaganda. I can see, or I cannot see how any committee will have the right to investigate propaganda, as I consider propaganda a part of the freedom of speech, and when I say freedom of speech, I believe that that has a corollary right of freedom of silence. In other words, I feel that every citizen, not every citizen, but every person has the right to talk and to keep still whenever he pleases.

I am further refusing to answer that question upon the fifth amendment of the Constitution, firstly that this is an attempt to make me testify against myself, but also under the fifth amendment I believe that I am being denied due process of law, and I believe that you and the committee are attempting not only to deprive me of due process of law, but I think that you are trying to deprive the whole country of due process of law and everybody in it.

I am further going to refuse to answer on the grounds that I believe that this committee is trying to take over the powers of the judiciary and not confining itself to the legislative.

And lastly, I believe that this committee and this hearing is an attempt to deprive all persons of the right to counsel; that by calling a number of lawyers you are attempting to intimidate the legal profession from representing whoever needs and wants counsel. It is not just any counsel, but counsel of their own choosing. That is all.

Mr. JACKSON. Did you experience any difficulty in obtaining counsel for this hearing, may I ask?

Mr. SNIDER. What was that question?

Mr. JACKSON. Did you experience any difficulty in obtaining adequate and able counsel for your appearance before this committee?

Mr. SNIDER. I think fortunately that I have very able counsel.

Mr. JACKSON. I used the word advisedly.

Mr. SNIDER. But I think if this sort of thing keeps up, it will be very difficult for people to obtain counsel.

Mr. JACKSON. Would you, for instance, and believe me, I am not attempting to probe into your relationships with your clients, but would you be influenced against representing an unpopular cause?

Mr. SNIDER. I hope that I will never be.

Mr. JACKSON. I hope so, too.

Mr. SNIDER. But I know many lawyers who are.

Mr. JACKSON. I hope you will never be also.

Mr. SNIDER. I know many lawyers who are afraid to represent people who have unpopular ideas, and I think if you will read the article of Justice Douglas, you will find the same circumstances prevailed which made him write an article in the New York Times to that very effect.

Mr. WALTER. The fact that you appear here today with three of the best qualified men that it has been my privilege to come in contact with in this field certainly refutes your argument, and now you said—

Mr. SNIDER. Why does it refute my argument?

Mr. WALTER. I am not going to enter into a discussion with you. You said that you would not answer this question because you didn't have the right to cross-examine this person whose name has been

mentioned by our counsel. You would want to cross-examine him in order to test the validity of what he was testifying to; is that not correct?

Mr. SNIDER. Are you a lawyer?

Mr. WALTER. Yes; I am a lawyer, and not merely a member of the bar. I am a lawyer.

Mr. SNIDER. What is the usual reason for wanting to cross-examine?

Mr. WALTER. Then why do you not just attack the truthfulness of the testimony these witnesses have given, the testimony adduced at another hearing?

(The witness conferred with his counsel.)

Mr. SNIDER. That I think is exactly the advice of this proceeding, and that is that you are at some other hearing, you are attacked, and the particular person happens to be attacked by certain characters, and then 9 or 10 months later you expect me to come in and crawl on my knees and say, "Please forgive me" or try to cross-examine people that aren't here.

Mr. WALTER. Please forgive you for what?

Mr. SNIDER. For having been in the minds of these stool pigeons. I don't know how I got in their minds.

Mr. JACKSON. Probably because you get into their meetings. That is at least the gist of the testimony.

Mr. SNIDER. Probably? How do you mean, probably?

Mr. JACKSON. They so testified.

Mr. SNIDER. And therefore you are attempting to convict me on their testimony, without cross-examination.

Mr. TAVENNER. Do you have any knowledge of the existence of a Communist Party cell in Los Angeles, the membership of which was confined to members of the legal profession?

Mr. SNIDER. The same answer for the same reasons. I would like to make it clear that I am using each one of the constitutional grounds heretofore raised, and if you would like for me to repeat them all, I would be very glad to.

Mr. TAVENNER. Just let me ask you this. Does that include the provision of the fifth amendment wherein it provides that no one can be compelled to testify in a matter which might tend to incriminate them?

Mr. SNIDER. Apparently you don't recall my testimony, and I will be glad to give it over again.

Mr. TAVENNER. I asked you if it included that provision.

Mr. SNIDER. I will be very glad to state all of my grounds again.

Mr. WALTER. You are asked just about the one, specifically.

Mr. SNIDER. I have relied upon the first amendment, the fifth amendment—

Mr. WALTER. Now, that is all. You have answered it.

Mr. SNIDER. I would like to state any grounds, if you don't mind, for refusing to answer. Have you any objection to my stating them?

Mr. WALTER. You have already stated them.

Mr. SNIDER. Very well.

Mr. WALTER. Now, Mr. Tavenner, proceed.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. SNIDER. The same answer and the same reasons.

Mr. TAVENNER. Are you a member of the National Lawyers' Guild?

Mr. SNIDER. I am, and I am very proud that that bar association is the only bar association that I know of that has fought this committee, and I am proud to be a member of it.

Mr. TAVENNER. When did you become a member of it?

Mr. SNIDER. I am not very sure really. I guess it has been 4 or 5 years.

Mr. TAVENNER. Was A. Marburg Yerkes a member of the guild while you were a member?

(The witness conferred with his counsel.)

Mr. SNIDER. I refuse to answer that on the same grounds previously stated, and I want to be sure that the grounds are understood also that I feel any answer to that question would tend to degrade me.

Mr. WALTER. What constitutional provision are you citing now?

Mr. SNIDER. I am citing the first amendment, the fifth amendment, the ninth amendment, and the tenth amendment, besides the other grounds which I stated.

Mr. WALTER. Which one of those amendments gives to a citizen the privilege of declining to answer a question because the answer to it might degrade him?

Mr. SNIDER. Did I say it did?

Mr. WALTER. Well, if you did not, I am very hard of hearing. Go ahead, Mr. Tavenner.

Mr. TAVENNER. Are you aware of any plan that existed by which members of the Communist Party were directed to become members of the National Lawyers' Guild in Los Angeles?

Mr. SNIDER. I am not going to answer any question involving the Communist Party. I want to make that very clear, and I decline to answer that particular question on the same grounds previously stated.

Mr. TAVENNER. Were there any members of the National Lawyers' Guild who were known to you to be members of the Communist Party?

Mr. SNIDER. The same answer, the same reasons.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. SNIDER. The same answer and the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Are there any questions? If not, the witness is discharged from further attendance under the subpoena.

(The witness was excused.)

Mr. WALTER. Mr. Tavenner, call your next witness.

Mr. TAVENNER. Mr. Laurence Sperber.

Mr. WALTER. Will you raise your right hand, please. You swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SPERBER. I do.

TESTIMONY OF LAURENCE R. SPERBER, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, DANIEL G. MARSHALL, AND LEO BRANTON, Jr.

Mr. TAVENNER. Are you ready to proceed, Mr. Sperber?

Mr. SPERBER. I shall be in just a second.

Mr. TAVENNER. Are you ready to proceed, Mr. Sperber?

Mr. WALTER. Take your time.

Mr. SPERBER. I had been prepared to testify yesterday morning, and I find my notes and material are now not in the same order they were yesterday, after sitting here for 2 days.

Mr. TAVENNER. What is your name, please, sir?

Mr. SPERBER. My name is Laurence Sperber.

Mr. TAVENNER. Are you now or have you ever been a member of the Communist Party?

Mr. BRANTON. Just a moment. Before you proceed, could we complete the record. Mr. Sperber, in addition to the other three distinguished counsel who have appeared before, is also represented by myself, Leo Branton, Jr.

Mr. TAVENNER. I would like to have all of counsel to be noted in the record. Are the others noted in the record?

Mr. BRANTON. The other counsel are Mr. Robert W. Kenny, Thomas G. Neusom, and Mr. Daniel G. Marshall.

Mr. TAVENNER. Now will you answer the question, please?

Mr. SPERBER. May we have the question read?

(Question was read by the reporter.)

Mr. SPERBER. Mr. Chairman, I decline to answer the pending question as I decline to answer each and every inquiry into my political beliefs and associations, whether in the field of Marxism or Leninism.

Mr. WALTER. You have been asked the question and you have declined to answer, and for what reason, and we do not want a speech.

Mr. SPERBER. Persons identified by this committee and others as allegedly subversive, a blanket question as to persons or organizations otherwise unidentified.

Mr. WALTER. Now you have answered the question, and we do not propose to permit you to make a speech.

Mr. SPERBER. May I set forth my legal grounds?

Mr. WALTER. Yes, you may set forth your grounds.

Mr. SPERBER. I am merely stating in my introduction and I shall follow by stating the legal grounds.

Mr. WALTER. It is your opinion that under the Constitution of the United States you are not required to answer that question; is that not it?

Mr. SPERBER. I would like to be permitted—

Mr. WALTER. Is that it or is it not?

Mr. BRANTON. I request you give my client the courtesy of answering in his own way, and if you do not want to hear it, at least we would like to make it clear for the record.

Mr. WALTER. All right, go ahead.

Mr. SPERBER. And the adoption of the Bill of Rights our forefathers warned of the dangers of government coercion upon the minds and wills of the electorate, and I rely upon the first amendment as the first ground of my refusal to answer it, because the first amendment was written that all might be free to participate in the choice of many measures and those selected might never dictate the subsequent selection, and allegiance to no political creed can be required, nor can citizens be compelled to declare their convictions, no matter how sharp their dissents. The protection afforded by the first amendment to my mind and in the books is very closely connected to the citizen's right of privacy, protected under the fourth and fifth amendments upon which I also rely in declining to answer this question for the following reason. The history of the privilege against self-incrim-

ination is one of affording protection to political dissenters, and its protection must be invoked in defense of those rights and freedoms of political thought and association protected under the first amendment.

Freedom of mind under the first amendment is given the same security as freedom of conscience, and I cite here *Thomas v. Collins*. And the constitutional bar to the elimination of the dissenters was also expressed in the *Barnet* case, in the opinion of Mr. Justice Jackson, with which this committee seems to have lost its rampart.

There is a very close alliance in principle which this committee constantly seeks to obscure between the three great protective rights of the individual, and these protective rights are equal and they are all there for the same reason. That is against compulsory self-accusation and that against unlawful search and seizure, and that against unlawful inquisitorial investigation.

This was emphasized by the Supreme Court of the United States in *Jones v. Securities and Exchange Commission* (298 U. S. 1) where it was said that these abuses were among the intolerable abuses of the star chamber in England that brought that institution to its end at the hands of Parliament. I see that not all of the lawyers are interested in the law.

Mr. WALTER. Well, of course we are all very familiar with this, and probably knew it before you, somehow or other, were admitted to the bar.

Mr. SPERBER. Lest it serve as precedent for future advances in the same direction or for wrongful invasions of the others, and Mr. Justice Black tells us in his powerful dissent in *Adamson v. California* that it was popular sentiment that demanded and led to the adoption of a constitutional Bill of Rights, and an example of the sort of experience which led to this sentiment was the banishment of Miss Ann Hutchinson from Massachusetts after her trial in 1627.

I quote from the language of the opinion.

Miss Hutchinson was tried, if trial it can be called, for holding unorthodox religious views. People with a consuming belief that their religious convictions must be forced on others rarely ever believe that the unorthodox have any rights which should, or can be, rightfully respected. As a result of her trial and compelled admissions,

and that is my emphasis, compelled admissions—

Miss Hutchinson was found guilty of unorthodoxy, and banished from Massachusetts. The lamentable experience of Miss Hutchinson and others contributed to the overwhelming sentiment that demanded adoption of a constitutional Bill of Rights. The founders of this Government wanted no more such so-called trials and punishments as Miss Hutchinson had to undergo. They wanted to erect barriers that would bar legislators from passing laws that encroached on the domain of belief and that would among other things strip courts and all public offices of a power to compel people to testify against themselves.

And I end the quotation there.

The very origin of the privilege against self-incrimination is a history of a struggle against orthodoxy. It was part of the struggle against the star chamber which from the year 1487 was invested with the authority to compel defendants to testify under oath. The maxim that no one is bound to accuse himself, "Accuseare nemo se debet, nisi coram Deo," which is the source of the privilege, was used at the close

of the sixteenth century, in the fight against the court of high clergymen—

Mr. TAVENNER. Pardon me a moment. Are you reading a prepared statement?

Mr. SPERBER. I am reading from notes.

refused either to take the oath or to answer under it—

These are my notes as an attorney, and I always appeared in court with notes.

To refuse either to take the oath or answer under it was taken to have confessed the offense charged. It was nonconforming clergymen who enlisted the support of the famous maxim I have just quoted, and after the conviction of Sir John Lilburne, in the case before the star chamber known to lawyers as one of the greatest cases of defense against self-accusation, and which I advise everyone to read.

In fact, 3 years later, the House of Commons voted to sentence illegally, and the privilege against self-incrimination became established as a matter of law. The privilege developed in English law for the very purpose of protecting political and religious nonconformers against charges of heresy and unorthodoxy.

So, too, in this country it was precisely the current type of hysteria against unorthodoxy that the various provisions of the Bill of Rights were intended to prevent.

Now, it is true that the claim of privilege has many times been invoked to assure fair trial to persons accused of common-law crimes. It is also true that persons who raise the claim before this committee feared that answers they may give may subject them to prosecution. But the very prosecution with which they are threatened is part of the current drive against political unorthodoxy, and part of the attempt to suppress those who speak for peace.

The basic problems of freedom of speech and association, and political thought, which are all involved, make essential the broad application of the privilege for the very historic reasons set forth in Justice Black's dissenting opinion in the Adams case.

The American tradition of the protection of unorthodox views from those in power high lights the interconnection between all of the provisions of the Bill of Rights, especially that between the first, fourth, and the fifth amendments, upon which my refusal to answer this and similar questions rests.

Mr. WALTER. Any further questions?

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Any further questions?

The witness is excused.

(The witness was excused.)

Mr. WALTER. Who is your next witness?

Mr. TAVENNER. Mrs. Rose Rosenberg.

Mr. WALTER. Mrs. Rosenberg, will you raise your right hand, please. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. ROSENBERG. I do.

TESTIMONY OF ROSE S. ROSENBERG, ACCOMPANIED BY HER COUNSEL, THOMAS G. NEUSOM, WILLIAM B. MURRISH, DANIEL G. MARSHALL, AND ROBERT W. KENNY

Mr. TAVENNER. What is your name, please?

Mrs. ROSENBERG. I would like to designate counsel who represents me.

Mr. TAVENNER. I will give you that opportunity in just a moment.

Mrs. ROSENBERG. What is your question?

Mr. TAVENNER. What is your name, please?

Mrs. ROSENBERG. Rose S. Rosenberg.

Mr. TAVENNER. Are you represented by counsel?

Mrs. ROSENBERG. I am proud to say I am represented by very able counsel.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Thomas G. Neusom, William B. Murrish, Daniel G. Marshall and Robert Kenny.

Mr. TAVENNER. Mrs. Rosenberg, are you a member of the legal profession of Los Angeles?

Mrs. ROSENBERG. I am proud to be a member of a profession which has been in the forefront of the struggle for civil rights.

Mr. TAVENNER. Are you a member of the Communist Party?

Mrs. ROSENBERG. I would like to answer that question in this way: I don't think that you are at all interested in the Communist Party. I agree with what was said, and I quote——

Mr. TAVENNER. Will you answer the question?

Mrs. ROSENBERG. I will answer it, and I will answer it in my way.

Mr. WALTER. Are you a member of the Communist Party?

Mrs. ROSENBERG. I don't even concede your right to ask the question, and I will certainly not relinquish my right to answer the question in my way. I ask leave to answer the question in my way.

Mr. WALTER. Now, you have been asked a very simple question.

Mrs. ROSENBERG. That question is not simple. That is the question that you ask in order to frighten people, and you think if you throw that word around that people would genuflect before you and hide. There are some, unfortunately, it has had that effect. I am not frightened.

Mr. WALTER. Will you answer the question?

Mrs. ROSENBERG. I will answer it, and I am answering it, and I want to tell you that you are not after Communists at all. You are after conformity.

Mr. TAVENNER. Will you answer the question?

Mrs. ROSENBERG. You want everyone to think as you will so that you can lead them.

Mr. WALTER. Now, I direct the witness to answer the question. Mr. Tavenner has asked you whether or not you are a member of the Communist Party, and are you or are you not?

Mrs. ROSENBERG. I would decline to answer that question and I would decline to do so on the following grounds: In the first place, I agree with Bernard DeVoto, who says it is not anyone's damn business what I think, with whom I associate, and with whom I have cocktails. I concur in that view.

Mr. WALTER. Any other questions?

Mrs. ROSENBERG. I have not finished, and I wish to state all of the grounds. I think that that very question makes an inroad on my right to think, and not only on my right to think and to speak but on the rights of others to think and speak, because as Walter Lippmann said, it is necessary to have an opposition, and he calls it an indispensable opposition. That is what he says.

Mr. TAVENNER. Does he call the Communist Party an indispensable opposition?

Mrs. ROSENBERG. I think for what he says, you may gather any conclusion that you like, and I want to read it, what he has had to say.

Mr. JACKSON. Is this a portion of the constitutional grounds upon which you are refusing to answer the question?

Mrs. ROSENBERG. It is indeed. It is the first amendment, and I am pleading the first amendment in two fashions. One is my right and the right of everyone to speak and my right and the right of everyone else here, and we take, says Walter Lippmann, "a naively self-righteous view when we argue as if the right of our opponents to speak were something we protect because we are magnanimous, noble and unselfish." The compelling reason why, he says, and I agree, if liberty of opinion did not exist, we should have to invent it, and it must be restored wherever it is suppressed, as here, and it is that we must hear what the opposition has to say because freedom of discussion improves our opinions. So the liberties of other men are our own vital necessity. There is a point where the freedom of others is no longer a question of their right but of our need, and this is the creative principle, the creative principle of freedom of speech, not that it is a system of tolerating error, but it is a system for finding the truth, and I think that this democracy is an experiment in truth, and so you must have the opinion of all. There must be this interchange and interaction of opinion before the truth can emerge. Otherwise, you have deadly conformity, so that men go around with eyes shut, with ears shut, with lips silenced, and what is that? That means yielding to this committee and its kind.

The determination of our destiny, the destiny of the people, I will not be part of that, and I will not relinquish my rights. I stand on that ground.

Mr. JACKSON. Allow me to say that your freedom to speak has certainly not been limited today by this committee.

Mrs. ROSENBERG. I have been twice interrupted. I have had to struggle for it.

Mr. JACKSON. If it goes on at this great length, you will be probably thrice interrupted.

Mrs. ROSENBERG. Are you stating I cannot state the grounds?

Mr. JACKSON. I am stating that you certainly should be able to phrase your reasons in something less than this.

Mrs. ROSENBERG. Don't tell me how to answer. I don't even like your questions, and I certainly would not adopt your answers, and these answers will be mine.

Mr. JACKSON. I might say that I do not like your statements any better than you like my questions. That is the freedom to disagree of which you speak.

Mrs. ROSENBERG. Remember that and see that you execute it throughout, and not just here where we struggle for it.

The second ground for my refusal to answer that question is because I believe despite the pious declarations of some members of this committee, and of counsel, it is an invasion in the area of the lawyer-client relationship.

(Representative Morgan M. Moulder returned to hearing room.)

Mrs. ROSENBERG. I will tell you why this is so. Of course, I think no one should be subjected to the coercion of this committee, and I think it is particularly vicious when lawyers are, when lawyers are attacked, it is an attack on the people, because it is in the tradition of this country that lawyers have been the spokesmen of the people, and as Justice Douglas said, they are to be more than just an echo of peoples' views. They are to be in the advance guard, and when you strike at the advance guard, particularly the dissident, and the non-conformist advance guard, you strike at the right of the people to speak out, for if you subpoena me, let us not be naive, those who look to lawyers will be silenced, and that is precisely your point. It does not matter whether I or my brave colleagues here are not silenced, the people unfortunately too frequently are intimidated by the subpoena and the blacklist.

I say it is naive to think that my clients will not be affected by my subpoena.

Mr. WALTER. Have you ever appeared on behalf of anybody subpoenaed before this committee?

Mrs. ROSENBERG. I have not, but I would like to finish my rationale of my approach on why I think that lawyers particularly should not be summoned.

Mr. WALTER. It seems strange to me that those lawyers who are advancing this argument have never been retained as far as I am concerned in matters of this sort.

Mrs. ROSENBERG. You must take my point, if you will allow me to finish. It is not alone representation here that controls. It is representation everywhere where counsel is needed, whether in the courts or in administrative bodies. How can a client feel secure in going to an attorney who has been subpoenaed. Doesn't he feel that somehow his confidential communications may be encroached upon? It doesn't even matter whether you will or not, although if I have merited it, I have no doubt you would. I am now speaking of the client's views, when his attorney is summoned. He may well feel that the confidential relationship even if only to the extent of naming him will be an encroachment and an invasion of that relationship.

Mr. WALTER. Do you not think the easy way to eliminate that possibility would be to frankly and openly and honestly answer these questions?

Mrs. ROSENBERG. I am going to answer these questions frankly and openly.

Mr. WALTER. You have just declined to answer.

Mrs. ROSENBERG. As I understand it—

Mr. WALTER. You declined to answer the question.

Mrs. ROSENBERG. I will say something to you.

Mr. WALTER. But you just declined to answer the question.

Mrs. ROSENBERG. There will come a time in this country when there is no climate of fear and coercion and hysteria, and people will of their own free will declare with pride and with honor as the Puritans said they would be glad to declare their faith, but not under compulsion, and not because there will be a subpoena over my head or a blacklist, and not if the result will be loyalty oaths. This is precisely what happened in civilizations—since you asked the question, the Puritans were proud of their faith, and the Jews were proud, too, and yet when they were faced with Tory men and with Hitler, what would you have expected, sir, that they should rise up and say they are Jews if that cost of that would be their head. Today the cost of declaring one's faith which I say you have no right to ask me about is a blacklist and a subpoena and a loyalty oath and book burnings. This has been the result of the force and violence of this committee.

Mr. WALTER. Where have any books been burned?

Mrs. ROSENBERG. Let me give you a precise illustration, and I will come back to my—

Mr. WALTER. I will withdraw the question, please. I do not want any answer.

Mrs. ROSENBERG. In Oklahoma books were burned, and do you know what the American Library Association said?

Mr. JACKSON. Is this in answer to the question asked by counsel? If there were not so many witches who left their brooms and tall hats around, we would not have so much work to do.

Mrs. ROSENBERG. If you did not interrupt me, I would give my answer, and so if you will be kind enough to sit back there, I will give you my answer.

Mr. JACKSON. I wish you would get on to giving the answer, if you please, Mrs. Rosenberg.

Mrs. ROSENBERG. My name is Mrs. Rosenberg, and I am the mother of four children.

Mr. JACKSON. I congratulate you. Will you please answer the question that has been directed to you by counsel?

Mrs. ROSENBERG. Then you should cease interrupting. There have been book burnings.

Mr. WALTER. I did not ask you about that.

Mrs. ROSENBERG. You did.

Mr. WALTER. I withdrew my question very quickly.

Mrs. ROSENBERG. Counsel, am I to understand all questions except the question by counsel are withdrawn?

Mr. WALTER. That is right.

Mr. MARSHALL. You may proceed to answer.

Mr. TAVENNER. I will be glad to withdraw my question.

Mr. WALTER. If there are no further questions, the witness is excused.

(The witness was excused.)

Mr. WALTER. Who is your next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Jack Tenner.

Mr. WALTER. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TENNER. I do.

**TESTIMONY OF JACK TENNER, ACCOMPANIED BY HIS COUNSEL,
ROBERT W. KENNY, THOMAS G. NEUSOM, DANIEL G. MARSHALL,
AND LEO BRANTON, JR.**

MR. TAVENNER. What is your name, please, sir?

MR. TENNER. My name is Jack Tenner; and I would like the record to show that I am appearing with all of the attorneys who have heretofore appeared and are to be represented at the hearing stand by Mr. Branton and Mr. Marshall.

MR. TAVENNER. When and where were you born, Mr. Tenner?

MR. TENNER. If you will excuse the expression of the "circumstances under which I had no control," I was born in Kiev, in Russia.

MR. TAVENNER. How long have you been in this country?

MR. TENNER. I came to this country at the approximate age, I was told, of 1, a month or so either way.

MR. TAVENNER. Did you receive your naturalization through derivative citizenship?

MR. TENNER. That is correct.

MR. TAVENNER. Where do you now live?

MR. TENNER. In Los Angeles.

MR. TAVENNER. How long have you lived in Los Angeles?

MR. TENNER. For approximately 6 years.

MR. TAVENNER. Are you a member of the legal profession?

MR. TENNER. I am that.

MR. TAVENNER. How long have you practiced your profession in Los Angeles?

MR. TENNER. I have practiced in Los Angeles for approximately 4 years. Prior to that I was admitted to the State bar in Illinois, but I did not have a chance to practice there, having entered the service upon the conclusion of my law school.

MR. TAVENNER. How long were you in the service?

MR. TENNER. Approximately 4 years. By the way, may I ask if a file of mine was turned in to this committee? It seems to be misplaced.

MR. TAVENNER. A file of yours?

MR. TENNER. A file of mine. It is a manila folder.

MR. TAVENNER. None of us know anything about it.

MR. TENNER. I thought perhaps it had been left here during the noon recess, but that is perfectly all right. I thought it was possibly where I had been sitting.

MR. TAVENNER. You might ask the guards. They may know something about it.

MR. TENNER. If they find it later, it won't do me any good.

MR. TAVENNER. If you would like to inquire now, it is perfectly permissible. Certainly there is no purpose on our part to deprive you of anything that you need.

MR. TENNER. I don't want to create a big issue about the file. I had a feeling you were going into my service record, and there were some battle citations which I had.

MR. TAVENNER. I want to give you the opportunity of telling us what they are, and that is the reason I asked you the question as to how long you had been in the service.

Mr. TENNER. Well, I would rather that the documents spoke for themselves.

Mr. TAVENNER. That isn't necessary. We certainly will take your word for that.

Mr. TENNER. Well, I feel this: Having listened to this committee constantly ask members of this and other professions whether or not we would be willing to fight in a war, I am somewhat at a loss to understand why we are never asked, "What will you do for peace?" Because when one is asked, "Will you defend your country," there is obviously the implication of a suspicion that one would not. And consequently, I felt that this committee, by subpoenaing me, was putting into issue my devotion to this country and to its principles, and therefore I felt that I would tell you at the outset that if I was prepared to die for this country, if necessary, and its democratic heritage, I will not surrender it to you for what you call \$64.

Mr. TAVENNER. I have given you the opportunity to tell us what your war record has been, and I am sure that you are proud of it.

Mr. TENNER. And now you are supposed to ask me: In case of a war with Russia, will I fight? And do you want me to answer that?

Mr. TAVENNER. I have never asked you.

Mr. TENNER. Will you gentlemen want to ask me that?

Mr. WALTER. Just answer the question.

Mr. TENNER. Is there a question pending?

Mr. TAVENNER. My question was: What were the battle citations that you received?

Mr. TENNER. There were eight battle stars, including a personal citation from the Admiral of the Navy for saving a ship that struck an enemy mine.

Mr. TAVENNER. I want to congratulate you.

Mr. TENNER. Is there anything else you want to say?

Mr. TAVENNER. Yes.

Mr. TENNER. Are we through, or what?

Mr. TAVENNER. Were you or are you a member of the National Lawyers' Guild?

Mr. TENNER. I most assuredly am.

Mr. TAVENNER. How long have you been a member?

Mr. TENNER. I think since just subsequent to my being admitted to the bar. However, if you are really interested in membership in the National Lawyers' Guild, let there be no secret about it, gentlemen of the committee. This is no slip that has uncovered my membership. Membership in the State bar, and membership in the National Lawyers' Guild, is a matter of public record with the State bar of California, and my membership is therein noted, as is every other member of the National Lawyers' Guild, of every bar association of the State of California; and, yes, I am a member.

Mr. TAVENNER. Do you have any knowledge of a plan on the part of the Communist Party to have its members who are members of the legal profession, become members of the National Lawyers' Guild?

Mr. TENNER. Are you through with your question?

Mr. TAVENNER. That is my question.

Mr. TENNER. Let me state this, with regard to that question, Mr. Tavenner: That the question with regard to the Communist Party, in one form or another, is literally the battlefield where the battle of civil liberties is being fought in America; and whether or not it is

“Are you now or have you ever been a Socialist,” or “Are you now or have you even been a member of Eugene Debs’ party,” or “a Christian,” or “Have you been or are you now anything,” your question seems to imply a kind of a knowledge about the Communist Party; because you have built up in this country, this committee, some kind of a horrendous plot, and then you say to me, “Answer the question.” And then when I will refuse to answer, as refuse I will, you have your chairman and members of the committee say this—and this is important, because it is a part of the American heritage that I would die for—you say one of two things is true. When I claim the fifth amendment, you know what you say. You say, when I claim the fifth amendment, “You are either lying because you have no privilege or you are guilty of a crime.” And, now, when you say this—

Mr. TAVENNER. Will you answer the question?

Mr. TENNER. Just a moment. I am answering you—

Mr. TAVENNER. No; you are not.

Mr. TENNER. Because I am giving you the reasons.

Mr. TAVENNER. You answer it, and then give the reasons.

Mr. TENNER. I decline to answer that question, and now I will give you the reasons.

First, I want to state to you, Mr. Tavenner, and to the members of this committee, that I have not knowingly and to my knowledge violated a single law on the city, the State, the county, or the national level; and if, indeed, you have such evidence, I would suggest that you present it to any appropriate body. But in refusing to answer this question, I tell you this—and do you want a picture of me shaking my finger, or what?

Just a second. Every time I go like this [indicating], he gets the camera. And then when I put it down—I want to oblige him, and I will give you the picture.

Mr. WALTER. Just a moment.

Mr. TENNER. I was refusing to answer that question, and I will tell you why.

I refuse to answer that question because of many things, and there is a lot of implications in that question, and it is not a yes-or-no answer. The answer to this question is in every so-called loyalty oath, and it is in every dismissal of a doctor from a hospital staff, and it is in every firing of a professor, and it is in every discharge of a newspaperman, and it is in all of the hysteria and the madness in this, our beloved America, and it is not an easy question. And then you have the gall—yes, and I use my words advisedly, to say “gall”—when one person claims the fifth amendment, you say, “Now, look here, Mr. Witness,”—and I heard this yesterday, and all of you are lawyers and you know better—you say, “When you claim the fifth amendment, Mr. Witness, you are either lying because you have no privilege, or you are guilty of a crime.” And this is false. There is no such decision by any court in this country.

On January 10 of this year, the Circuit Court of Appeals in the Ninth Circuit took this argument exactly in your language, where a judge of this district said, when a witness refused to answer the question, “You are either lying because you haven’t any privilege, or indeed you are guilty of a crime,” and the chief judge of this ninth circuit court said the fifth amendment was for the innocent more than for the guilty. And for this committee to constantly say, as Mr.

Tavener did all day yesterday after he heard reason after reason, "But you did claim the fifth amendment, didn't you?"—as though there was something horrendous about it—

I refuse to answer for that reason, based on the fifth amendment; and I refuse to answer based on the first amendment, because it is an inquiry into my freedom, and into my associations, and into my speech, and into my right of religion, because this committee lives by the informer, and it is iniquitous to the Jewish religion, and it is called the Momzer; and it is iniquitous to the Christian religion because you have your Judas Iscariot. The world abhors the informer; and you live by it, and it is your bread and your butter, and without it you would be out of existence. And I will not cooperate with you.

I further refuse to answer your inquiry because it violates my rights as a citizen under the ninth and tenth amendments, and I will answer every one of your inquiries with these refusals, because you are not going to buy me with 30 pieces of silver, or to protect the reputation from this committee.

Mr. TAVENNER. Have you anything further to say?

Mr. TENNER. I have given you my answers.

Mr. JACKSON. I should like to have the record show at this time that every witness who has been called before the committee up to this point has been identified at one time as a member of the Communist Party by one or more witnesses. And it is not a question of the fifth amendment. That is not why they are here. They are here because they have been identified by former members of the Communist Party, and have not affirmed or denied those identifications.

Mr. TENNER. Gentlemen of the press, I just want to answer this comment, and let me comment on this. He says I have been identified—

Mr. WALTER. You are a witness for the purpose of answering questions.

Mr. TENNER. Let me comment on what his question was.

Mr. WALTER. Mr. Tavener, ask the next question.

Mr. TENNER. There was a statement that I don't intend to let go, that I have been identified. And let the record show that this kind of identification was without cross-examination; and bring them up here in front of these people. They are honest newspapermen, and bring your informers up and let us cross-examine them, and don't have somebody in Washington 10 months ago call me a name and then come out here to me 10 months later and say, "Prove yourself innocent."

I will prove myself innocent of nothing, because I am guilty of nothing.

Mr. TAVENNER. Let me ask you now, Are you a member of the Communist Party?

Mr. TENNER. You will get the same answer you got before, and you knew it before you—

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. TENNER. The same answer, because it is more important. Bring your stable out here and let us question them. Give my counsel the right to cross-examine them. You say you have got testimony, and after you smear my name across the newspapers of this community, I haven't violated any laws, and now you come out here and say

you will investigate me. You don't have any testimony, and you have frightened animals who will do what you say, so you allow them to practice, and that is what you have. You are a lawyer, and why don't you allow cross-examination?

Mr. DOYLE. Mr. Tenner, may I just make this remark to you, in a very cordial vein, and without finding fault with you? Will you hear me just a moment, and I am not asking you a question?

I am very proud to hear you say that you have eight citations. I think that you, as a younger member of the bar, younger than I am—I hope you will come to the point in your experience where you will realize that some of us are in Congress because we are fighting for peace, you see.

Mr. TENNER. I think you are, Mr. Doyle, but I heard this Congressman say to a witness yesterday, "Are you for peace, and do you think Russia and America can live together?"

Mr. DOYLE. May I take another 30 seconds, please?

There are many men in Congress who are fighting for peace. And some of us wear a gold star because our boys weren't lucky like you were.

Now, may I say to you that when you appraise this committee, as Members of Congress, as running a stable, I just hope that you will live to come to the point where you recognize that the United States Congress is a group of devoted, patriotic American citizens that are proud of your achievements on behalf of the security of our Nation. I hope you come to that point. I see you are not at that point now, and I am not criticizing you. I am just saying to you that when you do, it will make a difference in your attitude toward your Nation.

Mr. TENNER. May I make a comment?

Mr. DOYLE. I am not criticizing you, you understand.

Mr. TENNER. May I comment for 30 seconds?

I know of the losses your family has sustained, Congressman, and I hope you believe me when I say that I, as a veteran, deeply appreciate that. But when you say you are fighting for peace, Congressman, I hope and I pray God that we will have this peace. But yet, Congressman—just listen to me for just a moment—what other conclusion can I come to, and what is available to what little logic I have, when I see this Congressman Jackson say to a woman on the stand yesterday, "Do you really think Russia and America can live together?" Good God, is there an alternative? This man is not for peace, and maybe you are.

Mr. JACKSON. That is an unmitigated lie.

Mr. TENNER. You said it yesterday.

Mr. JACKSON. Ninety percent of the soap-box Communists were making speeches for the Daily Record, and I spent 4 years in the Pacific. Let us have it clear.

Mr. TENNER. Did you say it?

Mr. JACKSON. I quoted Stalin, the Grand Poobah of the Communist Party, who said it.

Mr. TENNER. Didn't you say it?

Mr. JACKSON. I did not. Mr. Stalin said this country cannot coexist in the same world with the Soviet Union.

Mr. WALTER. Let us have some order.

Mr. JACKSON. If Mr. Stalin said it, I would never say it.

Mr. WALTER. Do you have any more questions?

Mr. TAVENNER. I have no more questions.

Mr. WALTER. The witness is excused from further attendance.

(The witness was excused.)

Mr. TAVENNER. Mr. William M. Samuels.

Mr. WALTER. The committee will stand in recess for 10 minutes.

(Whereupon, after a brief recess, the hearing reconvened with the following members present: Congressmen Francis E. Walter, Morgan M. Moulder, Clyde Doyle, James B. Frazier, and Donald L. Jackson.)

Mr. WALTER. The committee will please be in order.

Will you raise your right hand, please?

Mr. SAMUELS. Might I put my brief case on the table, please?

Mr. WALTER. You swear the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. SAMUELS. I do.

TESTIMONY OF WILLIAM M. SAMUELS, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Mr. SAMUELS. May I have a moment to straighten out my notes?

Mr. TAVENNER. In the meantime, will you tell us who you are?

Mr. SAMUELS. My name is William M. Samuels.

Mr. TAVENNER. Are you represented by counsel?

Mr. SAMUELS. Before continuing your interrogation, may I straighten out my file?

Mr. TAVENNER. I thought it would save a little time if counsel could identify themselves while you are doing that.

Mr. KENNY. Robert Kenny, and I am accompanied by Thomas Neusom and Daniel Marshall.

Mr. TAVENNER. When and where were you born, Mr. Samuels?

Mr. SAMUELS. If it has any pertinency to the inquiry before us, and I fail to see that it has, would you explain what pertinency where I was born has to do with this inquiry?

Mr. TAVENNER. No, sir; that is so obvious that I don't think that I should be called upon to explain.

Mr. SAMUELS. It is not obvious to me.

Mr. WALTER. Will you answer the question? It is a very simple question.

Mr. SAMUELS. Well, questions are simple or not simple, according to the person who has to answer them, Mr. Chairman, and I have asked for the pertinency of the pending question, and I feel that I have a right.

Mr. WALTER. You have no such rights. The committee counsel has asked you a very simple question, and will you answer it, please?

Mr. SAMUELS. I fail—

Mr. JACKSON. I ask that the witness be directed to answer it.

Mr. WALTER. I direct you to answer the question.

Mr. SAMUELS. I was born in St. Louis, Mo., in the year 1910, May 5.

Mr. TAVENNER. How long have you lived in Los Angeles, or do you live in Los Angeles?

Mr. SAMUELS. May I inquire what other matters concerning my personal life you intend to pry into, Mr. Tavenner?

Mr. TAVENNER. I will come to them one at a time, whatever they are.

Mr. SAMUELS. Do you intend to pry into my personal life?

Mr. TAVENNER. No; I am asking for certain factual information which the committee is entitled to.

Do you reside in Los Angeles?

Mr. SAMUELS. Over the objection that I have heretofore stated, I will answer the question "Yes."

Mr. TAVENNER. Are you now or have you ever been a member of the Communist Party?

Mr. SAMUELS. In answer to that question, I want to first observe, Mr. Tavenner and members of this committee, that, if there was ever any doubt in my mind and in the minds of the American people concerning the purpose of this committee, that doubt has been completely dispelled by the remarks by Mr. Jackson when the prior witness was being examined.

Mr. TAVENNER. Will you answer my question?

Mr. SAMUELS. "As long as there are witches, this committee will continue to function." That dispels any doubt in my mind, and should dispel in the minds of the American people, that this committee is engaged in a witch hunt.

Mr. TAVENNER. Now, will you answer the question?

Mr. SAMUELS. I charge this committee with doing it, and the proof of it has been stated by Mr. Jackson.

Mr. JACKSON. Let me set the record straight. I said: "As long as witches insist on letting their tall hats and their brooms lay around where constitutions fall over them, the committee will have a job to do."

Mr. SAMUELS. By that, you mean it is obvious there are witches and that you are engaged in hunting witches, Mr. Jackson?

Mr. JACKSON. We have had the Communist facsimile of witches in the witness chair over a long period of time.

Mr. SAMUELS. I agree with that. We have had to a certain extent. We have had witches before, and you are trying to resurrect the myth that witches exist.

Mr. JACKSON. It takes no resurrection.

Mr. WALTER. Will you answer the question, please? It is a very plain question.

Mr. SAMUELS. I am attempting to answer it, Mr. Wood, and I was interrupted. I am sorry, you are Mr. Walter, and I was interrupted by a committee member. I shall continue to answer it if I will be given an opportunity to do so.

Mr. JACKSON. Make the record show that the committee member was interrupted by the witness.

Mr. SAMUELS. May the record show that my answer was further interrupted by the remarks by the committee member.

Mr. WALTER. We have a number of witnesses that we want to accommodate, and will you answer the question?

Mr. SAMUELS. I don't feel that you are accommodating any witnesses, and you are not accommodating me. You made me wait some 9 or 10 months before I could make my testimony here, and you attempted to make me wait further.

Mr. WALTER. You came in with a petition to be permitted to testify, and that is what we are doing.

Mr. SAMUELS. I have my rights as an attorney at law, and you are not accommodating me and I don't expect you to accommodate me.

Mr. WALTER. Would you rather step down and testify next week?

Mr. SAMUELS. I am attempting to answer the pending question.

Mr. DOYLE. Go ahead and answer it. Don't quibble. Go ahead, please.

Mr. SAMUELS. I am not quibbling, and I object to your characterization of my remarks as quibbling.

Mr. WALTER. Oh, answer the question; will you?

Mr. TAVENNER. Read the question.

Mr. SAMUELS. I had begun to answer the question that you have propounded.

Mr. TAVENNER. Please proceed.

Mr. SAMUELS. I decline to answer the question that you have propounded for exactly the same reasons that you have heretofore been given to you by the witness this afternoon in declining to answer the same question, and I repeat that I decline to answer that question, first of all, because, as I have stated, this committee is engaged in a witch hunt. You have no right to ask me that question nor any other question, Mr. Tavenner and members of this committee.

I agree with a Justice of the United States Supreme Court who stated in *Kilborne v. Thompson* that this committee does not have the right nor the power to inquire into the private affairs of the citizen.

As a lawyer—and I began my practice in this city in 1940—I believe it is my duty to defend the rights of citizens against all attempts to abridge them; and as a citizen, I feel that I have the right to defend my rights against the attempt made by this committee or any other committee or person to deprive them of such rights.

The law, in my opinion and in the opinion of other counsel and in the opinion of justices of the Federal courts under which this committee seeks to function, is in violation of the constitutional rights of the citizens, and it constitutes an abridgement of the first amendment; it is an attempt to deprive citizens of the right of free speech in violation of the first amendment; of the right to freely express their opinions, to believe what they will, to think as they please, and without any right on the part of anyone in this country to tell them what they shall think or how they shall think.

In addition to the first amendment of the United States Constitution, which the committee is seeking here to violate and does violate, I decline to answer the question that you have propounded on the ground that the fifth amendment of the United States Constitution permits me to stand on my constitutional rights and to decline to give information which might be used against me in a criminal prosecution. That right under the fifth amendment, as has been stated by justices of the Federal courts in this land, is a right which is necessary and which it is the duty of citizens to invoke in order to prevent and to safeguard the rights given to citizens under the fifth amendment.

I have heard this committee state to witnesses that have appeared before this body in the last 2 days some insinuations to the effect that they are hiding behind the fifth amendment. There has been an implication voiced by this committee that in claiming the privilege under the fifth amendment a person is doing something wrong. I desire to state that I agree with the justices of the Federal courts in this land who have stated that it is the duty of a person to claim the

privilege in order to prevent exactly what this committee is attempting to do: That is, to pry into the thoughts and the beliefs of private citizens.

This committee has as its purpose nothing whatever but to pry into the opinions and beliefs of persons. Any legislation that might result from the activities of this committee would only and necessarily be unconstitutional.

For that reason and for all of the other reasons that have been previously stated, and which I incorporate by reference, I decline to answer your question, Mr. Tavenner, and any similar question and any further questions that may be directed to me along the same line.

MR. TAVENNER. Will you tell the committee what knowledge you have of the existence of a Communist Party cell in Los Angeles the membership of which is confined to members of the legal profession?

MR. SAMUELS. That question, Mr. Tavenner, as you must very well know, is a similar question, and it is exactly the same question in a different form, and it is designed to elicit exactly the same information; and I therefore decline to answer on all of the grounds that I have previously stated, and I feel that you have committed an improper act in attempting to elicit information from me, as a witness before this committee, which I have declined to answer under the fifth amendment.

The courts of this land have repeatedly stated that tactics such as you are using are in violation of the rights of the citizens of the United States.

MR. TAVENNER. Of course, it is not the same question, because I have asked you what knowledge you have of the existence and not what part you may have played in it.

MR. SAMUELS. I did not say it was the same question, to put you straight on it. I said it was a similar question put in a different form, and it is designed to elicit exactly the same information which you do not have any right to elicit from me, and which I am not going to give you for all of the reasons that I have stated.

MR. TAVENNER. I understand.

Have you ever been a member of the Communist Party?

(Further remarks made by the witness were ordered stricken from the record.)

MR. SAMUELS. You have been asked if you are hard of hearing, Mr. Tavenner. I don't know. I can't make it any more clear to you than the witnesses have attempted to make that I am not going to answer any question that may involve my political beliefs, my associations, or that are designed to elicit the same information that you have been attempting to elicit in your two previous questions.

I refuse to answer that question, Mr. Tavenner, on all of the grounds that I have previously stated.

MR. TAVENNER. Are you a member of the National Lawyers' Guild?

MR. SAMUELS. Mr. Tavenner, the National Lawyers' Guild is a bar association duly accredited by the State of California, and its membership list is filed with the secretary of state of California, in accordance with law, and my name appears thereon, and you can get that information anytime you want it. You did not have to come out here from Washington to elicit that information.

MR. TAVENNER. Are you familiar, if you are a member of that organization, as I understand you are, from your statement—

MR. SAMUELS. I am a member, and I am proud to be a member.

Mr. TAVENNER. Do you know of any plan by which members of the Communist Party who are lawyers are required to seek to become members of that organization; that is, the National Lawyers' Guild?

Mr. SAMUELS. Mr. Tavenner, you make it quite difficult for me. I thought that I had made it clear to you that I will not answer any questions designed to elicit information concerning my political beliefs or associations; for all of the reasons that I have stated before. Do I have to repeat that each and every time?

Mr. TAVENNER. Do you so decline?

Mr. SAMUELS. And I so decline.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Are there any questions?

Mr. JACKSON. How many identifications as a onetime member of the Communist Party do we have on the present witness?

Mr. TAVENNER. Two.

Mr. JACKSON. By whom?

Mr. BEALE. Mr. Aaron and Mr. Yerkes.

Mr. MOULDER. I wanted to ask the witness, if you had any knowledge of Communist subversive activities which you thought constituted a menace to the security of our country, would you give such information or answer questions concerning it?

Mr. SAMUELS. Mr. Congressman, I have told you how I feel about this committee, and what the purpose of this committee is; and, in view of the statement that I have made, I think it is rather silly of you to ask me such a question.

Mr. MOULDER. You mean to say it would be silly to ask you a question would you be willing to reveal information, if you had personal knowledge of such information, of communistic subversive activities which would constitute a danger or a menace to our national security?

Mr. SAMUELS. Did you hear what I have directed to counsel of this committee, Mr. Congressman?

Mr. WALTER. The witness is excused from further attendance.

Who is your next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Leon Turret.

Mr. NEUSOM. I think the record should be clear on that, Mr. Congressman. If the question is withdrawn, then there is no necessity.

Mr. WALTER. All right; the question is withdrawn.

Mr. MOULDER. I cannot withdraw the question.

Mr. NEUSOM. I believe the witness should be able to state.

Mr. SAMUELS. For all of the reasons that I have given, I decline to answer Mr. Tavenner's questions, which were directed along the same line, and which were an attempt to elicit information which this committee does not have any right to seek, and specifically on all of the constitutional grounds that I have previously mentioned, including the first amendment and the fifth amendment, I will decline to answer your question.

(Whereupon the witness was excused.)

Mr. WALTER. The next witness.

Mr. TAVENNER. Mr. Leon Turret.

Mr. KENNY. Mr. Tavenner, the motion for Mr. Turret was made inadvertently. He had gone or returned to his office upon the instruction of the chairman, and he is willing to waive his right to appearance

now and will appear at such other time as the committee directs, either Monday as suggested, or any way he acted upon that, and the motion in his behalf was made inadvertently.

Mr. WALTER. Let the record show that with that explanation, the witness is excused from attendance today, but he is required to be here on Monday at 10 o'clock.

(Witness was temporarily excused.)

Mr. TAVENNER. Mr. Finn.

Mr. WALTER. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth so help you God?

Mr. FINN. I do.

**TESTIMONY OF AUBREY FINN, ACCOMPANIED BY HIS COUNSEL,
ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G.
MARSHALL**

Mr. TAVENNER. You are Mr. Aubrey Finn?

Mr. FINN. I am.

Mr. TAVENNER. Are you represented by counsel?

Mr. FINN. I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. KENNY. Robert Kenny, and Thomas Neusom, and Daniel Marshall.

Mr. TAVENNER. When and where were you born, Mr. Finn?

Mr. FINN. In 1914, in Massachusetts.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. FINN. I do.

Mr. TAVENNER. How long have you lived here?

Mr. FINN. Since about 1932.

Mr. TAVENNER. Are you a member of the legal profession?

Mr. FINN. I am a member of the State bar of California.

Mr. TAVENNER. Do you practice law in Los Angeles?

Mr. FINN. I do.

Mr. TAVENNER. How long have you practiced law in Los Angeles?

Mr. FINN. Since about 1937.

Mr. TAVENNER. Mr. Finn, a witness by the name of David Aaron and another witness by the name of A. Marburg Yerkes identified you as a member of a Communist Party cell in Los Angeles, the membership of which was confined solely to members of the legal profession. Will you please tell the committee whether or not those witnesses were correct in their identification of you and what knowledge you have of the purposes of that organization in so forming a cell of the Communist Party within the legal profession?

Mr. FINN. That is a question?

Mr. TAVENNER. Yes, sir.

Mr. FINN. Previous witnesses at this hearing have given this committee and its counsel at lot to digest. I would not care to burden it further, and I will make my answer quite short. I do not believe that this committee has a right to inquire into my associations or beliefs, and I refuse to answer on the ground of the first amendment and the rights guaranteed to me under the first amendment. I also refuse

to answer on the grounds that my answer might tend to incriminate me and degrade me.

MR. TAVENNER. Are you now a member of the Communist Party?

MR. FINN. I give the same answer for the same reasons.

MR. TAVENNER. Have you ever been a member of the Communist Party?

MR. FINN. The same answer for the same reasons.

MR. TAVENNER. Thank you very much for your courteous response.

MR. WALTER. Are there any questions?

(No response.)

MR. WALTER. The witness is excused.

(The witness was excused.)

MR. TAVENNER. Mr. Jack Frankel.

MR. WALTER. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. FRANKEL. I do.

TESTIMONY OF J. ALLAN FRANKEL, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

MR. WALTER. What is your name, please, sir?

MR. FRANKEL. J. Allan Frankel.

MR. TAVENNER. Are you represented by counsel?

MR. FRANKEL. Yes, I have three lawyers with me here, and I have—

MR. NEUSOM. Thomas G. Neusom.

MR. KENNY. Robert Kenny.

MR. MARSHALL. Daniel Marshall.

MR. TAVENNER. When and where were you born, Mr. Frankel?

MR. FRANKEL. St. Louis, 1889.

MR. TAVENNER. Do you now reside in Los Angeles?

MR. FRANKEL. The past 47 years.

MR. TAVENNER. Do you practice law in Los Angeles?

MR. FRANKEL. Since 1911.

MR. TAVENNER. Mr. Frankel, there has been testimony before the committee by Mr. David Aaron, Mr. A. Marburg Yerkes, and Mr. William G. Israel, that they were members of the Communist Party cell located in Los Angeles which was made up exclusively of the legal profession, and that you were a member of it.

MR. FRANKEL. Of course, I am going to refuse to answer.

MR. TAVENNER. Will you please advise the committee whether those witnesses were correct in their identification of you as a member of the organization, and if they were, will you tell the committee how the group was organized, if you know, and the purposes of it?

MR. FRANKEL. Of course I am going to refuse to answer that question, standing on the first amendment, on the ground that this committee has no right to inquire into my associations, my organizations, my right of assembly or religion or anything about my personal life. I object on the further ground and I refuse to answer that this committee has no right to inquire into my private life, standing on the first amendment and also standing on the law under which this committee was organized. It was organized for the purpose of investi-

gating un-American, subversive propaganda, and I have been sitting here the past 2 days and I have not heard anything about that except an attack upon one certain political party.

MR. WALTER. You would have heard much about it if some of the witnesses had cooperated, because that is what we are trying to get up to, you see.

MR. FRANKEL. I would like to answer that.

MR. WALTER. Because of the lack of cooperation we were unable to ascertain whether or not the lawyers in this community, or some of them, were being used as propaganda agents for the Soviet Union. That is what we want to know.

MR. FRANKEL. Every lawyer whom I have heard the past 2 days is too decent to cooperate with this committee, because this committee has no right to break down the Constitution of the United States, and I think that this committee has done a very good job in that direction. I want to show you what has happened. Since I was a child, when this is the land of the free and the home of the brave, or whatever it was, there is such an atmosphere created in this city by this committee that there are people in the motion-picture industry who are afraid to open their mouths. There hasn't been a decent motion picture made since this committee started functioning 5 or 6 years ago, and this committee has forced the motion-picture industry to tell that motion pictures are better than ever when everybody knows that motion-picture industry has gone onto the rocks because they don't dare express a decent idea, and they don't express any idea.

There has only been one decent picture that I can recall made in the United States since this committee has been functioning, and that is called *Born Yesterday*, and that was a comedy. And I read just a week ago that the star of that picture, called before a similar committee, had to crawl on her belly, on her stomach, to prevent a body of officers of this Government to deprive her of her right of livelihood.

There isn't a school teacher in the country, as a result of this committee, that dares express a liberal idea. You know what happened in the University of California as a result of the loyalty oath which sprung not from this committee, I will admit, but indirectly from this committee and also from our President's loyalty oath.

There isn't a city, county, State, or Federal employee in the whole United States who dares open his mouth in this land of the free and the home of the brave, because of this committee, because you are creating an atmosphere of orthodoxy.

Let me tell you one other thing. I know lawyers in this town and I have been practicing here for 47 years, and I know a lot of lawyers. I have been discussing this matter of this committee with hundreds of lawyers. More than half of them agree with what I am saying to you, but they don't dare express it in any way.

MR. WALTER. You think this committee was unconstitutionally constituted?

MR. FRANKEL. I am not a constitutional lawyer, Mr. Walter, all I say is that the manner in which this committee comports itself has changed the political complexion in this State, and in this country, so that it is bad, almost as bad as it was in the country where my father came from.

Mr. WALTER. You mean by that that we have lessened the interest in Communist activities. If we have, I think our work has been crowned with success.

(The witness conferred with his counsel.)

Mr. FRANKEL. You know, the word "Communist" is a hate word that has been created by people like this committee, and I am not going to discuss it, I still have my rights under the Bill of Rights in this country, and that was put into the Constitution before the States, the 13 States would adopt this Constitution, for my protection and for the protection of the public, against inquisitorial bodies like this.

Mr. JACKSON. Has any inquisitorial body like this questioned your right to use the provisions of the Constitution?

Mr. FRANKEL. Well, you know, that is a very cute question, Mr. Jackson.

Mr. JACKSON. Has anyone deprived you of your freedom of speech today before this committee of the Congress of the United States?

Mr. FRANKEL. Yes, by the questions asked by your chairman today, the implications that I am a Communist and therefore I am one of the hateful citizens of this country, and I resent it, and I think it is one of the hate words that was used by Hitler, and I want to tell you another thing, that Hitler tried the same thing that this committee did, and when Hitler failed to do it he burned the Reichstag, he, through Herman Goering, burnt the Reichstag in order to blame the Communists for it, and I think that that is one of the steps that may be taken in this country at the rate you fellows are going.

Mr. JACKSON. There has been no limitation on freedom of speech, and if there has been anything there has been an adequate expression before this committee and I have never heard such conversation in such a short time.

Mr. FRANKEL. Every bit of it is legal.

Mr. JACKSON. That is quite right; no one has questioned the legality of it, and there is no question as to your legal right to take whatever provision of the Constitution you want, and nor has any member of this committee questioned any witness' right to take the provisions of the Constitution in his own defense, not once has it been questioned.

Mr. FRANKEL. I have heard a number of the members of this committee not only at these hearings but some of the hearings I have read about before, infer that anybody who used the fifth amendment was guilty, and he was standing behind a constitutional provision put in the Constitution for his protection. That is why I used the word when I started, that I am standing on the Constitution.

Mr. JACKSON. You are standing on it, I will go along with you to that extent.

Mr. WALTER. Proceed.

Mr. TAVENNER. I think that I should remind you, Mr. Frankel, that possibly you have not completed the reasons for your refusal to answer.

Mr. FRANKEL. That is correct. All of the reasons that I mentioned before, including particularly the fifth amendment.

Mr. TAVENNER. You had not mentioned the fifth amendment.

Mr. FRANKEL. Thank you very much. In the course of time I probably would have gotten to it, that is to counsel or my own memory. Thank you very much, sir. I think that is a courtesy which I appreciate.

Mr. TAVENNER. Do you rely on the fifth amendment?

Mr. FRANKEL. I do; I stand on the fifth amendment.

Mr. WALTER. He said he stands on the Constitution, that means the whole body of the Constitution and its amendments. It is not necessary to specify which one.

Mr. TAVENNER. Now, I want to call your attention, Mr. Frankel, to the testimony of Dr. Louise Light Silver, who appeared as a witness before this committee on January 21, 1952. I asked her the question after she had testified that she herself had been a member of the Communist Party at one time:

Were any directions given by the Communist Party as to the preference in employment of nurses or employees, office employees?

Dr. LIGHT. Yes.

First, I should ask you the question, are you acquainted with Dr. Light?

Mr. FRANKEL. In view of the fact I understand Dr. Light testified before this committee, I am going to stand on my constitutional rights and decline to answer the same.

Mr. TAVENNER. I omitted another question: Are you now a member of the Communist Party?

Mr. FRANKEL. For all of the reasons afore-mentioned, I decline to answer, and there are a number of reasons that come to mind but I suppose there is no use of prolonging this discussion.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. FRANKEL. The same answer on the same grounds.

Mr. JACKSON. How many witnesses under oath have identified Mr. Frankel as a member of the Communist Party?

Mr. TAVENNER. There are three that I mentioned: Mr. David Aaron, Mr. A. Marburg Yerkes, and Mr. William G. Israel. And a fourth one, Dr. Louise Light Silver.

Mr. FRANKEL. I think I should have observed this point, that Congressman Jackson here has aroused considerable antagonism by his snide methods. He is trying to convince the public and this committee, because three stool pigeons used my name without my being present, without any opportunity for cross-examination, without my knowing what their motivations were.

Mr. TAVENNER. Regardless of their motivations, were they correct or were they wrong?

Mr. FRANKEL. Well, that would really be a silly answer to give. The answer is as before, I stand on the Constitution, and I am certainly not going to dignify those people by answering their statements or misstatements and I want the committee to know that the fact that I refuse to answer these questions and stand on my constitutional rights doesn't mean any guilt on my part.

Mr. WALTER. Why don't you contradict them, why don't you just in a word say they didn't tell the truth and it would be a simple way to dispose of the whole thing.

Mr. FRANKEL. You know, when we had witch hunts in this country and I think it was referred to by a number of witnesses, back in 1619, men and women in this country were hanged for answering or not answering questions, and in the ecclesiastical courts in Spain, in England and in Spain in 1492, no matter what you answered you were found to be guilty and I am not going to cooperate with this commit-

tee in tearing down the Constitution of the United States, and I think that this committee is a menace to the democratic institutions of the United States of America, and that you are heading us in the direction of fascism as rapidly as you can and I have already cited and I want the record to know that the people in these United States and the people everywhere are in such a state of fear and terror that this is no longer a land of the free. I used to be proud of the institutions of this country, generally speaking I am proud of most of them, but I think at every age in this country there have been periods of hysteria when things occurred just as what are occurring today. I lived through the First World War, and I am sure you did, too, Mr. Chairman, and immediately—

Mr. WALTER. I fought in it, and I went to France with the first 100,000 Americans.

Mr. FRANKEL. Well, that is quite all right. In the name of the citizens of the United States, I thank you.

Mr. WALTER. Did you?

Mr. FRANKEL. I did not.

Mr. WALTER. Well, maybe we have a different feeling toward this Republic of ours.

Mr. FRANKEL. I am interested in the social welfare of the people of the United States and I was going to call your attention to the fact that immediately after the First World War we had a period of hysteria just exactly like that and we had an Attorney General named Paul Meer, and the Paul Meer raids brought a blot on the history of the United States. We shipped a boatload of aliens to Russia, on the ground they were Bolsheviks. The Attorney General raided 6,000 people in the dead of night. People who were completely innocent of any crime, and there were five men elected legally in the New York Assembly on a socialistic ticket and they were refused office. Why? Because they were living in an inquisitorial period just like this, witch-hunting country just like this.

Victor Berger, one of the old Congressmen of the United States, was lawfully elected after the First World War, and the House of Representatives to which you gentlemen belong, refused to seat him. Why was it? On the same type of lie that this committee is battling on, the lie that certain organizations are trying to overthrow this Government by force and violence.

Mr. DOYLE. Mr. Frankel, I won't ask you a question, but for your information, may I say this to you, that I have just returned from the Far East, including Korea and Japan, and Okinawa and so forth, and every American authority and every international authority with whom I spoke, and I spoke with plenty of them, all say frankly that there is no question in their judgment but that the Communist Party program in the United States emanates from the Soviet Union.

Now, I am not going to ask you whether or not you believe that, but I am just telling you for your information, because you are an American citizen, and dozens of American citizens on whom you and I rely in the Far East told me that.

Now, I give you that for what it is worth.

Mr. FRANKEL. Thank you very much, Mr. Doyle. All I want to add is that according to the latest polls, 83 percent of the population of the United States are opposed to the war in Korea, or the police action.

Mr. DOYLE. We should move out of there and let the Commies take it, should we?

Mr. FRANKEL. We could do what 83 percent of the people of this country want.

Mr. JACKSON. Mr. Chairman, the word "stool pigeon" has been tossed around here pretty freely during the last couple of days of the hearings.

Mr. NEUSOM. Is this witness going to be excused?

Mr. TAVENNER. He is excused.

(The witness was excused.)

Mr. JACKSON. I should like to insert in the record from the document, the Communist Party Manual on Organization by J. Peters, pages 119, 122, subhead, "How shall we safeguard the party organization against stool pigeons and spies?", second subhead, "How shall we expose the stool pigeons?" if I may have permission to make that insertion.

Mr. WALTER. At this point in the record it is ordered.

(The quotation referred to follows:)

HOW SHALL WE SAFEGUARD THE PARTY ORGANIZATION AGAINST STOOL PIGEONS AND SPIES?

The working class is constantly at war with its enemy, the capitalist class. In this war (class struggle), as in any other war, the capitalist class has one main objective—to defeat its enemy, the working class. In order to achieve this aim, the capitalists use all possible methods to disorganize, demoralize, and divide the ranks of the proletariat. One of the most effective weapons in the hands of the enemy is the agent provocateur, the stool pigeon, the spy in the ranks of the working class, and especially in the ranks of the vanguard of the proletariat—the Communist Party.

The activities of these human rats can be listed as follows:

1. Agents provocateurs are planted in the party either by the police department, Department of Justice, "patriotic" organizations, or counter-revolutionary Trotskyites, with the aim of disrupting the work of the party organizations. The methods they use are:

(a) Creating sentiment against the leadership of the party;

(b) Systematic destructive criticism against the line of the party;

(c) Provocative proposals for certain actions, which, if adopted, would lessen the confidence of the masses in the ability of the Communist Party to lead them, because of the unnecessary sacrifice as a result of such provocative action;

(d) The spreading of rumors about individual leaders of the party, concerning their political integrity or personal life;

(e) Creating an atmosphere of spy mania in the party organization by skillfully spreading rumors about certain individuals being spies;

(f) Accepting important assignments at strategic points and certain activity and then sabotaging the carrying out of the assignment, in this way disrupting the action of the party organization.

The most effective weapon in the hands of the Communist Party against these agents provocateurs is the carrying out of the general line of the party, the uncompromising fight against any one who attempts to deviate from this line, Bolshevik self-criticism and correction of mistakes and shortcomings in the work of the party organization or individuals in the process of applying or carrying out the general line of the party. In a party organization where these principles are strictly adhered to, agents provocateurs will be exposed very quickly.

2. The second type of class enemy in the ranks of the party and in other workers' organizations is the stool pigeon. They have the task of gathering information about the party and the individual members. They work diligently, attend every meeting, and take responsible assignments in the organization. They strive to be promoted to higher positions in order to get more important information to the police department, or to their bosses. They are very inquisitive about individuals, their names and addresses; they always like to get some inside "dope" from and about higher committees. They are present

in every possible place they can get into. They try to get hold of documents and keep them for a day or so. They try to find ways and means of getting to other party organizations and fractions than their own.

Against both types of rats, the best safeguard is the proper selection of new members. While we do not create difficulties for workers to join the Communist Party, we have to be careful in accepting new members, especially those who have had no previous connections with any workers' organization or with individual members of the party, or whose previous record is hard to obtain. In order to counteract the activities of the stool pigeon, we have to keep before our eyes, always, the following general rules:

1. Do not tell any member anything about party members which does not concern that member.

2. Do not discuss any party question outside of the meeting of the party organization (unit, membership, unit bureau, section committee, fraction). Stop discussing inner party questions on the street corners or cafeterias, where anyone can listen in. Do not broadcast inner party decisions to long-eared stool pigeons who are waiting for the information.

3. Avoid, as much as possible, keeping membership lists with names and addresses, and if you have such lists, do not keep them in your home, or in the headquarters of the party unit or section, or in your pocket.

4. Documents which are not for publication should be read only by those party members to whom they are addressed, and should be destroyed immediately after reading. Documents which need study must be carefully safeguarded. Every member who has such a document must return it after reading it to the party committee, which destroys it immediately.

HOW SHALL WE EXPOSE THE STOOL PIGEON?

There is a tendency among some comrades to hide from the masses the fact that a stool pigeon has been discovered in the organization. In certain places, the comrades develop the theory that if we expose the stool pigeons the workers will be afraid to join the party—because there are spies in the organization. This conception is entirely incorrect. The mass exposure of a stool pigeon will greatly increase the confidence of the masses in the party, since it proves the party is able to find out who the class enemies are in its ranks.

There is only one proper method of exposing the stool pigeons—and that is mass exposure, creating an organizing mass hatred against these rats. Experience of the Communist Parties prove that such mass exposures not only do not scare away workers, but have resulted in hundreds of new recruits to the party.

The following methods have been used very effectively in many places and can serve as a model for exposing spies:

1. Photograph the spy, and print his picture in the Daily Worker and in leaflets and stickers. Spread this material in the place where the spy was operating.

2. Organize systematic agitation among the workers where the spy was discovered.

3. Mobilize the children and women in the block in the part of town where the stool pigeon lives to make his life miserable; let them picket the store where his wife purchases groceries and other necessities; let the children in the street shout after him or after any member of his family that they are spies, rats, stool pigeons.

4. Chalk his home with the slogan: "So-and-so who lives here is a spy." Let the children boycott his children or child; organize the children not to talk to his children, etc.

Such forms of agitation will gather around the issue hundreds of workers who were outside of the influence of the party before, and who will now come with us on some action. At the same time, we will expose and get rid of the spy, not through individual action, but through real mass mobilization.

MR. WALTER. Who is the next witness?

MR. TAVENNER. Victor E. Kaplan.

MR. WALTER. Will you solemnly swear the testimony you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

MR. KAPLAN. I do.

**TESTIMONY OF VICTOR E. KAPLAN, ACCOMPANIED BY HIS COUNSEL,
ROBERT W. KENNY, DANIEL G. MARSHALL, AND THOMAS G.
NEUSOM**

Mr. TAVENNER. Are you represented by counsel?

Mr. KAPLAN. Yes; I am.

Mr. TAVENNER. Will counsel please identify themselves?

Mr. MARSHALL. Robert W. Kenny, Daniel G. Marshall, and
Thomas G. Neusom.

Mr. TAVENNER. When and where were you born, Mr. Kaplan?

Mr. KAPLAN. I was born in Washington, D. C., in July of 1914.

Mr. TAVENNER. Do you reside in Los Angeles?

Mr. KAPLAN. I do.

Mr. TAVENNER. How long have you lived here?

Mr. KAPLAN. Since 1922.

Mr. TAVENNER. Are you a member of the legal profession?

Mr. KAPLAN. I am.

Mr. TAVENNER. What has been your training for the practice of
law? That is, your scholastic training.

Mr. KAPLAN. I went to UCLA and UCLA Law School.

Mr. TAVENNER. How long have you practiced in Los Angeles?

Mr. KAPLAN. Since 1938, with the exception of the time that I
was in the Army.

Mr. TAVENNER. How long did you serve in the Army?

Mr. KAPLAN. Three years.

Mr. TAVENNER. I want to give you an opportunity to make any
statement you desire about your Army service.

Mr. KAPLAN. I haven't any statement to make with regard to that.

Mr. TAVENNER. Mr. Kaplan, Dr. Louise Light Silver testified before
this committee in Washington on January 21, 1952, and I want to
read you a part of her testimony as the basis for asking you a question
[reading]:

Mr. TAVENNER. Were any directions given by the Communist Party—

Mr. KAPLAN. I have read the testimony, and I am familiar with it.

Mr. TAVENNER. But, as a basis for my question, I think it is
necessary that I repeat it. [Continues reading:]

Were any directions given by the Communist Party as to the preference in
employment of nurses or office employees of the doctors?

Dr. LIGHT. Yes. I had an experience myself where I had employed a girl,
and she had been in my office for perhaps a week and a half or so, who was a
previous party member, who had dropped out of the party because of lack of
interest. They came into me and told me that, and they didn't ask me; they
told me I would discharge this girl because of the fact that she was no longer
a party person. She was under suspicion. They had no specific proof, because
I knew this girl very well, and that they could supply someone in my office who
would be much more suitable. Of course, I disagreed with them very strongly.

QUESTIONER. Who was the person employed by you?

Dr. LIGHT. The name was Emily Gordon.

QUESTIONER. You said they came to you?

Dr. LIGHT. Well, a committee of two of the professional section. The one
who did the talking with me was a Dr. Max Schoen, a dentist.

QUESTIONER. Dr. Max Schoen?

Dr. LIGHT. That is right; Schoen. I think he spells his name Schoen.

QUESTIONER. Do you know whether he is the same Dr. Schoen who appeared
before the Committee on Un-American Activities in Hollywood?

Dr. LIGHT. That is the same doctor.

QUESTIONER. And refused to testify regarding alleged Communist Party membership?

Dr. LIGHT. That is right; that is the same one.

QUESTIONER. What was it that Dr. Schoen directed you to do?

Dr. LIGHT. He directed me to discharge the girl that I had in the office on the basis that she was, as he called it, "an enemy of the people." She was no longer in the party and, therefore, was either a Trotskyite or a Fascist.

When you are no longer interested in the party, you are either one or the other, as far as the party members are concerned. Therefore, you are no longer to have anything to do with them.

Anyone who is the least bit interested in progressive things would feel the same way about it, as far as they are concerned, and I was directed to discharge the girl and take someone who would be more suitable; that is, would be more interested in the Communist movement and would be willing to work with the Communist movement.

QUESTIONER. Who was the other person, or was there more than one other person beside Dr. Schoen?

Dr. LIGHT. Dr. Schoen came with another man, a lawyer, whose name is Victor Kaplan.

QUESTIONER. Victor Kaplan?

Dr. LIGHT. That is right.

QUESTIONER. Will you spell Kaplan?

Dr. LIGHT. K-a-p-l-a-n.

QUESTIONER. He accompanied Dr. Schoen?

Dr. LIGHT. That is right.

They were apparently a committee of two sent by the professional section. That was, I am sure, taken up in the center—that is, in the party center—before they came. They don't do things on their own. It is usually a meeting that occurs where two or three people are selected as delegates.

Did you have the experience described by Dr. Light in that testimony?

Mr. KAPLAN. Well, Mr. Tavenner, I am going to refuse to answer that question for the following reasons: In the first place, I rely upon the first amendment, in that that question again is an invasion of my right of association, my political thinking; and I am not going to testify with respect to any person who has testified before this committee—I have not been given the right of cross-examination with regard to these people who have named me—and I further refuse to answer on the grounds of the fifth amendment. Since the history of that amendment has been so well stated by Mr. Sperber, although it could stand repeating, I will not repeat it at this time. I do rely upon the fifth amendment, in that I will refuse to bear witness against myself.

Mr. TAVENNER. Will you tell the committee what knowledge you have regarding the existence of a Communist Party cell in Los Angeles confined to members of the legal profession?

Mr. KAPLAN. Mr. Tavenner, I know the answer has been said to you many times before, but I will refuse to answer questions of this kind and of a similar character for the reasons previously stated.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. KAPLAN. The same answer and the same reasons.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. KAPLAN. The same answer and the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Are there any questions?

The witness is excused from further attendance.

(The witness was excused.)

Mr. WALTER. Who is your next witness?

Mr. TAVENNER. Mr. Seymour Mandel.

Mr. WALTER. Will you raise your right hand. You do solemnly swear that the testimony you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MANDEL. I do.

TESTIMONY OF SEYMOUR MANDEL, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, DANIEL G. MARSHALL, AND THOMAS G. NEUSOM

Mr. TAVENNER. What is your name, please, sir?

Mr. MANDEL. Seymour Mandel.

Mr. TAVENNER. Are you represented by counsel?

Mr. MANDEL. S-e-y-m-o-u-r M-a-n-d-e-l. I am represented by counsel.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. KENNY. Robert Kenny, Daniel Marshall, and Thomas Neusom.

Mr. TAVENNER. When and where were you born, Mr. Mandel?

Mr. MANDEL. I was born in 1912 in Brooklyn, which is in the city of New York, for your information.

Mr. TAVENNER. Now are you a resident of Los Angeles?

Mr. MANDEL. That is correct.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. MANDEL. I believe I came here in 1936.

Mr. TAVENNER. Have you lived here since that time continuously?

Mr. MANDEL. No; I was employed by the United States Army for a period of time.

Mr. TAVENNER. How long a period?

Mr. MANDEL. For about 3 years.

Mr. TAVENNER. If you desire to make any statement with regard to your military record, I would be very glad for you to do so.

Mr. MANDEL. Well, usually veterans like to discuss military affairs and their battle stars with their friends, but I do not feel that this committee is such a group. However, I would like to say this: that I was a member of the Amphibious Engineers in the Pacific, and we were engaged in many beachhead landings, and before each landing no one asked me my political belief, my religious belief, or anything about my friends, and I never dreamed then that there would come a time, when I came home after fighting against fascism in the Pacific, that a so-called committee of Congress would impose or would dare to ask me questions such as you have asked other witnesses. I thought then that if we defeated fascism over there the Fascist would be defeated all over, but I hope I am not wrong. I see it again rearing its head right here.

Mr. TAVENNER. Will you take the same attitude against communism that you have just taken against fascism?

(The witness conferred with his counsel.)

Mr. MANDEL. I am not going to be enticed into a debate with you under these conditions on the subject of communism. I decline to answer that on the following grounds: First, I wish to incorporate all of the grounds that were so ably propounded by the prior witnesses before this committee. In particular, I would like to say this: That the first amendment protects a person against an invasion

into his mind and into his social concepts, and his beliefs generally. I also wish to decline on the basis of the fifth amendment, which gives me the right to refrain from testifying against myself, and also the ninth and tenth amendments, and also I would like to say that the committee is tending to try to intimidate the bar by having hearings such as this. I said "the fifth amendment," and I think all of the other witnesses said "the fifth amendment."

Mr. TAVENNER. Yes.

Mr. MANDEL. And that is in the United States Constitution.

Mr. TAVENNER. That is right, and that is a legitimate ground for refusal.

Mr. MANDEL. I didn't hear that.

Mr. TAVENNER. I said the fifth amendment which you claimed is a legitimate ground for refusal.

Mr. Mandel, there has been testimony before this committee by Mr. David Aaron, Mr. A. Marburg Yerkes, and Mr. William G. Israel that you were a member of the Communist Party here in Los Angeles with them, which was limited in membership to members of the legal profession. Will you state whether or not they were correct in identifying you as a member of that group; and, if so, will you tell the committee what you know of the organization of that group and its purposes?

(The witness conferred with his counsel.)

Mr. MANDEL. Would you mind reading that testimony? I couldn't clearly understand your question. Would you read the testimony?

Mr. TAVENNER. You mean read the question? Is that what you mean?

Mr. MANDEL. Will the reporter read the question.

(The question was read by the reporter.)

Mr. TAVENNER. I will break that question down if you would like me to. It is actually two questions.

Mr. MANDEL. I think it is three questions, but I wish you would break it down.

Mr. TAVENNER. Very well. If you will first answer whether or not those witnesses were correct in identifying you as a member of such a group of the Communist Party.

Mr. MANDEL. Well, I will decline to answer that question on the grounds that I previously stated: my political beliefs are my own and my associations are my own, and this committee has no right to ask me anything about that, and I also repeat for the record the fifth amendment, which gives me the right to refuse to testify against myself.

Mr. TAVENNER. Are you now—

Mr. MANDEL. The ninth and tenth, also.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. MANDEL. Just a moment.

(The witness conferred with his counsel.)

Mr. MANDEL. The same answer.

Mr. TAVENNER. What reasons?

Mr. MANDEL. I wish I had some additional reasons, but I think all of the additional reasons were very well put by the prior hierarchic witnesses before this inquisitorial body.

Mr. TAVENNER. But what are your reasons? I don't mean—

Mr. MANDEL. The first amendment guarantees citizens the right of free speech.

Mr. TAVENNER. Just so we know, may I interrupt. I am not asking you to go into great detail, but I must be certain as to what amendments and what position you are taking in refusing to answer, and you can do that without a long explanation in view of the fact you have already answered somewhat in detail to other questions.

Mr. MANDEL. Well, I base my declination on the same grounds previously stated.

Mr. TAVENNER. Very good; that is all.

Mr. MANDEL. The same amendments and the same Constitution.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. MANDEL. Just a moment.

(The witness conferred with his counsel.)

Mr. MANDEL. After consulting with my counsel, I will decline to answer that question on the same grounds, the first amendment, the fifth amendment, the ninth amendment, and the tenth amendment of the United States Constitution.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Any further questions? If not, the witness is excused.

(The witness was excused.)

Mr. TAVENNER. I will call Mr. Frank Pestana.

Is there any possibility of getting your [addressing Robert W. Kenny] client here now, to follow this witness?

Mr. KENNY. I don't think so. He would have to buck the 5 o'clock rush, and it would be impossible to get him.

Mr. WALTER. You do solemnly swear the testimony you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PESTANA. I do.

TESTIMONY OF FRANK S. PESTANA, ACCOMPANIED BY HIS COUNSEL, DANIEL G. MARSHALL AND THOMAS G. NEUSOM

Mr. TAVENNER. What is your name, please, sir?

Mr. PESTANA. My name is Frank Pestana.

Mr. TAVENNER. Are you represented by counsel?

Mr. PESTANA. I am; Mr. Thomas Neusom and Mr. Marshall.

Mr. TAVENNER. When and where were you born?

Mr. PESTANA. I was pleased to discover I am almost a neighbor of Mr. Tenner's. I was born on the island of Porto Santo, in the Maderia island group, right off the coast of Costa Blanca.

Mr. TAVENNER. When?

Mr. PESTANA. On March 2, 1913.

Mr. TAVENNER. How long have you lived in Los Angeles, or do you live in Los Angeles?

Mr. PESTANA. I do live in Los Angeles.

Mr. TAVENNER. How long have you lived here?

Mr. PESTANA. I have lived here since 1945.

Mr. TAVENNER. When did you first come to the United States?

Mr. PESTANA. I think I was 3 years old.

Mr. TAVENNER. I assume you are a naturalized citizen by derivative citizenship.

Mr. PESTANA. I am not ; I chose to be an American citizen.

Mr. TAVENNER. When were you naturalized ?

Mr. PESTANA. Sometime in the middle 1930's.

Mr. TAVENNER. Are you a member of the legal profession ?

Mr. PESTANA. I am.

Mr. TAVENNER. Mr. Pestana, there has been testimony by Mr. David Aaron, Mr. A. Marburg Yerkes, and Mr. William G. Israel that they were members of a Communist Party group in Los Angeles the membership of which was confined solely to the legal profession, and that you were a member of that group with them. Were you a member of that group ?

Mr. PESTANA. I decline to answer that question for the following reasons: In the first place, I do not believe that this committee has the power to ask that question because this committee has been authorized by the act which gives it its ostensible power to inquire into the question of propaganda. I believe that propaganda is a form of speech. It is the means by which individuals convey ideas, and in a democracy which is envisaged by our Constitution, and our republican form of government, the first amendment, the ninth and tenth amendment, the democracy cannot work, and it cannot function without the guarantee that ideas, speech, propaganda, shall be free, and that Congress shall make no law with respect thereto as is so consistently set out in the Constitution of the United States. For the reason that this country cannot exist as a democracy unless the sovereigns, of which I am one, sir, and of which I hope you are one, and I believe the rest of the people here are, unless the sovereigns of this country have a right to hear and to hold any belief which they choose, that this democracy cannot function by any manner of means unless every idea which can be expressed short of actual acts of violence or crimes, is put on the market place of ideas for acceptance or rejection, and I wish to tell you, Mr. Tavenner, that I would not be a sovereign with a right to hire and fire you or elect you, or the other persons who sit around here, unless I had the right to know all about you, and your ideas, and the legislation you stand for, and the legislation you are against, and that means that I have a right to hear anybody who wants to talk and to hold any opinion that I want to hold, and to say anything short of criminal acts which I want to express, so that you and other citizens, I assume you are a citizen and, sir, I am doing you that courtesy, so that you and other citizens can determine whether you wish to accept or reject the ideas.

This is my idea of a democracy, and this is my idea of what you and the committee here is trying so hard to destroy, for all of the citizens, and this is the real tragedy, that I, I don't care, I am a lawyer, and I think I can handle myself, but that the rest of the citizenry should be intimidated by the kind of thing that you people have been doing, to the professors, the teachers, and the lawyers and the doctors, and the trade-unionists of this country, and the people of this country whom these people serve and try to represent.

Mr. TAVENNER. Will you tell the committee—

Mr. PESTANA. I am not through yet. And upon the further ground afforded me by the fifth amendment to the Constitution of the United States, and I wish again to express that that amendment was inserted for the benefit of the innocent as well as perhaps the guilty, but I wish to state this, that I resent your statements and the statements of other

Congressmen here who are imputed in my presence after being called on, that to assert the right under the fifth amendment is to admit a crime, and insinuation which I think has been the reason for the meriting by this committee of the statement by President Roosevelt that this committee had sordid procedures, or words to that general effect.

I find such insinuations indeed sordid, and I resent them deeply.

I also decline to answer upon the grounds afforded me by the ninth and tenth amendments to the Constitution of the United States, which embodies the idea which I have already expressed, that this country is a democracy and that in the people of the country is repositied the total and end sovereignty and that you and others are answerable to the sovereigns, the electors, the voters of this country, and you are trying to intimidate those people by your sordid procedures, and I will not stand for it for myself, nor for them, especially not for them, and for those reasons I decline to answer, and in answer to the question that Mr. Jackson here asked I would like to volunteer this statement—

Mr. TAVENNER. Wait a minute. Just answer my questions.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. WALTER. Well, now, just a moment. What goes on, Mr. Tavenner?

Mr. TAVENNER. I would like to ask one additional question.

Mr. PESTANA. Do you want a stick post. I would like to give it to you so that you don't have to stand up there.

Mr. WALTER. Never mind, he enjoys that too much. And just don't take any more pictures, he is enjoying it too much.

Mr. Tavenner, ask a question and let us get this over with.

Mr. TAVENNER. Will you tell the committee what you know, if anything, about the formation of this Communist Party cell which has been testified to exists in Los Angeles of which only members of the legal profession are admitted, and how it was formed if you know, and what the purposes of it are?

Mr. PESTANA. I would be a traitor to the democratic traditions of this country and against all that I believe in and have expressed here today if I were to answer that question. For that reason and for the reasons previously expressed I decline to answer the question.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Any further questions? If not, the witness is excused.

Mr. TAVENNER. Just a moment. Are you now a member of the Communist Party?

Mr. PESTANA. I think someone asked—are you serious? The same answer and the same reasons.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. PESTANA. The same answer and the same grounds.

Mr. WALTER. The committee will now adjourn, to meet at 10 tomorrow morning.

(Whereupon, at 5 p. m., the hearing was recessed, to reconvene at 10 a. m. Thursday, October 2, 1952.)

COMMUNIST ACTIVITIES AMONG PROFESSIONAL GROUPS IN THE LOS ANGELES AREA

THURSDAY, OCTOBER 2, 1952

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Los Angeles, California.

PUBLIC HEARING

The Subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10:20 a. m., in room 518, Federal Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood (chairman), Francis E. Walter, Clyde Doyle, Harold H. Velde, and Donald L. Jackson.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., assistant counsel; Louis J. Russell, senior investigator; William A. Wheeler and Charles E. McKillips, investigators; and John W. Carrington, clerk.

Mr. Wood. Let us have order, please.

In the chance that there are those present now who have not heretofore been in the audience, I repeat that you are here by the permission of this committee and not by any compulsion of it, except those under subpoena. If you desire to remain, it is essential that we preserve order. The committee will not countenance any demonstrations favorable or unfavorable to its work.

Who do you call, Mr. Tavenner?

Mr. TAVENNER. Excuse me just a moment, please.

Mr. DANIEL G. MARSHALL. Mr. Chairman, I have a motion to present on behalf of certain witnesses who were subpoenaed to appear this morning.

Mr. TAVENNER. Mr. Chairman, possibly I can save the gentleman time about that. When we were a half-day behind in our schedule, which we attempted to correct yesterday by passing over some of the lawyers until Monday, we decided last night to notify those doctors who were subpoenaed for yesterday, postponing their appearance until Monday. Now, it occurred to me that there possibly are a number of them that did not get the telegrams, and there may be some who, if they did get the telegrams, would nevertheless desire to go ahead now; and so, if any of them are here who want their cases disposed of now, it would be my inclination to call them.

Mr. MARSHALL. That is the position of these witnesses upon whose behalf I intended to make that motion.

Mr. TAVENNER. Would you mind giving me a list of those?

Mr. MARSHALL. Yes. Dr. —.

Mr. WOOD. Have you got a written list of those who are here?

Mr. MARSHALL. No; I don't, sir. I just have the names.

Mr. TAVENNER. Well, let me suggest that you give me a list of those who are here.

Mr. MARSHALL. That is what I am going to do. Dr. Thomas Perry, Dr. Fred Reynolds, Dr. Alex Pennes.

Mr. TAVENNER. If you want to give them to me separately, it is all right.

Mr. MARSHALL. I thought you would want those to start with.

Mr. TAVENNER. I would like, if you don't mind coming up here and giving me the names.

(The list of names was handed to Mr. Tavenner.)

Mr. TAVENNER. Mr. Chairman, I would like to call Dr. Oscar Elkins.

Mr. WOOD. Is Dr. Elkins here?

Mr. TAVENNER. Yes, sir.

Mr. WOOD. Do you solemnly swear the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. ELKINS. I do.

Mr. WOOD. Be seated.

TESTIMONY OF DR. OSCAR MELVILLE ELKINS, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Dr. ELKINS. Oscar Melville Elkins.

Mr. TAVENNER. Are you represented by counsel?

Will counsel please identify themselves for the record?

Mr. NEUSOM. There are not enough chairs here, and I wonder if we could get a couple of more chairs.

Mr. KENNY. Robert Kenny, Thomas Neusom, and Daniel Marshall.

(Additional chairs were placed at witness' table.)

Mr. KENNY. I think we have enough seats now; thank you.

Mr. TAVENNER. Doctor, when and where were you born, please, sir?

Dr. ELKINS. I was born in Chicago, Ill., in 1903.

Mr. TAVENNER. Are you a practicing physician in Los Angeles?

Dr. ELKINS. I am.

Mr. TAVENNER. How long have you been engaged in the practice of medicine in the Los Angeles area?

Dr. ELKINS. Well, I came out here ever since I graduated from medical school, and I had my internship here, and so it is 22 years.

Mr. TAVENNER. What has been your medical training?

Dr. ELKINS. I am a graduate of the University of Wisconsin School of Medicine. Do you want the further training?

Mr. TAVENNER. No, sir; that is sufficient.

Dr. ELKINS. Okay.

Mr. TAVENNER. Have you been in the military service?

Dr. ELKINS. Yes; I have. I have a record of 31 years in various military organizations, as a civilian, you know, including the National Guard. I won't include the ROTC in that 31 years. That would make it 35 years. But after that I was commissioned in the Infantry

Reserve, and I remained in the Infantry Reserve until I was well into my medical career, and then I transferred to the Medical Reserve, believing that my services could be better used there. Besides, in the interim, knowing enough of Infantry, I knew that things had changed and I was more useful with my medical knowledge and with my former Infantry knowledge, and so I remained in the Infantry Reserve until I volunteered for active duty in World War II, although, I might add, I was in an exempted category; I was in Public Health, and I didn't have to go, but I felt I should go. I was married, but we had no children, and my wife went back to war work as a nurse.

Although it was difficult to go at my age—I wasn't a youngster—I volunteered, and they accepted me, and I served over 4 years on active duty and was discharged as a lieutenant colonel in the Medical Corps. I returned to the Reserve, and recently, in case I might be asked that usual question, would I fight if called, apparently they looked down their list and they needed a lieutenant colonel psychiatrist, and that looked like Elkins, and so they had me down there on a number of occasions.

Mr. TAVENNER. When was this?

Dr. ELKINS. Just in the last couple of years, since this Korean thing came up. And, after going over me time and again physically, it was obvious that I was physically disabled and no longer capable of active military duty. So, I was honorably discharged in October of 1951 as a lieutenant colonel.

This is my military record, and of course anybody who has had that much military service knows that—does full duty as a doctor, but I don't mean to say—I know enough of Infantry and I have seen men die and wounded and I have seen cemeteries grow. So, I don't mean to present myself as a man who is out there really in the front lines, although, being on Okinawa from the start of the proceedings there, I am well aware that the Infantry and those fellows who are really up there dying carry the brunt of it.

But I did get an award, a certificate of merit, and I have a commendation ribbon, if you should care to know, for medical work in the Philippines.

I think that is my military record in brief.

Mr. TANNER. Dr. Elkins, we have had testimony in the course of this hearing by Mr. Harold Ashe of the formation of a cell or unit in the Communist Party, made up of members of the different professions. That testimony related back to about the year 1936. Then we have testimony which was taken here in Los Angeles last year, during September of last year, that there was a cell of Communist Party consisting solely of members of the medical profession.

Several witnesses have been subpoenaed for the purpose of ascertaining how that cell was formed, the extent of the Communist organization within the medical profession, and the purposes of it, and you are called here today as a witness because witnesses have identified you as being one of those who was a member of that group within the medical profession; and, therefore, you should have some knowledge of it.

Dr. Reznick testified about his own membership in the Communist Party from 1935 to 1939, and said that you were a member of the medical branch of the Communist Party.

Dr. Louise Light appeared before this committee and was asked about her knowledge of that cell in the Communist Party, and she testified that she had been a member from 1939 to 1945, and she also identified you as a member of the medical branch of the Communist Party.

Were you a member of that group of the Communist Party?

Dr. ELKINS. Of course, Mr. Tavenner, I am going to refuse to answer any questions of that type, and my reasons are, first of all, I don't believe that this committee, as I understand it—I am not posing as a lawyer; but, as it appears to an ordinary layman, this committee has a job of submitting recommendations for legislation to Congress, and I don't believe that this committee can submit any recommendations to Congress that would in any way abridge any citizen's right to freedom of speech or to require any citizen to divulge or talk about or in any way be required to say or give any information as to his affiliations, or lack of affiliations, because, as I say, I don't believe this committee can legislate to abridge these privileges which are given to all people of the United States as stated in the first amendment.

Furthermore, the scope of this committee has become so diffuse that it seems that it reminds me of things I have seen in other countries as a sort of a committee that frightens people, makes it inadvisable to stand up and act like an American citizen for fear of some kind of retribution or being victimized or intimidated in some way.

There are a lot of fine people in this country, good people, probably not courageous people, but they also have the right to be protected by the Constitution, and I think it devolves upon me, since I am here, to somehow show these people that they do not have to answer to this committee as to their affiliations, or to be frightened into keeping silent.

Mr. TAVENNER. May I suggest that the witness is certainly going very far afield, in answering the question.

Mr. WOOD. The committee does not desire an argument, and we desire an answer to the question.

Dr. ELKINS. I am answering it, sir.

Mr. WOOD. No, sir; you are not, you are arguing.

Dr. ELKINS. I am answering it in my way.

Mr. WOOD. Do you answer it?

Dr. ELKINS. I am answering it.

Mr. WOOD. Well, the Chair holds that you are not; you have entered into a dissertation here, and an argument about your personal views as to the work of this committee, which are beside the point here. If you desire to answer the question or refuse to answer it, please state lucidly your reasons.

Dr. ELKINS. I have stated that I am going to refuse to answer this question, and I am now stating my reasons why I am refusing to answer it.

Mr. WOOD. Confine yourself to reasons and not argument, please.

Dr. ELKINS. I am stating my reasons.

I also would like to add that, as an ordinary citizen looks at the fourth amendment, it seems to me that if you can't take steel mills away from private individuals you have no right to demand that a person's own thoughts or views be taken from him. That is just an ordinary citizen as he reads what he thinks are his privileges.

But I am not a lawyer, as I say.

Finally, I will not answer the question because of my responsibilities and duties to all citizens and myself, as stated in the fifth amendment.

Mr. TAVENNER. What is the basis of your refusal to answer under the fifth amendment?

(The witness conferred with his counsel.)

Dr. ELKINS. As I understand it, I do not have to give this committee any further basis than saying the fifth amendment, and the provisions are according to me included in the fifth amendment, by which I decline to answer that question.

Mr. TAVENNER. Are you relying upon that provision of the fifth amendment which provides that a person may not be compelled to testify in a matter which may involve himself in the way of possible criminal prosecution?

Dr. ELKINS. I don't—I am sure that I have not committed any crime, Mr. Tavenner.

Mr. TAVENNER. Then you are not relying, I take it, on that provision of the fifth amendment.

Dr. ELKINS. I gave you my answer.

Mr. TAVENNER. Mr. Chairman, if the witness can be no more definite than that, I ask that he be directed to answer.

Dr. ELKINS. I am relying on every provision afforded to all citizens under the fifth amendment.

Mr. TAVENNER. Does that include the provision against possible self-incrimination?

Dr. ELKINS. As I stated, I am relying on all provisions of the fifth amendment.

(The witness conferred with his counsel.)

Dr. ELKINS. Excuse me one minute.

Mr. MARSHALL. Yesterday, Mr. Tavenner, while Congressman Walter was in the chair, he announced this ruling: that, when the witness said that he stood upon the Constitution, that meant the whole Constitution, including the Bill of Rights, and that it was not necessary for the witness to specify any part of it.

Mr. TAVENNER. In reply, I think it is possibly my duty to inquire as to the good faith of the witness in claiming any provision of the Constitution, and I think it is up to me to do that. And if the witness is evasive on that subject, I propose to follow it up. If it is clear as to what he is relying upon, why, I have no further questions to ask him about that.

Mr. WOOD. The witness says he is relying on every provision of the fifth amendment, and the provision against self-incrimination is one of them; and so, in the view of the Chair, that covers it.

Mr. TAVENNER. All right, sir.

Doctor, have you ever used the name "W. Melville"?

Dr. ELKINS. W. Melville?

Mr. TAVENNER. Yes.

(The witness conferred with his counsel.)

Mr. TAVENNER. Or have you used the name "Melville" regardless of what the first initial may be?

Let me ask you a preliminary question which may clear it up. What did you state your middle name to be?

Dr. ELKINS. Melville.

Mr. TAVENNER. Well, I think that that answers, that satisfies my inquiry.

Mr. MARSHALL. Have you withdrawn the inquiry?

Mr. TAVENNER. Yes, sir.

Have you at any time held a Communist Party membership book or card?

Dr. ELKINS. The same answer to that question that I gave you to the previous questions, that I declined to answer.

Mr. WOOD. And for the same reasons?

Dr. ELKINS. And for the same reasons and on the same grounds.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. ELKINS. The same answer and the same reasons, and on the same grounds that I gave you to the previous questions in that order.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. ELKINS. That is practically to me the same question, and I give you the same answer for the same reasons and on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Doctor, you mentioned that you served all through the Okinawa incident.

Dr. ELKINS. Yes, sir.

Mr. DOYLE. I was on Okinawa 3 weeks ago, and you know, as I came across that same reef where those Marines and others came across, I saw a memorial tablet there, and I talked with some of the commanders that had been there, and they told me that in their judgment the thousands of boys, American boys, that lost their lives there lost them there because of the activities of the Soviet Communist Party, and because of its propaganda in the United States of America, and its subversive activities, don't you see?

My boy died for the same reason. I just want to say to you, as one professional man to another, I am a lawyer, it seems to me that we as professional men perhaps owe a particular obligation to the destiny of America, and especially you men who have distinguished military records, even in the medical service or any other service, and I commend you for that distinguished service.

I am not going to ask you any question. Just as one neighbor to another on the professional level of our Nation, I want to just suggest to you: You have stated that you felt: "I think it devolves upon me to show the people they don't have to be afraid of this committee." That was substantially your words, sir, and I just want to say to you as a member of this committee, there is no reason in God's world for any American citizen to be afraid of this committee, and I don't think you are serving your Nation when you are up here fostering the thought that American citizens have to be afraid of this committee.

Mr. ELKINS. May I say, Mr. Doyle, that I have heard you speak of the loss of your son on other occasions, and you have my deepest sympathy, and I can understand a little of how you feel, because we had a somewhat similar situation in my own family. Since it happened that I was the last member of that family to see this relative in the Pacific, I felt that having talked to him at the last, and that is the last the family ever saw of him, I asked him, "Sammy, when you go out of action, buck me a V-mail and I will send it home," and he did, and I bucked it home and when the last member of the family read it, just about that time came the War Department letter saying he was killed in action 10 days after being in on Leyte.

When a thing like that comes, you have to talk to yourself plenty to make sure that any war is worth while, don't you, Mr. Doyle?

Mr. DOYLE. Quite so.

Dr. ELKINS. You have to talk hard to think that a young boy with everything to live for, and that is why I feel that I should like to hear you, of all people, speak for peace, and not only here but in Congress, and as I have heard from other members here, I don't hear enough of getting up and speaking for peace so that other boys don't go.

I can recall on Okinawa, sitting on a flat piece of bulldozed ground and wondering what it was for, and the next day seeing crosses up there.

Mr. WOOD. We have a lot of witnesses here, please, sir, and your conversation is very interesting, but it is not on the record and it is not pertinent to the issue here, and I am sorry to interfere with you, but you will appreciate we have got an array of witnesses here to hear, and I am sorry to interfere. I would like to talk to you personally sometime.

Dr. ELKINS. I just wanted to reply to give my sympathy.

Mr. DOYLE. I am not asking sympathy, I am asking for vigorous active protection of the constitutional form of government in the United States and the American Government, and the Communist Party is trying to destroy it, and you know that is true.

Dr. ELKINS. You heard my record.

Mr. DOYLE. I heard your record. Your record before this committee isn't what it ought to be, in my judgment.

Mr. JACKSON. I have no questions, Mr. Chairman. I have one request, and that is to insert in the record at this point an article from Our Sunday Visitor entitled "The Place: China; the Victim: The Innocent," and the story of Father Greene who was tortured by the Communist inquisition, quite in contrast to the activities of the House Un-American Activities Committee.

Mr. WOOD. That will be admitted.

(The article referred to follows:)

COMMUNIST "TRIAL"

THE PLACE: CHINA; THE VICTIM: THE INNOCENT

By Thomas E. Comber

"Espionage" was the charge against him—he was an American in Communist China.

Robert W. Greene was raised in Jasper, Ind. When he decided to follow Christ, he never dreamed that his footsteps would also be the blood steps of Calvary. Kwangsi Province is a long way from Jasper, Ind.

Terror rule under the Communists is a long way from America's tradition of justice for all men. Here are the facts. This is the way the Commies treated Robert W. Greene because he was an American—because he was a missionary.

Before they made his arrest official at Tungan, North Kwangsi, on April 3, 1952, Father Greene had been under "house detention" for 17 months.

Terror-treatment began on April 3, 1952, and was to last for 11 days. He was questioned ceaselessly, his head bowed and his arms tied behind him. He was lined up against a wall and threatened by a soldier with a machine gun.

Robert Greene was put through two public "trials"—at which hysterical mobs chanted, "kill, kill!"

At the first "trial" on Palm Sunday the Chinese Reds brought him out before one mob. A guard struck his nose, another clawed at his face. At the second "trial" on Easter Sunday 4,000 Chinese yelled for his blood. This Maryknoll missionary was accused of "spying, possessing guns and ammunition, spreading

rumors, supplying money to bandits, and killing People's Liberation Army soldiers with ether."

After his second "trial" Father Greene was expelled from Red China. Three United States missionaries were in Tungan when the Communists arrived in Kwangsi, December 19, 1949. Besides Robert Greene, there were Gregory Gil-martin of Waterbury, Conn., and Irwin Nugent of Dorchester, Mass. They had both been previously expelled from Red China.

They had both seen the Communists seize Chinese Christians and execute them outside their mission as "counter-revolutionaries."

These three Americans got out. There are still hundreds of missionaries behind the bamboo curtain and the iron curtain. They look to the free peoples of the world to help them—at least we can give them our prayers. They want us to pray for their Communist tormentors too! They want us to pray: "Father, forgive them, they know not what they do."—Paulist Information Service.

(Followed by photograph headed: "Father Greene before and after torture.")

Mr. WOOD. Are there any further questions?

Mr. TAVENNER. No, sir.

Mr. WOOD. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. MARSHALL. Counsel might add to that list of names I gave him the name of Dr. Joseph Hittleman.

Mr. TAVENNER. We have the name.

(The witness was excused.)

Mr. TAVENNER. I will call Dr. Bertram L. Roberts.

Mr. WOOD. Dr. Roberts, will you come forward?

Will you raise your right hand? Do you swear that the evidence you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. ROBERTS. I do.

Mr. WOOD. Will you have a seat, please, sir?

TESTIMONY OF DR. BERTRAM L. ROBERTS, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. WOOD. Do you have the same counsel?

Mr. KENNY. Same counsel.

Mr. WOOD. There is no need for counsel to identify themselves again. It is the same counsel as the last witness.

Mr. TAVENNER. What is your name, Doctor?

Dr. ROBERTS. Bertram L. Roberts.

Mr. TAVENNER. When and where were you born?

Dr. ROBERTS. I was born in New York, December 6, 1918.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Dr. ROBERTS. I am.

Mr. TAVENNER. How long have you lived here?

Dr. ROBERTS. Since 1934.

Mr. TAVENNER. Are you a member of the medical profession?

Dr. ROBERTS. I am an optometrist.

Mr. TAVENNER. How long have you practiced optometry in Los Angeles?

Dr. ROBERTS. Since 1940, with the exception of time spent in service.

Mr. TAVENNER. How long were you in the service?

Dr. ROBERTS. Approximately 3 years.

MR. TAVENNER. Doctor, we have had testimony before the committee of the formation of a cell of the Communist Party in Los Angeles limited to members of the medical profession.

Dr. Light testified that she was a member of the Communist Party from 1939 to 1945, and a member of that group, and that you were a member of it. Is that true or false?

Dr. ROBERTS. I am going to decline to answer that question, Mr. Tavenner, and I should like to state my reasons for so declining.

In the first place, as a citizen I object to being brought before this committee, which has no constitutional grounds for inquiring as to what I think and who my associates are or what my beliefs are. So on the basis of the first amendment, I think it is a violation of my rights.

I think Justice Robert Jackson stated it well when he said that if there is any fixed star in our constitutional constellation, it is that no official hireman can specify what shall be orthodox in religion or other matters of opinion.

MR. TAVENNER. May I ask whether you are reading from a prepared statement?

Dr. ROBERTS. No; I have a few notes here.

MR. WOOD. Well, Doctor, would you please give the committee the courtesy of at least having a smattering of knowledge of the decisions you are quoting from, and pass on to your reasons and not argument, because we are not interested in argument. You have a right to state your reasons and please state them as concisely as you can.

Dr. ROBERTS. I should like to further state my reasons, then. I agree that many legal reasons have been given to this committee, particularly in yesterday's testimony. However, being a member of the health professions I am disturbed about conformity, because of the fact that conformity can affect scientific work. I think that science can progress rapidly only when there is the greatest freedom from uninhibited communication among men.

MR. WOOD. Now, you are again in pure argument, and please state the reasons and leave out the argument. We are trying our best to get through here this week, and next week, and we do not want to keep these witnesses here indefinitely that are waiting on us.

Dr. ROBERTS. Is this a public hearing?

MR. WOOD. Yes; it is a public hearing.

Dr. ROBERTS. Well, I am not going to be up here too long, and I should like to present my grounds.

MR. WOOD. We are willing to have you submit your reasons, but not arguments.

Dr. ROBERTS. I think something has not been brought out before this committee, and that is some scientific opinion in regard to the activities of groups like this.

MR. JACKSON. I suggest the scientific opinion has nothing to do with his reasons.

MR. WOOD. We are not concerned about your opinions of the committee. We are concerned about your willingness to answer plain questions, or your unwillingness, and if you are unwilling to give your reasons for it.

Dr. ROBERTS. My declination is based upon a paper prepared by Dr. Kirtley F. Mather of Harvard, which he presented before a group of

scientific workers, and he is president of the American Association for the Advancement of Science. He stated—

Mr. WOOD. Just a moment, Doctor. We are not going to permit you to read extensive excerpts here from the statements of other people. If you have any reasons to offer this committee yourself, we will be glad to hear them.

Dr. ROBERTS. Well, I must say that this particular paper affected my decision greatly.

Mr. WOOD. If you have a copy of it and you desire to submit it for the committee's consideration, all right; but I am not going to take the time to hear it and let you read extensive excerpts of the statement.

(The witness conferred with his counsel.)

Mr. WOOD. I think it has become all too obvious here that what the purpose of these long harangues of these witnesses is, and as far as I am concerned, I am not going to permit it. Have you any further reasons to offer why you will not answer the question, and if so we will be glad to have them.

Dr. ROBERTS. I should like to place this in the record—

Mr. WOOD. We will be very glad to have you place it in the record, and now what other reasons do you have?

Dr. ROBERTS. This is an article from Science News Letter.

Mr. JACKSON. Are those the same notes? I understood they were notes.

Dr. ROBERTS. The notes are on the back of it.

Mr. JACKSON. All right.

Dr. ROBERTS. I further decline on the grounds of the fifth amendment and the ninth and tenth amendments of the Constitution.

Mr. TAVENNER. Will you tell the committee what information you have, if any, regarding the existence of a Communist Party cell in Los Angeles, confined in membership to the medical profession.

Dr. ROBERTS. That question is essentially similar to the first question, and I shall refuse to answer it on the same grounds previously stated.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. ROBERTS. The same answer and the same question.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. ROBERTS. The same question and the same answer.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Mr. Walter, or Mr. Doyle, do you have any questions? If there are no questions, is there any reason why this witness should not be excused from further attendance?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. TAVENNER. Dr. Howard Davis.

Mr. WOOD. You do solemnly swear the evidence you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. DAVIS. I do.

TESTIMONY OF EDWIN HOWARD DAVIS, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Dr. DAVIS. I am not too happy, I don't wish to duplicate Mr. Esterman's demand for having my attorneys with me, but I would like to be able to consult with them without having to push myself in physical inconvenience, and I wonder if it would be possible just to move this up and allow my attorneys to sit on the platform [indicating a table]?

Mr. WOOD. Certainly, move the table forward. You can have all of the room.

Dr. DAVIS. I don't need a lot of room.

Mr. WOOD. I mean to get all of the room you need for your counsel.

Mr. DOYLE. There are three, and you have another one coming. Who is that?

Mr. TAVENNER. Is that satisfactory?

Dr. DAVIS. Thank you, that is satisfactory.

Mr. TAVENNER. What is your name, please, sir?

Dr. DAVIS. Edwin Howard Davis.

Mr. TAVENNER. Are you represented by counsel?

Dr. DAVIS. I am.

Mr. TAVENNER. Will counsel please identify themselves?

Mr. WOOD. The same counsel the other witnesses had, and there is no need to repeat them.

Mr. KENNY. That is correct.

Dr. DAVIS. The record will so state, will it?

Mr. WOOD. Yes, the same counsel as previously were present.

Mr. TAVENNER. When and where were you born, please, sir?

Dr. DAVIS. I was born in Salt Lake City, Utah, May 21, 1919.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Dr. DAVIS. I am.

Mr. TAVENNER. How long have you lived in Los Angeles?

Dr. DAVIS. Twenty-eight years.

Mr. TAVENNER. Are you a member of the medical profession?

Dr. DAVIS. No, I am not.

Mr. TAVENNER. What is your profession?

Dr. DAVIS. I am an optometrist.

Mr. TAVENNER. How long have you been engaged in the practice of optometry in Los Angeles?

Dr. DAVIS. Since 1943.

Mr. TAVENNER. Doctor, are you a member of or affiliated with the medical division of the Arts, Sciences, and Professions Council?

Dr. DAVIS. I will refuse to answer the question on the following grounds: First, that I consider questions regarding any organization before this committee in the nature of a quasi-trial to be a violation of my rights and the rights of the American people under that section of the Constitution, article I, section 9, which prescribes against bill of attainders, and I do believe that my rights are being violated by attempting to punish me for alleged, by implication, membership in an organization proscribed by this committee.

I do wish, also, to decline to answer that question on the further grounds that are guaranteed to me by the fifth amendment. I wish to state that it is my understanding of the fifth amendment that my assertion of my privileges thereunder do not in any way bear reflection on my guilt or innocence of any charge.

Mr. WOOD. Well, Doctor, just a moment, then I will permit you to finish. I am not going to let that inference go unchallenged, because the privilege of the fifth amendment is a privilege under conditions that are prescribed therein, and there is never a compulsion, no man is under any compulsion to claim the privilege of the fifth amendment, and if a man says, if he is asked a question if he is guilty of a crime—I am not inferring that there would be any—that being a member of the Communist Party was a crime, or of the Arts, Sciences, and Professions is a crime, but when a man is asked a question whether he is a member of an organization which he deems such as would incriminate him with membership in it, if he says that to admit the answer to that question truthfully would incriminate him and as a matter of fact it would not, then his testimony is false. It is a privilege and he has got to claim it and it is not a compulsion.

Dr. DAVIS. I do not agree with your full statement, sir, but I do agree with that I am claiming the privileges only under the compulsion of my conscience. I additionally understand that in claiming this privilege under the fifth amendment that I do thereby avail myself at the same time of being refused here to name names of anyone of whom you may ask me who may be to my knowledge a member of such organization. And I do therefore most willingly accept the privileges granted me in good faith under the fifth amendment to refuse to affirm or deny my membership in such an organization that has been listed unconstitutional by this committee.

Mr. TAVENNER. Do you refuse to testify or to answer the question on the ground that the answer might tend to incriminate you?

Dr. DAVIS. It has already been stated here yesterday far more eloquently than I, that a citizen does not need to explain his reasons for claiming the privileges under the fifth amendment.

Mr. TAVENNER. No, but we must be certain as to what you base it on.

Dr. DAVIS. I wish to claim my privileges under every section of the fifth amendment which do apply to me, and I believe that they do apply.

Mr. TAVENNER. That is still not an answer to the question. Do you base your refusal to testify on the grounds that to do so might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. WOOD. Is that not a provision, and he says he claims the privilege under all of it.

Mr. TAVENNER. He says "All of it which is applicable to me."

Mr. WOOD. He said that he thought it was all applicable to him. You said all of it was applicable to you?

Dr. DAVIS. I understood you to say that if one claimed the privilege of the fifth amendment he did not have to further explain it to counsel.

Mr. WOOD. When you say that you claim all the privileges of the fifth amendment, each provision of it, I think that is a complete answer.

Mr. TAVENNER. If there is no uncertainty as to his meaning, that is all right.

Doctor, did you attend a meeting of the medical division of the Arts, Sciences, and Professions Council on March 14, 1952, at 7410 Sunset Boulevard?

Dr. DAVIS. That is the same question and I will answer you the same answer for the same reasons, that—

Mr. WOOD. You do not need to repeat them. You can say it is the same reasons unless you have something additional to add.

Mr. TAVENNER. Dr. Mendell Krieger, in his testimony before this committee on September 11, 1951, identified you as a member of the Communist Party, of which he also admitted membership on his own part. Was that testimony in identifying you correct or was it false?

Dr. DAVIS. I refuse to affirm or deny the statement of anyone whom I consider to be a stool pigeon. I refuse to answer this question for the following reasons: First, it is my understanding of the Constitution, the first amendment, that Congress shall make no law interfering in any way with the rights of freedom, opinion, association, or the right of people to petition Congress for redress of grievances. Now, I do believe that this committee does not have the right thereby legislatively to ask me a question which can serve no legislative function. It is my understanding of the first amendment that a citizen is free under this amendment and the guaranties of the ninth and tenth amendments to believe as he believes, to think as he wishes, and to associate with whom he pleases for any legal purpose. And it is my understanding and the history of Nazi Germany has clearly demonstrated—

Mr. WOOD. Now, Doctor, please.

Dr. DAVIS. I wish to state my reasons.

Mr. WOOD. I will permit only—

Mr. DAVIS. This is the reason I claim the privilege.

Mr. WOOD. The committee, please, sir, has a fair understanding of the provisions of the Constitution, and would you just please state what the provisions are, and can we not have some area of agreement here on the question of time.

Mr. DAVIS. You did not have to subpoena 110 or more witnesses, and I wish to have the time to state my reasons.

Mr. WOOD. The point is that the witnesses are here, I will permit you to state them but I will not permit you to state a lengthy argument.

Dr. DAVIS. I am stating my reasons.

Mr. WOOD. Let us hear your reasons.

Dr. DAVIS. Under the first amendment, I believe that it is my right.

Mr. WOOD. Now, you are in argument. We are not concerned about your belief, we are concerned about your reasons.

Dr. DAVIS. On the grounds in the first amendment, then, which permit freedom of expression.

Mr. JACKSON. We know what the first amendment permits.

Dr. DAVIS. You are interfering with my rights to state my reasons.

Mr. JACKSON. I am not interfering with them at all. Why don't you state your reasons?

Dr. DAVIS. Don't interfere with my rights to state my reasons, and I resent it.

Mr. JACKSON. You have stated them 10 times in detail.

Dr. DAVIS. I have not stated them 10 times in detail.

Mr. WOOD. Doctor, won't you please state your reasons and eliminate the arguments?

Dr. DAVIS. I didn't start an argument on this, and I merely tried to state my reasons.

Mr. WOOD. You said that you invoked the provisions of the first amendment. We understand what it is. Go to the next one, please, sir.

Dr. DAVIS. I refuse to answer this question, because it is my understanding that the establishment of qualifications, religious, or political, for the practice of a profession is, in my mind, a violation of my rights under the first amendment, and I do refuse to cooperate with this committee in denying my rights to have what opinion or association I want without limiting my rights thereby. I think history adequately demonstrated—

Mr. WOOD. Now, we are not going to permit you to go into a historical dissertation here, Doctor, we might as well have an area of agreement here somewhere.

Dr. DAVIS. I will also refuse to answer this question because I am accused of no crime, and yet I am being tried by this committee without the procedures guaranteed to me under the sixth amendment. And I do wish to assert that I know of no crime for which I am being compelled to appear here, and yet it is your intent to punish me if I do not cooperate with the committee.

(Further remarks made by the witness were ordered stricken from the record.)

Dr. DAVIS. My further reason for refusing to answer this question is that it is my understanding of the ninth and tenth amendments that I have the right not only to claim my democratic rights under the Constitution for myself and others as well, but I have the right, also, to engage in the demand that I be given the continued right to seek redress of grievances that is represented by the existence of this committee in its attack on the freedoms of all individuals.

I further wish to refuse to answer this question, because I am not prepared to provide new victims to be sacrificed on the altar of political conformity in the interest of preparation of a third world war, in exchange for any 40 pieces of silver or your commendations.

I do claim finally that I am not compelled to either affirm or deny the question that you have asked me other than by stating that I shall not so do under the fifth amendment.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. DAVIS. That is the same question, and I will give you the same answer.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. DAVIS. I will answer that question in the same way for the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. I have no questions.

Mr. WOOD. Is there any reason why the witness should not be excused from further attendance on the committee?

Mr. TAVENNER. No, sir.

Mr. JACKSON. It appears to me that having failed to disrupt these proceedings by the establishment of the picket line in front there is a deliberate effort being made by slow-down to sabotage and defeat the purposes of this committee, and it is quite obvious that if these tactics continue we will not be able to reach all of the witnesses who have been

slated, and it might well be that that is the reason for the tactics being employed.

Mr. WOOD. I do not know about that, but I will assure you that they are going to be reached whether this week or next.

Mr. KENNY. Just as a matter of personal privilege, my duty here and the duty of other lawyers is to advise witnesses under their constitutional rights, and we have so advised them. These witnesses have been subpoenaed and they have been under subpoena for 9 months and they have been publicized and they want an opportunity, and I have advised them, that they have an opportunity to spread on the record, if they want to, fully their reasons for refusal.

Mr. WOOD. I do not object to that at all, Mr. Kenny, and I have not objected to it; but please let us try to eliminate arguments about it.

Mr. KENNY. That is correct, but if the guillotine is to be operated on people I don't think that we have to speed it up. I don't think we are guilty of any slow-down on anything.

Mr. JACKSON. If they want to get back to their offices, it is going to be another week before we can get through with them.

Mr. KENNY. There again I say that these people were not guilty of any slow-down—

Mr. WOOD. I sincerely hope that the attitude of the witnesses will demonstrate that your advice to them has been accepted.

Mr. MARSHALL. I want to rise in particular objection to Congressman Jackson's accusations, that there has been—

Mr. JACKSON. I did not reflect upon counsel at all.

Mr. MARSHALL. And I don't like any reflection on the witness.

Mr. JACKSON. My only reflection is that much time is being destroyed, in what I think is a repetition of reasons which have already been stated by the witnesses.

(The witness was excused.)

Mr. WOOD. Whom do you call next, Mr. Counsel?

Mr. TAVENNER. I will call Dr. Fred Reynolds.

Mr. WOOD. Do you solemnly swear the evidence you shall give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. REYNOLDS. I do.

TESTIMONY OF DR. FREDERICK G. REYNOLDS, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Dr. REYNOLDS. My name is Frederick G. Reynolds.

Mr. TAVENNER. When and where were you born?

Dr. REYNOLDS. I was born on the 8th day of July in Salt Lake City, Utah, in 1903.

Mr. TAVENNER. Do you now reside in Los Angeles?

Dr. REYNOLDS. Yes, I do.

Mr. TAVENNER. How long have you lived in Los Angeles?

Dr. REYNOLDS. I have lived in Los Angeles since about 1918.

Mr. TAVENNER. What is your profession?

Dr. REYNOLDS. My profession is that of a physician, a doctor of medicine.

Mr. TAVENNER. How long have you practiced your profession in Los Angeles?

Dr. REYNOLDS. I practiced my profession in Los Angeles since 1937, save for an interruption in military service.

Mr. TAVENNER. How long were you in military service?

Dr. REYNOLDS. Approximately 3½ years.

Mr. TAVENNER. Doctor, there has been testimony of the existence of a Communist Party cell within the medical profession in Los Angeles, and that is a cell limited in membership to members of the medical profession. Dr. Louise Light and Dr. Reznick have testified with regard to the existence of that branch of the Communist Party and they have identified you as a member of it. Were they correct in that identification, and if so I would like for you to tell us what you know about the existence of that cell, and its purposes.

Dr. REYNOLDS. Mr. Tavenner, members of the committee, my conscience and the sacred vows that I took when I entered the profession of Hippocrates compel me to decline to answer that question on the following grounds: First, as a physician I must oppose any attempts to oppose political conformity on the medical profession or any of the scientific professions because such conformity is fatal to scientific progress. I cite the example of Germany in which medical science—

Mr. WOOD. Again you are in argument, and I am not going to permit argument.

Dr. REYNOLDS. If he will withdraw the question, I will stop speaking, but I was subpoenaed to answer questions and I am going to answer them in my own way.

Mr. WOOD. You are not going to answer them by arguments because I am not going to permit it and if you have any further reasons—

Dr. REYNOLDS. Will Mr. Tavenner withdraw the question?

Mr. WOOD. The question is not withdrawn.

Dr. REYNOLDS. I can answer it in my own way.

Mr. WOOD. You will answer it by stating your reasons, and you are at liberty to do so.

Dr. REYNOLDS. This is one of my reasons.

Mr. WOOD. Not by giving a history of Hitler Germany.

Dr. REYNOLDS. I want to point out in Germany doctors were so degraded they vivisected human beings.

Mr. WOOD. A lot of other folks were degraded, too.

Dr. REYNOLDS. I further decline to answer the questions on the grounds provided by that portion of the Hippocratic oath, which reads: "Whatsoever things I see or hear concerning the life of man and my attendance upon the sick or even a part thereof"—

Mr. TAVENNER. I asked you no question that called for an answer regarding a confidential relationship between a doctor and his patient.

Dr. REYNOLDS. This is one of the grounds, however.

Mr. TAVENNER. Regardless of the question, you mean.

Dr. REYNOLDS. "Which ought not to be nosed abroad. I will keep silence thereon, counting such things to be sacred secrets." Lastly, I decline to answer this odious question, this unconstitutional question, because it violates my rights under the first, fifth, ninth, and tenth amendments to the Constitution of the United States, upon which this committee was so aptly instructed yesterday by the legal profession.

Mr. TAVENNER. Have you ever held a Communist Party membership book?

Dr. REYNOLDS. This is essentially the same question, and the answer to it is the same and the grounds are the same.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. REYNOLDS. If this committee is going to insist on being dull and monotonous, I shall be as dull and monotonous as the committee and give you the same answer on the same grounds.

Mr. TAVENNER. Have you—

Mr. WOOD. Do you give the same answer on the same grounds?

Dr. REYNOLDS. The same answer and the same grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. REYNOLDS. The same answer and the same grounds.

Mr. TAVENNER. No further questions.

Mr. WOOD. Are there any questions? Any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered, and the committee will stand in recess for 15 minutes.

(The witness was excused and a brief recess was taken.)

(The committee members present at this point were Representatives John S. Wood, Clyde Doyle, Harold H. Velde, and Donald L. Jackson.)

Mr. WOOD. Let us have order, please.

Counsel, who will you have?

Mr. TAVENNER. Dr. Ben Lieberman.

Mr. WOOD. Dr. Lieberman, will you raise your right hand, please? Do you solemnly swear the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. LIEBERMAN. I do.

TESTIMONY OF DR. BENJAMIN M. LIEBERMAN, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, Doctor?

Dr. LIEBERMAN. Benjamin M. Lieberman—L-i-e-b-e-r-m-a-n.

Mr. TAVENNER. When and where were you born?

Dr. LIEBERMAN. Born in New York City the 19th day of July 1903.

Mr. TAVENNER. I believe you are represented by the same counsel that appeared with the former witness?

Dr. LIEBERMAN. I am very proud to be represented by this very able counsel.

Mr. TAVENNER. Are you a resident of Los Angeles?

Dr. LIEBERMAN. I am.

Mr. TAVENNER. How long have you lived here?

Dr. LIEBERMAN. Some 30 years, just perhaps a month short.

Mr. TAVENNER. What is your profession?

Dr. LIEBERMAN. I am a physician, doctor of medicine.

Mr. TAVENNER. How long have you practiced your profession in Los Angeles?

Dr. LIEBERMAN. I was admitted to practice in the State in March of 1932.

Mr. TAVENNER. Have you ever used the name "M. Landau," L-a-n-d-a-u?

(The witness conferred with his counsel.)

Dr. LIEBERMAN. I decline to answer that question on the grounds of the fifth amendment.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

(The witness conferred with his counsel.)

Dr. LIEBERMAN. On this question I feel that I should give more than a "yes" or "no" response, and I shall decline to answer that question on the following grounds:

First, because I think the question itself violates my constitutional rights under the first amendment, and that it is an invasion of my privacy of belief, thoughts, ideas, and associations.

And secondly—and I wish I had the eloquence that some of the legal fraternity had here yesterday to tell you why—I also use the ninth and tenth amendments, in which I am informed the committee does not have the right to investigate into any area in which it cannot legislate.

And furthermore, I decline on the grounds of the fifth amendment, which not only gives me the privilege but the right and the duty, as a citizen, to decline to answer, in that I shall not testify against myself.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. LIEBERMAN. Well, this is a variation of the same question, and I shall decline to answer it on the grounds previously stated.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Mr. Doyle, do you have any questions?

Mr. DOYLE. I have no questions.

Mr. WOOD. Is there any reason why the witness should not be excused from further attendance on the committee?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. WOOD. Who do you have next?

Mr. TAVENNER. Dr. Jacob Druckman.

Mr. WOOD. Will you hold up your right hand and be sworn?

Do you solemnly swear the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. DRUCKMAN. I do.

Mr. WOOD. Have a seat.

TESTIMONY OF DR. JACOB S. DRUCKMAN, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Dr. DRUCKMAN. My name is Jacob S. Druckman, M. D.

Mr. TAVENNER. When and where were you born, Doctor?

Dr. DRUCKMAN. I was born in New York City, August 11, 1907.

Mr. TAVENNER. Do you reside in Los Angeles?

Dr. DRUCKMAN. I do.

MR. TAVENNER. How long have you lived in Los Angeles?

DR. DRUCKMAN. I have lived here approximately 15 years.

MR. TAVENNER. Will you spell your name, please, sir?

DR. DRUCKMAN. D-r-u-c-k-m-a-n.

MR. TAVENNER. How long have you been engaged in the practice of your profession in Los Angeles?

DR. DRUCKMAN. Since 1937.

MR. TAVENNER. Dr. Druckman, shortly after Dr. Louise Light appeared before the Committee on Un-American Activities and identified you as one of the medical branch or as a member of the medical branch of the Communist Party in Los Angeles, the Los Angeles Examiner published the comments made by several of those whose names had been mentioned, including you. The Examiner, on January 22, 1952, at page 4, reports you as saying:

I have never been called by the Un-American Activities Committee, and, as far as I know, my name has never been mentioned in testimony.

But I would like to advise you that in addition to Dr. Light's testimony relating to you, Dr. Reznick, Dr. Samuel Reznick, appeared before this committee and identified you as a member of the medical branch of the Communist Party.

Now, having assured you that your name has been mentioned in the testimony on those two occasions, will you now tell the committee whether or not the statements that you were a member are true?

(The witness conferred with his counsel.)

DR. DRUCKMAN. In answer to that question, I feel, first, that I must explain to the committee my grounds for answering it. I choose not to divide my profession—

MR. TAVENNER. Excuse me for just a moment. I don't quite understand. You say you want to explain your grounds for answering. May I suggest if you first answer it, and—

DR. DRUCKMAN. I decline to answer the question, and the grounds are as follows:

I decline to answer on the basis that one cannot separate himself from his work and from his profession. In other words, I feel that in speaking to this committee and in being investigated here, I am being investigated not only as a citizen but as a physician. I feel that any question that is directed toward any of my thinking or my associations inevitably must involve my position as a physician.

MR. TAVENNER. Let me interrupt you at that point. Do you take the position that a member of the medical profession has an immunity from testifying in an investigation of communism, which is not enjoyed by a member of a labor union or someone in the field of entertainment?

MR. MARSHALL. The witness will not yield to the interruption.

MR. TAVENNER. I have a right to ask him to explain it.

MR. WOOD. Please let the witness do his own answering. The province of counsel is to advise the witness whatever his rights are, but let the witness do his own speaking, please.

MR. MARSHALL. May it be understood that the witness has adopted the statement that I have just made?

MR. WOOD. If the witness says so.

DR. DRUCKMAN. I most certainly do, and I want to thank the counsel.

Mr. WOOD. The committee will not permit, hereafter, counsel to make a statement and ask the witness if he adopts it. Let the witness make his own statement.

Dr. DRUCKMAN. May I continue, Mr. Tavenner?

Mr. TAVENNER. No. I want to ask you to make plain your position, whether you claim that there is an immunity enjoyed by the medical profession which is not extended to members of the, say, labor unions or in the field of entertainment?

Dr. DRUCKMAN. I claim that there is an immunity of all citizens, and perhaps best known by the medical profession, from the virus and the poison and the evil intents that this committee wishes to foist and to propagate into the minds of citizens. I claim that immunity.

Mr. TAVENNER. Well, is that an immunity which you say or you contend can be enjoyed only by members of the medical profession?

Dr. DRUCKMAN. On the contrary, I pointed out that I was not only a member of the medical profession, but also a citizen, and that the two cannot be separated, but that as a member of the medical profession we have a very keen nose for the odor of disease.

Mr. TAVENNER. And, therefore, a greater amount of immunity, is that it?

Dr. DRUCKMAN. Not a greater amount of immunity, but perhaps a need to protect it more vigilantly than others, just as we protect the health of our patients in our community as vigilantly—

Mr. TAVENNER. Do you think that you are entitled to greater immunity than the leader of a labor union, or someone working in government?

Dr. DRUCKMAN. I refuse to enter into comparisons of professional smears. I think the labor union leaders can take care of their own privileges. I am interested in pointing out to the committee how I must defend mine.

Now, to continue, I feel that by being asked this question, that you are invading not only my rights as a citizen as guaranteed by the Constitution, but also, and inseparably and inextricably linked, are my rights as a physician, which are not only rights given to me as an individual but are rights which flow from the community to me, and in turn flow back to them. They are rights which are directed to maintaining the basis of the Hippocratic oath, rights which are reflected in the development and furtherance of medical science, so that even members of this committee benefit by maintaining and perpetuating the integrity of the medical profession, which is being attacked by bringing us before you today.

I want to further point out—

Mr. TAVENNER. Let me interrupt you again there. We are not bringing you here because you are a member of the medical profession. We are bringing you here because, under sworn testimony before this committee, you have knowledge regarding the matter which is being investigated.

Dr. DRUCKMAN. Again, I want to make the grounds of my answer very clear to you. I feel that by bringing me here today, whatever your intent may be, it has a social and political effect on the community, and that effect is that I am a doctor, and this raises doubt, fear, and insecurity in the minds of the community, not only in regard to me but in regard to all doctors.

Mr. TAVENNER. And, therefore, this committee should not call before it anyone who happens to be a member of the medical profession?

Dr. DRUCKMAN. I think this committee should not call anyone before it, because it is invading constitutional rights.

(The witness conferred with his counsel.)

Mr. WOOD. Doctor, have you finished outlining the reasons behind your refusal to answer the question? If not, please proceed with your reasons.

Mr. MARSHALL. I think the record now discloses that three questions—

Mr. WOOD. I have asked the doctor a question, and I want him to answer me.

Mr. MARSHALL. Sir, there is a pending question which he didn't complete his answer on.

Mr. WOOD. I am asking the doctor a question now, and if you have any further reasons to offer as to why you do not want to answer these questions, without argument—

Dr. DRUCKMAN. I want to continue with my reasons.

Mr. WOOD. Without argument.

Dr. DRUCKMAN. Except as I am being provoked into argument by counsel.

Mr. WOOD. Proceed.

Dr. DRUCKMAN. I would like to continue and point out that one of the bases, or the basis for the mental health and physical health of the community lies in the fullest degree of confidence that people, and particularly patients, may have in their physicians. I feel that by being brought before this committee, that you are not only impugning me as a citizen but as a physician; and becoming a physician has been a matter of great difficulty and the spending of many hours of study and of studying people in illness and in death, and in studying health departments and in studying communities and the State and the Nation, and in studying the effects of the economic currents on the lives of people. Much goes into the making of a physician. And here today, you bring me as well as others before you, I feel with little understanding of what effect you are really having on the community.

It is my feeling that the respectable Congressmen here may be in ignorance of some of the things that they accomplish—

Mr. WOOD. Doctor, we do not want to be lectured, please, sir. Will you finish your reasons, and eliminate the arguments? I do not feel that we need any lecture here. We came here to do our duty.

Dr. DRUCKMAN. I feel that in refusing to answer this question as a citizen-physician, that I also refuse to enter into a plan which I feel this committee is a part of, a plan which directs itself consciously and, let us say, unconsciously, to certain ends which are inimical to the interests of the American people, not only in regard to their health in direct ways, but also in ways which affects their security, and in ways which affects their thinking, and in ways which makes them frightened, and in ways which makes them avoid going places and doing things that they would ordinarily do.

In other words, I feel that you are using the immunity of your committee to sow the germ and the virus in the minds and the hearts

of the American people which in the end, like all epidemics, will destroy those who provoke it.

Mr. WOOD. Now, we have been very patient with that part of the argument, and I am not going to permit any more.

Do you have any reasons why you refuse to answer this question; and if so, please state them.

Dr. DRUCKMAN. I do have some reasons.

Mr. WOOD. State them without the arguments.

Dr. DRUCKMAN. I will give the reasons that were so ably developed by the legal profession.

I think my grounds for refusing to answer this question on the basis of the first amendment of the Constitution, which guarantees me the right—

Mr. WOOD. The committee knows what it guarantees.

Dr. DRUCKMAN. The first amendment, the fifth amendment, the ninth and tenth amendments of the Constitution. And in taking the privilege of these amendments and refusing to answer this question, I do not in any way render up any shred of collusion or involvement, as was inferred by the nature of the question.

Mr. TAVENNER. Forgetting, for the moment, that you are a member of the medical profession, and without asking you any questions as a doctor, just tell this committee, if you will, anything you know about the organization of this Communist Party cell and the purposes in organizing it; that is, the one established and shown to have been established in Los Angeles and confined to members of the medical profession.

Dr. DRUCKMAN. Mr. Tavenner, I went to great length to point out that that separation that you ask is impossible, and it is impossible; and furthermore, I cannot relinquish the—

Mr. WOOD. Do you answer the question, or not?

Dr. DRUCKMAN. It has taken me the greater part of my life to become a physician—

Mr. WOOD. Will you answer the question, please, Doctor?

Dr. DRUCKMAN. Therefore, I refuse to answer that question on the grounds previously mentioned.

Mr. TAVENNER. Are you a member of the Communist Party?

Dr. DRUCKMAN. I must refuse to answer that question on the same grounds.

Mr. WOOD. You do not "have to refuse," please, Doctor. Do you refuse?

Dr. DRUCKMAN. I do refuse to answer it on the same grounds. Thank you for the parliamentary advice.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. DRUCKMAN. I refuse to answer the question on the same grounds.

Mr. TAVENNER. That is all. I have no further questions.

Mr. DOYLE. May I just ask a question there?

You stated the degree of mental health which the community has depends upon the degree of confidence which the community has in the medical profession.

Dr. DRUCKMAN. If I did, it was an incorrect inference. The degree of mental health rests on the degree of health that lies in the influences which affect the community.

Mr. DOYLE. I think the record will show what you stated. I wrote it down pretty substantially.

Does the degree of your mental attitude toward this committee have any relationship to the organizations of which you are a member?

(The witness conferred with his counsel.)

Dr. DRUCKMAN. That is obviously a question which is designed, again, to impugn my character—

Mr. DOYLE. Not to impugn your character.

Dr. DRUCKMAN. And also to reduce the confidence and the respect which patients have in me; and therefore, I refuse to answer that question.

Mr. DOYLE. I assure you, Doctor, that I am not trying to impugn your character or reduce the amount of respect your patients have in you, but you undertook to give a considerable dissertation on those things, and you undertook to charge this committee with distribution of virus and epidemic, and I want you to know, as another professional man, that I think that that is a warped conception, and I resent it immensely.

Now, one question: Did you ever go into the relationship, or will you give us an opinion on the effect it has, of being a Communist, as relates to Communist relationship to the community? Will you give us that, if you are qualified to do so?

Dr. DRUCKMAN. I will say this, Congressman Doyle, that if you aren't aware of what you are doing, as many people are with illnesses, you should be examined by a competent physician to find out—

Mr. DOYLE. I am not going to sit here as a member of this committee and allow you to go unchallenged when you challenge this committee with distributing virus and epidemic, and I want you to know it. I deny your insults.

Dr. DRUCKMAN. We found many patients with tuberculosis who have the same attitude.

Mr. DOYLE. And we find many Communists who have the same attitude that you have.

Mr. MARSHALL. Are there any other questions of the witness?

Mr. WOOD. I will make that inquiry, please, sir.

Mr. WALTER. May I ask a question?

Doctor, you have testified that the residents of the community will have lost their respect for you if you were to answer the question as to whether or not you were a member of the Communist Party, is that correct?

(The witness conferred with his counsel.)

Dr. DRUCKMAN. I do not think that I said that, Congressman. I won't waste the valuable time of the committee in asking the record to be reread. I will rephrase what my thoughts were on the matter.

I said that as a citizen-physician, that in answering any question of the nature propounded, I would be giving up my rights of free speech and association; and in doing so, that my patients would have no confidence in me, because they could not trust me.

Mr. WALTER. Do you mean that, or do you mean that they would not trust you if you admitted that you were a member of a conspiracy to overthrow this Government that has given to you so many things?

(The witness conferred with his counsel.)

Dr. DRUCKMAN. This may be your distorted way, Mr. Congressman, of interpreting my answer, but I think that the English I used is very clear, and I meant what I said.

Mr. WOOD. Are there any further questions? Mr. Velde? Mr. Jackson?

Mr. JACKSON. Have you been asked today any questions touching upon the relationship between you and your clients of a confidential nature?

Dr. DRUCKMAN. No, sir, but the questions involve such a relationship.

Mr. JACKSON. Do the questions involve a confidential relationship with an international conspiracy known as communism, and not any relationship between you and your clients?

Dr. DRUCKMAN. I happen to be practicing medicine in Los Angeles, and spending the greater part of my time dealing with patients, and I have no other activities of the nature that you wish to impugn.

Mr. JACKSON. Then you are not a member of the Communist Party at the present time?

Dr. DRUCKMAN. I refuse to answer that question, on the grounds previously stated.

Mr. JACKSON. No further questions.

Mr. WOOD. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. WOOD. I think that we had better stop for lunch.

The committee stands in recess for an hour and a half, and we will reconvene at a quarter to 2.

(Whereupon, at 12:20 p. m., the hearing was recessed until 1:45 p. m., of the same day.)

AFTERNOON SESSION

(The subcommittee reconvened at 1:55 p. m., the following members being present at this point: Representatives John S. Wood, Francis E. Walter, Clyde Doyle, Harold H. Velde, and Donald L. Jackson.)

Mr. WOOD. The committee will be in order, please.

Who do you call, Mr. Counsel?

Mr. TAVENNER. Dr. Thomas Perry.

Mr. WOOD. Do you solemnly swear the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. PERRY. I do.

TESTIMONY OF DR. THOMAS L. PERRY, JR., ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, DANIEL G. MARSHALL, AND THOMAS G. NEUSOM

Mr. TAVENNER. What is your name, please, sir?

Dr. PERRY. My name is Thomas Lockwood Perry, Jr.

Mr. TAVENNER. For the benefit of the record, this witness is represented by the same counsel as the preceding witnesses.

When and where were you born, Doctor?

Dr. PERRY. I was born in Asheville, N. C., on August 10, 1916.

Mr. TAVENNER. Do you now live in Los Angeles?

Dr. PERRY. Yes; I do.

Mr. TAVENNER. How long have you lived in Los Angeles?

Dr. PERRY. I have lived in Los Angeles for the last 5 years.

Mr. TAVENNER. What is your profession?

Dr. PERRY. I am a physician. I am a pediatrician, and I believe I am the first pediatrician you have called before you, and I feel you really should have had an obstetrician first so that I could carry the baby from there.

I might add that I am certified by the American Board of Pediatrics as a specialist in pediatrics.

Mr. TAVENNER. How long have you been engaged in the practice of your profession in Los Angeles?

Dr. PERRY. For the last 5 years.

Mr. TAVENNER. Doctor, there has been testimony before the Committee on Un-American Activities identifying you as—

Dr. PERRY. Excuse me, Mr. Tavenner. Perhaps I should give something of my educational background, because I believe it is pertinent to the record, and I don't know whether—

Mr. WOOD. Will you please just answer the questions that are asked you, if you can?

Dr. PERRY. Well, I would like to have permission to give something of my educational background and my military service, because I know that you have asked this of other witnesses, and I believe it is proper for identification.

Mr. TAVENNER. I will give you the opportunity to do it presently.

As I was stating, there has been evidence before the committee by the witnesses Dr. Light—possibly that is the only witness, but at least by Dr. Light—that you were a member of a group or cell of the Communist Party established in Los Angeles, the membership of which was confined to the medical profession.

I want to ask you whether or not you were a member of such a group, and then I will follow it by the question of what you know about it and what its purposes were, if you know.

Dr. PERRY. Before I answer that question, Mr. Tavenner, I would like to ask the chairman whether or not I will be permitted to state my educational record. Is the committee afraid to hear—

Mr. TAVENNER. I stated to you that I proposed to ask you that question.

Dr. PERRY. I think it would be more proper if it came in in its proper place.

Mr. WOOD. The committee will judge the propriety with which it conducts the investigations, and will you answer the question, or not?

Dr. PERRY. If I am directed to, I certainly will.

Mr. WOOD. That is right.

Dr. PERRY. Will you read the question again, please?

(Whereupon, the pending question was read by the reporter.)

Dr. PERRY. Mr. Tavenner, I shall and do decline to answer this question, and I wish to give the following reasons for my refusal to answer:

In the first place, I have no intention of answering any questions regarding statements of or knowledge of or association with people who have turned informer before your committee.

In the second place, I wish to state that I feel this investigation into the medical profession in Los Angeles to be unwarranted meddling and something which can only endanger the high standards of my profession and endanger the quality of medical care given to the people in Los Angeles; and as a physician, I consider the health needs of the people in this community to be very important.

I would like to give you an example which will show you——

Mr. WOOD. We do not want argument. We want reasons.

Dr. PERRY. I will give you a reason. It bears out what I have said.

A few months ago——

Mr. WOOD. That is an argument, and we are not going to hear arguments. Have you any further reasons why you are not answering this question?

Dr. PERRY. I do have further reasons.

Mr. WOOD. Well, state them, please.

Dr. PERRY. I would like to be given the courtesy to answer the question in my own way.

Mr. WOOD. I am giving you the opportunity to answer.

Dr. PERRY. I am a physician, and I am used to being treated courteously, and I have waited a long time for these hearings and my patients have been kept waiting who are sick——

Mr. WOOD. Just answer the question, and then we will get you back to your practice.

Dr. PERRY. I believe that this investigation does hurt the health of the people of this community. An example is the firing of three doctors from the Cedars of Lebanon Hospital as a direct result of the interference of this committee.

Mr. WOOD. We do not want argument, and I have just told you we do not want arguments. Now, will you please give your reasons?

Dr. PERRY. I am giving my reasons, and I am trying to do it in the best way I can; and if the committee would not get angry with me it would be a great deal easier.

Mr. WOOD. I am not getting angry with you, but I am getting awfully weary.

Mr. DOYLE. You see, if you will just confine yourself to reasons, you will get back to your sick patients that much faster.

Dr. PERRY. I will give my reasons in my own way, and I believe that I have that right, as all other witnesses who have appeared before you here.

Mr. WOOD. None of them have been given the right to argue.

Dr. PERRY. I don't want to argue at all, and I am not an argumentative sort of person.

Mr. WOOD. That is what you are doing right now.

Now, have you got any further reasons to offer why you are not answering this question?

Dr. PERRY. I do have further reasons for not answering the question.

Mr. WOOD. State them.

Dr. PERRY. I believe that the investigation being carried on by this committee, of the medical profession, is in violation of the first amendment to the Constitution of the United States; and I value that Constitution, because my people came over on the *Mayflower*, and my mother's people——

Mr. WOOD. That is argument again, and we all value it.

Dr. PERRY. I am sorry to appear argumentative. I am trying to state the reasons.

Mr. WOOD. All right, you said the first amendment. Now, any other?

Dr. PERRY. I value the Constitution of this country very dearly, and it means a great deal to me, and my people—

Mr. WOOD. So do all of us, but don't argue the question, please sir. Have you got any further reasons? The first amendment is a reason. Now, do you want to state any other?

Dr. PERRY. I wish to complete my statement.

Mr. WOOD. I am not going to permit you to argue this matter.

Dr. PERRY. It is my feeling that the first amendment does not give this committee the right to investigate into anybody's political beliefs, religion, associations, speech, or any of these things, and I believe that the entire investigation which is being carried out here this week is entirely unconstitutional and illegal.

My next ground is that I believe that to answer the question which you have asked me would violate my rights under the fifth amendment, which provides that no person may be compelled to testify against himself. And my people came over from England precisely because of the persecution which the Puritans were suffering from.

Mr. WOOD. We are familiar with the provisions of the fifth amendment.

Dr. PERRY. I wish to give another reason from my refusal to answer this question. I do not believe this to be a duly constituted committee of Congress, because it is my belief that its chairman is not legally a Member of Congress, in violation of the second section of the fourteenth amendment to the Constitution, which provides that when the people of any State, in an election for Congress, are denied the right to vote, as they are in Georgia, the representation from that area shall be decreased. And I do not believe that any of the present Congressmen from Georgia have been legally elected to the Congress of the United States.

These are the reasons why I refuse to answer the question which you have directed to me.

Mr. JACKSON. I ask unanimous consent of the committee that the references to the chairman, personal references to the chairman and other Members of Congress, be stricken from the record.

Mr. WOOD. I do not object to it staying in, because if the witness is no better informed about the other things he has offered here than he is about the laws of Georgia with reference to voting, he has very little grasp about it, because we have the most liberal voting laws of any State in the Union.

Mr. JACKSON. Your logic is overwhelming. I withdraw.

Mr. WOOD. In my State, anybody over 18 years of age can vote.

Are there any further questions?

Mr. TAVENNER. Yes, sir. I promised the witness I would give him an opportunity to state his war record.

What has been your service in the military?

Dr. PERRY. My service in the Army—I served for 3 years from 1943 to 1946. Two of these years were spent overseas in combat as a member of General Patton's Third United States Army. I was awarded five bronze battle stars for participation in major campaigns in Europe, and I reached the rank of major in the Army. I consider

it a privilege to have served under General Patton and to have played a part in the defeat of German fascism.

Mr. TAVENNER. What does your educational experience consist of?

Dr. PERRY. My educational training for my profession is as follows:

I attended Harvard College, where I was graduated with an A. B. degree, summa cum laude, in 1937, and I was elected to membership in Phi Beta Kappa and in Sigma Chi, which is an honorary scientific society, as a result of research I did at that time.

I was then elected a Rhodes scholar to Oxford University from the State of North Carolina, and I studied at Christ Church College at Oxford from 1937 to 1939; received my B. A. degree, which is the equivalent of a master's degree in this country.

I attended Harvard Medical School, and I was graduated cum laude with my M. D. degree in 1942.

Following this, I was an intern at the Roosevelt Hospital in New York City; and later, after finishing my active duty in the Army, I was an intern at the New York Hospital, and later a resident and a fellow in pediatrics at the Los Angeles Children's Hospital.

In addition, I would like to say that, as a result of being born in the South, I learned from my earliest years to respect the rights of minority peoples, and it has always been my feeling—

Mr. WOOD. That has got nothing to do with your qualifications as a doctor.

Dr. PERRY. I feel it is a part of my education.

Mr. WOOD. The Chair holds it is not.

Do you have any further questions for the witness?

Mr. TAVENNER. When were you a Rhodes scholar?

Dr. PERRY. From 1937 to 1939.

Mr. TAVENNER. Were you acquainted with Duncan Lee?

Dr. PERRY. I refuse to answer on the basis of the fifth amendment.

Mr. TAVENNER. Were you acquainted with Dr. Boorstein?

Dr. PERRY. I refuse to answer on the basis of the fifth amendment.

Mr. TAVENNER. Were you acquainted with Donald Niven Wheeler?

Dr. PERRY. I refuse to answer on the basis of the fifth amendment to the Constitution.

Mr. WALTER. As a matter of curiosity, I would like to know who these three people are whose names you mentioned.

Mr. DOYLE. Who were they?

Mr. TAVENNER. Wheeler has been identified as a member of the Communist Party.

Dr. PERRY. Is this the Mr. Wheeler who is here?

Mr. TAVENNER. I gave you the opportunity of stating whether you knew him; and, so, let me ask you again: Are you acquainted with Donald Niven Wheeler?

Dr. PERRY. I give you the same answer that I gave you before.

Mr. TAVENNER. I think that that answers your question.

Mr. Chairman, you have asked me a question to divulge certain information here which has been the subject of executive session, testimony in executive session, and a matter which is at present under investigation. I am just wondering whether you want me to proceed to describe these persons, in the light of that situation?

Mr. WALTER. Are these three persons Communists?

Mr. TAVENNER. Yes, sir.

Mr. WALTER. Then do I understand your reason for not answering the question whether or not you know them is because they are Communists?

Dr. PERRY. I have given you my reasons for refusing to answer them: That I will not answer on the basis of the fifth amendment, and that is all that I will answer about it.

Mr. WOOD. Any further questions?

Mr. TAVENNER. No further questions.

Just a moment.

Are you now a member of the Communist Party?

Dr. PERRY. I refuse to answer this question for the reasons which I have previously given.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. PERRY. I refuse to answer this question on the same grounds I have previously given.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Where did you say you were born, and when?

Dr. PERRY. I was born in Asheville, N. C., August 10, 1916. I am very proud, as a southerner, to have a Negro attorney representing me here, and I consider it a real honor.

Mr. DOYLE. Are you a member of the Los Angeles Medical Association?

Dr. PERRY. No; I am not a member of the Los Angeles County Medical Association, because up to this point I have not made sufficient money in my practice to be able to afford the initiation dues, but I have applied, and expect to join in the near future.

Mr. DOYLE. Are you a member of any other professional medical organization in the country?

Dr. PERRY. I belong to hospital staffs, and the Phi Beta Kappa, and I have mentioned that, and the Sigma Chi Society.

Mr. DOYLE. Why didn't you plead the fifth amendment when I asked if you were a member of those organizations? That is an inquiry into your memberships. Why did you plead the fifth amendment when we asked you about the Communist Party, but not when we asked you about the medical associations?

Dr. PERRY. Because, Mr. Doyle—I think that the answer is very simple—your committee has branded—unconstitutionally, I believe, and without investigation—certain organizations as being subversive, and you have not branded others, and I am not willing for you to connect me with organizations which you consider subversive and for which you might subsequently stimulate prosecution.

Mr. DOYLE. Do you consider the Communist Party subversive?

Dr. PERRY. I refuse to answer any questions about it for the reasons that I have given.

Mr. DOYLE. Then your test, young man, is this: That it is not a matter of inquiry by us into associations that you object to, I take it; it is only an inquiry on our part as to whether or not you are a Communist, and that is what you object to, or whether or not we ask you if you are a member of any organization which we have listed as subversive, or the Attorney General, because you have volunteered the

fact that you are not a member of these other groups. So, it is not a bona fide answer on your part—is it?—that you feel we have no constitutional right to inquire into your membership or associations? (The witness conferred with his counsel.)

Mr. DOYLE. If I am in error, you tell me so, young man.

Dr. PERRY. My answer to your question, Congressman Doyle, is that I do not believe this committee has the authority to inquire into any of my associations, under the first amendment. However, I may choose, under certain circumstances, to tell you certain things about my associations or certain things about my opinion. But I do not believe you have the right to ask me anything about myself, or to call me or any other doctors before you.

Mr. DOYLE. I notice that you objected to our asking you about whether or not you were a Communist or had been, but you had no objection to our inquiring as to whether or not you were a member of certain professional or honorary associations.

Dr. PERRY. Then perhaps I have not made myself clear. Let me make it very clear that I object to the entire investigation, and I object to every question which I have been asked here, and every question which my colleagues have been asked here.

Mr. DOYLE. Why, of course—

Dr. PERRY. And the sooner this committee goes back to Washington and lets me get back to my practice, and letting other doctors taking care of the health of the citizens of this community, the better we will all be.

Mr. DOYLE. May I just suggest this to you, young man: The sooner you disassociate yourself with the Communist Party and the activities of the Communist Party the better.

You fought for this country, and other boys have died for this country, and I am amazed that, after you have had the God-given blessings you have had and the educational opportunities by our great Nation, you would come back here and identify yourself with any organization with which you are ashamed to admit identification.

Dr. PERRY. Nobody has said that I am identified with any of these organizations, and my using the fifth amendment in no way implies that I am associated with any of these organizations, and you know that as well as I do.

Mr. DOYLE. I am not saying it does, young man, at all. You have a perfect right.

Mr. TAVENNER. Dr. Light has so testified.

Mr. JACKSON. Is there an identification of the witness as a member of the Communist Party?

Mr. TAVENNER. Yes; identification under oath by Dr. Light.

Mr. DOYLE. Why don't you deny that testimony under oath, if you are so proud of your military service to our great Nation, and you are so proud of your educational qualifications, and you are so proud of the Nation that gave you birth? And you ought to be proud of it.

Dr. PERRY. I am very proud of it, and I am so proud of it that I will do everything to defend it and to increase its democracy, and I will do nothing to help you men destroy the democracy that my people helped build up in this country, and I will do everything to defend it, and I will do it to my dying day.

Mr. DOYLE. The democracy we are trying to preserve is the democracy the Communist Party in this country is trying to destroy. That is the difference between your position and mine.

Dr. PERRY. The democracy you are trying to preserve is not the democracy of the Bill of Rights.

Mr. WOOD. Any further questions?

Mr. TAVENNER. No questions.

Mr. VELDE. Mr. Chairman, I have no questions of the witness, but I would like to ask counsel if, in response to Mr. Walter's question concerning the present Communist membership of Dr. Boorstein, you intend to infer that he is presently a member of the Communist Party?

Mr. TAVENNER. No, sir; and I should make it clear that I am not speaking from personal knowledge, but only from testimony that has come before the committee. It is not that he is presently a member of the party.

Mr. WOOD. Are there any questions?

Is there any reason why the witness should not be excused from further attendance?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. WOOD. Let us have the next witness.

Mr. TAVENNER. Dr. Gordon Rosenblum.

Mr. WOOD. Do you solemnly swear the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. ROSENBLUM. I do.

TESTIMONY OF DR. GORDON ROSENBLUM, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, DANIEL G. MARSHALL, AND THOMAS G. NEUSOM

Dr. ROSENBLUM. May I request no photographs be taken during—

Mr. WOOD. If you desire, sir, none to be made, we will have to respect the witness' wishes.

You are willing for them to take the photographs now?

Dr. ROSENBLUM. Yes.

Mr. WOOD. The witness says he is perfectly willing for you [news photographers] to photograph him now, but not during his testimony.

Mr. TAVENNER. What is your name, please, sir?

Dr. ROSENBLUM. My name is Gordon Rosenblum.

Mr. TAVENNER. Will you spell your last name?

Dr. ROSENBLUM. R-o-s-e-n-b-l-u-m.

Mr. TAVENNER. For the benefit of the record, it appears that the same counsel represent this witness as the previous witness.

Mr. NEUSOM. That is correct.

Mr. TAVENNER. When and where were you born, Doctor?

Dr. ROSENBLUM. I was born on September 30, 1904, not more than 8 blocks from this hearing room, in Los Angeles City.

Mr. TAVENNER. You are now a resident of Los Angeles?

Dr. ROSENBLUM. I have lived here all of my life.

Mr. TAVENNER. What is your profession?

Dr. ROSENBLUM. I am a physician and surgeon. And may I request the same privilege that was granted to Dr. Perry, of stating my background? I feel that the committee has a right to know whom they are interrogating.

Mr. TAVENNER. I will be very glad to have it. If I have omitted that from any witness, it has been unintentional.

What has been your educational background?

Dr. ROSENBLUM. I was educated in the public schools of the city of Los Angeles. I attended Jefferson High School which, in the days that I attended it, was a school that was about half Negro and many Jews, and other minority races, and I merely want to state that I think everyone can get along well unless they are taught to hate each other.

Following my graduation from high school, I attended the USC—University of Southern California—College of Pharmacy, between the years of 1922 and 1924.

Following that, I passed the State Board of Pharmacy of the State of California in 1925, and became a registered pharmacist.

I then worked at that profession, with the thought in mind of accumulating enough money to enter medical school.

Between the years of 1927 and 1930, I attended premedical classes, divided between the University of California in Los Angeles and the University of Southern California.

In 1930, I entered the Medical School of the University of Southern California, from which I graduated in 1934.

In 1934, I served an intership of 1 year in the Los Angeles County General Hospital.

Following that, I served the county of Los Angeles on the Los Angeles County Maternity Service. I am an obstetrician by specialty.

Between the years of 1935 and 1939, I served as resident physician, obstetrics and gynecology, at the Los Angeles County General Hospital.

In 1941, I passed the examination of the American Board of Obstetrics and Gynecology, and became a member thereof. About that same time, I was elected a member of the Los Angeles Obstetrics and Gynecological Society, which is one of the most important societies in that profession in the United States.

I was elected to the council of that society, and I successively served as secretary-treasurer, vice president, and during the years of 1950 to 1951, it was my honor to be the president of that society.

During those same years I have been on the executive board of the Los Angeles Post Graduate Assembly, an obstetrical forum of this city, and I am a member of the American Medical Association, California Medical Association, Los Angeles and County Medical Association.

I have been a member of the Association for the Advancement of Science, and I am a member of the Association for the Study of Internal Secretions, of the American Society for the Study of Sterility, of the International Society for the Study of Sterility, and I am an instructor of obstetrics of the Southern California Medical School, although I don't know how long I will continue after this hearing.

I served the county of Los Angeles—

Mr. WOOD. In response to that, I hope that will be governed by your own conduct, sir.

Proceed.

Dr. ROSENBLUM. I served the county of Los Angeles as attending physician of obstetrics of the Los Angeles County Hospital from the years of approximately 1940 to 1951.

Mr. TAVENNER. Doctor, have you also been a member of the medical branch of the Communist Party in Los Angeles, a Communist organization limited in membership to members of the medical profession?

Dr. ROSENBLUM. I am going to decline to answer that question, and I would like to state my reasons for declining.

I am obviously no attorney, as you can gather from my record. Since receiving my subpoena, I think I have learned more law than I ever knew existed before, and law doesn't run to my taste. I am a scientist. But I have learned a few little things that I can use in telling you why I must decline.

I say "I must," because I feel in conscience impelled to decline.

As I understand the Constitution of the United States under the Bill of Rights of the first amendment, no one, not even this committee, has a right to inquire of my beliefs and associations.

I also understand that under the fifth amendment, no one may be compelled to be a witness against himself.

Therefore, I am availing myself of the constitutional privilege of not answering that question.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. ROSENBLUM. That is essentially the same question, and I would like to give you the same answer and make clear the same grounds, that I am using the first and the fifth amendments.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. ROSENBLUM. Well, that is the same question; and I would like, for the record, to state my grounds are the same.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. WALTER. I have no questions.

Mr. WOOD. If there are no questions, is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. TAVENNER. Now, Mr. Chairman, at this point I want to digress from this line of questioning, and I would like to call as a witness Mr. Owen Vinson.

Mr. WOOD. Do you solemnly swear that the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VINSON. I do.

Mr. MARSHALL. Will the chairman hear me, sir? There are other of these medical witnesses that have been in the courtroom this afternoon and they wish to be called.

Mr. TAVENNER. Mr. Chairman, I think I can obviate the necessity of any questioning about that. I am willing to stay here until 8 o'clock tonight to hear those doctors, if the committee will.

Mr. WOOD. We will get to them in due time. Other people besides the doctors have been inconvenienced here.

Mr. WALTER. I see the doctors and the lawyers who made such a big to do, they are still here.

TESTIMONY OF OWEN VINSON

Mr. WOOD. At any time during the progress of your interrogation, if you will tell me you would like to have counsel, please let it be known.

Mr. VINSON. I will, sir.

Mr. TAVENNER. What is your name, please, sir?

Mr. VINSON. My name is Owen Vinson.

Mr. TAVENNER. When and where were you born, Mr. Vinson?

Mr. VINSON. I was born in a small town in the Dust Bowl of Kansas, in 1903.

Mr. TAVENNER. Are you a resident of Los Angeles?

Mr. VINSON. I am a resident of Los Angeles County, Santa Monica, to be exact.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. VINSON. Since 1945.

Mr. TAVENNER. What is your profession?

Mr. VINSON. Professionally, I am a director of radio programs.

Mr. TAVENNER. Will you tell the committee, please, briefly what your educational training has been?

Mr. VINSON. I am a graduate of the East Denver High School in Denver, Colo., and a bachelor of arts degree from the University of Denver, also of Denver, Colo., and I have had some training in Denver at the Denver College of Music, and training since then has been more or less private training as a singer.

Mr. TAVENNER. Will you state briefly your record of employment, whether it is self-employed or otherwise?

Mr. VINSON. I would like to ask how far counsel would like me to go back into my record of employment.

Mr. TAVENNER. Not earlier than 1935.

Mr. VINSON. About 1934, or 1931, I went into radio as a full-time occupation, as an actor and a radio singer and a writer, and I was with a station in Omaha, Nebr., until 1934, as I recall, at which time I went to Milwaukee, Wis., as chief of production of a regional network, which lasted a few months and folded.

Then I went to Chicago in 1934 and I was with the Sam Inull Network, which was another regional network in Chicago, for about 1 year. I do not recall the exact date, I think it was about 1936.

From there I went to WLW in Cincinnati, as a director of programs, and was with them for two and a half years or so, until 1939, and the last year of which I was program director of the station.

In 1939, in the fall, I went to Chicago as a director of two daytime serials, so-called soap operas, Road of Life, and Woman in White, and I was doing this for the Call Western Co., which handled those programs over the networks.

Mr. TAVENNER. Will you speak a little louder, please?

Mr. VINSON. In 1941, I believe it was, I became the producer-director of a show called That Brewster Boy, which was on the network as a half-hour evening show for a period of three and a half years.

When that program was canceled in the spring of 1945, I came to California, and in 1946 sold a show or became the producer-director of a show called Let George Do It, which was later sold. I sold my rights in that to the Standard Oil Co. That was in 1947, in the spring of 1947.

Since that time my association with radio has been almost completely severed.

Mr. TAVENNER. That is a fairly accurate description of your activity in the radio field without going into too great detail?

Mr. VINSON. Yes, I think without going into too much detail it is; yes, sir.

Mr. TAVENNER. Well, during that period of time when you were active in the radio field, did you become a member of the Communist Party?

Mr. VINSON. Yes, sir; I did.

Mr. TAVENNER. When was that?

Mr. VINSON. As nearly as I can recall, I became a member of the Communist Party in 1943, or thereabouts.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. VINSON. I am not.

Mr. TAVENNER. How long did you remain a member of the Party?

Mr. VINSON. I disassociated myself from the party sometime in the late winter of 1947 or the early spring of 1948.

Mr. TAVENNER. Where were you when you became a member of the Communist Party?

Mr. VINSON. I became a member of the Communist Party in Chicago.

Mr. TAVENNER. Will you tell the committee the circumstances and how you were recruited into the Communist Party?

Mr. VINSON. Well, as I recall, two persons who I knew as members of the radio industry and who were associated with me in some of my programs or some of the programs which I was producing, asked me if I would like to become a member of the party, and they presented it as a means by which I could work more fully toward the improvement of conditions and the working conditions in my own branch of the industry as well as other branches of the radio industry, and to improve our working conditions, and it was principally through this argument that I joined the party.

At that particular time there was a feeling, I think, of comparative good will toward the Soviet Union, and many men whose loyalty to this country has never been questioned thought of the Soviet Union at that time as being a country helping us a great deal, and we were an ally. I was not particularly conscious of any political implications when I went into the party.

I said, I do not know anything about what the Communist Party is supposed to mean, and I was told that that was not an essential to joining the party as long as my heart was in the right place. I assumed that to mean as long as I felt or I had a sympathy for and understanding of my fellow workers. I believe that covers your question rather fully, sir.

Mr. TAVENNER. Now, you said there were two persons who were associated with you in your programs at that time, who suggested to you that you join the party.

Mr. VINSON. That is right.

Mr. TAVENNER. Was Louis Scofield one of those persons?

Mr. VINSON. That is right; Louis Scofield was.

Mr. TAVENNER. How do you spell his first name?

Mr. VINSON. L-o-u-i-s.

Mr. TAVENNER. What is the spelling of his last name?

Mr. VINSON. S-c-o-f-i-e-l-d.

Mr. TAVENNER. What was his occupation?

Mr. VINSON. Louis Scofield was a writer, and previously had experience as an actor on radio programs.

Mr. TAVENNER. Who was the other person?

Mr. VINSON. The other person was Louis Terkel.

Mr. TAVENNER. Will you spell the name?

Mr. VINSON. T-e-r-k-e-l.

Mr. TAVENNER. Is the first name spelled L-o-u-i-s?

Mr. VINSON. That is right.

Mr. TAVENNER. What was his occupation?

Mr. VINSON. He was an actor, a writer, and I think he did some work as a disc jockey.

Mr. TAVENNER. Well, at that time were these two persons active in the radio field or was it purely in the field of writing?

Mr. VINSON. No; they were active in the field of radio as writers and as actors.

Mr. VELDE. Did they reside in Chicago at that time?

Mr. VINSON. That is right.

Mr. TAVENNER. As a result of your agreeing to come into the party, were you assigned to a group or cell of the party?

Mr. VINSON. As I recall, we met at that time in that neighborhood group, and a good many, if not a high percentage of the meetings were open meetings, in which the public was invited, and I can recall several meetings which I attended that were held in public halls with placards at the front of the building announcing that this was a Communist meeting.

Mr. TAVENNER. Were you acquainted with the wives of both of the persons whose names have been mentioned, Louis Scofield and Louis Terkel?

Mr. VINSON. Yes; I was.

Mr. TAVENNER. Were they members of the same group or unit of the Communist Party that you were a member of?

Mr. VINSON. I believe them to be. They attended the meetings.

Mr. TAVENNER. What was the name of Mrs. Scofield? Do you remember her first name?

Mr. VINSON. I believe it was Janette, but I don't know how to spell it.

Mr. TAVENNER. Do you recall the first name of Mrs. Terkel?

Mr. VINSON. It was Ida.

Mr. TAVENNER. During the period that you were a member of the party, did you hold any official position?

Mr. VINSON. At the time I was a member of the party, in Chicago, I did not hold any official position, if that is your question.

Mr. TAVENNER. Were you acquainted with a person by the name of Ken Pettus?

Mr. VINSON. Yes, sir; I was.

Mr. TAVENNER. Is that the correct spelling, P-e-t-t-i-s?

Mr. VINSON. It was either "i-s" or "u-s." I do not know for sure. I think it is "u-s."

Mr. TAVENNER. Was Mr. Pettus known to you to be a member of the Communist Party?

Mr. VINSON. Mr. Pettus attended the meetings of the Communist Party, yes.

Mr. TAVENNER. Was that at Chicago?

Mr. VINSON. Yes, sir, that is right.

Mr. TAVENNER. What was his occupation?

Mr. VINSON. Mr. Pettus was a writer.

Mr. TAVENNER. When you state that he attended meetings of the party, what type of meetings were those which he attended?

Mr. VINSON. Those were meetings of the neighborhood branches of the party.

Mr. TAVENNER. Do you know whether or not he attended closed party meetings or whether the meetings at which you saw him were open meetings?

Mr. VINSON. I don't recall of any particular instance where Mr. Pettus attended a closed party meeting.

Mr. TAVENNER. Are you confident and certain that he was a member of the Communist Party?

Mr. VINSON. I would say that he was, yes.

Mr. TAVENNER. On what do you base your statement?

Mr. VINSON. On personal association with him and talks with him outside of the meetings. I believe I would be correct in saying that he did attend closed meetings of the Communist Party, but I do not recall at this moment a specific instance of that.

Mr. TAVENNER. Do you know of any other, or have you told us the character of work that he was engaged in?

Mr. VINSON. I think I said he was a writer.

Mr. TAVENNER. In what field?

Mr. VINSON. In the field of radio.

Mr. TAVENNER. How long did you remain a member of the party in Chicago?

Mr. VINSON. Until I came to California in 1945.

Mr. TAVENNER. So you were a member of the party in Chicago approximately 2 years?

Mr. VINSON. That is my guess, sir, without having kept any records of when I joined exactly; that is right.

Mr. TAVENNER. When you left Chicago, did you make any arrangements for your transfer to the Communist Party in Los Angeles?

Mr. VINSON. No, sir; I did not.

Mr. TAVENNER. After you came to Los Angeles, did you become affiliated with the Communist Party there?

Mr. VINSON. No, sir; I did not, not immediately.

Mr. TAVENNER. Did you subsequently become affiliated?

Mr. VINSON. Yes, sir; I did.

Mr. TAVENNER. About how long was that after you came to Los Angeles?

Mr. VINSON. I came to Los Angeles in April of 1945, and I believe it was some time in the fall, October or November or December, I believe it was, or maybe the following year, when I again became associated with the Communist Party in Los Angeles.

Mr. TAVENNER. Will you tell the committee the circumstances which led up to your affiliation with the Communist Party in Los Angeles?

Mr. VINSON. The circumstances around which I became reaffiliated with the Communist Party are comparatively vague to me. As I recall, some member of the Communist Party in Los Angeles contacted me and made themselves known to me, and informed me as to where

meetings would be held or there was to be a meeting, and asked me to come, and I do not recall who the person was at the time.

Mr. TAVENNER. Do you know how that person or whether that person knew that you had been a member of the Communist Party in Chicago?

Mr. VINSON. I assume that that person knew, and I have no first-hand knowledge of how they knew and how they found out.

Mr. TAVENNER. Do you recall who that person was?

Mr. VINSON. I do not recall.

Mr. TAVENNER. To what unit or group of the Communist Party were you then assigned?

Mr. VINSON. To the radio group.

Mr. TAVENNER. Do you know what section of the Communist Party that group was a part of?

Mr. VINSON. Well, I believe it was called the Hollywood section.

Mr. TAVENNER. Did you remain in that same group during the entire time you were a member in Los Angeles, or did you transfer to others?

Mr. VINSON. I was in that same group.

Mr. TAVENNER. Did you hold any office in that group of the Communist Party?

Mr. VINSON. Yes; I did.

Mr. TAVENNER. What was it?

Mr. VINSON. I was the treasurer of the unit for some months, I think probably 12 to 18 months.

Mr. TAVENNER. During that period of time, it was your duty to collect dues of the organization?

Mr. VINSON. That is right.

Mr. TAVENNER. What were the dues?

Mr. VINSON. The dues, the dues schedule, you mean?

Mr. TAVENNER. Yes.

Mr. VINSON. As I recall, there was a certain set dues based on income up to, I do not recall exactly, I think it was \$50 a week, which was probably \$2 dues a month, and above that there was an assessment or dues of 4 percent of the gross salary.

Mr. TAVENNER. How many members were there in your group; that is, the radio group?

Mr. VINSON. I would have to guess at somewhere around 20, maybe more, or that would be a minimum number, and I think that there were at least that many.

Mr. TAVENNER. Did they hold meetings?

Mr. VINSON. Yes; we did.

Mr. TAVENNER. How frequently were these meetings held?

Mr. VINSON. I would say the meetings would be held no more often than once a week, and sometimes every 2 weeks.

Mr. TAVENNER. Now, what was done and what was considered at those meetings?

Mr. VINSON. Our principal consideration in the meetings was the improvement of our craft and improvement of the working conditions in our craft.

Mr. TAVENNER. Did you during that period of time receive Communist Party literature to study?

Mr. VINSON. We did; Communist Party literature was brought to the meetings and those who wished to purchase it did so.

Mr. TAVENNER. Were classes of instruction given at any of those meetings?

Mr. VINSON. There were at meetings so-called educational programs in which we would be instructed, I would say, or informed as to procedure in our unions or the guilds and so on; yes, sir.

Mr. TAVENNER. Who were the other officials of that group that you can recall?

Mr. VINSON. Well, the officials were changed from time to time as we elected new ones. As I recall, the chairman of the group at one time was Billy Wolff.

Mr. TAVENNER. I am sorry; I could not hear you.

Mr. VINSON. Billy Wolff.

Mr. TAVENNER. Did you say "Billy Wolff"?

Mr. VINSON. Yes; who was the chairman of the group at one time.

Mr. TAVENNER. How do you spell the last name?

Mr. VINSON. I guess it is W-o-l-f-f or W-o-l-f-f-e; I am not sure.¹

Mr. TAVENNER. What was his occupation?

Mr. VINSON. He was a radio writer, I believe, at that time.

Mr. TAVENNER. Can you give any other descriptive information regarding him?

Mr. VINSON. That is about all I know about him.

Mr. TAVENNER. I am not certain whether I understood his first name.

Mr. VINSON. Billy.

Mr. TAVENNER. Do you know whether his name was William, and Billy was the name that was used?

Mr. VINSON. I never heard him called anything but Billy.

Mr. TAVENNER. What was his position in the cell?

Mr. VINSON. He would be termed "chairman" of the group, or I guess it was called "organizer." I am a little hazy as to the terminology.

Mr. TAVENNER. Can you give me the name of any other person who was an official of the group?

Mr. VINSON. Well, at another period of time I believe Hy Alexander was the chairman of the group.

Mr. TAVENNER. Is that "Hy" or "Harmon"?

Mr. VINSON. I believe the name was Harmon, called "Hy."

Mr. TAVENNER. What was his occupation?

Mr. VINSON. He was a radio writer.

Mr. TAVENNER. Are there any other persons whom you can name who held positions in your Communist Party group?

Mr. VINSON. No. My memory as to who held positions in the group after a period of time is a little hazy.

Mr. TAVENNER. Where were the meetings held?

Mr. VINSON. The meetings were held in the homes of various members of the Communist Party; my home was one of them.

Mr. TAVENNER. Do you recall whether the meetings were held at any time at the home of Hy Alexander?

Mr. VINSON. Yes; I believe they were. There were some meetings held there.

Mr. TAVENNER. Were you acquainted with Sam Moore?

Mr. VINSON. Yes; I know Sam Moore.

¹ See testimony of William Wolff, p. 4218, Communist Activities Among Professional Groups in the Los Angeles Area—Part 4.

Mr. TAVENNER. Was he a member of that group?

Mr. VINSON. Yes; he was.

Mr. TAVENNER. How do you know that?

Mr. VINSON. He attended meetings, and I collected dues from him.

Mr. TAVENNER. What was his occupation?

Mr. VINSON. He was a radio writer.

Mr. TAVENNER. Were you acquainted with a person by the name of Ruben Ship?

Mr. VINSON. Yes; I was.

Mr. TAVENNER. Ruben Ship appeared before this committee last September and refused to answer any material questions that were asked him. Was he a member of that group?

Mr. VINSON. Yes; he was.

Mr. TAVENNER. How do you know that?

Mr. VINSON. He attended meetings and I collected dues from him, also.

Mr. TAVENNER. What was his occupation?

Mr. VINSON. Radio writer.

Mr. TAVENNER. Are you acquainted with Stanley Waxman?

Mr. VINSON. Yes; I know Stanley.

Mr. TAVENNER. What was his occupation?

Mr. VINSON. He is a radio actor.

Mr. TAVENNER. Was he a member of the group that you were a member of?

Mr. VINSON. That is right, he was; yes, sir.

Mr. TAVENNER. On what do you base your statement?

Mr. VINSON. He attended meetings.

Mr. TAVENNER. Did you collect dues from him?

Mr. VINSON. Yes; I did.

Mr. TAVENNER. Were you acquainted with Dave Ellis?

Mr. VINSON. Yes, sir.

Mr. TAVENNER. What was his occupation?

Mr. VINSON. He was a radio actor and writer.

Mr. TAVENNER. Was he a member of your group?

Mr. VINSON. Yes; he was.

Mr. TAVENNER. How do you know?

Mr. VINSON. He attended the meetings, and I collected dues from him.

Mr. TAVENNER. Now, can you recall the names of other persons from whom you collected Communist Party dues as a member of that unit of the Communist Party?

Mr. VINSON. Lee Barrie.

Mr. TAVENNER. How do you spell his last name?

Mr. VINSON. It is Miss Lee Barrie, L-e-e B-a-r-r-i-e.

Mr. TAVENNER. That is two words; the first name is Lee?

Mr. VINSON. That is right.

Mr. TAVENNER. And what is the spelling of the last name?

Mr. VINSON. B-a-r-r-i-e. And Lynn Whitney.

Mr. TAVENNER. How do you spell the first name?

Mr. VINSON. L-y-n-n Whitney.

Mr. TAVENNER. What was the profession of Lynn Whitney?

Mr. VINSON. She was an actress.

Mr. TAVENNER. And what was the profession of Lee Barrie?

Mr. VINSON. She was a singer, as I recall.

Mr. TAVENNER. Were you acquainted with a person by the name of Charles Glenn?

Mr. VINSON. Yes; I know Charles Glenn.

Mr. TAVENNER. What was his occupation when you knew him?

Mr. VINSON. I believe he was doing radio writing.

Mr. TAVENNER. He was doing radio writing?

Mr. VINSON. That is right.

Mr. TAVENNER. Did you ever collect Communist Party dues from Charles Glenn?

Mr. VINSON. Yes, sir; I did.

Mr. TAVENNER. How do you spell the last name?

Mr. VINSON. G-l-e-n-n, I suppose.

Mr. TAVENNER. Was he a member of your group or cell of the party?

Mr. VINSON. Yes, sir; he was.

Mr. TAVENNER. Were you acquainted with Elaine Gonda?

Mr. VINSON. Yes, sir; I was.

Mr. TAVENNER. E-l-a-i-n-e G-o-n-d-a; is that the correct spelling?

Mr. VINSON. I think so.

Mr. TAVENNER. Did you collect Communist Party dues from her?

Mr. VINSON. I did.

Mr. TAVENNER. What was her occupation?

Mr. VINSON. She was in charge of some radio-transcription company, as I recall; the distribution of certain radio transcriptions.

Mr. TAVENNER. Are you acquainted with her married name?

Mr. VINSON. She is Mrs. Glenn.

Mr. TAVENNER. Were you acquainted with Georgia Backus?

Mr. VINSON. Yes; I know Georgia Backus.

Mr. TAVENNER. What was her occupation?

Mr. VINSON. Radio actress.

Mr. TAVENNER. That is spelled B-a-c-k-u-s?

Mr. VINSON. Yes, sir.

Mr. TAVENNER. Did you collect Communist Party dues from her?

Mr. VINSON. Yes, sir; I did.

Mr. TAVENNER. Was she a member of your unit of the Communist Party?

Mr. VINSON. She was.

Mr. TAVENNER. Are you acquainted with a person by the name of Gene Stone?

Mr. VINSON. Yes.

Mr. TAVENNER. What was his occupation?

Mr. VINSON. Radio writer.

Mr. TAVENNER. That is spelled G-e-n-e S-t-o-n-e?

Mr. VINSON. Yes.

Mr. TAVENNER. Did you collect Communist Party dues from him?

Mr. VINSON. Yes, sir; I did.

Mr. TAVENNER. Was he a member of your group?

Mr. VINSON. Yes; he was.

Mr. TAVENNER. Can you recall others from whom you collected Communist Party dues?

Mr. VINSON. Not at the moment. The names do not present themselves to my mind at the moment.

Mr. TAVENNER. Do you recall a person by the name of Jack Robinson?

Mr. VINSON. Yes; I knew Jack Robinson.

Mr. TAVENNER. Was he a member of that group?

Mr. VINSON. He was.

Mr. TAVENNER. Did you collect Communist Party dues from him?

Mr. VINSON. Yes; I did.

Mr. TAVENNER. What was his occupation?

Mr. VINSON. Radio writer.

Mr. TAVENNER. Were you acquainted with a Mary Robinson?

Mr. VINSON. Only slightly; yes, sir.

Mr. TAVENNER. Was she a member of that group?

Mr. VINSON. I believed her to be. She attended meetings, and I do not recall of any instance of having collected dues from her; but I believe she was.

Mr. TAVENNER. Were you acquainted with Janette Harper?

Mr. VINSON. Not Janette Harper; I knew Annette Harper.¹

Mr. TAVENNER. Was she a member of the Communist Party?

Mr. VINSON. Yes; she was.

Mr. TAVENNER. Did you collect Communist Party dues from her?

Mr. VINSON. Yes; I did.

Mr. TAVENNER. What was her occupation?

Mr. VINSON. She was a radio actress.

Mr. TAVENNER. Were you acquainted with Paul Marion?

Mr. VINSON. Yes; I knew Paul Marion.

Mr. TAVENNER. Did you collect Communist Party dues from him?

Mr. VINSON. I did.

Mr. TAVENNER. I think that I should ask you, and I should have asked you before, in the case of any of these persons whom you have testified were members of the Communist Party, and from whom you collected dues, if they are known to you to have left the Communist Party since that time, I think that you should say so.

Mr. VINSON. I would be glad to, if I know of it.

Mr. TAVENNER. If you know.

Mr. VINSON. That is right.

Mr. TAVENNER. All right.

Mr. VINSON. I would like to say at this time that to my knowledge, to the best of my knowledge, the two people mentioned, in Chicago, Mr. Scofield and Mr. Terkel, have been out of the party for some years. I base that on a visit I made back there in 1947, and short conversations with them, in which the indication was that they were not active in the party at that time and had no intention of continuing as active party members.

Mr. TAVENNER. Now, are there any others of the group that you have mentioned, up to this point, that you have reason to believe have withdrawn from the Communist Party?

Mr. VINSON. I have no way of knowing what the activities of any of these members have been in relationship to the party since I left the party in 1948. I would not like to say that they are members of the party or they are not members; I have no way of knowing, and I have not discussed the matter of party association with any persons since I disassociated myself from it.

Mr. TAVENNER. Are you acquainted with Mitchell Lindeman?

Mr. VINSON. Yes, sir; I knew him.

¹ See testimony of Annette Harper, p. 4214, Communist Activities Among Professional Groups in the Los Angeles Area—Part 4.

Mr. TAVENNER. That is spelled L-i-n-d-e-m-a-n?

Mr. VINSON. Yes, sir.

Mr. TAVENNER. Did you collect Communist Party dues from him?

Mr. VINSON. I did.

Mr. TAVENNER. Was he a member of your group?

Mr. VINSON. He was.

Mr. TAVENNER. Are you acquainted with Ed Max?

Mr. VINSON. Yes; I knew Ed Max.

Mr. TAVENNER. Have you collected Communist Party dues from him?

Mr. VINSON. I have.

Mr. TAVENNER. Was he a member of your group?

Mr. VINSON. He was.

Mr. TAVENNER. What was his profession?

Mr. VINSON. Radio actor.

Mr. VELDE. What was the profession of the gentleman you spoke about just before Mr. Max, Mr. Mitchell Lindeman?

Mr. VINSON. I believe he was a director.

Mr. TAVENNER. Were you acquainted with Abe Burrows?

Mr. VINSON. Yes, sir.

Mr. TAVENNER. Was Abe Burrows a member of the Communist Party, to your knowledge?

Mr. VINSON. Abe Burrows attended meetings of the Communist Party, which I attended; yes, sir.

Mr. TAVENNER. Wait a moment. I didn't get the spelling. Is that B-u-r-r-o-w-s?

Mr. VINSON. Yes.

Mr. TAVENNER. Have you collected dues from him?

Mr. VINSON. I believe I have. I recall many instances of trying to, or at least a few instances.

Mr. TAVENNER. What do you mean by that?

Mr. VINSON. Well, Burrows was a little hard to pin down when it came to collecting his dues.

Mr. TAVENNER. You say "hard to pin down" in the collection of dues?

Mr. VINSON. Yes, sir.

Mr. TAVENNER. You mean difficult to collect them?

Mr. VINSON. That is right.

Mr. VELDE. Mr. Vinson, did you ever collect dues other than at private meetings of the Communist Party?

Mr. VINSON. Only on rare occasions, when it appeared more convenient for the person who owed the dues to pay at a given time. And I don't recall at the moment any specific instance of that.

Mr. VELDE. In the case of Abe Burrows, do you recall any instance where you attempted to collect dues from him other than at a private meeting of the Communist Party?

Mr. VINSON. I never did.

Mr. TAVENNER. What was your purpose in going to see him?

Mr. VINSON. I beg your pardon?

Mr. TAVENNER. I say, did you go to see him in an effort to collect dues?

Mr. VINSON. No; I just said that I did not go to see him to collect dues.

Mr. TAVENNER. I could not hear you. I am sorry.

Mr. VINSON. Not at any time outside of party meetings, that I recall.

Mr. TAVENNER. But at party meetings you endeavored to collect dues from him?

Mr. VINSON. That is right.

Mr. TAVENNER. Well, was there any occasion when he paid the dues?

Mr. VINSON. Yes; I think, as I recall, there were a few occasions when he paid at least a part of them.

Mr. TAVENNER. What reason did he ascribe at any time for not paying all of the dues that were supposed to be paid?

Mr. VINSON. Principally that he did not have the money with him, as I recall.

Mr. TAVENNER. Was there ever a time when any question was raised by him that he was not supposed to pay dues because he was not a member of the party?

Mr. VINSON. I don't recall any such instances; no, sir.

Mr. TAVENNER. As treasurer of the group, did you consider that he was one of those from whom you should collect dues?

Mr. VINSON. Yes, sir; he was one whom I considered I should collect dues from; yes, sir.

Mr. TAVENNER. What part did he play in the meetings that were held?

Mr. VINSON. Mr. Burrows was an infrequent attender of the meetings, and he was considerably vocal, and he is an extrovert. But I think he did not stick to the subject very well and what was going on, and he seemed more interested in being an extrovert than sticking to the business at hand.

Mr. TAVENNER. Over how long a period of time did you consider that he was a person from whom you should collect dues?

Mr. VINSON. I would have to guess at that. As I recall, Mr. Burrows commuted between Hollywood and New York, and he would probably be out here a few months or weeks at a time. And I would say, over a period of time that I was responsible for dues, it was probably not more than 4 to 6 months at the most when I would consider him as a member out here.

Mr. TAVENNER. And that 4 to 6 months were not consecutive months, as I have understood you today?

Mr. VINSON. I could not say for sure on it; that is purely a guess, and I don't recall exactly.

Mr. TAVENNER. I am not certain that I asked you a moment ago what the profession of Paul Marion was.

Mr. VINSON. I believe he was a radio actor.

Mr. TAVENNER. And Mary Robinson?

Mr. VINSON. I don't know what her profession was.

Mr. TAVENNER. Were you acquainted with Anna Klowden?

Mr. VINSON. Yes.

Mr. TAVENNER. That is spelled K-l-o-w-d-e-n?

Mr. VINSON. Yes; I know her.

Mr. TAVENNER. Did you collect dues from her?

Mr. VINSON. I did.

Mr. TAVENNER. She was a member of your group?

Mr. VINSON. She was.

Mr. TAVENNER. What was her profession?

Mr. VINSON. She was a radio actress.

Mr. TAVENNER. Were you acquainted with Herman Waldman?¹

Mr. VINSON. That is right.

Mr. TAVENNER. What was his profession?

Mr. VINSON. Radio actor.

Mr. TAVENNER. That is spelled W-a-l-l-m-a-n; is that correct?

Mr. VINSON. I think it is W-a-l-d-m-a-n.

Mr. TAVENNER. Did you collect Communist Party dues from him?

Mr. VINSON. I did.

Mr. TAVENNER. Was he a member of your group?

Mr. VINSON. He was.

Mr. TAVENNER. Are there any others whom you can remember who were members of your group of the Communist Party and from whom you collected Communist Party dues?

Mr. VINSON. No, sir; no other names come to my mind at this time.

Mr. TAVENNER. Did you have visitors at your meetings from members of the Communist Party functionaries on a higher level?

Mr. VINSON. Rarely. I can recall, I think, only one occasion when we had party functionaries present at our meetings.

Mr. TAVENNER. Who was it, if you recall?

Mr. VINSON. The only person that I recall who appeared in the meetings was John Stapp, who was a known Communist.

Mr. TAVENNER. What was his purpose of visiting the meeting?

Mr. VINSON. I don't recall the exact purpose of his visit to the meeting. It seems to me that it came at a time when there was some need for possibly some guidance in how to proceed in certain affairs. I cannot recall exactly. But it would seem to me, as I recall, that that would be the purpose of his appearance.

Mr. TAVENNER. To whom did you make an accounting as treasurer of your organization?

Mr. VINSON. I turned over the money that was given me to a woman whose first name was Naomi, and whose last name I am not quite sure of, but I believe it to be—

Mr. TAVENNER. If you are not certain of the last name—

Mr. VINSON. I am quite certain that the last name was Robeson, but I am not sure of the spelling.

Mr. TAVENNER. Have you any knowledge of what disposition she made of the funds that you collected?

Mr. VINSON. No, sir; I have no knowledge of it.

Mr. TAVENNER. What was the monthly amount that you turned over to her, on an average?

Mr. VINSON. I have no records of the monthly amounts that I collected or turned over to her. Whatever I collected I turned over.

Mr. TAVENNER. Can you make a fair estimate?

Mr. VINSON. I would say, at the very top, you see, our dues were based on a percentage of our income, and, if everyone were working at one time, the dues might run to \$500 or \$600 a month.

However, I must say that I do not recall any time when they ran that high, and the average was probably considerably lower.

Mr. VELDE. Did you know this Naomi Robeson to be a member of the Communist Party; and if so, in what capacity?

¹ See testimony of Herman Waldman, also known as David Wolfe, p. 4207, Communist Activities Among Professional Groups in the Los Angeles Area—Part 4.

Mr. VINSON. I assumed that she was, or I would not have been instructed to turn the money over to her. But I have no knowledge of it, other than that, that she was a member.

Mr. TAVENNER. Do you recall from whom you received instructions to turn the money over to her?

Mr. VINSON. No; I do not recall that.

Mr. TAVENNER. During the period you were collecting dues of the Communist Party members, did you keep any record or notation of paid and unpaid dues?

Mr. VINSON. Only the very meagerest notations, and none of which were preserved, of course.

Mr. DOYLE. Were you given a receipt for the money?

Mr. VINSON. I was not given any receipts.

Mr. TAVENNER. During the time you were treasurer of the organization, specifically what work were you engaged in?

Mr. VINSON. At the time, during at least part of the time I was treasurer, I was producing and directing the show called "Let George Do It."

Mr. TAVENNER. I did not hear the name.

Mr. VINSON. "Let George Do It."

Mr. TAVENNER. During the period that you were acting in that capacity, I imagine that you were employing a number of people?

Mr. VINSON. I employed a few people, yes; the show itself had the standard cast and we hired a few extra people.

Mr. TAVENNER. During the period that you employed people, and during that period you were a member of the Communist Party, were you influenced in any way in the employment of people by the fact that you were a Communist?

Mr. VINSON. Well, let me answer that by saying that there were no members of our permanent cast in the show who were Communists. I used people who had been identified this afternoon as members of the party on occasion, when I felt that they were the best persons to put in the job; and, otherwise, I was never influenced or there was never any outside influence used upon me to use members of the Communist Party.

I might expand that by saying that I suppose I gave preference to those people who were members of the Communist Party, all other things being equal, just as one would a fellow Elk.

Mr. TAVENNER. Just as if what?

Mr. VINSON. Just as one would a fellow Elk.

Mr. TAVENNER. While you were a member of the Communist Party, did you take any active interest in the promotion of the interests of the Communist Party through what are referred to as front organizations?

Mr. VINSON. I don't recall that I was a member of any front organizations. I guess I held a membership card in ASCAP, as I recall, for 1 or 2 years, but I did not consider myself active in the organization, and I do not know whether that is considered a front organization or not.

Mr. TAVENNER. By "ASCAP," you are referring to the Arts, Sciences, and Professions Council, are you not?

Mr. VINSON. Yes, sir.

Mr. TAVENNER. Do you know anything about the formation of the Hollywood Radio Community Group?

Mr. VINSON. I only know that I was asked to subscribe some stock to it, and did.

Mr. TAVENNER. Who requested you to subscribe to it?

Mr. VINSON. I was asked to subscribe to stock by Sam Moore.

Mr. TAVENNER. Did you?

Mr. VINSON. I did.

Mr. TAVENNER. Do you have personal knowledge of any plan for the sale of that stock?

Mr. VINSON. I do not understand the question.

Mr. TAVENNER. Do you have any personal knowledge of the plan for the sale of stock in that group?

Mr. VINSON. I do not have any first-hand knowledge of how the sale of the stock was being handled, if that answers your question.

Mr. JACKSON. May I interpose a question? Counsel, I think there should be some clearance of the matter of ASCAP and the Arts, Sciences and Professions Counsel. We should find out as to what organization the witness had reference to, whether it was the Arts, Sciences and Professions Council or ASCAP.

Mr. TAVENNER. Possibly I misunderstood you. What organization was it that you said?

Mr. VINSON. I do not know the full name. It was called ASCAP, and whatever that is I don't know.

Mr. TAVENNER. That is different from what I had in mind.

Mr. WOOD. There is too much conversation in the room.

Mr. JACKSON. Did the witness have reference to ASCAP or to the Arts, Sciences and Professions Council?

Mr. VINSON. ASCAP was what I was referring to.

Mr. JACKSON. I don't think ASCAP is in any way subversive.

Mr. TAVENNER. Do you know what ASCAP was?

Mr. VINSON. No, sir; I don't know the full name of it.

Mr. TAVENNER. Now, ASCAP, as I understand it, consists of the initials of the words "American Society of Composers, Authors and Publishers."

Mr. VINSON. I have been in error. I did not belong to that.

Mr. TAVENNER. Did you have reference to HICCASPC, which is the Hollywood Independent Citizens Committee of the Arts, Sciences and Professions Council?

Mr. VINSON. That is right.

Mr. JACKSON. There is a considerable difference.

Mr. VINSON. I would say so. The name ASCAP appears in the radio so often that you get so you say it without thinking.

Mr. TAVENNER. I believe you stated that you left the Communist Party in 1948.

Mr. VINSON. That is right.

Mr. TAVENNER. Now, what were your reasons for leaving the Communist Party?

Mr. VINSON. In 1948, when I left the party, I think that I am not aware of any reason for leaving. The only thing I can recall after these few years is that I did feel at the time a compulsion to get away from the party and the associations in the party, and to get off and study the thing from a little greater distance, so that I could see myself in relationship to the party.

Now, as I look back upon it, I think that I realized that my association in the party was almost wholly an unhappy one; and, for

want of a better way of expressing it—this may surprise some people—I think the isolationism of the Communist Party is the thing that drove me from it.

Mr. DOYLE. The what?

Mr. VINSON. The isolationism. I have to explain that, I know. But, as I look back upon my association in the Communist Party, I have the feeling that thought and action in your feeling or thinking toward betterment of your guild positions and betterment of your industry is so isolated from the realities around you that your actions are ineffective.

Perhaps I can straighten out that sentence; perhaps it is involved, but I mean that your time and your energies are so taken with party duties and things you are supposed to do and meetings you are to attend that you have no time to have any social or craft association with other people with whom you should associate in order to learn the true relationship of you yourself to your craft.

I would like to say that throughout the time that I was a member of the Communist Party I do not recall any member or at any time was there any mention of overthrowing the Government by force; and I have no reason, from my own personal association with the members in the unit to which I belonged, to believe that any of them were anything but sincere in their endeavor to improve their craft and to improve their status in their craft.

I have no reason to believe that they were anything but good citizens, to my own knowledge. I think that possibly if some of them would do as I have done, and get away far enough to see a true picture of how the very energies that you consume in being a Communist Party member can consume your life, if you get off and back away and take a look at it, many of them would do as I have done.

There was quite a snicker throughout the audience in my reference to having studied as a singer, and I think that that is probably going to be played upon, that I am "singing" this afternoon. If I am, I would like the people that I have sung about to feel that I have done it in their best interests, although they will not think so. It is not particularly a love song or a swan song, but I am very sincere in believing that many of these people who were my very close friends in the past, and for whom I have the finest regard in most respects, if they would get away far enough from it, as I have done, to be able to view the thing as a whole picture, they would realize that they cannot gain the ends they wished to gain in their craft by isolating themselves from the rest of the world.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. You used the term just a second ago "consuming"; that it consumes you. Do you remember that?

Mr. VINSON. I believe I did; yes, sir.

Mr. DOYLE. What do you mean by that, sir?

Mr. VINSON. It uses up your energies, sir.

Mr. DOYLE. Why shouldn't it use up your energies? If you are in it, why shouldn't you use up your energies in what you believe in?

Mr. VINSON. Well, I do not know why you should not. You should, I guess. But I think those energies could be better consumed in seeing the picture in a truer light.

Mr. DOYLE. Well, did you mean to tell us in connection with that, and your term "isolationism," that your service to the Communist

Party consumes your being to the exclusion of substantially any or all other interests; is that what you mean to tell me?

Mr. VINSON. Would you say that again, please? That is a little difficult.

Mr. DOYLE. Do you mean to tell me that your functioning in the Communist Party consumes your strength and your resources to the extent of isolating you from other interests?

Mr. VINSON. I think it does to a great extent; yes.

Mr. DOYLE. I did not realize I was asking you a question you might answer affirmatively, because I have never met you in my life. I am just trying to draw a conclusion from your testimony, sir.

What is it about your membership in the Communist Party that so consumes you?

Mr. VINSON. It is the time that you use in attending meetings and doing things. I think it is mostly attending meetings and talking about how you should proceed in your guilds and unions and things like that.

Mr. DOYLE. I was interested in your statement that it could amount to the payment of the dues in that group, on the basis of 4 percent of the gross; it could have amounted to \$500 or \$600 a month.

Mr. VINSON. I say that would be the very peak, considering everyone was working at his top salary.

Mr. DOYLE. With an average of \$300 a month, I think you said.

Mr. VINSON. I don't think that I said exactly that. I said it would be considerably less than that.

Mr. DOYLE. About how much less?

Mr. VINSON. I would say that normally the average was maybe \$200 a month.

Mr. DOYLE. \$200 a month?

Mr. VINSON. That would vary, you see, from season to season, and also throughout the seasons, depending on what it was.

Mr. DOYLE. That would mean a group paying, over a 12-month period, approximately \$2,400 into the Communist Party treasury.

Mr. VINSON. I guess that is what would be the figure, at that rate; yes, sir.

Mr. DOYLE. That is all, Mr. Chairman.

Now, may I ask the gentleman this question: Have you any suggestion to this committee as to what we might do, if anything, to properly further seek the cooperation of folks that are taking the position you take: that you consider it is for the welfare of the country that you come clean and tell your experiences, even though it is embarrassing to you, as it must be, because I heard a snicker, too, from a certain portion of the room when you began to reveal the names of people, and I realize it must be embarrassing.

Mr. VINSON. It is embarrassing; yes, sir, and I don't think anyone can say it is not. No; I haven't thought about trying to convince any of these persons to do as I have done. I had to consider it sometime myself before I decided.

Mr. DOYLE. You have been here in the room and heard many people including high-class professional men, yesterday and today. Have you been here at all times?

Mr. VINSON. I have been here this morning; yes, sir.

Mr. DOYLE. And you heard some of these gentlemen designate any person that gave any names or cooperated with this committee as a "stool pigeon."

Mr. VINSON. I knew before I decided to give this testimony, Mr. Doyle, that I would be called those names. It is very hard to think that you will be called those names by people who are very close to you, or were at one time.

Mr. DOYLE. Of course, the term "stool pigeon" is generally used with reference or by a person who has been closely enough associated with you to know that you may have told the truth about them.

Mr. VINSON. I do not know about that. I do not know what it is.

Mr. DOYLE. That is my experience as a practicing lawyer; that that is the general way in which most people used that term. I thank you very much.

You came onto this stand knowing that there would still be people in this room, while you were testifying, that would hear you testify and who would designate such persons as you as "stool pigeon."

Mr. VINSON. I came here with a full realization that that would be a fact.

Mr. VELDE. Mr. Vinson, during the time you were in the Communist Party with Abe Burrows, do you know what he was doing for a livelihood?

Mr. VINSON. I think Burrows, as you know, does many things for a livelihood, and I could not rightly say what he was doing at the time.

Mr. VELDE. Could you fix the period a little more definitely?

Mr. VINSON. Well, it must have been sometime from the middle of 1946 to the middle of 1947, during that particular period.

Mr. VELDE. Was he making a salary at the time of such nature or of such amount that you would collect more from him, dues, party dues, than the ordinary party member?

Mr. VINSON. I do not have first-hand knowledge of what he was doing at the particular time that I was trying to collect dues from him, maybe he was not working those weeks as you know a man working as he does works a good deal by weeks. I would assume that during the time there were periods when he was earning considerable salary, and should have been paying, at the normal rate, quite a high sum.

Mr. VELDE. Now, Mr. Vinson, do you know of anything else in the nature of the Communist activities here, subversive activities here or in Chicago, that might be helpful to this committee?

Mr. VINSON. I have no knowledge or first-hand knowledge, I would say, of the activities of the Communist Party at this time or any of the people in it, that they are subversive. I would not like to answer that question by saying that, because I do not have first-hand knowledge that they are. I do not have any knowledge, or at least I cannot think of anything at the moment that would give me an answer to your question.

Mr. VELDE. Let me say personally, Mr. Vinson, that is very refreshing after listening to some contemptuous and contumacious witnesses, here for the past 2 days, to listen to your clear and direct testimony, which I am sure will be of great assistance to this committee in ferretting out the subversives in this area, as well as all over the country. I appreciate it very much.

Mr. JACKSON. I, too, Mr. Vinson, would like to add a word of thanks. If you did indeed "sing" today, I think the tune was more like Yankee Doodle than the Song of Russia.

You are going to be called a lot of names, but you can take some satisfaction out of the fact that the committee probably has been called everything that would come to mind on the part of those who are going to call you anything. This committee has no desire to persecute anyone, certainly not those who see fit to cooperate with the committee of the Congress and the American people.

We are grateful to you, on behalf of the American people, and you will find that in spite of the abuse you will take, that 98 percent of the American people will approve of the action you have taken today.

You are from Santa Monica, which happens to be my home town. Are you married?

Mr. VINSON. Yes, sir, I am.

Mr. JACKSON. Where is your wife employed?

Mr. VINSON. My wife is employed by the Board of Education at Santa Monica, as one of the secretaries to the superintendent of schools.

Mr. JACKSON. How long have you been married to your present wife?

Mr. VINSON. Since the 27th of May 1950.

Mr. JACKSON. Did you at any time discuss with her your previous associations in the Communist Party?

Mr. VINSON. No, sir, I did not.

Mr. JACKSON. Did she have any knowledge, at the time that you were married, that you had once been a member of the Communist Party?

Mr. VINSON. No, sir, she did not.

Mr. JACKSON. I bring this up, Mr. Chairman, solely to see if it can be of service to the city of Santa Monica, and to the board of education, to insure that no reprisals are taken, and I sincerely hope that your neighbors and your friends and business associates in Santa Monica will take a sympathetic view of your appearance here today, and that they will realize that you went out of here with a wholehearted thanks of a committee of the Congress of the United States for your assistance.

Mr. WOOD. Mr. Vinson, I join in extending to you our thanks and appreciation, and through us that of the loyal element of the American people, which are, of course, in the majority.

I know it is not very pleasant to do what you have done. When a man becomes affiliated with an organization of this sort and breaks with it from an ideological standpoint and sincerely desires to put himself back into society with patriotic American citizens, he is entitled to the commendation of all people who believe in the perpetuation of our institutions.

I do not think that you should be too much concerned about the discordant notes that you will hear now and then, because they are really croaks from the mire and not blasts from the mountains.

Is there any reason why we should not excuse this witness?

Mr. TAVENNER. No, sir.

I would like to make a statement with reference to his testimony. He has mentioned two witnesses, and I think I should state now, the witness Paul Marion, to whom he referred, as a member, has been interviewed by the committee, and the committee has been told that he

is no longer a member of the party, and I rather think he will testify about those matters.

In other words, he is not a member now, but I think I should tell the committee that that is the Paul Marion to whom the witness referred.

Mr. WOOD. Very well.

Mr. TAVENNER. And then as to Mr. Burrows, in the early part of the year he made a statement to the committee, which was not a denial of his membership, but the committee has been working on that matter.

Mr. WOOD. The committee will stand in recess for 15 minutes, and you are excused for the day.

(The witness was excused and a brief recess was taken.)

(At this point the subcommittee members present were: Representatives John S. Wood, Francis E. Walter, Clyde Doyle, and Harold H. Velde.)

Mr. WOOD. Let us have order.

At this time I desire to read into the record a communication that has just come to me which reads as follows:

CITY OF LOS ANGELES, CALIF.,
September 30, 1952.

JOHN S. WOOD,

*Chairman Un-American Activities Committee,
Care of Mr. E. B. Stillwell, Superintendent of Building,
Federal Building, Los Angeles, Calif.*

DEAR SIR: At the meeting of the Council of the City of Los Angeles held September 30, 1952, the following resolution was adopted:

"Whereas the City Council of Los Angeles is pleased to know that there will be a banquet honoring the members of the Un-American Activities Committee of the Congress of the United States, to be held on Wednesday, October 1, in the city of South Gate; and

"Whereas this Un-American Activities Committee of the Congress is performing a great public service to the people of America by investigating communistic activities and helping to eliminate subversive activities in our country; and

"Whereas this committee deserves commendation for their untiring efforts in protecting the security of America; and

"Whereas in this area Congressman Clyde Doyle and Congressman Donald L. Jackson serve on this committee; and

"Whereas the other members of the committee are John S. Wood, chairman, Francis E. Walter, Morgan M. Moulder, Harold H. Velde, James B. Frazier, Bernard W. Kearney, and Charles E. Potter: Now, therefore, be it

"Resolved, That the City Council of the City of Los Angeles commends the members of the Un-American Activities Committee for their great public service."

Yours very truly,

WALTER C. PETERSON, *City Clerk,*
By A. M. MOORE, *Assistant City Clerk.*

I file this for the record.

Who do you call next?

Mr. ESTERMAN. Before we go on the record, may I ask to have something placed in the record, if I may?

Mr. WOOD. If you have something in writing, I will be glad to consider it.

Mr. ESTERMAN. I have a request.

Mr. WOOD. Submit it in writing. Just a moment now. We might as well have a definite understanding.

From time immemorial, since we have had a Congress, it has been the province of counsel to advise their clients; and if you have any advice to give to your client, do it. And if you have a motion or suggestion to make to this committee, make it in writing and conform to the rules. I have ruled.

Mr. ESTERMAN. I want to ask you to let me cross-examine the last witness.

Mr. WOOD. I hope you won't make it necessary to eject you from the room.

Mr. ESTERMAN. I represent people—

Mr. WOOD. Will you please eject this man from the hearing room? (Mr. William B. Esterman was ejected from the hearing room by the marshals.)

Mr. WOOD. Call the next witness, Counsel.

Mr. TAVENNER. Mr. Paul Marion.

Mr. WOOD. Will you come forward, please.

Do you solemnly swear that the evidence you will give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MARION. I do.

Mr. WOOD. Are you represented by counsel?

Mr. MARION. No; the only counsel I am represented by is my own conscience.

Mr. WOOD. If you desire to have counsel, please let me know.

Mr. MARION. I expect to cooperate fully.

TESTIMONY OF PAUL MARION

Mr. TAVENNER. What is your full name?

Mr. MARION. My name is Paul Marion.

Mr. TAVENNER. Mr. Marion, when and where were you born?

Mr. MARION. I was born in New York City in 1915.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. MARION. I do.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. MARION. I have lived here about 11 years now.

Mr. TAVENNER. What is your profession?

Mr. MARION. I am an actor, a screen actor, a television actor, and a radio actor.

Mr. TAVENNER. Will you tell the committee briefly what your educational training has been and what your experience has been in the acting profession?

Mr. MARION. Well, I finished high school in the Bronx, and I went to the Academy of Dramatic Arts, and I went there in 1932 and got out in 1934, and I did very little stage work then. I would say that the greatest amount of my professional career has been in Hollywood where I have appeared in pictures and television and on radio, and some of the pictures I have done have been Ten Tall Men, The Sword in the Desert, Harem Girl, and Vendetta, just to mention a few. And on the radio I appeared on these programs, Lux Radio Theater, Cavalcade of America, The Whistler, and Dr. Christian, and others.

Mr. TAVENNER. Are you acquainted with Mr. Vinson who was a witness before you?

Mr. MARION. I am, yes, sir.

Mr. TAVENNER. Were you present during his testimony?

Mr. MARION. Yes, sir, I was.

Mr. TAVENNER. Mr. Vinson referred to you as having been a member of a radio branch of the Communist Party in Hollywood, of which he was also a member. Is that true?

Mr. MARION. Yes, that is perfectly true.

Mr. TAVENNER. Are you willing to give the committee whatever information you have regarding that organization?

Mr. MARION. Yes. First, I want to say I got out, and I got out I would say about early in 1948, and before I go ahead and name the members of the Communist Party with whom I was associated and also some of the activities, I would like to make some points relative to this question.

I have been told in conversation with people that I had no right to assist a committee which is empowered by my Government by giving information about my past activities and by revealing the names of my former associates. If I did, they said, I would be aiding those who are destroying civil rights, and that was a point which was made. Well, I have examined my position in relation to the realities of the existing world, and this is what I have found. I found that the conspiratorial ramifications of the Communist plan of world domination to be enormous, and that the worst aspect of Communist imperialism was its exploitation of the mind and ideals. It was a case of taking its natural resources and making waste. I found that all roads must lead to the Kremlin, that the Communist Party in America was on that road, and that the Communist Party in this country was only American in a geographical sense.

Mr. WOOD. If you are reading from a prepared statement, it is not permitted under the rules.

Mr. MARION. I was just referring to it, sir. Now, I would like to quote from *The Yenan Way* by Eudocio Ravines, an ex-Communist from South America and former active member of the Comintern. He was in Russia for three different meetings, and this is a quotation from a meeting where he was present. During a meeting in Russia, Manuilsky, one of the Russian heads of the Comintern, was asked this question: "If the Soviet Union is attacked?" And Mr. Manuilsky's reply was: "The duty of Communists would be to work for the defeat of capitalism in their own countries." In other words, all of the Communists in the United States and elsewhere would be obligated to create the worst possible conditions and make every effort to facilitate the victory of the Socialist homeland.

There should be no scruples about the method and procedures; a wave of terror spread that is as disruptive as possible. This must be planned ahead and done without hesitation or fear—your thoughts fixed on the motherland of socialism whose soldier every Communist must be.

This is valid for Communists until we have crushed the last stronghold of opposition to the U. S. S. R. The tactics may change, but the goal will not change for the essential duties of every Communist.

Now, there was another member of the Comintern, Dimitrov, who was the author of *United Front*, which has been used for the last 10 or 15 years in Communist tactics. He said:

Our program must be to gain our ends through our friends, sympathizers, and allies while keeping ourselves in the background. As Soviet power grows there will be a greater aversion to Communist Parties everywhere. So we must practice the techniques of withdrawal—never appear in the foreground—let our friends do our work. We must always remember that one sympathizer is worth generally more than a dozen militant Communists. A university professor who, without being a party member, lends himself to the interest of the Soviet Union is worth more than a hundred men with party cards.

There are thousands of people, there will be millions later whom we can attract and domesticate. The application of the popular-front tactics has shown it to be much easier to domesticate the lower middle classes and even a few

of the upper middle class to follow us docilely. There are so many persons full of protest against something and a prey of broken hopes. They long for something without knowing what, but something new and emotional and hopeful. There are thousands who don't know where they stand or what they want, but who long at any rate for a change in posture.

Mr. WOOD. Let me call your attention to the fact again that the rules of the committee do not permit you to read a prepared statement.

Mr. MARION. This is, I felt, very pertinent to my stand.

Mr. WOOD. You can file it here if you desire.

Mr. MARION. All right, sir.

Mr. WOOD. Confine your answers to the questions that are asked.

Mr. MARION. I would like to say in closing that the reason I am going to mention the names of the people I was associated with, was because if I did not I would be entering into a conspiracy of silence which I do not want to be a part of. Here at the committee I have a choice, and I have a choice either to cooperate or not to cooperate, and this is not really the committee with which I am cooperating, this is the American people because this is a duly constituted Government committee. I think I have said enough.

Mr. TAVENNER. When did you join the Communist Party?

Mr. MARION. I would fix it about early 1946.

Mr. TAVENNER. How long did you remain in the party?

Mr. MARION. I would say generally about a year and a half.

Mr. TAVENNER. Would you tell the committee, please, briefly, the circumstances under which you became a party member?

Mr. MARION. Well, before the war I was not interested in politics at all, and all I was interested in was in the theater and being a good actor. There was one thing which did make quite an impression on me and that was the depression. Later I went into the Army, and there for the first time I was also conscious of the fact that something was the cause of this, so I would say that the two main reasons for my becoming a member of the Communist Party was the interest I had in averting depressions and wars.

Now, I have read a lot of material—the New Masses, and I had read Browder's Victory in Africa, and that was one of the things that did interest me, the fact that he spoke of cooperation with the American monopolists and capitalists, as he called it, and he said that they were much too strong and the Communist Party could not do anything about overthrowing them.

Therefore, the Communist Party was going to be a political association and they were going to talk about theory, Marxist theories, and dialectical materialism.

As it turned out there was a letter from Jacques Duclos telling the American Communists that they were all wrong, and that they were very soft, and the Communist Party, in order to really fulfill its historical position, was to become a militant organization.

Now, when I came back from the service, I did a lot of reading and I became very much interested in becoming a Communist, and nobody asked me to join. I wanted to join. One day I was contacted by Georgia Backus, who was one of the people who was the head of the radio group, and she talked to me and I was in.

Mr. TAVENNER. Were you assigned to any particular group or unit after joining the party?

Mr. MARION. Yes; the radio group.

Mr. TAVENNER. How many composed that group?

Mr. MARION. Well, I cannot rightly say how many composed that group.

Mr. TAVENNER. What type of activity did the group engage in after you became a member?

Mr. MARION. Well, at first I was sent to what was called the beginners' group, where we had to learn the principles of socialism, and the teachers of that group were Charles Glenn and Irving White, and they had about three or four of us there at that time.

Mr. TAVENNER. Do you know what the profession was of both of those individuals?

Mr. MARION. Well, I understand Charles Glenn is—I understand he is with the People's World, a correspondent, and at the time I thought he was a radio writer, and I understood from the classes that he was supposed to also have been up on Socialist principles.

Mr. TAVENNER. What was the profession of the other person whose name you mentioned, Irving White?

Mr. MARION. He was a playwright and screen writer.

Mr. TAVENNER. Is there any other information that you can give us regarding the formation of that study group?

Mr. MARION. Well, there was nothing much except that they were supposed to set us on the road to socialism, or the road to Socialist principles, for us to get a slight understanding so that we would not be at a loss, or a total loss when we got into our regular groups. I think the Communist Manifesto was studied.

Mr. TAVENNER. How long did you remain in that group?

Mr. MARION. I would say about 3 or 4 weeks.

Mr. TAVENNER. Do you recall the name of any other person who was a member of that group?

Mr. MARION. I only recall one name, Margaret Gruen.

Mr. TAVENNER. What was her profession?

Mr. MARION. She was a screen writer.

Mr. TAVENNER. Will you give us the spelling of that?

Mr. MARION. G-r-u-e-n.

Mr. TAVENNER. Then, after having been a member of that study group for a period of time, what was your next assignment?

Mr. MARION. Well, I got into the radio group, the regular Hollywood group.

Mr. TAVENNER. During the period you were a member of that group, were you assigned any special function?

Mr. MARION. Well, not at the beginning, no; but later on I became a literature director, and also at one time I stood in for somebody who was supposed to attend a veterans' committee meeting, and this was held at Paul Jarrico's house, and I was there with Paul Jarrico and one other fellow, and Jeff Corey was another fellow who was there, and the object of the meeting was to discuss the infiltration of Communist veterans into veterans' organizations.

I joined AVC as a result of that, and there was a quote from Lenin, which brochure I do not know, but to the effect that it was very difficult to infiltrate into certain reactionary groups, and the American Legion was one which was cited, and nobody, I think, joined the American Legion that I know of.

Mr. TAVENNER. When you say no one, you mean no one from the Communist Party?

Mr. MARION. No one that I know of. I imagine it was a little too difficult. There was one thing in relation to that: I was called one night by somebody whom I do not remember about attending a meeting at the AVC in order to vote on something which I did not know anything about, and which I voted on, and there was a kind of—you can sense which is the right or which is the side you are supposed to vote for, and that was the side I voted for. And, as a result of that, a faction or a splinter group in opposition to what I imagine was the left group left and formed their own group.

Mr. TAVENNER. Where was that meeting held?

Mr. MARION. That was held in Hollywood, on, I think, Ivar Avenue.

Mr. TAVENNER. Do you recall the names of any persons who were present?

Mr. MARION. I am sorry; I do not. I will say something about functions—that we had a function in AFRA. That was a very important thing, and that is our union, the American Federation of Radio Artists.

And we also had a function in the Hollywood Citizens' Committee of Arts, Sciences, and Professions.

Mr. TAVENNER. When you say "we had a function," what do you mean?

Mr. MARION. We; yes.

Mr. TAVENNER. To whom are you referring?

Mr. MARION. I am speaking of the people in the Communist group. The radio writers were to function in their group and the actors in their group, and they had a lot of things to do.

I am afraid, as far as I was concerned, I was not particularly good, because I just do not think that there was enough time for anybody to really know what they are doing, except if you concentrate on one thing.

Also, in reference to that, there was talk about getting on the press, too, the various union papers, so you could, if you wanted to influence them in whatever way you wanted to, influence them.

There was also this objective, I think, behind it all, and which later showed up in a lot of the union affairs, and that was to always try to get an all-industry group together. That was the objective, to get what you would consider in the terms of the Screen Actors' Guild, in terms of the motion-picture industry, to get the Screen Actors' Guild and the Screen Writers' Guild and all of the IATSE members to be part of one union, so that any time you wanted to make demands and really wanted to back them up, you could back them up.

Mr. TAVENNER. Just a moment. Did you ever attend a faction meeting in which any business of the Screen Actors' Guild was involved?

Mr. MARION. Yes, I did, but that was an altogether different thing. I contacted Karen Morley, who was one of the, I imagine, guiding geniuses of the Hollywood Screen Actors' group; so that I kept up with what was going on there.

Now, there was a group that was formed, which was a splinter group, part of the Screen Actors' Guild, which was composed of Communists and non-Communists, and I would say mainly non-Communists. And there were meetings held at various people's houses, mainly stars, in order to make it seem very important, and wages and working conditions in the first meeting were discussed. As a result of that, some

very good things were gotten into the Screen Actors' Guild contract, that is true.

Now, out of that, the group gained some great importance also, and they put up members which they were interested in as the people they would like to have on the board of directors of the Screen Actors' Guild, and also for the positions of vice president and secretary.

Now, during the strike this group was used to great effect and almost succeeded in winning or bringing out the Screen Actors' Guild, which was the main objective.

Mr. TAVENNER. What do you mean by bringing out the Screen Actors' Guild?

Mr. MARION. To get them out on strike in support of the CSU.¹

Now, in order to get meetings there had to be petitions with names of about 350, I think, so that the meetings could be called, and we only had one meeting a year in the Screen Actors' Guild.

Now, we went out, this group went out and got these meetings together. And before one of the big meetings in which very important people were invited to speak for the side that was for the CSU, we had a meeting, and I will say that a great many people were for the CSU emotionally, without knowing much of the background. I did not know anything of the background either, but I went along.

There was a meeting held before this big meeting where tactics and strategy were to be discussed in relation to that meeting, and this meeting was held at Alvin Hammer's house. This was a meeting that was a closed Communist meeting.

At this meeting strategy and tactics were discussed, and we were helped by a man by the name of Ben Margolis, who was there at the time, besides Karen Morley and Lloyd Gough. The only one I remember is Marc Lawrence, because I did not know the group very well, having never really been at a closed meeting before.

Also, we were told at that meeting that there was going to be a very effective demonstration outside, which was called a silent protest where people would just look at us and say nothing, and they all had signs, and it was very effective, I must say. During the meeting all sides were heard and, luckily, the Screen Actors' Guild did not go out on strike. And, as I understand it now, everything is settled there.

The Screen Actors' Guild, by the way, as far as I know, is composed of people who are not left in any way. That is, the board and the members.

Mr. TAVENNER. During the period you were a member of the Communist Party, were your meetings attended at any time by high functionaries of the Communist Party?

Mr. MARION. Well, we were helped once by John Stapp in our radio group, the actors group, that is, the actors fraction. Sam Sillen came out one time during the Maltz controversy, and he was showing the group where Albert Maltz was wrong. He convinced everybody that Albert Maltz was wrong. The point about that was that he would not write as he saw fit, or as his characters demanded, in terms of their own natural growth, but if you were to really serve the Communist principles at the end, he would become a Communist, I suppose, or join a union, or do something which was considered typically working class.

¹ CSU—Conference of Studio Unions.

Mr. TAVENNER. Do you know what position Sillen had in the Communist Party?

Mr. MARION. No; I do not.

Mr. TAVENNER. Do you know where he was from?

Mr. MARION. I understand he was from New York City, and he came out there especially to face that issue.

I would like to make another point that is in relation to the Independent Progressive Party. We in the Communist Party did a great deal of work for the Independent Progressive Party, and we went out and filled a great many petitions in order to get on the ballot for 1948. The Communist Party, that is, did that—and I don't like to say "we" any longer, but the Communist Party at that time, I would say, had a great deal to do with the vitality of the Independent Progressive Party, and getting it on the ballot.

Also I will say—I would like to make another point—that when it was discussed and there were questions asked, someone told me it would be really independent and that it would be a free-wheeling organization, that if a Republican or Democrat was good and had a good record, there would be no doubt but what they would back them; and Helen Gahagan Douglas was cited as one of them, that they would in this case back her.

Now, when I went around with a petition I was asked the question—I would like to make one correction. I do not remember anybody saying anything about Helen Gahagan Douglas at the time that this happened. I did say something. There was an answer to a question by a radio actor who said, "I am a Democrat and I want to vote for Douglas."

And I said, "There is absolutely no difficulty about that, we are a free-wheeling organization, we are independent, we will hit hard wherever we have to because it is a real progressive organization and we will vote for anybody, Republican or Democrat."

That was the idea that I had.

Now, I would also like to say something about the study group that we had. We studied a thing called History of the U. S. S. R. We studied a lot of Lenin's work, and we studied The United Front by Dimitrov, and I don't know, I imagine we studied it for reasons—

Mr. VELDE. How did you study it, Mr. Marion?

Mr. MARION. Somebody was assigned a certain chapter and they read it at home and they conducted what they called the "Educational." Also there was something which was the Negro question. When I got in there there was a new policy by the Communist Party to the effect that the Negro people in America were a nation, and their policy was that this was a nation within a nation, and that the correct policy in regard to Negro people was to fight for that nation, and now this was based on Stalin's book The National Question, when he said that a nation has a right of self-determination if they have the same language, and the same interests, and the same cultural interests and the same territory and so on.

Now, as far as the Communists in the Soviet Union were concerned, this might have been able to fit their program, because they had nations that were nations all of the time, but to advocate something within the Communist Party, which the Communist Party had followed in the Soviet Union here in the United States, I thought was a little wrong, even though I went ahead and I read a lot of books and

I made the "Educational" myself in a pretty mechanical way, because the books were read and all we had to do was to decide this should be the way we feel, think, and talk.

Mr. TAVENNER. Most of the groups or cells of the Communist Party had literary directors?

Mr. MARION. Literature directors, yes.

Mr. TAVENNER. Who was the literature director of your group?

Mr. MARION. I was for quite a while.

Mr. TAVENNER. Do you recall anyone else who occupied that position in your group?

Mr. MARION. I think Ruben Ship did once, or a couple of times, and it was not too clear in my mind.

Mr. TAVENNER. Will you give us the names of those persons who were members of your group of the Communist Party?

Mr. MARION. Well, Lynn Whitney and David Wolfe.

Mr. TAVENNER. Not so rapidly. Lynn Whitney. How do you spell Lynn?

Mr. MARION. L-y-n-n, and Whitney, W-h-i-t-n-e-y.

Mr. TAVENNER. What was Miss Whitney's profession?

Mr. MARION. Well, Lynn Whitney was a radio actress and a screen actress, as far as I know, and also she was a Yugoslavian and pro-Tito when Tito was in accord with the Soviet Union, and I imagine she was anti-Tito or is anti-Tito now.

Mr. TAVENNER. All right. Will you continue?

Mr. MARION. And also she made a remark once that she very seldom read, which gave you an idea of the mechanicality of the minds of some of the people.

Mr. TAVENNER. Who else were members of that group?

Mr. MARION. David Wolfe, who was named as Herman Waldman.

Mr. TAVENNER. You mean they are the same person, David Wolfe and Herman Waldman?

Mr. MARION. Yes. And Hy Alexander, Bill Wolff—

Mr. TAVENNER. Was there any relationship between the two Wolfes?

Mr. MARION. Not that I know of.

Mr. TAVENNER. To your knowledge?

Mr. MARION. No. There was Ed Max, Stanley Waxman, Jack Robinson, Gene Stone, and Mary Robinson.

Mr. TAVENNER. You are talking too rapidly. Now will you proceed, please?

Mr. MARION. What was the last one?

Mr. VELDE. I think it would be helpful, as he reads those, if he would tell the occupations, and the approximate time and how many meetings you sat in, and so forth.

Mr. MARION. I cannot tell you how many meetings I sat in. That would be beyond the matter of recall. I do not know if I could do that. I could tell you what I know as far as their profession was concerned.

Mr. TAVENNER. I asked you about the profession of Lynn Whitney.

Mr. MARION. Yes. She was an actress. And David Wolfe is an actor, and Bill Wolfe, I imagine, was a radio writer, and I am not sure.

Mr. TAVENNER. Let me ask you again: You say you attended Communist Party meetings with them. What group of the Communist Party was that?

Mr. MARION. Well, I do not know if they had a name or not, but it was the Hollywood radio group, or people that were involved that were in radio in some manner or form.

Mr. TAVENNER. Is it the same group of which Mr. Owen Vinson was the treasurer?

Mr. MARION. Yes.

Mr. TAVENNER. What type of meetings were held by that group, and when you say people were present at that group, was it the practice for people who were not members to attend it?

Mr. MARION. That I do not know anything about, but as far as I understood, "No."

Mr. TAVENNER. I would like for you to state as fully as you can your reasons, or the reasons for your statement that each of these persons were members of the Communist Party.

Mr. MARION. My reasons?

Mr. TAVENNER. Yes.

Mr. MARION. You mean why they joined the Communist Party?

Mr. TAVENNER. No, the reasons why they were, to your knowledge, members of the Communist Party, if you know that. How would you identify them as members of the Communist Party?

Mr. MARION. How do I identify them? As being with them in meetings, and discussions of Communist problems, I would say, that is, problems relating to the Communist Party, and how to bring socialism in America through the Communist Party, and the paying of dues. We studied the history of the U. S. S. R. I do not know what other reason except to learn, to get lessons from their experiment, and from their history. Every once in a while someone would say, "We, as Communists," and someone would call someone else "Comrade," and a few people would say, "Comrade Chairman."

Mr. JACKSON. These were closed meetings of the party?

Mr. MARION. Yes, sir.

Mr. JACKSON. I just want to make certain on what you are basing your statement that these various persons were members of the Communist Party.

Mr. MARION. Well, I went on this, the fact that I signed a card, which was a card of the Communist Party of America, and I went to meetings as a result of that card, and I studied problems relating to the Communist Party, studying Marx, Lenin, Stalin, and all of these things.

Mr. JACKSON. And the people to whom you have referred were people who took part in those activities the same as you did?

Mr. MARION. Yes.

Mr. JACKSON. All right.

Mr. TAVENNER. Now, will you tell us, and I am going back to each of those that you have named, and ask you to state what their profession was in order to be able to identify them.

Mr. MARION. All right.

Mr. TAVENNER. To identify them more particularly.

Mr. MARION. Yes, sir.

Mr. TAVENNER. You referred to Mr. Waxman and Stanley Waxman.

Mr. MARION. He was a radio announcer.

Mr. TAVENNER. You have mentioned Bill Wolff as a member of this Communist Party group.

Mr. MARION. Yes, sir; and I do not know too much of what he did, I would not say.

Mr. TAVENNER. And Hy Alexander.

Mr. MARION. He was a radio writer, I understood.

Mr. TAVENNER. And Ed Max.

Mr. MARION. He was an actor.

Mr. TAVENNER. And Jack Robinson.

Mr. MARION. A writer.

Mr. TAVENNER. Mary Robinson.

Mr. MARION. A writer.

Mr. TAVENNER. Ruben Ship.

Mr. MARION. He was a writer.

Mr. TAVENNER. And Gene Stone.

Mr. MARION. A writer.

Mr. TAVENNER. And Herman Waldman.¹

Mr. MARION. He is an actor.

Mr. TAVENNER. I think that is all. Did you mention a person by the name of Lloyd Gough?

Mr. MARION. Yes. He was a screen actor, and he was not in that group.

Mr. TAVENNER. He was not in that group?

Mr. MARION. No.

Mr. TAVENNER. You met him in the fraction meeting that you testified to?

Mr. MARION. Yes; the Screen Actors' Guild.

Mr. TAVENNER. I believe you mentioned Mr. Alvin Hammer.

Mr. MARION. Yes.

Mr. TAVENNER. What knowledge did you have, if any, that he was a member of the Communist Party?

Mr. MARION. None whatsoever, except that this meeting was held at his house.

Mr. TAVENNER. You are speaking of the Communist Party fraction meeting that you described?

Mr. MARION. Yes.

Mr. DOYLE. Was he there at that meeting?

Mr. TAVENNER. Was Mr. Hammer there at that meeting?

Mr. MARION. Well, I would not say one way or the other, since it was the only meeting I ever attended, a closed actors' meeting; I am very unsure of it. I imagine, since it was at his house, he was there, and I would not swear on the fact of his presence.

Mr. TAVENNER. You spoke of Karen Morley.

Mr. MARION. Yes.

Mr. TAVENNER. Was she a member of the Communist Party, to your knowledge?

Mr. MARION. Well, again I must say she was at the meeting, and, as far as I knew when I met her, I met her as a Communist, because when I met her it was really as a liaison for the radio group actors, who were screen actors as well.

Mr. TAVENNER. You referred to Mr. Ben Margolis as having given advice.

Mr. MARION. Yes.

Mr. TAVENNER. At a meeting.

Mr. MARION. Yes, sir.

¹ Herman Waldman, also known as David Wolfe.

Mr. TAVENNER. What meeting was that?

Mr. MARION. That was the Screen Actors' Guild meeting, and he was asked questions and he gave his advice on the questions about the strategy and tactics of the meeting.

Mr. TAVENNER. Did you ever attend a meeting, any other meeting with Mr. Margolis?

Mr. MARION. No, I never did.

Mr. TAVENNER. All right. Now, can you recall any other persons who were members of your group of the Communist Party?

Mr. MARION. Well, I would like to refer to my notes here.

Mr. TAVENNER. You have mentioned Georgia Backus in the early part of your testimony. What was her occupation or profession?

Mr. MARION. She was an actress. There was Mitchell Lindemann, who was a director, a radio director, and Pauline Hopkins, who was a writer.

Mr. TAVENNER. That is Pauline Hopkins?

Mr. MARION. Yes.

Mr. TAVENNER. How do you spell the name?

Mr. MARION. H-o-p-k-i-n-s.

Mr. TAVENNER. What was the first name that you mentioned?

Mr. MARION. Pauline.

Mr. TAVENNER. How do you spell the other name?

Mr. MARION. L-i-n-d-e-m-a-n-n.

Mr. TAVENNER. What was Pauline Hopkins' occupation?

Mr. MARION. Radio writer. Then there was Ellen Davidson.

Mr. TAVENNER. How do you spell that?

Mr. MARION. E-l-l-e-n D-a-v-i-d-s-o-n. And I understand she was just a housewife, and I do not think she was doing anything at the time. I knew her as an actress.

Mr. TAVENNER. A housewife is a rather important job, though, is it not?

Mr. MARION. Yes.

Mr. TAVENNER. Were you acquainted with Sam Moore?

Mr. MARION. Yes, I was.

Mr. TAVENNER. Was Sam Moore known to you as a member of the Communist Party?

Mr. MARION. Yes.

Mr. TAVENNER. Was he a member of your group?

Mr. MARION. Yes.

Mr. TAVENNER. What was his occupation?

Mr. MARION. He was a radio writer.

Mr. TAVENNER. Were you acquainted with a person by the name of Art Shapiro?

Mr. MARION. Yes. I think he was a publicist or a writer. I only saw him a few times.

I was also acquainted with Nina Klowden.

Mr. TAVENNER. Was Art Shapiro known to you to be a member of the Communist Party?

Mr. MARION. Yes, he was.

Mr. TAVENNER. Was he a member of your group?

Mr. MARION. Yes.

Mr. TAVENNER. What was the name of the other person you just mentioned?

Mr. MARION. That was Nina Klowden, K-l-o-w-d-e-n. She was a radio actress, and also she was one, I imagine, of the organizers of the AYD, the American Youth for Democracy.

Mr. TAVENNER. Was she a member of your group?

Mr. MARION. Yes, she was.

Mr. TAVENNER. Do you know a person by the name of Annette Harper?

Mr. MARION. Yes, she was a radio actress, and she, I think, is out of the business.

Mr. TAVENNER. Was she a member of your group?

Mr. MARION. Yes, she was.

Mr. TAVENNER. Of the Communist Party?

Mr. MARION. Yes, sir.

Mr. TAVENNER. If you have any knowledge of your own that any of the persons mentioned by you have withdrawn from the Communist Party, I would like for you to say so.

Mr. MARION. No; I am sorry, I have no knowledge at all. There was no way of my knowing past the time when I got out, and also unless somebody came up to me and said they were no longer members, I would not know.

You can always tell by an attitude, too. If people talk to you, then you know they are out.

Mr. TAVENNER. Were you acquainted with a person by the name of Ben Polin?

Mr. MARION. Ben Polin is a photographer at Columbia Broadcasting System.

Mr. TAVENNER. Will you spell the last name?

Mr. MARION. P-o-l-i-n.

Mr. TAVENNER. What were the circumstances under which you became acquainted with him?

Mr. MARION. Well, I met him at the Communist Party, and he was one of the chairmen, and we had a different chairman all of the time.

Mr. VELDE. Did you become acquainted with Abe Burrows?

Mr. MARION. I am not too sure about Abe Burrows, and so I would not like to say. I might have seen him and I might not. People came once every month or so, and I was not too sure, and therefore I felt I had no right to say that I knew him as a Communist.

Mr. TAVENNER. You have stated you withdrew from the party in 1948.

Mr. MARION. Yes; early in 1948; yes.

Mr. TAVENNER. What were the circumstances under which you withdrew?

Mr. MARION. Well, there were many circumstances, and it is pretty difficult to follow, because there are so many complex factors in it. But I would give as a number of them, the fact, first, that it was very dull, and it was dull because the language that they were trying to learn was a language which was pretty foreign to us, the language of the philosophy called dialectical materialism.

We studied Eugene Dennis' pamphlets and they were a repetition of warmonger, and warmonger. Another reason I left was because of the alienation which I felt with the rest of the people with whom I was associated. If you were not a Communist you did not know anything at all, and also I felt the lack of an enrichment which I thought I was going to get there, and there was nothing American which was

ever studied in the sense of American minds like, for instance, John Dewey, William James, or anybody like that.

I also got disturbed by the arrogance of ignorance, and when I say arrogance of ignorance. I mean the thinking that you know a great deal when you do not know very much. If, for instance, Lisinka would come out with a theory about genetics and it was published to the effect that this was right, we would all accept it and read maybe one or two books about it, and I know I did this, and I should speak for myself, and I would go around saying or making some remarks about this.

I also had been reading a little stuff on the outside, and I became disturbed by it, the relationship of the Soviet Union with its artists, and this is a point which I would like to stress, which I think, for me anyway, is the heart and soul of it. I would say the heart, soul, and mind.

Now, since the Communist Party in America is devoted to the dogma, and to the principles which are set down by art and everything else, there is a great connection, and you know darn well they are going to follow it, as well as they possibly can. That is what happened with Albert Maltz and Budd Schulberg and others, and that is what they did to their writers and what they did to their attitude about Matisse, whom they considered to be bourgeois decadent because his painting did not have a message for the working people.

The fact that he painted for his own needs had nothing to do with it. Then there was the throwing out of two writers from the Writers' Congress, and when you are thrown out of the Writers' Congress, no doubt you cannot make a living in a Soviet Union, because they dared to write something which had to do with their own feelings, doubts, and so on, and something to do with love, and maybe something to do with sex, but something to do with what was going on inside of them.

I felt, also, that if you took away—and this is in relation to the Communist Party in America—the element of Russia and the American Party was considered alone, it meant absolutely nothing, as a subversive or as an organization which followed the Soviet Union.

Now, Tito, and Yugoslavia, is Communist; that is true. We are not here in the United States going after anybody who is a Titoist. Tito's Yugoslavia and Tito are not striving to infiltrate into the United States through its arm, the Communist Party of America.

Now, people have also in conversations mentioned the Catholic organizations, and the Pope in Rome, and this is also something that would be connected with a so-called foreign power. The fact is that the Catholic Church, as far as I know, is not seeking to overthrow the Government of the United States, and maybe they are trying to influence it as well as morals and ethics are concerned, but it has nothing to do with any kind of boring from within.

Now, these are some of the reasons why I left: After I left, I will say I was more concerned because I had to find out reasons why for myself, why we are called here, or rather, what gave me the right to cooperate with the committee, and I want to say it is just as difficult to find your way out as it would be to find your way out of any very difficult position.

As far as I am concerned, what I said before, I am talking now because I have been asked to tell who I am and what I am, and I do not want to be part of any conspiracy of silence.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. I think you just said, Mr. Marion, "I felt that if you take the element of the Soviet Union out of the Communist Party in America, you have nothing left." Do you remember saying that?

Mr. MARION. Yes; I do.

Mr. DOYLE. What do you mean by that?

Mr. MARION. What do I mean by that? Because when I was a member of the Communist Party and with the fellows I was associated with—and I believe this to be true with the majority of them—the level that they operated on and I operated on gave us absolutely no understanding of any world-wide ramifications, and I imagine that still is very true, that if you think about them at all, you have to think about them on a certain level.

After I got out I began to think more clearly about it, and since there were a lot of things about what we studied, and so on, and somebody must have been telling us what to do, if you follow it up you finally come to the New York bunch, which is the head, the so-called head of the Communist Party, and that is Foster, Dennis, and the others.

We studied these people. Now, I am not naive enough now to believe that it ends there.

Mr. DOYLE. Well, I have heard witnesses here for these 2 or 3 days, and we have been hearing them all over the country, men and women, persons that we believe are members of the Communist Party, and some of them deny it, but they come in and complain because this committee is interfering with the freedom of thought, and they are begging and pleading for the freedom of thought. Some of them tell you frankly that the Communist Party is where they will have freedom of thought and liberty of thinking as they want.

Mr. MARION. I think the Soviet Union is one of the narrowest countries, as far as any kind of culture is concerned, and anybody, who is an artist should be very concerned, and I also think the Soviet Union, in order to retain and in order to insure its own safety, must seek help in every country it possibly can.

Mr. DOYLE. Now, let me come back to my other question just a moment, and I must hasten.

Do you mean to tell me that the whole foundation or substantially the whole foundation is the Soviet Union? If that is all the foundation, I want you to tell me that, or if it is less than the total foundation of the Communist Party, I would like to have you tell me that.

You said if you take the element of the Soviet Union out of the Communist Party in America, that you have nothing left. Do you mean to tell me that?

Mr. MARION. I say if you take away the element of the Soviet Union, if you were to push them aside and say that the Soviet Union is not or has no connection or has no existence now as a Communist power and therefore the Communist Party in America has no connection with it, I say you take away the element of the Communist Party and it no longer remains a subversive organization. You bring the element of the Soviet Union in, and you have that.

Mr. DOYLE. Then do I understand that your experience or your opinion is that because the Communist Party in America is fundamentally the mouthpiece of the Soviet Union, that it is subversive?

Mr. MARION. Well, as far as the subversive part is, I don't know about that, but I will say it is the mouthpiece of the Soviet Union, and vice versa. During our time or during my sojourn in the Communist Party there was never anything said which was detrimental to the Soviet Union and they were never wrong, and when a country is never wrong there is something wrong.

As far as the United States was concerned, there was nothing that ever happened here that was of any value at all.

Mr. DOYLE. You mean no good was ever spoken of the country in which the Communists that were with you were complimentary?

Mr. MARION. How could it be? This is the strongest capitalist country in the world, and we seek to dominate and enslave every country; that was the idea. It was that we could not exist unless we became a socialist nation, the fact that there would be wars and there would be a depression, and we were supposed to have had a depression 7 or 8 years ago, according to the information we got.

Mr. DOYLE. You used the term, you said there were pamphlets, and I understood you to say that the pamphlets were charging the United States with being a warmonger.

Mr. MARION. That is right.

Mr. DOYLE. You mean distributed in these Communist meetings?

Mr. MARION. Well, we studied that, and it was always back to the fact that Wall Street—and these are the cliché terms used all the time—that Wall Street wanted war and that the United States, in order to keep well and healthy economically, must have a war, and that is one of the things that gets you into the Communist Party in the first place, the fact that you will be working for not having war any longer.

Mr. DOYLE. You said that nothing American was ever studied, and you studied Lenin's works and the United Front, and you mentioned two or three other books. Do you mean to tell me that all of this group of American-born citizens that were in that Communist group with you of the Hollywood radio people, do you mean to tell me that these people never studied the history of the Constitution or the Declaration of Independence?

Mr. MARION. I am afraid not. I did ask once, "Why don't we study American history? We are supposed to be American Communists and we are going to influence the Americans."

Mr. DOYLE. You were the literature chairman of this intellectual group in Hollywood. Didn't you have in your possession or were you not furnished literature by the Communist Party in America edifying the freedom of thought and the liberties and the greater benefits of being born in America? Did you not have any such literature as that?

Mr. MARION. No; absolutely not.

Mr. DOYLE. Why not?

Mr. MARION. I don't know. I haven't any idea.

Mr. DOYLE. Where did you get all of the literature which you did distribute or sell?

Mr. MARION. I got that from a book store on Highland Avenue, the Lincoln Book Shop, and they had the latest pamphlets, latest Com-

munist pamphlets. You went around and you chose whatever they had, and the selection was not too varied or too large.

Mr. DOYLE. I want to compliment you, young man, on having the guts and the conscience to come here and testify under these conditions, knowing what this bunch of people, some of them behind you and some of them in other places, will call you, such as "stool pigeon," and they have already without a doubt, and I want to compliment you.

Mr. MARION. Thank you. As far as that is concerned, I have been called stool pigeon, and I have been called informer, and it has made me stronger than anything else.

Mr. DOYLE. Just in closing, Mr. Chairman, on my behalf, I want to invite other people to come to the point where they think more of their own Government and their birthrights in this country as American citizens than they do of the Soviet Union, and come clean enough to come up and cooperate like the young man has.

Mr. WOOD. Are there any further questions?

Mr. VELDE. Mr. Marion, I too wanted to add to Mr. Doyle's thanks, my own thanks for your splendid cooperation in helping this country and helping this committee. I was very much interested in your statement that you started to read at the beginning, and of course I will read it when it gets into the record, but of course our distinguished chairman and the rest of the members of the committee try to be more than fair to these Communist witnesses who refuse to answer questions, and in not allowing you to read the statement which you had prepared, I am sure that the chairman was only acting in his sense of fairness to everybody.

Mr. MARION. That is right. I realize that.

Mr. JACKSON. Mr. Marion, I want to associate myself with my colleague in expressing my appreciation and my respect for your courage. "Comes the revolution," I want to be on your side and I am glad that you are on our side.

Do you know of any freedom of speech in the Communist Party, Mr. Marion?

Mr. MARION. I would say "No."

Mr. JACKSON. We have heard a lot about the Bill of Rights here, and we have listened to long perorations going on for hours about a deep devotion to constitutional rights. Do you know of any freedom of assemblage except the assemblage to listen to a directive which has been decided upon already?

Mr. MARION. No. I would say that the Soviet Union is pretty much of a closed union.

Mr. JACKSON. You certainly know of no freedom of worship?

Mr. MARION. I do not know anything about freedom of worship. The only thing I was concerned in was the lack of freedom of any kind of culture, in writing, and mainly in writing, I suppose.

Mr. JACKSON. Is there any freedom in the Communist Party to scream and insult members of the Politburo?

Mr. MARION. I imagine not, and also I would say that if the Communist Party ever took over, I do not think that there would be any amendments or any constitution to amend. According to what we read and what we studied, it does not seem possible, but people mentioned force and violence, and there was no talk of that, and yet we studied the principles, the fact that if the Communist Party was in existence, it

would be impossible for there to be a Democratic Party or a Republican Party; absolutely impossible.

Mr. JACKSON. In that connection, would you have any idea as to what would happen to, let us say, a Republican who picketed the Kremlin?

Mr. MARION. I am afraid he would find himself in Siberia, wherever the Siberia in America would be.

Mr. JACKSON. I will hasten to add that I think that 90 percent of the witnesses we have had in that witness chair during the course of these hearings would be shot the following morning in any of the satellite countries and that they are very fortunate to be testifying in the United States of America before a congressional committee.

The committee will stand in recess until 10 o'clock tomorrow morning.

(Whereupon at 5 p. m., a recess was taken until 10 a. m., Friday, October 3, 1952.)

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