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GIVEN BY _____

COMMUNIST METHODS OF INFILTRATION
(GOVERNMENT—LABOR, Part 3)
(Based on Testimony of James McNamara)

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-THIRD CONGRESS
FIRST SESSION

SEPTEMBER 15, 1953

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

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

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

PART 2—RULES OF THE HOUSE OR REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

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

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *
(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

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

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

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

RULES ADOPTED BY THE 83D CONGRESS

House Resolution 5, January 3, 1953

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

- * * * * *
- (q) Committee on Un-American Activities, to consist of nine members.
- * * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

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(a) Un-American Activities.

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COMMUNIST METHODS OF INFILTRATION
(Government-Labor, Part 3)
(Based on Testimony of James McNamara)

TUESDAY, SEPTEMBER 15, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON
UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:39 a. m., in the caucus room, Old House Office Building, Hon. Gordon H. Scherer presiding.

Committee members present: Representatives Gordon H. Scherer and Francis E. Walter.

Staff members present: Robert L. Kunzig, counsel; W. Jackson Jones, investigator; and Thomas W. Beale, Sr., chief clerk.

Mr. SCHERER. The committee will be in session.

Let the record show that the Honorable Harold H. Velde, chairman of the House Committee on Un-American Activities, has appointed the Honorable Francis E. Walter and Gordon H. Scherer as a subcommittee, with the latter as chairman, for the purpose of this hearing.

Mr. Counsel, are you ready to proceed?

Mr. KUNZIG. Yes, sir. Will Mr. McNamara please step forward?

Mr. SCHERER. Would you raise your right hand to be sworn?

In the testimony you are about to give before this committee, do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McNAMARA. I do.

Mr. SCHERER. Will you be seated?

Mr. McNAMARA. Yes, sir.

Mr. SCHERER. Mr. Counsel, will you please proceed?

TESTIMONY OF JAMES McNAMARA

Mr. KUNZIG. Mr. McNamara, would you give your full name for the record, please?

Mr. McNAMARA. James McNamara.

Mr. KUNZIG. What is your present address?

Mr. McNAMARA. 6231 Cambridge Avenue, Cincinnati 30, Ohio.

Mr. KUNZIG. Mr. McNamara, for the record I see that you are not

represented by counsel. I assume that you understand that rule 7 of this committee says as follows:

At every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

Mr. McNAMARA. I understand that.

Mr. KUNZIG. And you prefer to testify without counsel?

Mr. McNAMARA. I do.

Mr. KUNZIG. Where were you born, sir?

Mr. McNAMARA. I was born in Baltimore, Md.

Mr. KUNZIG. When?

Mr. McNAMARA. December 29, 1901.

Mr. KUNZIG. Could you give the subcommittee a brief résumé of your educational background, Mr. McNamara?

Mr. McNAMARA. I finished high school in Washington, Ind., attended Indiana University for a year, just A. B. work. I studied law for a year in St. Louis at St. Louis University and another year at Fordham University in New York City.

Mr. KUNZIG. That is the sum total of your official educational background?

Mr. McNAMARA. Yes, sir.

Mr. KUNZIG. Could you, in more detail, give the subcommittee a résumé of your employment background? By that I mean the main employment of your career.

Mr. McNAMARA. Well, that is quite difficult, because up to the time I came to Washington in 1936, I believe it was, I had worked at perhaps 100 different types of jobs and occupations. I had sold various things.

I had worked as a clerk. I had worked as a laborer. I had worked in shipyards. I had worked for railroads. I imagine I probably had 40 or 50 different jobs.

Mr. KUNZIG. Well, then, starting in 1936, let us take it specifically from there on in.

Mr. McNAMARA. I can do that; yes. I would like to be sure whether that was 1936 or 1937 that I came to Washington.

Mr. KUNZIG. You may check any records that you wish to, Mr. McNamara. Look it up and take your time.

Mr. McNAMARA. It is odd that you should ask me right at the beginning that I cannot remember. It was in 1937 when I came to Washington, D. C.

Mr. KUNZIG. Well, then, take up the occupational background from that time on.

Mr. McNAMARA. Immediately before that I had been working out through Ohio, selling roofing to industrial concerns through the northern part of Ohio and I came to Washington.

I was probably a little more familiar with this part of the country. I had previously worked for hotels.

Mr. KUNZIG. In what capacity?

Mr. McNAMARA. The only capacity I had worked was as a clerk. I knew some of the hotel industry, so in coming to Washington I applied to perhaps 3 or 4 hotels. No; it must have been more than half a dozen hotels, for work, and I received three replies offering me work. I accepted one at the Hay-Adams Hotel.

I worked there for a matter of months, I think as a clerk on the front desk when I learned of all of these workers in the hotel industry in Washington who were unorganized.

That was in the summer of 1937.

I investigated the union. I did not even know the name of the union having so-called jurisdiction over hotel workers at that time, but I learned about it and went down to the union office and joined the union. I was the only clerk in the union at the time, that is in Washington. There were clerks, I believe, in San Francisco.

I continued to work for the hotel, meanwhile organizing for the union while I was working for the hotel. Hotel hours, as you probably appreciate, are a little different. They are split shift.

Mr. KUNZIG. How long did you work there?

Mr. McNAMARA. For maybe 6 months.

Mr. KUNZIG. What was the next phase of your work?

Mr. McNAMARA. I quit the hotel and went to work for the local which I had organized.

Mr. KUNZIG. What was the official name and number of that local?

Mr. McNAMARA. Local No. 80 of the Hotel and Restaurant Workers. They have changed their name since.

Mr. KUNZIG. To the best of your recollection, then.

Mr. McNAMARA. Hotel and Restaurant International Alliance and Bartenders International League of America.

Mr. KUNZIG. With what larger group union was it affiliated?

Mr. McNAMARA. With the American Federation of Labor. I had organized enough people by that time so that I could draw a weekly salary of \$15 and on the \$15 I quit the hotel job and went to work for the union.

Mr. KUNZIG. How long did you work for the union?

Mr. McNAMARA. I worked then for the union until January 1942.

Mr. KUNZIG. What position were you occupying by that time in the union?

Mr. McNAMARA. Well, I had gone through the various steps. I think I was first the secretary of the local. Then I became the business agent. Then, through my organization work—I was organizing rather fast—I became, I believe they called it, business representative of the local joint executive board. That is the board in charge of local activities in any one city, and then at the San Francisco convention of the international union in 1938, which you will note was not very long from the time I joined in the summer, August 15, 1938, I was elected an international vice president of the union.

I continued as international vice president and also as the local business agent and also as officer of the local joint board until the Cincinnati convention of the international union which was held the week of April 21, 1941.

Mr. KUNZIG. What happened there?

Mr. McNAMARA. At that convention I lost my international job. The voting was in favor of a man from Chicago.

Mr. KUNZIG. So you lost the election and were no longer in the international position in the union?

Mr. McNAMARA. That is right.

Mr. KUNZIG. Is it then you went to work for the United States Government?

Mr. McNAMARA. Not immediately, but I began looking for opportunities.

Mr. KUNZIG. What was your next employment then?

Mr. McNAMARA. It was with the Federal Government.

Mr. KUNZIG. In what capacity, Mr. McNamara?

Mr. McNAMARA. As a commissioner in the United States Conciliation Service, the Federal Mediation Service then was called the Mediation Conciliation Service.

Mr. KUNZIG. You started working for the Federal Government at what time?

Mr. McNAMARA. On January 30, 1942.

Mr. WALTER. At what convention were you elected?

Mr. McNAMARA. I was elected at the San Francisco convention of the union which began August 15, 1938.

Mr. KUNZIG. On January 30, 1942, you went to work for the Federal Government?

Mr. McNAMARA. That is true.

Mr. KUNZIG. Have you worked with the Government continuously ever since?

Mr. McNAMARA. I have.

Mr. KUNZIG. What was the final position that you occupied?

Mr. McNAMARA. I was the commissioner in Cincinnati.

Mr. KUNZIG. Commissioner of what?

Mr. McNAMARA. Conciliation Service. It is still called commissioner of conciliation. It is a mediator, labor mediator.

Mr. KUNZIG. On the 30th of January when you went to work for the Federal Government, as you just testified, you signed, I believe, and I have a copy in front of me, a personnel affidavit stating:

I, James McNamara, do solemnly swear (or affirm) that I have read and understand the foregoing; that I do not advocate the overthrow of the Government of the United States by force or violence; that I am not a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am an employee of the Federal Government, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence.

Is that correct? You did sign such a document?

Mr. McNAMARA. I would imagine so.

Mr. KUNZIG. I will hand you this document marked "McNamara Exhibit No. 1" and ask you if that is your signature?

Mr. McNAMARA. Yes, it is.

Mr. KUNZIG. May I at this time offer McNamara exhibit No. 1 in evidence, Mr. Chairman?

Mr. SCHERER. It will be marked for identification and received in evidence.

(Personnel affidavit, James McNamara, marked "McNamara Exhibit No. 1" for identification and received in evidence.)

Mr. KUNZIG. You also signed an oath-of-office form which I shall now mark as "McNamara Exhibit for Identification No. 2," which is the regular oath-of-office form of the United States Government, and among other things it says:

I, further, do solemnly swear (or affirm) that I am not a member of the Communist Party, the German Bund, or any other Communist, Nazi, or Fascist organization, and that I am not a member of any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

Is that your signature there, Mr. McNamara?

Mr. McNAMARA. It is.

Mr. KUNZIG. You did sign that document marked "McNamara Exhibit for Identification No. 2"?

Mr. McNAMARA. I did.

Mr. KUNZIG. Or it is a copy of it, I should say.

Mr. Chairman, I now offer this document, McNamara exhibit for identification No. 2 in evidence at this point.

Mr. SCHERER. It will be so received in evidence.

(Oath of office of James McNamara was marked "McNamara Exhibit No. 2" for identification and received in evidence as "McNamara Exhibit No. 2.")

Mr. KUNZIG. Are you presently working for the United States Government?

Mr. McNAMARA. No; I am not.

Mr. KUNZIG. When did you resign or leave the service?

Mr. McNAMARA. I resigned on September 10, 1953, this September.

Mr. KUNZIG. Was that after a subpoena was served upon you by this committee?

Mr. McNAMARA. It was.

Mr. KUNZIG. Mr. McNamara, I have before me testimony given on July 14, 1953, of this year by two different witnesses, under oath before this committee at a hearing held in Albany, N. Y. I should like to read this testimony into the record. The first is testimony by Jack Davis, 92 Hudson Avenue, Albany, N. Y.

Mr. Davis was asked by Mr. Tavenner:

Will you proceed to state to the committee the names of those persons whom you are certain you met and with whom you sat in these fraction meetings?

Fraction meetings were meetings of the Communist Party. The answer is:

James McNamara, who in 1938 became vice president of the international at the convention in San Francisco. He was elected an international vice president.

Mr. TAVENNER. Of what union?

Mr. DAVIS. Of the Hotel and Restaurant Workers Union.

Mr. TAVENNER. Do you know what James McNamara is doing now?

Mr. DAVIS. No; I cannot recall having seen him since 1941. I met with him on 1 or 2 occasions. I met with him in the fraction meeting of the Communist Party in the union.

Mr. TAVENNER. Nobody was present except members of the Communist Party?

Mr. DAVIS. That is right.

Mr. TAVENNER. At the fraction meetings which you described?

Mr. DAVIS. That is right.

Then the testimony of Nicholas Campas, 129 Fourth Street, Troy, N. Y. Mr. Campas was asked the same questions and his answer was:

James McNamara—M-c-N-a-m-a-r-a. He was an officer of the Hotel and Restaurant Workers' Union in the Washington, D. C., local 80.

Mr. SCHERER. You say he is a member of the Communist Party?

Mr. CAMPAS. Yes, sir.

Mr. SCHERER. Or he was a member?

Mr. CAMPAS. Well, he was at the time I am speaking of, between 1937 and 1939—1937, 1938, and 1939.

I now wish to ask you, Mr. McNamara, have you ever been a member of the Communist Party?

Mr. McNAMARA. During the years—you realize that the years dull the edge of memory.

Mr. KUNZIG. I understand.

Mr. McNAMARA. During the years 1938, 1939, and 1940 I attended, in Washington, D. C., several meetings of the Communist Party. How many there were it would be very difficult for me to say at this time. I tried to fix the number of them in my own mind a little while ago and the best figures I could arrive at to my own satisfaction was 10 to 20.

I believe that I paid dues to the Communist Party once or twice; at least I remember giving some money to someone who was there.

Now, if that was dues money, that is what it was, but I gave some money to someone at one of these meetings.

Mr. KUNZIG. Did you receive a membership card?

Mr. McNAMARA. I never—I don't—I tried to search my brain for that. I don't think I ever had a membership card. I did not even know that they had membership cards, frankly.

Mr. KUNZIG. But you considered yourself a member in that particular period of time?

Mr. McNAMARA. Ideologically I did not, and I know it may be difficult for people at this time to understand this, but I was organizing a labor union and I was relatively new. I was not relatively new—I was new to this business of organizing and all of the other many activities involved in labor unionism, and I accepted help wherever I could find it.

Mr. KUNZIG. Did you get help from the Communist Party?

Mr. McNAMARA. I did.

Mr. KUNZIG. What kind of help?

Mr. McNAMARA. Of various kinds.

Mr. KUNZIG. Did it have anything to do with your meteoric rise in the labor movement? You admitted that it was quite fast and a distinguished rise.

Mr. McNAMARA. Well, it might have. It probably did, but I wouldn't know all of those things. You see, I was not privy to much that was going on within the party because, as I have said, sometimes I have never felt as though I was completely accepted by them. I always think that they sort of kept me at arm's length. I don't think I was completely accepted.

Let us put it on two scores. On the local level one would get help such as the following: Say that we were organizing in some hotel. Well, some party member might come in and say, "Here, Mac, here are half a dozen names."

Or he might say, "See So-and-So out there."

Or he might say, "See So-and-So, and they will help you with your organizing."

And then when I started, of course, we had no money at all and I had to presume on other union people, use their halls or meeting spaces or offices and these people would make arrangements or try to make arrangements for that sort of thing.

Mr. KUNZIG. Did they help you financially?

Mr. McNAMARA. No, no, no, never.

Mr. KUNZIG. It was the other way around, they wanted money from you?

Mr. McNAMARA. That is true. I didn't get any money from them.

On the other score, I know that must have been in the people's mind on what help, if any, the party was in my securing the international job.

Mr. KUNZIG. Yes.

Mr. McNAMARA. Well, there must have been help there, but again I was not too familiar with it. When I left Washington to go to this convention in San Francisco I didn't know that I would be a candidate for office even. I was interested in the local scene.

Mr. KUNZIG. And you had only been on that scene for a year or two yourself?

Mr. McNAMARA. That is true; but as in many labor situations if a person gives his attention and is willing to work there are a lot of things that can be done.

So I went to San Francisco, and as I recall they were electing for the first time an international vice president in charge of so-called service workers in hotels.

Shall I explain what they are? They are a group of workers in the hotel which comprises about 50 percent of the workers in the hotel, and for the first time they were electing an officer to be in charge of those workers.

Midway in the convention another delegate from Washington said to me: "Well, Mac, I think they are going to run you."

Well, that was the first time I knew anything at all of the possibility of my being elected a vice president.

Mr. KUNZIG. And so you were elected?

Mr. McNAMARA. I was elected in opposition to—there was an interesting thing at that convention. The Capone people were in San Francisco and they alined themselves against the good government and the Communists who were united. It was an odd situation.

Mr. KUNZIG. You have no doubt that your activities in the Communist Party at that time had a great deal to do with your being singled out after a year of activity, to be elected to the very important position?

Mr. McNAMARA. It probably did.

Mr. WALTER. You said at the convention this other delegate said, "I think they are going to run you."

Did you ask whom he meant?

Mr. McNAMARA. I think I did.

Mr. WALTER. He meant the Communists?

Mr. McNAMARA. Yes. There were other people. For example, I was nominated for the job by a man who to my knowledge is certainly no Communist. He is the present international president of the union, so you see there were other people also working with them in that situation.

Mr. WALTER. That is not uncommon. It is one of their devices.

Mr. McNAMARA. That is true.

Mr. WALTER. You say you resigned your position on the 9th of this month from the Federal Government?

Mr. McNAMARA. That is right.

Mr. WALTER. Were you asked to resign?

Mr. McNAMARA. No.

Mr. WALTER. Were you told?

Mr. McNAMARA. No, I was not asked to resign.

Mr. WALTER. Were you told it was embarrassing to have you in the employ of the Federal Government because of your Communist activities?

Mr. McNAMARA. I will be glad to tell you that. I was called into Washington about a week before I resigned and they asked me to go on annual leave until today, the 15th, and I said to them, I said, "Would you prefer me to resign?"

They said something to the effect "Well, Mac——"

Mr. WALTER. Who do you mean by "they"?

Mr. McNAMARA. Mr. McCoy said something to the effect that that might be the best thing.

Mr. WALTER. Did he tell you why?

Mr. McNAMARA. I don't believe he did.

Mr. WALTER. And you were not sufficiently interested in your job to inquire as to the reason why Mr. McCoy asked you to resign?

Mr. McNAMARA. Well, I had my own idea as to why he wanted me to resign, but I don't think I asked him.

Mr. WALTER. Thank you.

Mr. KUNZIG. May I proceed?

Mr. WALTER. Yes.

Mr. KUNZIG. Now, when you were working for the Federal Government——

Mr. SCHERER. Before we get to that, you did read part of the testimony given in the Albany, N. Y., hearings? Was that Nicholas Campas' testimony or Jack Davis' testimony?

Mr. KUNZIG. I read both Nicholas Campas' and Jack Davis' testimony, Mr. Chairman.

Mr. McNAMARA. There is one thing on Jack Davis' testimony, may I——

Mr. KUNZIG. Yes, comment if you wish.

Mr. McNAMARA. He said I attended a national fraction meeting, was that?

Mr. KUNZIG. Of the Communist Party, is the way he phrased it.

Mr. McNAMARA. That I do not remember at all, and I seriously doubt that it occurred. I notice he does not say where it was or anything of that sort. I wrote "when," but I don't——

Mr. SCHERER. Do you know of any of these fraction meetings being held, whether they were on the national level or on a local level wherein members of the Communist Party who were also union officials gathered in advance of, say, a convention or an important union meeting to determine what policy would be carried out at that convention or union meeting?

Mr. McNAMARA. Oh, yes, I think that is done, but I did not attend any such meetings either before the San Francisco convention or before the Cincinnati convention.

Mr. SCHERER. Did you attend any after those conventions?

Mr. McNAMARA. Well—and I want to be sure of this date because it is important—in 1941 after the Cincinnati convention I was asked by Jay Rubin of New York to attend the meeting.

Mr. SCHERER. When you say "Jay Rubin," he was called the Communist food commissar of the country at one time, was he not?

Mr. McNAMARA. Well, I saw that title in some of the—oh, I think it was in one of the charges against me at the loyalty hearing of our

service, but honestly I never heard the title. That was the first time I ever heard of it.

Mr. SCHERER. Was he a Communist?

Mr. McNAMARA. Oh, yes; he was recognized as a Communist.

Mr. SCHERER. In what field did he specialize?

Mr. McNAMARA. In the hotel and restaurant field.

Mr. SCHERER. In the food field.

Mr. McNAMARA. Yes.

Mr. SCHERER. And he was a top operator in that field?

Mr. McNAMARA. Yes, he was.

Mr. SCHERER. Then that title would apply to him?

Mr. McNAMARA. It might very well.

Mr. SCHERER. Did you say you attended a fraction meeting after the San Francisco and Cincinnati conventions?

Mr. McNAMARA. Well, if it was called a fraction. I don't know.

Mr. SCHERER. Well, a meeting at which were present union leaders who were members of the Communist Party.

Mr. McNAMARA. I understood them to be members of the Communist Party, and I attended a meeting.

Mr. SCHERER. As I understand it, the purpose of those meetings—and let us get it clear for the record—was to determine if possible the policy of a subsequent labor meeting or labor convention; is that right?

Mr. McNAMARA. Not at this one I attended.

Mr. SCHERER. Was that the general policy of such meetings?

Mr. McNAMARA. Well, I am not too familiar with that. You see, as I say, I did not attend any. The only one that I remember is this one after the Cincinnati convention, and at that one what was discussed was the convention and the elections that had just taken place.

Mr. SCHERER. Irrespective of your attendance at one or more meetings, as a matter of fact you knew that the Communists, by having these meetings, whether we call them fraction meetings or anything else, were highly successful in carrying out their program at the respective meetings or in the respective unions?

Mr. McNAMARA. Oh, that is very true. I think that is well known. With a small number of people that can be done.

Mr. SCHERER. Go ahead, Mr. Counsel.

Mr. KUNZIG. Let me read to you a brief portion and phrase it for you as Mr. Campas did and we will see.

Mr. McNAMARA. Wait a minute. We are speaking of Mr. Davis now.

Mr. KUNZIG. We are now talking about Mr. Campas. This is what he said at the Albany hearing:

Mr. CAMPAS. Well, their purpose was to coordinate the work of the Communist Party members within the Hotel and Restaurant Employees' Union. Then, they also planned the program and what action the Communist Party members would take at the national conventions of the union, such as resolutions. In other words, they planned what resolutions they would endorse and what resolutions they would introduce and what resolutions they would fight against.

Mr. McNAMARA. That is true.

Mr. KUNZIG. You mentioned a little while ago, Mr. McNamara, loyalty hearings.

Mr. McNAMARA. That is true.

Mr. KUNZIG. Would you tell the subcommittee how many, if there were more than one, loyalty hearings you had while working for the Federal Government from 1942 until the present time?

Mr. McNAMARA. I shall be glad to. There have been held 3 loyalty hearings.

The first of those hearings was before the loyalty board of my service on September 25, 1948.

The second before the same board was held in September 1952.

At each of these hearings the findings were that reasonable grounds did not exist for the belief that I was disloyal to the Government of the United States.

Mr. SCHERER. What were the dates of those hearings again?

Mr. McNAMARA. The first was August 25, 1948.

Mr. SCHERER. What was the finding of that board at that time?

Mr. McNAMARA. That reasonable ground did not exist for the belief that I was disloyal to the Government of the United States.

Mr. SCHERER. Do you have a record as to who were the members of the panel at that time?

Mr. McNAMARA. Gee——

Mr. SCHERER. Well, if you don't——

Mr. McNAMARA. I do not have a record of it, but I could get it for you.

Mr. WALTER. At either of those hearings were you asked whether you were ever a member of the Communist Party?

Mr. McNAMARA. Yes.

Mr. WALTER. What was your answer?

Mr. McNAMARA. I told them "No."

Mr. KUNZIG. You said the second hearing was in September 1952.

Mr. McNAMARA. Yes.

Mr. KUNZIG. And you had said before on the record a moment ago that that hearing concluded, or the findings were that there were no reasonable grounds.

It could not be reasonable grounds, because by that time it must have been reasonable doubt so that it must have been found that there was no reasonable doubt as to your loyalty.

Mr. McNAMARA. That is true.

Mr. KUNZIG. What was the third hearing?

Mr. McNAMARA. February 16, 1953, at Cincinnati, Ohio, by the Civil Service Loyalty Review Board.

The review board affirmed the decisions of the Federal Mediation and Conciliation Loyalty Board and found "there is not a reasonable doubt" as to my loyalty.

Mr. WALTER. Was that a divided decision?

Mr. McNAMARA. I don't know.

Mr. WALTER. Did you testify at that hearing as to whether or not you were ever a member of the Communist Party?

Mr. KUNZIG. You are referring to the third hearing?

Mr. WALTER. Yes.

Mr. McNAMARA. I do not remember now but I would imagine they asked me that question.

Mr. KUNZIG. What would you imagine that your answer was?

Mr. McNAMARA. My answer would have been the same, that I was not.

Mr. KUNZIG. That you were not?

Mr. McNAMARA. That is right, and of course I have not been ever since I have been in the Government. There is no question on that, is there?

Mr. KUNZIG. But when asked as to whether or not you had ever been, is that true?

Mr. McNAMARA. That is right.

Mr. SCHERRER. Were you under oath at that time?

Mr. McNAMARA. Yes.

Mr. KUNZIG. I have here a document marked for identification, McNamara exhibit No. 3, which is your application for employment in the Federal Government, which is called a form 57.

That was filled out by you in 1946, and the copy I have is the 1946 copy of your form 57.

Now, question No. 17 of that form reads as follows:

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?

And your answer to that is "No."

I hand this to you and ask you whether that is your copy of it and whether you did at that time, as you did at the loyalty hearing, say "No," when asked this type of question?

Mr. McNAMARA. That is correct. Of course, as I said earlier, I know it is difficult for you gentlemen to agree with me or even sympathize with the thought, but in my own mind it will always be my contention that ideologically I was not the same.

I joined or associated with these people, perhaps, would be a better term, to assist me in my union organizing work, and I got assistance. That is the only thing I did. I was not interested in what their international program was, and all that sort of thing.

Mr. WALTER. Will you tell us something about your duties with the Federal Government and the work you did?

Mr. McNAMARA. Yes. I was a labor mediator. It is a job that perhaps is a little difficult to describe because no two cases are the same. One approaches each labor problem just a little differently, depending on the people involved, the situation, and all the thousand and one other things that make up and may affect the situation, so it is rather difficult.

Mr. WALTER. In each case there is involved a dispute between an employer and employee.

Mr. McNAMARA. That is correct.

Mr. WALTER. Do you know whether or not there were many people occupying the same position you did who were at some time or other officials in labor unions?

Mr. McNAMARA. Yes; there were several.

Mr. WALTER. It looks to me as if it was a packed court.

Mr. McNAMARA. Well, sometimes management felt that way.

Either party to a labor dispute will see pretty quickly if the mediator is favoring one side or the other. If he is a competent representative he will know that about the mediator.

Mr. KUNZIG. I would like to introduce in evidence the document I have described as Mr. McNamara's application for Federal employment as McNamara exhibit No. 3 in evidence, Mr. Chairman.

Mr. SCHERER. The document will be so received in evidence.

(Application of Mr. McNamara marked for identification and received in evidence as "McNamara Exhibit No. 3.")

Mr. KUNZIG. Were you connected, Mr. McNamara, with the Washington Tom Mooney case back in 1939 when you were a member of the party? Specifically, were you a sponsor?

Mr. McNAMARA. My sponsorship entailed the attendance at a banquet or a dinner they gave for Tom Mooney and frankly I did not know, and maybe this is difficult for the committee to believe, too, but I did not know at the time I attended that Mooney was said to have affiliated himself with the Communists after leaving jail in California. I frankly did not know it at that time. I may have been naive.

Mr. KUNZIG. I have a document which I would like to have marked as "McNamara Exhibit No. 4" for identification, which is a flier entitled: "Hear Tom Mooney Speak on Labor and Civil Rights Tuesday, June 6, 1939."

Among others, one of the sponsors was James McNamara.

Mr. McNAMARA. I did not, as far as I know.

Mr. KUNZIG. Did you know that your name appears here on this exhibit No. 4 for identification?

Mr. McNAMARA. I saw it afterward.

Mr. KUNZIG. The Washington Tom Mooney Committee has been cited as a Communist-front organization by the California Committee on Un-American Activities, Mr. Chairman.

I offer McNamara exhibit No. 4 in evidence.

Mr. SCHERER. It will be so received.

(Tom Mooney flier was marked "McNamara Exhibit No. 4" for identification and received in evidence as McNamara exhibit No. 4.)

Mr. KUNZIG. I have a document marked "McNamara Exhibit No. 5" which is a "Call to a Conference on Civil Rights April 20 and 21, 1940, Washington Hotel, Hall of Nations" under the auspices of the Washington Committee for Democratic Action.

Listed as a sponsor of the Washington Committee for Democratic Action is James McNamara.

Were you that James McNamara?

Mr. McNAMARA. That is a good way to put it.

Mr. KUNZIG. In other words, were you a sponsor of the Washington Committee for Democratic Action?

Mr. McNAMARA. That is one of the examples where a person in my unfortunate position is accused of several things he did not do.

Mr. KUNZIG. You have an opportunity to explain here. That is what this hearing is for.

Mr. McNAMARA. Well I recall that conference and as I have testified before on this subject at the loyalty board of my service and I believe before the Civil Service, I did not attend that conference and had nothing whatsoever to do with it, and I was asked evidently, or someone must have asked me, because I consulted the international president of my union in Buffalo and discussed it with him and I said: "Do you think I should attend this?"

And he said: "No."

So I did not attend.

Mr. WALTER. Did you ever testify before any other congressional committee?

Mr. McNAMARA. Yes.

Mr. WALTER. What committee was that?

Mr. McNAMARA. A subcommittee of the Committee on Education and Labor.

Mr. WALTER. Do you remember when that was, approximately?

Mr. McNAMARA. It was in 1948, the summer of 1948.

Mr. KUNZIG. To come back for a moment to this Washington Committee for Democratic Action, did you authorize your name to be used as a sponsor?

Mr. McNAMARA. No.

Mr. KUNZIG. Did you know your name was used?

Mr. McNAMARA. Not until afterward. In fact, I did not know my name was used until I saw a copy of that, or a photostat of it.

Mr. KUNZIG. Do you think your name was used by the Communist group in control of this type of organization because they knew they could trust you as a member, so to speak?

Mr. McNAMARA. I don't know whether they knew whether they could trust me as a member or not, but as soon as you become a very active unionist these groups grab your name and use it.

Sometimes I would come in the office in the morning and I would see my name on some outfit for this or that or the other thing, and sometimes I would call them on the telephone and ask them why they used my name, and sometimes I was too busy and I would say "Well, the heck with it."

Mr. KUNZIG. At any time while the Communists were using your name did you protest to the newspapers or openly or in any other way that your name was being used?

Mr. McNAMARA. No; I did not.

Mr. KUNZIG. The Washington Committee for Democratic Action has been cited by Attorney General Tom Clark, Attorney General Francis Biddle, and the Special Committee on Un-American Activities and by the California Committee on Un-American Activities, Mr. Chairman.

I offer McNamara exhibit No. 5 into evidence at this time, Mr. Chairman.

Mr. SCHERER. It may be so marked and received in evidence.

(Conference of Washington Committee for Democratic Action was marked for identification and received in evidence as McNamara Exhibit No. 5.)

Mr. KUNZIG. I have a document which I shall mark as McNamara Exhibit No. 6 for identification, Mr. McNamara, which is also a similar situation. It is the same organization, the Washington Committee for Democratic Action, sponsoring a Conference on Civil Rights.

This is a letterhead dated April 26, 1940, which is a little later now, and under the list of sponsors again appears the name James McNamara.

I will hand you this document marked "Exhibit No. 6 for identification and ask you whether you knew at that time whether your name was being used by this Communist-front organization?

Mr. McNAMARA. In 1940? The conference was in 1938.

Mr. KUNZIG. No, the other was in 1940 also and the one regarding Tom Mooney was in 1939.

Mr. McNAMARA. This was at the same time as the conference. Well, no.

Mr. KUNZIG. You did not know your name was being used on this letterhead?

Mr. McNAMARA. I may have seen a letterhead after it was on there, but I did not authorize it.

Mr. KUNZIG. I offer McNamara exhibit No. 6 in evidence, Mr. Chairman.

Mr. SCHERER. It may be admitted in evidence.

(Conference on Civil Rights by Washington Committee for Democratic Action, letterhead April 26, 1940, was marked for identification and received in evidence as "McNamara Exhibit No. 6.")

Mr. KUNZIG. I have a document which I shall mark as "McNamara Exhibit No. 7" for identification, which is a Call to a Conference on Constitutional Liberties in America.

This was cited by Attorney General Francis Biddle in 1942, by the Special Committee on Un-American Activities in 1944, by the California Committee on Un-American Activities in 1948, and by the New York City Council Committee investigating the municipal civil-service commission.

Out of this conference on Constitutional Liberties in America grew the National Federation for Constitutional Liberties, which is also a well-known and cited organization.

Now, listed as a sponsor is James McNamara, of Washington, D. C.

Were you a sponsor of this group?

Mr. McNAMARA. I was not. Mr. Chairman, these groups used my name almost indiscriminately. Certainly I should have used means to stop it, but on all of the charges brought up before having to do with my participation in groups such as that, I did not have time. I did not participate in them.

Mr. KUNZIG. They used your name indiscriminately, but you did nothing about it?

Mr. McNAMARA. Yes; I did do something about it.

Mr. KUNZIG. What did you do and when did you do it.

Mr. McNAMARA. Here is one instance. This was all 15 years ago. Here is a letter in 1939. Is this in 1939?

Mr. KUNZIG. This was in 1940?

Mr. McNAMARA. Here is a letter dated June 7, 1939, to the general president of the international union, a paragraph of which reads as follows:

I am also enclosing copies of a number of letters having to do with the National Right-To-Work Congress and ask that you return these letters to me. I am sending them to you simply for your information because at times I know I am unfortunately cast in the role of a rabid radical. This organization used my name without my authorization. I promptly wrote them asking that they remove my name from any of their literature. Oftentimes organizations such as this use the name and standing of liberal individuals for their activities.

That is just chance that I have that one letter.

Verbally perhaps I had done several things.

Mr. SCHERER. Was that during the time that you were international vice president of the union?

Mr. McNAMARA. Yes, it was.

Mr. KUNZIG. During the time that you were active in Communist affairs.

Mr. McNAMARA. It was during the time that I associated with some Communists here in Washington. I would rather put it that way.

Mr. SCHERER. Was that letter written because there were complaints within the union at that time about your Communist activities?

Mr. McNAMARA. There might have been, yes. For example, I talked at the Wardman Park Hotel with Jim Carey at a breakfast given by some union organization and I said something to the effect that it would be better for the union movement as a whole if the CIO and the A. F. of L. got together. That got to my international president the next day. Those sort of things would get to him. Some of them considered me a little too liberal, I guess.

Mr. KUNZIG. When I asked you whether you were a member of the Communist Party you answered by saying that ideologically you did not consider yourself one of them, and you went on to discuss the meetings you went to and the assistance they gave you. At that time it is true, is it not, that you were a member of the Communist Party? That is in 1938, 1939, and 1940.

Mr. McNAMARA. I suppose one would say that I was a member if one can be a member, if one can belong to a church and not believe what they teach. Then I was a member of the Communist Party.

Mr. KUNZIG. Excuse me just a moment.

You have indicated to me in private that you would be willing to give the names of some of the people you associated with in the Communist Party and in labor unions in an executive session.

Mr. McNAMARA. That is correct.

Mr. KUNZIG. Before this subcommittee.

Mr. McNAMARA. That is true.

Mr. KUNZIG. Is that correct?

Mr. McNAMARA. That is true.

Mr. KUNZIG. And you will do that?

Mr. McNAMARA. I will.

Mr. KUNZIG. Mr. Chairman, in case I neglected to offer McNamara exhibit No. 7 in evidence, I do so now.

Mr. SCHERER. It may be admitted in evidence.

(Call to Conference on Constitutional Liberties in America was marked for identification and received in evidence as "McNamara Exhibit No. 7.")

Mr. KUNZIG. Mr. Chairman, I recommend then that with regard to questions as to other names, that following the practice of this committee here, we hold an executive session in order that our staff may have an opportunity to properly check these names before the release of such names, and I recommend that as to this series of questions we have an executive session at a later time.

Mr. SCHERER. The recommendation of counsel will be followed and we will hold an executive session at that time to be determined upon the conclusion of the hearing this morning.

Do you have any further questions?

Mr. KUNZIG. I have no further questions in public session, Mr. Chairman.

Mr. SCHERER. Do you have any questions, Congressman Walter?

Mr. WALTER. No further questions.

Mr. SCHERER. The first hearing, I believe you said, before a [loyalty] board was on August 25, 1948?

Mr. McNAMARA. That is true.

Mr. SCHERER. And that was the agency board of the Mediation and Conciliation Service?

Mr. McNAMARA. That is true.

Mr. SCHERER. That decision was subsequently reviewed, was it not, by the Loyalty Review Board?

Mr. McNAMARA. I don't know whether there was that decision. I had a loyalty hearing within my service before the loyalty board of my service.

Mr. SCHERER. Of the agency?

Mr. McNAMARA. Yes.

Mr. SCHERER. And at least one of those hearings of the agency board was reviewed by the Loyalty Review Board?

Mr. McNAMARA. That is true.

Mr. SCHERER. And that review took place in November 1948, did it not?

Mr. McNAMARA. The review?

Mr. SCHERER. Yes.

Mr. McNAMARA. No. The review was, the hearing was held in Cincinnati on February 16, 1953.

Mr. SCHERER. That was the last one. There was one before that, was there not?

Mr. WALTER. September 1952.

Mr. McNAMARA. In September 1952 by our own service.

Mr. SCHERER. There was one in 1948 following your hearing before the agency board, was there not?

Mr. McNAMARA. No, I think we are confused on this.

Mr. SCHERER. You may not know about that review, is that possible?

Mr. McNAMARA. No. I know of three hearings in which I participated. The first of these hearings was before the loyalty board of my service held on August 25, 1948.

The second hearing held before the loyalty board of my service was a 2-day hearing held in Washington in September 1952. The day of the month I do not have.

Now then, a third hearing outside of my service was held by the Civil Service Loyalty Review Board in Cincinnati, Ohio, on February 16, 1953.

Mr. WALTER. Were there not review boards in the agency as well as in the other?

Mr. McNAMARA. I do not think so, Congressman.

Mr. KUNZIG. You were present at those three hearings, were you?

Mr. McNAMARA. Oh, yes.

Mr. SCHERER. And the one held on November 4, 1948, or thereabouts, reviewing the decision of August 25, 1948, was held and evidently you were not present?

Mr. McNAMARA. That is true.

Mr. WALTER. Let us get this straight. Then there is a review board in the agency.

Mr. McNAMARA. There must be. I did not know of it, frankly.

Mr. SCHERER. Do you have any questions, Mr. Walter?

Mr. WALTER. Yes, Mr. Chairman.

Mr. McNAMARA, I direct your attention to the San Francisco convention. You say that on your way into the convention hall the delegate who accompanied you said "I think they—" meaning the Communists—"are going to run you."

Who was the man who said that?

Mr. McNAMARA. Costas Alexiou.

Mr. WALTER. Where does he live?

Mr. McNAMARA. I believe he still lives in Washington, D. C.

Mr. WALTER. Did he indicate to you the reason why he made the statement that he made?

Mr. McNAMARA. No, he did not, but I was very active on the convention floor at the time and they were looking for a vice president in charge of these workers and I suppose it appeared to everybody as though I probably knew as much about—

Mr. WALTER. Was this man Costas a Communist?

Mr. McNAMARA. I would believe he is, yes, sir.

Mr. WALTER. You know he is?

Mr. McNAMARA. Well, I will talk to you about that later.

Mr. WALTER. All right. That is all. Thank you.

Mr. SCHERER. I have no further questions.

The witness will be continued under subpoena and we will advise you later in the day as to the time and place of the executive hearing. It will most likely be this afternoon, so you will remain under subpoena and we will let you know.

Mr. KUNZIG. Thank you. That will be all for the time being, then.

Mr. SCHERER. What other witnesses have you?

Mr. KUNZIG. Mr. Young, chairman of the Civil Service Commission, and Mr. McCoy, director of the Federal Mediation Service.

If Mr. McCoy is present we will call him first.

Mr. SCHERER. Will you stand up and be sworn, please, sir?

In the testimony you are about to give before this committee, do you solemnly swear you will tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. McCoy. I do.

TESTIMONY OF WHITLEY P. McCOY

Mr. KUNZIG. Mr. McCoy, will you please give your full name and title for the record?

Mr. McCoy. Whitley P. McCoy, Director, Federal Mediation and Conciliation Service.

Mr. KUNZIG. Mr. McCoy, it is my understanding that you have been subpoenaed in person and to produce the files in the case of James McNamara, such as may be represented within your files in the Federal Mediation and Conciliation Service. Is that correct?

Mr. McCoy. Yes, sir.

Mr. KUNZIG. Do you have those files?

Mr. McCoy. I have just been handed this subpoena. I have not looked it over. I suppose it is what you said.

Mr. KUNZIG. Do you have those files with you in person?

Mr. McCoy. I do not. I came over here this morning to request the committee very respectfully for a little more time in which to consult with the Department of Justice and my own people as to these matters.

I have every desire to cooperate with this committee and the greatest respect for it.

Mr. WALTER. Why don't you demonstrate it, Mr. McCoy?

Mr. McCoy. I am demonstrating it by being here, Congressman, trying to.

Mr. SCHERER. Do I understand, then—

Mr. McCoy. I am just asking for a continuance of this matter, Congressman.

Mr. SCHERER. Then you are at this time not refusing or not agreeing to turn over to the committee the files?

Mr. McCoy. That is correct, sir.

Mr. WALTER. In other words, you want an opinion as to whether or not you have to comply with the subpoena duces tecum?

Mr. McCoy. That is exactly right, sir. I just took office very recently, and with the difficulty of moving from Alabama, which I am sure you gentlemen will appreciate, having to go down and get my household goods and my family and find a home and that sort of thing, I have not had great deal of time on the job.

Mr. WALTER. Suppose you are advised that you do not have to comply with the subpoena. Then what about the great respect you say you have for the work of this committee?

Mr. McCoy. If I am advised by competent advice that I am forbidden to produce the records, my duty will be to refuse. It will not be disrespectful of the committee.

Mr. WALTER. Forbidden by whom?

Mr. McCoy. The President.

Mr. SCHERER. The Attorney General talked to me and said that the agency had stated that they wanted to discuss this with the committee further and that the agency felt that it would be in a position to give us all of the information that we wanted. Is that your position?

Mr. McCoy. I hope very much that I will be in a position to give you everything that I have got, Congressman. I just want a little more time.

Mr. WALTER. How much time do you want? Until 2 o'clock this afternoon?

Mr. McCoy. I should hope that it would not require too much time, but I have no control over that.

Mr. SCHERER. Well, on Wednesday I am leaving for hearings of the Public Works Committee which will last 2 weeks. Therefore I will not be available for 2 weeks.

The request of the Director of the Federal Mediation and Conciliation Service will be granted on the representation that was made to me by the Deputy Attorney General this morning, viz., that the agency felt that it could give to us, that is the committee, all of the information we needed with reference to this matter.

The Deputy Attorney General represented that he did not want to give us this information publicly for security reasons. Personally I am at a loss to understand how the security of the country could be affected by giving us the information we requested publicly, but on his representation I am willing to look into the matter and determine with Mr. Walter whether or not any security measures are affected.

Therefore the request will be granted and you will remain under subpoena, Mr. McCoy.

Mr. McCoy. Thank you, and may I add for the record what you already know personally, that our office has furnished the committee with certain documents which were requested.

Mr. SCHERER. Let us say they were not the documents that I really wanted. They were very innocuous documents.

Mr. McCoy. I should like to renew the statement that I made, that I have the greatest respect for this committee and I hope—

Mr. WALTER. Do you think you are cooperating with this committee in its work when you do not send to the chairman of this committee the documents he requested?

Mr. McCoy. No.

Mr. WALTER. Why did you send him any documents at all if you did not think the committee was entitled to the documents? Why did you send a part of them?

Mr. McCoy. I did not take that position.

Mr. WALTER. The chairman of this committee requested certain information and you sent a part of it and you did that deliberately, trying to create the impression that you had complied with his request, but you did not give him what he sought.

Mr. McCoy. I don't know whether you saw the letter that I wrote to Congressman Scherer or not.

Mr. WALTER. I heard about that letter for the first time this morning.

Mr. SCHERER. Mr. Walter is correct with this exception. Mr. McCoy stated he would not give me the balance of the material which I requested, but he did tell me there were some that he was hoping he could bring in.

Mr. McCoy. I hope I can bring it in the next time.

Mr. SCHERER. I hope so, too.

You may be excused at this time, then, Mr. McCoy.

Call your next witness, Mr. Kunzig.

Mr. KUNZIG. I call Mr. Philip Young.

Mr. SCHERER. Mr. Young, would you stand up, please, and be sworn?

In the testimony you are about to give before this committee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. YOUNG. I do.

TESTIMONY OF PHILIP YOUNG

Mr. KUNZIG. Mr. Young, would you please give your full name for the record?

Mr. YOUNG. Philip Young.

Mr. KUNZIG. And your present position?

Mr. YOUNG. Chairman of the Civil Service Commission.

Mr. KUNZIG. Am I correct in saying that you have been served with a subpoena asking you to produce in general terms the files in the case of James McNamara?

Mr. YOUNG. That is correct.

Mr. KUNZIG. Do you have those files with you this morning?

Mr. YOUNG. We do have the files with us and the Civil Service Commission in this matter is in the same position as the Federal Mediation Service with respect to turning over their files to the committee.

We are most anxious at the Commission to cooperate with the committee. We are in perfect sympathy with the objectives of the committee and you can be quite sure that we will make every effort to see that you have the factual information that will be of help and of constructive use to the committee from our records.

Mr. SCHERER. I suppose you are asking for a continuance for the same reasons advanced by Mr. McCoy?

Mr. YOUNG. That is correct, Mr. Scherer. We are in the same position as the Federal Mediation Service in this.

Mr. SCHERER. Do you have the actual records, or does Mr. McCoy have the records?

Your letter to me told me the records were in the possession of Mr. McCoy.

Mr. YOUNG. We have certain records in the Civil Service Commission, and Mr. Meloy, the chief law officer of the Civil Service Commission, who is here with me this morning, has those records.

Mr. SCHERER. When did you get those records?

Mr. YOUNG. In 1953. They have been in our possession since 1952.

Mr. SCHERER. I don't know whether you wrote this letter yourself but your signature appears on it. Why did you say that the files were in the possession of the Federal Conciliation and Mediation Service, and I would have to contact it?

Mr. YOUNG. Mr. Meloy advised me that we stated we did have the transcript of the Review Board and that the files were in the hands of Mr. McCoy in the Federal Mediation Service.

Mr. SCHERER. Your letter, Mr. Young, is dated August 14, 1953, and reads as follows:

(Letter from Philip Young, Chairman of Civil Service Commission, dated August 14, 1953, is as follows:)

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., August 14, 1953.

HON. GORDON H. SCHERER,
House of Representatives.

DEAR MR. SCHERER: Reference is made to your letter of August 1, 1953, addressed to the Honorable Hiram Bingham, Chairman of the Loyalty Review Board, and to the reply thereto by the secretary of the Loyalty Review Board.

I am informed that the case of Mr. James F. McNamara was an agency case under part II of Executive Order 9835 wherein it sets forth the provision pertaining to the adjudication of employees of departments and agencies. The matter came to the Loyalty Review Board by way of postaudit of the decision rendered by the employing agency, the Federal Mediation and Conciliation Service. The complete file in this matter, including the transcript of testimony before the agency, was returned to the Federal Mediation and Conciliation Service on or about April 9, 1953, after the Loyalty Review Board had considered it under postaudit.

The only remaining part of the file in the possession of the Commission are copies of reports of the Federal Bureau of Investigation and a copy of the transcript of the hearing held by the Loyalty Review Board with Mr. McNamara by a panel of the Loyalty Review Board during the post audit.

Consequently the Commission is unable to furnish you copies of the complete file or a transcript of the testimony before the agency since these records are now in the hands of the Federal Mediation and Conciliation Service.

Sincerely yours,

PHILIP YOUNG, *Chairman.*

Mr. SCHERER. And then I wrote you again following that and asked you to send me copies of the copies that you said you had, and of course I received no reply to that letter.

So I followed it up with the Mediation and Conciliation Service but I did not get a reply. I did not get a reply to my letter about the copies that you say you had. You said that I would have to go to the Mediation and Conciliation Service.

Mr. YOUNG. You should have at least had the courtesy of a reply.

Mr. SCHERER. I got a lot of replies. I started 6 weeks ago and I

got a lot of replies advising me to go to different agencies in pursuit of these files.

Well, the request will be granted and the witness will remain under subpoena and we will see if we cannot finally get the information that we want. We are certain that if we had had the files which I think we are entitled to we could have presented and prepared this matter much better than we have today.

There are many people in all three of these agencies I have contacted who know the contents of these files. It is inconceivable to me why a Member of Congress or a committee such as this investigating a matter such as this is precluded from knowing what is in those files.

How it affects the security of the country I am at a loss to understand. I think the security of the Nation would have been better served if this committee had had the opportunity to see these files.

Thank you very much, Mr. Young; you may be excused temporarily.

Mr. YOUNG. Thank you, Mr. Chairman.

Mr. SCHERER. Mr. Walter and Mr. Counsel, I do have here a part, a very small part, of the file that I was attempting to get from one of these agencies whom we contacted. I did not obtain this file or part of the file from any of those agencies. I am not at liberty to disclose where I did obtain it and do not intend to, but it is interesting to note the contents of what I have, Mr. Walter.

It is a report of the Loyalty Review Board's own examiner on this case, and the Loyalty Review Board in passing on this case had this report of its own examiner before it at that time. I am going to read into the record that report:

The evidence in this case is most conclusive on membership in the Communist Party. Employee was an active official in a local labor union and later in the international union. One witness, a member of the Communist Party in 1937 and 1938, stated she collected Communist Party dues from employees. This witness informed another witness, an official in the labor union, that she had also made out employee's Communist Party membership card and given it to him. Another witness testified that employee ordered and began a strike among hotel employees in Washington in October 1939; that the reason for the strike was more a political than economical issue; that general president of the union wired McNamara to stop the strike and later came to Washington only to find McNamara unwilling to call off the strike. The union official, a non-Communist, then contacted one Jay Rubin, of New York City, who came to Washington and in his capacity as "Communist commissar of the food industry" stopped the strike.

Mr. Sands, international representative of the union, stated that McNamara was placed in the position of vice president of the Hotel and Restaurant Employees' Union by the Communist elements in the organization in 1939 and that McNamara was removed from that office in 1941 because of his persistence in following the Communist Party line within the union.

Mr. Frank Fenton, international representative, American Federation of Labor, stated that he received information in 1940 that McNamara was a member of several Communist-front groups; that upon direction of the general president of the union he held a hearing in early 1941 at which time he confronted McNamara with the person who had issued McNamara his Communist Party membership card; that McNamara became confused and did not deny his Communist Party membership but stated he did not understand the purposes of the Communist Party and how the American Federation of Labor regarded it. Mr. Fenton said he reported the facts to the general president who brought about the defeat of McNamara at the next convention of the union rather than remove him on charges of membership in the Communist Party.

The transcript of the hearing by the agency reveals that 25 pages of testimony by McNamara were devoted to a review of his life history and the trials and tribulations of a union organizer, all of which was immaterial to the charges. McNamara denied membership in the Communist Party in 1937 and denied membership in the Communist Party during the period of 1939 to 1941. He would neither deny or affirm membership in the League of Women Shoppers, Washington Committee for Democratic Action, American Peace Mobilization, or National Federation for Constitutional Liberties.

At the hearing McNamara was asked if he recalled a meeting held at the office of Frank Fenton in 1940 when a woman was present. McNamara said he recalled the meeting. He was then asked if he remembered that the woman stated that she had issued him a membership card in the Communist Party. McNamara then replied that there was no woman in the Fenton office at that time but he thought the woman had been to the office before he got there. Mr. McNamara denied that he had ever been confronted by a woman at any time. The subject was then dropped.

The agency loyalty board did not confront the employees with the information in the manner in which it had been developed by the investigation. The meeting referred to above was held in the office of Frank Fenton in 1941 and Mr. Fenton did not give any testimony in confidence. Mr. Sands, international representative of the Hotel and Restaurant Employees and Bartenders International Union and who is located in Washington gave considerable information regarding the Communist affiliations by McNamara. Mr. Sands advised that he was available to testify before the loyalty board but he was not called.

It is to be noted that Mr. Howard Colvin, associate director of the Federal Mediation and Conciliation Service was interviewed by the FBI in the investigation of McNamara. Mr. Colvin stated "he has no reason to question his (McNamara's) loyalty to this Government and that in his estimation he is loyal and dependable." Mr. Colvin was a member of the agency loyalty board that rendered the favorable decision in the McNamara case. It is believed that his testimony to the FBI disqualifies him to pass on this case.

A studied consideration of the entire file leaves the impression that the action of the agency loyalty board was merely a token compliance with the appropriate procedures. The finding favorable to the employee is contrary to the evidence in the case as well as the prescribed procedures.

The Washington report of the FBI fails to show that the files of the House Committee on Un-American Activities were checked. The reports of that committee reflect the following information regarding James McNamara.

Sponsor, Conference on Constitutional Liberties in America, June 7-9, 1940 (this organization launched the National Federation of Constitutional Liberties).

See appendix 9, pages 651 and 1229.

Sponsor and speaker, Conference on Civil Rights. This was under the auspices of the Washington Committee for Democratic Action April 20-21, 1940. See appendix 9, pages 1695 and 1696.

Sponsor, Washington Tom Mooney Committee. See appendix 9, page 1713.

Now, with this report of its own examiner before it, the Loyalty Review Board on March 9, 1949, rendered its decision.

It will be noted that nothing whatsoever is said in this report about the findings of the examiner which I have just read. It is inconceivable to me that we could get such a decision out of the Loyalty Review Board, Mr. Walter. Not only were there illegalities in the procedures, as they admitted, but the Board had before it the report from the examiner which I just read. It is just amazing.

Well, then, we had called to our attention this morning by Congressman Busbey, who is chairman of a Subcommittee on Appropriations, that this matter was brought to the attention of the Mediation and Conciliation Service by the Appropriations Committee.

Mr. Kunzig will read from the hearings of the Committee on Appropriations for the Labor Department and related independent agencies, held during the 82d Congress, 2d session, for the fiscal year 1953, the testimony beginning at page 67.

In view of the fact that we intend to go into this a little further insofar as the action of these boards or agencies are concerned, I think our records should contain the examination by Mr. Busbey of two witnesses from the agency.

Mr. KUNZIG (reading):

Status of loyalty investigations:

Mr. BUSBEY. Mr. Ching, has your agency completed the investigation of all its employees under the loyalty program as provided by Executive Order 9835?

Mr. CHING. We have some pending.

Mr. GREENWOOD. We do not, of course, conduct the investigation. That is done by the FBI. We consider the cases. Our agency loyalty board considers the cases as we receive reports from the FBI. We can supply for the record the exact number, but in general, all of the personnel who were on the payroll prior to about 1 year ago have been investigated and cleared with 1 or 2 exceptions; and with respect to those who have come on within the past year, reports are coming in currently on them and they are cleared as the reports are received.

Mr. BUSBEY. I would like to take up an individual case. I assume that you are more familiar with it than Mr. Ching, so maybe I should direct my questions to you, Mr. Greenwood.

Mr. GREENWOOD. That is perfectly all right.

Mr. BUSBEY. I am particularly interested in the question of the employment of persons by the United States Government wherein there is reasonable doubt as to that person's loyalty to our form of government. Therefore, the questions I propose to ask you have to do with one certain man in your agency.

This interest is not new on my part. I ask questions of this kind of other agencies.

Have you in your agency a man holding the position of regional director or district director or conciliator, or whatever title it may be, who was practically forced out of the American Federation of Labor because of his membership in the Communist Party?

Mr. GREENWOOD. Not to our knowledge.

Mr. BUSBEY. Well, you certainly would have knowledge of anything like that, would you not? You are in contact with your agency loyalty board.

Mr. GREENWOOD. I am chairman of the loyalty board for the agency. To the best of my knowledge, we have not received any reports from the FBI which would indicate that any one of our conciliators or regional directors has had that type of experience—that is, being forced out of the American Federation of Labor because of Communist activity or affiliation.

Mr. BUSBEY. How long have you been acting as chairman of the agency loyalty board?

Mr. GREENWOOD. I have been chairman for about a year and a half and prior to that time I was a member of the board, since its inception.

Mr. BUSBEY. Would that be 1947?

Mr. GREENWOOD. Well, the board was established in 1948, I think, when the Executive order came out.

Mr. BUSBEY. If I recall correctly, the original Executive order came out March 21, 1947.

Mr. GREENWOOD. You may be correct. Of course, the agency was not established as an independent agency until August of 1947. The dates are a little fuzzy in my mind. I am not sure when we got around to establishing our board. It might have been late in 1947 or early 1948.

Mr. BUSBEY. According to your answer to my last question in regard to this particular individual, you would not have any knowledge of his separation from the American Federation of Labor and his almost immediate employment by your agency?

Mr. GREENWOOD. I cannot recall any such case. If you would like to furnish the name off the record, perhaps it would refresh my memory a little bit with respect to the details.

Mr. BUSBEY. I would just as soon keep the individual's name off the record, but if you do not recognize him by the time I have finished my interrogation, which I think you should be able to do, I shall be very happy to furnish you the name of the individual.

I am to understand, then, Mr. Greenwood, you do not have any knowledge whatever of an individual who, as I said, was dismissed from the American Federation of Labor because of his membership in the Communist Party and is

now employed in your agency in one of these positions of conciliator or regional director or commissioner or at least a high position?

Mr. GREENWOOD. I do not recall anyone of that description at the moment.

Mr. BUSBEY. Was your agency ever informed by any witness or witnesses that such a person in the employment of the agency previously had membership in the Communist Party?

Mr. GREENWOOD. To the best of my knowledge and trusting my memory at this point, none of the official reports we have received have indicated that any member of our Service was himself a member of the Communist Party.

Mr. BUSBEY. Now, will you answer my question, please?

Mr. GREENWOOD. I'm sorry. Would you mind repeating it?

Mr. BUSBEY. The question is: Was your agency informed by a witness or witnesses that an employee in such a position as I outlined had formerly had membership in the Communist Party?

Mr. GREENWOOD. We have not had, as best I can recall at the moment, any witnesses at any of the hearings conducted by our board other than the individual employee himself, so the only testimony of witnesses we have received would be through FBI reports.

Mr. BUSBEY. I again refer you to my question and will you please answer my question? I am not talking about FBI reports. I am not talking about any hearings of the loyalty board of your agency. May I repeat the question: Was your agency informed by a witness or any witnesses as to an employee of your agency in one of these positions that I outlined—that he had former membership in the Communist Party?

Mr. GREENWOOD. The only knowledge I would have of witnesses would be those appearing before the agency board. How any other witness would appear, I do not know. So the only answer I can supply is what knowledge I have of the witnesses who might have appeared before the board, and there have been no witnesses before the board. Now, ordinarily we do not have witnesses appearing at any hearings of our agency. We do not have witnesses furnishing testimony in any other manner on such matters. So to the best of my knowledge I can say that no witness has ever furnished such information to our Service.

Mr. BUSBEY. Let us approach it from another angle, then. Has anyone, to your knowledge, approached you or any member of your board and been willing to testify as to the particular individual I am talking about as to his membership in the Communist Party?

Mr. GREENWOOD. No one has approached me with such an offer, and to the best of my knowledge no one has approached any other member of our board, but I cannot answer entirely for the other members of the board.

Mr. BUSBEY. If you had in your employ a person in one of these positions that I think would be properly recognized as a high position, would you not be interested in finding out anything and everything you could from any source of information so you could check as to that individual's probable membership in the Communist Party?

Mr. GREENWOOD. Very definitely.

Mr. McGRATH. You said in his employ. I did not quite get the import of that question.

Mr. BUSBEY. The employ of the agency. Well, regardless of whether you received any derogatory information from the FBI investigation, would you not be interested in having any individual come in before your loyalty board and under oath testify as to what he knew in regard to an employee's membership in the Communist Party?

Mr. GREENWOOD. I think we would; speaking for myself, I would.

Mr. BUSBEY. I was in hopes you might have identified the employee before now, because the next question I wanted to ask you, Mr. Greenwood, was whether or not this particular employee at any time denied before your loyalty board his membership in the Communist Party. I think I will have to reframe the question. Have you had any employee in such a position as I have designated before the loyalty board where you have had to interrogate him as to his membership in the Communist Party and he denied it?

Mr. GREENWOOD. In each case our loyalty board has considered we have asked a question approximating that one—"Are you or have you ever been a member of the Communist Party?"—and in each instance the reply has been "No," so that to the best of my knowledge no employee whose case has been considered by our agency loyalty board has ever admitted having been a member of the Communist Party.

Mr. BUSBEY. Again, for the record, I take it from your past testimony that you have never had a witness before your agency loyalty board who has identified anyone in the agency as a former member of the Communist Party.

Mr. GREENWOOD. Subject to a check of the minutes of the meetings of the agency loyalty board, I would say "No." To the best of my memory at the moment I do not think we have ever had any witnesses before the agency loyalty board.

Mr. BUSBEY. Mr. Chairman, I would like Mr. Greenwood to review the records of his agency and advise this subcommittee if this employee, whose name I will give to him off the record, is still in the agency and what action, if any, the agency has taken under the amendment to Executive Order 9835 wherein the standard or yardstick was changed from "belief that the employee is disloyal" to "a reasonable doubt as to the employee's loyalty."

Mr. GREENWOOD. I will be happy to supply that information, Mr. Chairman.

Mr. FOGARTY. Off the record.

(Discussion off the record.)

And that ends that part.

Mr. SCHERER. Now, Mr. Counsel, a year later, and it was just on March 20, 1953, Mr. Busbey, sitting as chairman of the Subcommittee on Appropriations, had Mr. Greenwood before him again when that Service was asking for appropriations from Congress, will you read the testimony taken at that hearing.

Mr. KUNZIG (reading):

Action on loyalty review cases:

Mr. BUSBEY. Mr. Greenwood, when we had the hearings for the fiscal year 1953, I talked with you at quite some length about one of your conciliators that I had reason to believe should not be in Government employment.

What, if anything, has happened to that man, as far as the Federal Mediation and Conciliation Service is concerned?

Mr. GREENWOOD. He is still on the payroll, sir.

Mr. BUSBEY. Has any further determination by the loyalty board in the agency been made since the hearings of last year?

Mr. GREENWOOD. The case is now before the Loyalty Review Board and, under our instructions, any inquiry should be directed to that board rather than to our Service.

Mr. BUSBEY. For the time being, at least, I am directing my inquiry to you. Does the Loyalty Review Board of the agency still think that this man should be in Government service?

Mr. GREENWOOD. Under our instructions from the White House, Mr. Chairman, we are precluded from answering questions of that type.

Mr. BUSBEY. How many persons in your agency have been up for review before the Loyalty Review Board under the President's directive of 1947?

Mr. GREENWOOD. I do not have the exact figures. May we submit that for the record?

Mr. BUSBEY. Yes; and when you submit that for the record will you submit the number that have been passed on favorably and those that have been passed on unfavorably by your local board?

Mr. GREENWOOD. I think we can do that.

(The information requested is as follows:)

Should I read these statistics into the record, Mr. Chairman?

Mr. SCHERER. It will not be necessary to read them, but we will incorporate them in the record.

(At this point Mr. Walter left the hearing room.)

Mr. KUNZIG (reading):

Summary of loyalty cases

Number of cases received by agency board.....	14
Employees separated prior to consideration by agency board.....	3
	<hr/>
Number of cases considered by agency board.....	11
	<hr/>
Favorable findings.....	11
Unfavorable findings.....	0
	<hr/>
Number of cases referred to review board.....	11
	<hr/>
Employees separated prior to postaudit by review board.....	2
Number of cases pending before review board Mar. 24, 1953.....	2
	<hr/>
	4
	<hr/>
Number of cases postaudited by review board.....	7
	<hr/>
Agency findings accepted by review board.....	7
Agency findings reversed by review board.....	0

Mr. BUSBEY. As the record will show, I was very careful to keep that man's name out of the record last year. For the time being at least I am following the same procedure.

Mr. GREENWOOD. We appreciate that.

Mr. BUSBEY. Because I have no intention whatever of trying in any way to embarrass the individual, or the board, or the Federal Mediation and Conciliation Service. All I am trying to do is a constructive job of helping the agency. As evidence of that good faith on my part, I might say that I was responsible in great degree for having 10 people dismissed at one time from the State Department during the 80th Congress; but I did not reveal their names, I did not make any speeches about it, I put no publicity in the papers. The only thing that I am trying to get is constructive results.

When did the case of this individual go to the loyalty board for review?

Mr. GREENWOOD. Do we have that information, Mr. Eady?

Mr. EADY. Relying on memory, I think it was about February or March.

Mr. COLE. May I say this—they have conducted a hearing, the Loyalty Review Board, in this case and have not yet made a ruling.

Mr. BUSBEY. Well, I am just trying to ascertain if they have been moving with dispatch.

Mr. COLE. Yes; they have completed the hearing, I understand. They conducted a hearing out in Ohio and the record is closed and their decision should be forthcoming soon, I would think.

Mr. BUSBEY. And that case did not go to the Loyalty Review Board until February of this year?

Mr. EADY. I was mistaken about the date.

Mr. BUSBEY. On what date did it go to the Loyalty Review Board?

Mr. EADY. Possibly about 4 months ago.

Mr. BUSBEY. And it took the Federal Mediation and Conciliation Service all that time to make its determination, Mr. Greenwood?

Mr. GREENWOOD. I am not sure of the chronology at this time. I would have to look at the record.

Mr. BUSBEY. I do not know why you would have to look at the record, when I brought the case up as long ago as February 7 of 1952, and, as Mr. Eady says, it went to the Loyalty Review Board about 4 months ago. It seems rather self-evident to me that it took the Federal Mediation and Conciliation Service at least all that time to make its determination.

Mr. GREENWOOD. As I recall, when we spoke to you at that time in the hearings last year, that case was before the Loyalty Review Board then. Subsequently, it was referred back to the Service, and when a case is closed by the agency board, the review board, at its own discretion, decides when to pick up that case for review. We do not make that decision.

Mr. BUSBEY. When did this individual start to work in the Federal Mediation and Conciliation Service?

Mr. GREENWOOD. I would have to supply that for the record.

Mr. BUSBEY. Would you do that, please?

Mr. GREENWOOD. Yes.

(The information is as follows:)

January 30, 1942.

And, Mr. Chairman, that date of January 30, 1942, is, of course, the exact date given by this witness this morning before this committee.

Now to continue with the testimony:

Mr. BUSBEY. When you are supplying that for the record, will you also supply for the record the date that his case was first considered by the loyalty board of the agency?

Mr. GREENWOOD. I will see if we can supply that information.

Mr. BUSBEY. Would there be any difficulty in supplying it?

Mr. GREENWOOD. I am not sure what the terms of the White House order are on that score.

Mr. BUSBEY. Well, I will tell you this: If you can find any terms of the White House order that would prevent you from doing that, and you do not do it, I am going to break this case wide open, and, for the record, I am getting sick and tired of continuing delay on a loyalty case such as that of this individual. I have been very lenient in this situation, but I do not propose to be lenient any longer. I hate to bring any agency into severe criticism, but I think from what I know of this case that this agency should be criticized. Frankly, my patience is running to an end, especially in view of the testimony on February 7, 1952.

And then follows a chronology on the case.

Mr. SCHERER. Do you know whether or not those witnesses were under oath at that time?

Mr. KUNZIG. I understand from authorities and people who work with these loyalty boards that the witnesses who do appear are under oath.

Mr. SCHERER. Was Mr. Greenwood under oath, particularly with reference to his testimony at the previous Appropriations Committee hearing?

Mr. KUNZIG. I would have to go back and check as to whether these witnesses were under oath. May I check that?

Mr. SCHERER. That can be done.

Mr. KUNZIG. And add it later?

Mr. SCHERER. Yes; it can be done later.

Mr. KUNZIG. I shall check that and supply it for the record. It is not evident from this document I have in front of me.

Is there anything further, sir? I have nothing further to bring before the subcommittee at this time.

Mr. SCHERER. I just repeat for the record that it is almost inconceivable that this committee or the Appropriations Committee of the Congress should be deprived of the records we have requested in this case.

The committee will adjourn and convene in executive session at 2 o'clock this afternoon in the committee rooms at 227 House Office Building.

(Thereupon, at 12:23 p. m., the hearing was recessed until 2 p. m. of the same day in room 227, Old House Office Building, to go into executive session.)

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