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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
LOS ANGELES, CALIF., AREA—Part 2

HEARING
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS
FIRST SESSION

—————
JUNE 29, 1955
—————

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

(INDEX IN PART 4 OF THIS SERIES)



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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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 OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

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

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

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

(A) Un-American Activities.

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

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

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

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

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

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) 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 (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA—PART 2

WEDNESDAY, JUNE 29, 1955

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 at 9:40 a. m., pursuant to recess, in room 518, Federal Building Los Angeles, Calif. Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle (chairman); Morgan M. Moulder, Donald L. Jackson, and Gordon H. Scherer.

Staff members present: Frank S. Tavenner, counsel, and William A. Wheeler, investigator.

Mr. DOYLE. The committee will please come to order.

Let the record show that the full subcommittee is present: Congressman Scherer of Ohio on my extreme left; Congressman Jackson next to me on my left, from Los Angeles County; Congressman Moulder from the State of Missouri on my right, and I am Congressman Doyle of Los Angeles County, subcommittee chairman.

I want again before we begin our morning's session to just briefly say that we expect and appreciate continued cooperation of the audience as our guests being quiet and without any demonstration either for or against any witness or anything that is said or done. You understand me, no demonstration of any kind, either favorable or unfavorable, please. That is the fair way to have it and that is the way we must have it in the room to proceed efficiently.

Are you ready, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. Hugh Hardyman, will you return to the stand, please.

TESTIMONY OF GEORGE HUGH MAITLAND HARDYMAN, ACCOMPANIED BY COUNSEL, A. L. WIRIN—Resumed

Mr. HARDYMAN. Mr. Chairman, I am accompanied by counsel. I trust that this will be permitted by the committee, the same counsel I was represented by yesterday.

Mr. DOYLE. May I say, Mr. Hardyman, that this committee is always strongly in favor of every witness having counsel when counsel

is prepared to represent his client before the committee fully and by due preparation. It so happens that in this particular instance your testimony was not completed yesterday, it was necessary for us to ask you to come back today. We realize that the nature of the testimony is such that you must have adequate time to get counsel who would be thoroughly familiar with the facts as you would give the facts to him, and that takes in your case, in the first place to get different counsel who could be here immediately, is probably impossible, with due preparation. That means we might not be able to get the benefit of your testimony during these hearings, which we hope will terminate Friday.

Mr. HARDYMAN. In addition to that, sir, to me there is no counsel as good as Mr. Wirin.

Mr. DOYLE. At any rate, I am a member of the bar also, and I am always glad to hear a client compliment his counsel because it is a highly confidential relationship, that of counsel and client.

The committee is not a court, we don't enter into legal problems, we are not the forum in which any legal matter should be presented or can be presented, we don't determine legal matters, matters of motions and those things, this is not the legal forum to do it in because we have no jurisdiction on those matters. But on the other hand, may I emphasize, Mr. Hardyman and Counsel, that we must insist on a strict obedience and compliance with that rule, which requires two things: First, that the attorney shall not address the committee because we don't have time and facilities for hearing that, and secondly, that the attorney must not put all the words into the mouth of his witness. The right of the counsel before this committee is limited to advising his client on his constitutional rights.

Mr. HARDYMAN. I can assure you, sir, my attorney and no one else is going to put words into my mouth, no one, not even this committee. No one.

Mr. DOYLE. May I make it clear that the rule of the committee is as I announced it the other day, and I will read it again:

Counsel is not permitted to make oral arguments or to address the committee. We want the witness' testimony and not that of the lawyer and we have the right to expect an ethical member of the bar to confine his advice to his client to matters involving his constitutional rights and not to put words in the mouth of the witness.

Yesterday we voted on this issue and we members are never hesitant, we are American Congressmen, but we are never afraid nor ashamed to take our stand, we may differ on things, but we are public officials, of our votes in public. We want the public to know how we function.

Gentlemen, you have heard Mr. Hardyman's request that Mr. Wirin, his counsel yesterday, be allowed to come back and be his counsel today. What is your pleasure in the matter?

I will call for a vote on it because we had a vote on it yesterday. I will call for a vote.

Mr. Moulder?

Mr. MOULDER. I vote "aye" in favor of Mr. Wirin.

Mr. DOYLE. Mr. Jackson?

Mr. JACKSON. Present.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. No.

Mr. DOYLE. I vote "aye."

Therefore, by majority vote Mr. Wirin is with us as counsel for Mr. Hardyman.

Mr. HARDYMAN. Thank you, sir.

Mr. DOYLE. Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, before we begin this morning it may be well to make an announcement to the witnesses who are present, and their counsel, regarding the time when the witnesses are likely to be reached, if you will permit me to make such an announcement.

Mr. DOYLE. Yes. Do that, please.

Mr. TAVENNER. I should call to the committee's attention the fact that despite our assembling here an hour earlier the committee normally sits about a half hour later than usual, our schedule is more than a half day in arrears. That means that there are present here a number of witnesses subpoenaed for yesterday as well as those subpoenaed for today. I have made a careful study of the matter and I would like for the committee to direct all witnesses except those I am going to name who were called for yesterday—that is, directed to appear yesterday and directed to appear today—to report back here tomorrow morning. I saw all of them with the exception of these that I am going to name.

Mr. DOYLE. In other words, these whose names you mention are to remain here—

Mr. TAVENNER. They are to be available for testimony today. The names I am to read are to remain here. All others are to report tomorrow morning.

Raphael Konigsberg, Sylvia Schonfield, Jean Wilkinson, and Matt Vidaver. They are to be reached as quickly as we can reach them in the course of the day, and all others directed to appear here yesterday and today should be excused until tomorrow morning.

Mr. DOYLE. That will be the order, then, and that of course will accommodate also the attorneys for those respective witnesses so they can go back to their offices.

Are you ready to proceed, Mr. Tavenner?

Mr. TAVENNER. Yes, sir. I introduced in evidence yesterday a photostatic copy of a page of the January 12, 1953, issue of the Daily People's World, which made reference to a speech made by you in Los Angeles on January 11, 1953, on which occasion Dr. Kingsbury also spoke. I now desire to present to you another page of that same edition. This is page 3. The heading of it is "Hardyman Tells of New China's Might."

Will you examine the article, please, and state whether or not it correctly states the substance of your speech on that occasion?

(Document handed to witness; witness conferred with his counsel.)

Mr. HARDYMAN. I explained in earlier testimony that in view of the somewhat un-American theories of guilt by association which are current today, and also in view of the strange interpretations of the doctrine of waiver and because I feel that as a private citizen the committee has no right to search my mind, being barred therefrom by the fourth amendment to the Constitution, and because of the very vague mandate of the committee which I believe makes its entire operation illegal under the 9th and 10th amendments of the Consti-

tution, and because of my belief in freedom of association, of speech, of press protected by the first amendment to the Constitution.

Mr. SCHERER. Mr. Chairman, may I interrupt the witness?

Mr. DOYLE. Yes, Mr. Scherer.

Mr. SCHERER. Do you consider the speech you made in Communist China permitted under the first amendment to the Constitution?

(The witness conferred with his counsel.)

Mr. WIRIN. May I speak to him?

Mr. DOYLE. Certainly.

Mr. HARDYMAN. I am continuing with my reply to the question asked by committee counsel.

Mr. DOYLE. Mr. Hardyman, may I suggest this: I think you very fully laid the same foundation yesterday that you are laying now. You are continuing as the same witness and I am sure the record shows that very full statement by you yesterday as the groundwork for you refusing to answer, and may I suggest that we also understand that when you state your objection—I don't know what grounds you are going to use today so I can't suggest, but I would suggest that you don't need to take the time of yourself and counsel and us to restate your preliminary grounds.

Mr. HARDYMAN. They hold?

Mr. DOYLE. Certainly.

Mr. HARDYMAN. I have the committee chairman's statement that he will accept the grounds, the foundation laid yesterday, and my plea of certain amendments yesterday for my becoming again today a fifth amendment American—that is to say, join President Andrew Jackson and President Ulysses S. Grant in use of the fifth amendment by refusing to supply information to Congress which may lead to self-incrimination.

Mr. DOYLE. I don't think you have definitely claimed your constitutional—

Mr. HARDYMAN. I haven't? By refusing to answer questions asked by Congress on the grounds of possible self-incrimination, on the grounds of the fifth amendment to the Constitution which means that no man need be a witness against himself?

Mr. DOYLE. Do you so refuse on the grounds of the fifth amendment?

Mr. HARDYMAN. I certainly refuse, sir, on these grounds and I am trying to make this clear.

Mr. DOYLE. All right.

Mr. HARDYMAN. That as President Andrew Jackson and President Grant also refused under somewhat different circumstances.

Mr. DOYLE. Not under the same circumstances.

Mr. HARDYMAN. But pleading the same amendment, sir.

Mr. DOYLE. For a different purpose.

Mr. HARDYMAN. In the case of President Grant, to avoid impeachment.

Mr. JACKSON. May I say something? To clarify the situation, my understanding of it is that the witness has claimed the protection of the 1st, 4th, 5th, 9th, and 10th amendments.

Mr. HARDYMAN. That is correct.

Mr. JACKSON. Can we understand that "For reasons previously stated I decline to answer" will be accepted rather than going through the whole thing again on each occasion.

Mr. DOYLE. That is acceptable.

Mr. HARDYMAN. Highly, sir.

Mr. WIRIN. May he say "decline" instead of "refuse"?

Mr. JACKSON. Refuse is better.

Mr. TAVENNER. I desire to introduce the document in evidence and ask that it be marked "Hardyman Exhibit No. 10" for identification only and to be made a part of the committee files.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. I desire to read into the record a portion of this article:

Reporting on the great conclave of Asian and Pacific peoples in October, Hardyman, a California rancher, told an audience of 1,300 in Embassy Auditorium Thursday night—

I should interpolate here that it is datelined Los Angeles, January 11. Then the following quotation appears:

I am asked whether the Chinese fear war with the United States. The answer is the Chinese people know that their cities can be atom-bombed by the United States and millions of casualties caused. They acknowledge that such a catastrophe would retard their efforts for a better life, but they are absolutely certain that this is all the United States can do. They know that 475 million Chinese united in freedom can not ever be conquered.

With the advent of the Chinese People's Republic, another great power has taken its place in the world—

he said.

Then there is a heading "Germ Warfare":

It was action of the United States in rearming Japan that crystallized Asian and Pacific determination for peace. Unanimously expressed at the Peiping Conference—

he said.

The next paragraph is:

This act created in the minds of Asian peoples the same stark horror that the rearming of Germany brought to Europe—

Hardyman told his listeners.

He continued:

There is no enmity toward the American people among these Asian nations. There is indeed vigorous feeling against a government, particularly one which has indulged in germ warfare against civilian Asian populations.

Delegates to the Peiping Conference, after viewing the evidence at firsthand have not the slightest doubt that germ warfare was indulged in by the United States, at least during 8 months of 1952.

Mr. SCHERER. May I interrupt?

Mr. DOYLE. Yes.

Mr. SCHERER. Isn't that the substance of this witness' speech while he was in Peiping during the war?

Mr. TAVENNER. The last two paragraphs which I have read and which are in quotes in the article are almost the same language as that contained in the broadcast from Communist China.

Mr. SCHERER. The testimony and the evidence before this committee is that this witness was in Peiping during the time that we were engaged in war with Communist China and made those statements.

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. Mr. Tavenner, I think I asked you yesterday if that isn't giving aid and comfort to the enemy in time of war? I will make

the statement, that in my opinion it is. I shouldn't ask you. I think that under our law it constitutes treason, doesn't it?

Mr. TAVENNER. I would think so, in time of war.

Mr. HARDYMAN. Perhaps the Congressman had better leave matters relating to the judiciary to the judiciary and not pose as a jury or court.

Mr. SCHERER. If there has been failure on the part—I am not saying there is—but if there has been a failure on the part of the Department of Justice to act in this case—it is the duty of this committee of Congress to act. The history has been that in the past few years where there has been a failure upon the part of some agencies of government to act, it is only after this committee has had hearings similar to this that action has been taken.

I am going to determine in this case why you haven't been criminally prosecuted, because I can see evidence of at least four criminal offenses.

Mr. HARDYMAN. May I call your attention, sir, to the decision of the United States Supreme Court in the Quinn case in which it is specifically stated that the power to investigate must not be confused with any of the powers of law enforcement. Those powers are assigned under our Constitution to the executive and the judiciary.

Mr. SCHERER. I understand that better than you do, sir.

Mr. HARDYMAN. Pray obey it, sir, as well as understanding it.

Mr. JACKSON. Will the gentleman yield?

Mr. SCHERER. Yes.

Mr. JACKSON. Doesn't it seem a little incongruous to you, Mr. Hardyman that during a period of time when this Nation was at war that by maltreatment and torture, confessions were extracted from some of our GI's who later made their way back to this country and in some instances were court-martialed for cooperating with the enemy, while at the same time you were giving substantially and voluntarily the same thing which was extorted from them behind the lines in the enemy country? Does any incongruity occur to you in that picture, or would you care to comment on it at all?

Mr. HARDYMAN. In view of the strange interpretations of the doctrine of waiver, I do not propose to discuss that matter, Mr. Congressman, at this time.

Mr. DOYLE. In view of the remarks of both Mr. Scherer and Mr. Jackson, my colleagues, may I make it clear that my recollection is that the record shows that these were not confessions of fact. In other words, whereas this witness broadcast from Peiping apparently—

Mr. SCHERER. We have heard abundance of testimony, as you know, of boys who were tortured almost beyond belief and here we have a so-called American citizen at that very time in Peiping, China—

Mr. HARDYMAN. Will the Congressman kindly refrain from referring to me as a so-called American citizen. I am his paymaster. We, sir, in whom the authority lies under the Constitution; we, the people, not temporarily elected officials.

Mr. SCHERER. If it is within my power, you are going back where you came from if you can be denaturalized under the law. I am going to try to see that you are denaturalized because you are a disgrace to this country.

Mr. WIRIN. May I address the chairman?

Mr. DOYLE. I would rather not.

Mr. WIRIN. Are these remarks proper to my client? Do you rule they are proper?

Mr. DOYLE. Let's proceed.

Mr. WIRIN. My client is not here to be insulted by this committee or by any member thereof, and these remarks are insulting.

Mr. DOYLE. Mr. Wirin—

Mr. WIRIN. I appeal to your good nature.

Mr. DOYLE. I realize it must be very difficult for you as a member of the bar to sit there and hear that sort of a statement by a distinguished Congressman. On the other hand—

Mr. SCHERER. I didn't make it to counsel.

Mr. WIRIN. My client—

Mr. DOYLE. On the other hand, may I say to you very emphatically and very clearly that when we, as American Congressmen on this committee as well as other committees, hear the kind of evidence by a witness that we heard yesterday about your client, I think you as counsel and the American public have to expect us as American Congressmen to speak out and to speak out with no question marks about how we feel, because as I said yesterday to your client, I felt that his broadcasting from Peiping, China, throughout the Eastern European countries, that my Government, your Government, participated in biological warfare, as he said we had, and gave that notice to the people of Eastern Europe—in other words, the Communists—and satellite countries, was a dastardly lie and I say it now. I am not going to stop my colleagues from speaking their mind when those minds express what the evidence shows.

Mr. JACKSON. Mr. Chairman.

Mr. DOYLE. Mr. Jackson.

Mr. JACKSON. May I say as calmly, as dispassionately as I can, with no insult intended whatever, sir, that I intend to back my colleague, Mr. Scherer, in taking every possible step to bring this matter to the attention of the Attorney General and see if we can rid ourselves and this Nation of a citizen who would go to enemy territory to fight the very cause for which 26,000 American men were at that time giving their lives. This is merely a statement of my determination to take certain actions and I join with my colleagues in making that statement.

Mr. HARDYMAN. May I reply without insult that it is also the determination of some citizens to remove from the Congress one or two representatives whom we feel the Congress would be better off without.

Mr. SCHERER. I have a number of your kind in my district who have been trying to remove me. Let me say this, Mr. Chairman, and then I am finished. I can't understand how this Government can prosecute American boys who were sent to fight in China who were brainwashed because they succumbed to the Communist doctrine, and then not take action in a case like this where we have a man who was partially, at least, responsible for that brainwashing.

Mr. WIRIN. May I say something in his defense, or am I to sit mute and quiet?

Mr. SCHERER. I am surprised that you would speak out in his defense after you know what happened.

Mr. DOYLE. Let's proceed, sir.

Mr. WIRIN. You mean he has no right of defense?

Mr. SCHERER. He has the right. I am just surprised.

Mr. DOYLE. We are making the record so that our colleagues in Congress can realize what the evidence may be as we see it.

Mr. JACKSON. Mr. Chairman, very briefly, comment was made by the witness who happens to be a resident of the congressional district which I represent, to the effect that there are several Members of the United States Congress they are going to work to try to get rid of. I am delighted that I am one of them, Mr. Hardyman, and I hope that you will go up and down that area which has, through the activities of yourself and several others become known to some thoughtless and un-informed souls, as Red Gulch to change its representation.

Mr. HARDYMAN. May I restore you to more understanding of your district. I happen to reside in the district—I am fortunate enough to reside in a district represented by Congressman Holt.

Mr. JACKSON. I am delighted, may I say, and having discussed this matter on several occasions with Mr. Holt, I know that he joins me in soliciting your active opposition at the polls.

Mr. HARDYMAN. The canyon in which I reside is a smog-free canyon of great beauty, inhabited by many and divers citizens of many political beliefs. You should not stigmatize an area, part of which I believe is in your district, by means—

Mr. JACKSON. As I pointed out before, some citizens who are not aware of the extreme beauty of certain portions of Topanga Canyon have called it Red Gulch, due to the activities of individuals like yourself, and a few others who have taken the fifth amendment before this committee.

Mr. DOYLE. Let's proceed.

Mr. TAVENNER. Mr. Hardyman, did you make a public statement in Los Angeles at the Embassy Auditorium on the Thursday night prior to January 11, which I just read in quotes from this article, namely, that the delegates to Peiping had not the slightest doubt that germ warfare was indulged in by the United States at least during 8 months of 1952?

Mr. WIRIN. Is there a document that you have?

Mr. TAVENNER. This is the same document that you examined and the same statement which I read before the colloquy that was just engaged in.

Mr. HARDYMAN. As I explained, in this area I am refusing to answer questions for the reasons stated earlier in this inquiry.

Mr. TAVENNER. I continue to read from the document:

In China it is acknowledged on all sides that the people of the United States cannot be aware of the "frightful manner in which the war against the Korean people is being conducted," Hardyman said.

Mr. Hardyman, have you at any time since January 1, 1953, had in your possession in the State of California a copy of any so-called confessions by American pilots that they engaged in germ warfare in Korea?

Mr. HARDYMAN. Again, in the same area, I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Did you transmit to anyone or deliver by any means to anyone in the State of California or elsewhere in the United States a copy of so-called confessions by United States pilots fighting in Korea to the effect that they had engaged in germ warfare?

Mr. HARDYMAN. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. The committee's investigation indicates that there was a letter signed by codirectors of the American Peace Crusade, an open letter to President Eisenhower, urging him to accept the offer of an immediate cease-fire in Korea as a peaceful alternative to spreading war in Asia.

Do you recall being one of those who signed such a letter?

Mr. HARDYMAN. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Do you know, as a matter of fact, that such type letters prepared on the subject of peace by the American Peace Crusade were delivered to Communist China for use for propaganda purposes throughout the Iron Curtain countries?

Mr. HARDYMAN. I refuse to answer on the grounds previously stated.

Mr. DOYLE. That was one of the purposes for which the letters were written, as I understand it, Mr. Tavenner.

Mr. TAVENNER. Well, here is an instance, Mr. Chairman, of a letter which any individual, any citizen, would have a right of course to address to the President of his country regarding the subject of peace. I am trying to find out whether there was any purpose behind that other than merely to address the President on the subject.

Mr. SCHERER. Of course we know there was such a purpose.

Mr. TAVENNER. I want to find out precisely who were the planners for the use of such documents.

Do you have any knowledge on the subject, Mr. Hardyman?

Mr. HARDYMAN. I refuse to answer on the grounds previously stated.

Mr. SCHERER. The fact is you do have such knowledge and you were one of those who participated in this program, aren't you?

Mr. HARDYMAN. If, sir, you are aware of what knowledge I possess, why waste the time and money of the country in questioning me?

Mr. SCHERER. I think the American people would like to know.

Mr. TAVENNER. Are you acquainted with a person by the name of John T. Gojak, president of District Council No. 9 of the United Electrical, Radio, and Machine Workers of America?

Mr. HARDYMAN. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Are you acquainted with Ernest DeMaio, president of the United Electrical District No. 11 at Chicago?

Mr. HARDYMAN. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Are you acquainted with Karen Morley, actress?

Mr. HARDYMAN. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Mr. Chairman, during the course of our investigation we obtained from the State Department the record of transmission of the following information in English Morse code to southeast Asia, Europe, and North America from Peiping, Communist China.

Mr. DOYLE. What date?

Mr. TAVENNER. It will appear in the course of the article. It is datelined—

PRAGUE, March 18.—

and incidentally, that is the date which I asked you whether you were in Prague earlier in the testimony. You refused to answer. I desire to make it clear that my reference, at that time, was to this message which is merely a message and does not indicate that you were in Prague at the time, but as will appear from the document that you were

a cosigner of the letter which was transmitted from Prague, transmitted through Communist China but datelined Prague, March 18. The message is as follows :

PRAGUE, March 18.—An immediate cease-fire in Korea is called for by a group of prominent Americans, including labor, farm, and civil leaders, scientists, clergymen, and writers. In an open letter to Eisenhower these Americans urged him to accept the offer of an immediate cease-fire in Korea "as a peaceful alternative to spreading the war in Asia"—

then appears three asterisks—

on the basis of agreements already reached between both sides on the military issues, leaving for future settlement through negotiation all political issues, especially the issue of repatriation of prisoners of war.

Continuing to read the message :

Senders of the letter were codirectors of the American Peace Crusade—

then the names of these signers appear in the message. One of whom is John T. Gojak, president of District Council 9 of the United Electrical, Radio, and Machine Workers.

The committee will recall the appearance of Mr. Gojak before this committee in March of this year in our investigation of Communist activities within the field of labor in, I believe, the State of Indiana.

Mr. SCHERER. The Fort Wayne area.

Mr. TAVENNER. Mr. Gojak refused to answer any questions relating to his alleged Communist Party activities.

Ernest DeMaio is another of the names mentioned—I am not reading all of the names—president of UE District No. 11 in Chicago.

The committee will recall the occasion when Mr. DeMaio was subpoenaed before the committee in, I believe, 1952, and Karen Morley, the actress. There also appears here the name of Hugh Hardyman, businessman, La Crescenta, Calif.

Mr. Hardyman, did you as a codirector of the American Peace Crusade sign such a letter, a letter as described in the text of this message from Peiping.

Mr. HARDYMAN. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Hardyman Exhibit No. 11."

Mr. DOYLE. It will be received and so marked.

Mr. SCHERER. What year was this now?

Mr. TAVENNER. March 1953, I do not believe I stated the date.

(The exhibit referred to will be found on pp. 1609 and 1610.)

Mr. SCHERER. Do you deny you went from Peiping to Prague and were in Prague on March 18, 1953?

(The witness conferred with his counsel.)

Mr. SCHERER. Isn't it a fact that you were there?

Mr. HARDYMAN. Have you not been listening, Congressman?

Mr. SCHERER. I have been listening.

Mr. TAVENNER. Mr. Chairman, I may have confused the committee in the way I stated the contents of this document. This is a message which was sent.

Mr. SCHERER. I understand, but you asked him yesterday whether he was in Prague on March 18, 1953, didn't you?

Mr. TAVENNER. Yes.

Mr. SCHERER. I am asking him isn't it a fact that he was in Prague on March 18, 1953.

HARDYMAN EXHIBIT No. 11

- AAA 3 -

CHINA: COMMUNIST
Mar. 20, 1953

AMERICANS CALL FOR CEASE-FIRE IN KOREA

Peking, NCNA, in English Morse to Southeast Asia, Europe, and North America, Mar. 19, 1953, 1437 GMT--W

(Text)

Prague, Mar. 18--An immediate cease-fire in Korea is called for by a group of prominent Americans including labor, farm, and civil leaders, scientists, clergyman, and writers. In an open letter to Eisenhower, these Americans urged him to accept the offer of an immediate cease-fire in Korea "as a peaceful alternative to spreading the war in Asia * * * on the basis of agreements already reached between both sides on the military issues, leaving for future settlement through negotiation all political issues, especially the issue of repatriation of prisoners of war."

Senders of the letter were Co-Directors of the American Peace Crusade Thomas Richardson and Willard Uphaus. They were joined by Robert Mores Lovett, former Governor of the Virgin Islands and Professor Emeritus of English Literature at the University of Chicago; Willard Ransom, president of Indiana State National Association for the Advancement of Colored People; Prof. Philip Morrison, nuclear physicist, Ithaca, N.Y.; John T. Gojack, president of District Council 9 of the United Electrical, Radio, and Machine Workers;

Alfred Kuchler, educational director of the Northeast Dairy Farmers Union, Ogdensburg, N.Y.; Rev. J. Spencer Kennard, Jr., author and teacher, former missionary in Japan, Columbia, South Carolina; Clementina J. Paolone, obstetrician, chairman of American Women for Peace; William Harrison, editor of the BOSTON CHERNICLE; Ernest De Maio, president of U.E. District 11, Chicago; Eve Farmer attorney, World Federalist Movement leader, Nashville, Tennessee;

Rockwell Kent, artist, Ausable Forks, N.Y.; Leon Straus, executive secretary, New York Joint Board of the Furriers Union; Hugh Hardyman, business man, La Crescenta, California; Howard Fast, author; Karen Morley, actress; Eve Merriam, poet; and Rev. Eliot White, former rector, Grace Church, N.Y.

MUTUAL-AID MOVEMENT GAINS IMPETUS

Peking, NCNA, in English Morse to Southeast Asia, Europe, and North America, Mar. 19, 1953, 1552 GMT--R

(Text)

Peking, Mar. 19, by a Special Correspondent--Two out of every three peasants in China will be farming in teams by the end of this year.

CHINA: COMMUNIST
Mar. 20, 1953

Another 85 million peasants are expected to enroll in the mutual-aid movement this year, bringing the membership of mutual-aid teams up to 260 million. Announcing these figures after a Nation-wide survey, the Ministry of Agriculture gives three reasons for this rapid development towards organized farming.

First and foremost is land reform. The development of mutual-aid teams has followed the spread of the land reform movement. In the Northeast, where land reform was completed early in 1943, over 80 percent of the rural population are already members of mutual-aid teams which cultivate 85 percent of the total acreage of farmland. The percentage of organized peasants in other areas ranges from 20 percent to 65 percent, depending on how long ago land reform took place.

Second, the success of the pioneer mutual-aid teams has encouraged the peasants to join in teamwork. Mutual-aid team members in the Southwest on an average saved 30 percent of their labor time through teamwork last year, and were thus able to devote themselves to careful cultivation, the building of irrigation canals, the sinking of wells, and to side occupations. Mutual-aid team members harvested 15 percent more, on the average, than those working individually. With these successes, it is confidently expected that membership of the teams in Southwest China will double during 1953.

The third factor, though not the least important, is the guidance and help given by the People's Government. Organized peasants have been given priority for bank loans, deliveries of the new-type farm tools, and improved seed and technical aid. The People's Government will continue to carry on this policy. Plans have already been made to give still more help to mutual-aid teams this year, including the training of millions of mutual-aid team leaders to give them better knowledge of teamwork leadership and better farming technique. Thousands more of horse-drawn weeders, sowers, plows, and harvesters will also be supplied to the teams.

With the uprooting of feudal exploitation in farming, the rapid development of mutual aid is laying the groundwork for the gradual transformation of the hundreds of millions of small individual cultivators into collective farmers. At the same time, it is substantially raising China's agricultural output. Last year, altogether 2.2 million mutual-aid teams, or one-third of the country's total, joined in the emulation campaign which brought about a 15 percent increase in the Nation's grain output and 23 percent in cotton.

Mr. HARDYMAN. Had you been listening, Congressman, you would have heard—

Mr. SCHERER. Will you direct the witness to answer the question?

Mr. HARDYMAN. Would have heard I was refusing to answer questions of this type on the grounds of the fifth and other amendments to the Constitution.

Mr. SCHERER. Do you decline to answer my question on those grounds now?

Mr. HARDYMAN. I refuse to answer your question on the grounds previously stated.

Mr. JACKSON. That is much clearer.

Mr. SCHERER. I might say that I have been listening and I have been shocked at what I heard the last couple of days.

Mr. TAVENNER. Mr. Hardyman, did you make a report on New China at a meeting on Friday, February 13, 1953, at 2409 South LaBrea, which was sponsored by the West Adams Club of the Independent Progressive Party?

Mr. HARDYMAN. Mr. Counsel, for reasons already stated I refuse to answer.

Mr. TAVENNER. Did you have any official position with the Independent Progressive Party in the State of California?

Mr. HARDYMAN. Mr. Counsel, for reasons already stated I refuse to answer.

Mr. TAVENNER. The committee in the course of its investigation has ascertained from examination of the Daily People's World of January 29, 1953, that you were listed to speak at the First Unitarian Church and you were described as Hugh Hardyman, United States delegate to the recent Peace Conference of the Asian and Pacific Regions, and the subject of the speech was, The People of China Today.

Did you fulfill such an engagement to speak?

Mr. HARDYMAN. In that area I am refusing to answer all questions, including this one, for reasons already given.

Mr. TAVENNER. Did you attend a meeting at the home of Peter Hyun at 1640 North Dillon Street on Saturday night, July 18, 1953, at which time there was an exhibition of works of art from China?

Mr. HARDYMAN. I decline to answer this question for the reasons already stated.

Mr. TAVENNER. Isn't it a fact that for a considerable period of time after December 20, 1952, you made many public appearances in which you stated in substance the matters which I read from the broadcast from China?

Mr. HARDYMAN. I am declining to answer that question for the same reasons as I refused to answer the previous questions in the same area.

Mr. TAVENNER. In answer to an earlier question in the course of your testimony I believe you said that for the past 10 years your principal occupation had been a reader, that you had been an avid reader for a period of 10 years. That is the way I recall your testimony.

(The witness nodded affirmatively.)

(Representative Jackson left the hearing room.)

Mr. TAVENNER. I presume you read the reports of this committee and the records of its hearings, particularly in the area of Los Angeles?

Mr. HARDYMAN. No, I don't think that my reading has included the reports of this committee.

Mr. TAVENNER. It has not?

Mr. HARDYMAN. I have some reports of an earlier committee, I think Martin Dies was chairman and 1 or 2 subsequent ones. I only think I have about seven of the little volumes printed on that, but that doesn't bring it up to anywhere near current days.

Mr. TAVENNER. Is that because you attended the hearings in person and felt no need to read the hearings?

Mr. HARDYMAN. I attended some hearings in person that were held here, I forget the date, but in any case, the real reason is because the hearings aren't interesting enough to warrant reading.

Mr. TAVENNER. I understand, you don't care what is contained within the hearings, you pay no attention to it, is that it?

Mr. HARDYMAN. Precious little attention, Mr. Counsel, I am afraid. There is much going on in the world in which I am interested.

Mr. TAVENNER. You paid enough attention to be an observer here for a period of about 10 days during 1 hearing.

Mr. HARDYMAN. That is right, Mr. Tavenner, that is right.

Mr. DOYLE. I would think that the record of this hearing yesterday and today would be very interesting.

Mr. SCHERER. I wouldn't characterize it with the word "interesting," Mr. Chairman.

Mr. DOYLE. It would be informative.

Mr. SCHERER. Informative.

Mr. WIRIN. I would agree.

Mr. HARDYMAN. There is a companion volume to Communism in Action, by the way, called Fascism in Action, and that I have got and have read.

Mr. DOYLE. So have I.

Mr. HARDYMAN. A very interesting book, 1940's, Library of Congress.

Mr. TAVENNER. Mr. Hardyman, the committee understands from its investigation that you are the person who has been mainly instrumental in the establishment of a summer camp which I believe is designated as Ormsby Village for Youth.

Is it correct that you are chiefly responsible for its organization?

Mr. HARDYMAN. I think that the words "mainly" or "chiefly," sir, should be modified to partially instrumental. Certainly not a chief role. That is too important a role to assign. Partially, yes.

Mr. TAVENNER. In addition to your original work in its establishment, you have also been a substantial financial contributor to the project, have you not?

Mr. HARDYMAN. I would say directly and indirectly yes; substantial, for a small project.

(Representative Jackson returned to the hearing room.)

Mr. TAVENNER. Are you acquainted with Mr. Raphael Konigsberg?

Mr. HARDYMAN. I decline to answer that question on the grounds previously stated. I am not answering any questions involving my associations with other persons by name. If you wish some information about my part in the establishment of Ormsby Village for Youth, I would be happy to give it to you, sir.

Mr. SCHERER. I ask, Mr. Chairman, that you direct the witness to answer the question as to whether he knew the individual named.

Mr. DOYLE. I make that direction, Mr. Hardyman, in connection with your testimony.

(The witness conferred with his counsel.)

Mr. HARDYMAN. I am declining to answer on the grounds previously stated in view of the theories of guilt by association which are current today, though I disapprove of them, and the other previously stated grounds.

Mr. JACKSON. May I inquire of counsel, the name of the individual?

Mr. TAVENNER. Raphael Konigsberg.

Mr. JACKSON. Was he or is he connected with the foundation?

Mr. TAVENNER. I was in hopes the witness would tell us the extent of his connections with the summer camp. That was one purpose in asking the question.

Mr. JACKSON. Does this individual have any connection?

Mr. TAVENNER. Yes; it is our information and I am trying to find the exact position that he held. According to our information, I have here—

Mr. JACKSON. For my purpose, was he or is he associated with the camp?

Mr. TAVENNER. Yes, sir; he was a type of director. Isn't it true he was an executive director of Ormsby Village for Youth?

Mr. HARDYMAN. I decline, I refuse to answer on the grounds previously stated. My own position in that connection, I am willing to inform the committee about.

Mr. TAVENNER. We know in a general way about your connection with it. I want to know specifically why Mr. Raphael Konigsberg was employed as an executive director of that camp and at whose instance.

Mr. HARDYMAN. This I am declining to answer for the reasons previously stated.

Mr. TAVENNER. Did any member of the Communist Party confer with you regarding his employment at that camp?

Mr. HARDYMAN. This too I am declining to answer for reasons previously stated. It might be informative to the committee to know that I am not in the habit of inquiring into the political affiliations of persons with whom I am speaking.

Mr. TAVENNER. I am not speaking of political affiliations. Did you know at any time during the period of his employment as executive director of that camp that he was a member of the Communist Party or had been a member of the Communist Party?

Mr. HARDYMAN. I decline to answer on the grounds previously stated.

Mr. TAVENNER. Were you aware that Mr. Raphael Konigsberg had been identified as a member of the Communist Party before this committee and that identification had been published in the committee reports as early as I believe May 1952.

Mr. HARDYMAN. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Would it have made any difference to you if you had known he was a member of the Communist Party in maintaining his position as executive director of that camp?

Mr. HARDYMAN. That, too, I refuse to answer on the grounds previously stated. Without any reference to specific individuals, I am as ready to cooperate for a purpose which I think to be good with a Republican as with a Communist. Either one I would not hesitate to employ without inquiring their political beliefs.

Mr. JACKSON. In other words, then, that is an answer to the question: Would you have employed him if you had known him to be a Communist?

Mr. HARDYMAN. Mr. Jackson, any person, make this impersonal, I am not talking about people individually.

Mr. JACKSON. I understand, but you would employ a Communist or a Republican if you felt he could do the job?

Mr. HARDYMAN. Correct, sir.

Mr. JACKSON. Very well, that answers the question.

Mr. HARDYMAN. Or a Democrat. I would work with them just as you would work with me for anything which we would have in common.

Mr. JACKSON. That is a rather far-fetched hypothesis, but I will accept it.

Mr. HARDYMAN. Might I introduce this acknowledgment of that signed by you, sir, in which you pledge your best efforts to the achievement of the goal we hold in common, this in connection with my opposition to the use of American troops in Asia, I am very pleased to note that we are in complete accord on this vital matter, dated May 6, 1954.

Mr. JACKSON. Do you have a copy of your original letter addressed to me?

Mr. HARDYMAN. This is the original, sir.

Mr. JACKSON. Yes; but do you have a copy—

Mr. HARDYMAN. I will be happy to introduce it as a document in the record of this committee.

Mr. JACKSON. I have no objection to having it.

Mr. WIRIN. May it be received, Mr. Chairman?

Mr. JACKSON. Just a moment. Do you have the original letter you wrote to me on the subject?

Mr. HARDYMAN. Not with me, sir, but as you can see from the first paragraph, I cited the opposition to the employment of American troops in Asia.

Mr. JACKSON. You might have written me expressing your opposition to the Communist Party, for all I know.

Mr. WIRIN. Read the letter.

Mr. HARDYMAN. Let me read the letter entirely and it will show.

Mr. SCHERER. I have received many of these letters from people who write specifically for the purpose of getting a man on record and that has been done many, many times.

Mr. JACKSON. May I see it?

Mr. HARDYMAN. This puts Mr. Jackson on record, sir, and I was glad of it prior to election.

Mr. SCHERER. I would like to see the letter that was sent to Mr. Jackson.

Mr. JACKSON (after reading the letter). This is quite a different matter and I have no objection to reading my answer into the record.

This will acknowledge with thanks your communication of recent date with respect to your support of Senator E. C. Johnson's nonintervention stand in Indochina.

I am pleased to note that we are in complete accord in this vital matter and I pledge my best efforts to the achievement of the goal we hold in common.

I was opposed to the employment of United States troops in Indochina.

Mr. WIRIN. Does that have your signature?

Mr. JACKSON. Yes, I was and still am opposed to employment of United States troops in Indochina. I make no apology for that stand.

Mr. SCHERER. So am I.

Mr. HARDYMAN. I am for it, Mr. Congressman, we are working together to that end.

Mr. JACKSON. We have one goal in common.

Mr. SCHERER. Let's clarify the record. I am sure that the witness' reasons were different from your reasons.

Mr. WIRIN. Is that a personal matter, Your Honor?

Mr. JACKSON. I thank the gentleman.

Mr. DOYLE. Let's proceed now. Are you ready, Mr. Tavenner?

Mr. TAVENNER. Mr. Hardyman, are you acquainted with Jean Wilkinson?

Mr. HARDYMAN. For reasons previously stated, I decline to answer that question, sir.

Mr. TAVENNER. Wasn't she camp director of the camp in which you took such a great interest?

Mr. HARDYMAN. For reasons previously stated, sir, I decline to answer that question. I would be very happy to discuss with you the part that I played, modest as it was, in connection with that organization.

Mr. TAVENNER. What part did you play in the employment of Raphael Konigsberg and Jean Wilkinson as directors, executive director and camp director, at the Ormsby Village for Youth?

Mr. HARDYMAN. If you refer, sir, to the part I played in the organization and in regard to the Ormsby Village and omit from your question, if you are anxious to get information, the names of individuals, I will be very happy to answer.

Mr. TAVENNER. I am interested in knowing the full circumstance of the employment in that camp of persons whom you may have known or believed were members of the Communist Party. That is what I am interested in inquiring into. I am not interested in knowing how much money you put in the camp or what your ideas about the camp are. We are inquiring here as to Communist Party activities and we want to understand and to know the full implications behind it.

Mr. HARDYMAN. It is a subject of which I happen to know nothing, Mr. Tavenner.

Mr. TAVENNER. Then you did not know that Raphael Konigsberg was a member of the Communist Party at the time he was executive director of your camp?

Mr. HARDYMAN. I am declining to answer questions relating to individuals, but I can assure you that the political affiliations of persons employed in that camp were neither a reason for nor against their employment, nor were they asked or considered. What was considered was the ability to do the job of the person available for the job. The endeavor in that camp was to provide vacations in an atmosphere of friendliness between children of different national backgrounds in the country.

Mr. TAVENNER. I understand that perfectly well.

Mr. HARDYMAN. And insofar as a man or woman could contribute—

Mr. TAVENNER. Will you answer—

Mr. HARDYMAN. Efficiently to the happiness of these vacations, they would be hired or not hired. No attention was paid to the political affiliations or indeed to the religious affiliations of the persons hired.

Mr. MOULDER. Several times during your testimony you have referred to the Communist or to a Communist as being affiliated with a political party and you have associated the Communist Party with the Republican Party and the Democratic Party. Am I to assume from your statement that you consider the Communist Party a legitimate political party as recognized by our American system of Government?

Mr. HARDYMAN. I don't think our American system of Government recognizes, this is a bad way of putting it, but I certainly regard the Communist Party as a political party like the Republican Party or Democratic Party, or the Prohibitionist Party or Progressive Party or a whole raft of others.

Mr. SCHERER. The Supreme Court you cite frequently says it is not a political party, but a criminal conspiracy dedicated to the overthrow of the Government by force and violence.

Mr. WIRIN. The Supreme Court never said that——

Mr. DOYLE. Mr. Wirin——

Mr. WIRIN. I am a lawyer. The Supreme Court never said it.

Mr. JACKSON. Has the Congress of the United States ever outlawed it?

Mr. WIRIN. Yes; that matter is being tested in the courts.

Mr. JACKSON. At the present time it is not a political party. It has been outlawed by an act of the United States Congress.

Mr. WIRIN. I agree with you, Mr. Jackson. I am disagreeing with Mr. Scherer.

Mr. JACKSON. Let's have no talk about its present status as a legal political party. It is an outlaw.

Mr. SCHERER. I guess a motion on my part will not prevail so I won't make it.

Mr. DOYLE. Please don't.

Mr. TAVENNER. Was Frank C. Davis a member of the board of directors?

Mr. HARDYMAN. It is a question on an individual and which I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Was he a person known to you to be a member of the Communist Party or as having in the past been a member of the Communist Party?

Mr. HARDYMAN. Again a question about an individual and I am refusing to answer these questions on the grounds previously stated. Actually my connection with this organization was not too close so far as the management of the camp and organization and daily routine is concerned. Primarily I was representing the ownership of the property.

Mr. TAVENNER. Were you one of the trustees?

Mr. HARDYMAN. I was one of the trustees on the board which purchased the land for the use of the children of this community for vacation purposes.

Mr. TAVENNER. Did you play any part in the raising of funds to sustain this project?

Mr. HARDYMAN. Yes, a small part, a very small part as it happens.

Mr. TAVENNER. Did you have anything to do with the formation of an organization known as Friends of Ormsby Village, the main purpose of which was to raise funds for its support?

Mr. HARDYMAN. Nothing other than I believe attending a function or so, I think a tea given—oh, maybe more than one, probably, of these functions at which people were asked to contribute money.

Mr. TAVENNER. Who was the president of that organization?

Mr. HARDYMAN. What organization?

Mr. TAVENNER. Of the organization that I inquired about, Friends of Ormsby Village.

Mr. HARDYMAN. I don't know. I don't know if it had a president. I don't know if it was anything that formal. Maybe there was, I don't know.

Mr. TAVENNER. Wasn't Sylvia Schonfield president of that organization?

Mr. HARDYMAN. I don't know.

That wasn't in my sphere of interest.

Mr. SCHERER. Did you know the Schoenfeld woman?

Mr. HARDYMAN. Pardon me, Congressman. Your manner is just so outrageous, I tend to get annoyed by them. Forgive me. Kindly speak with courtesy. If you are referring to one of your employers, a citizen of the United States, you may refer to Miss or Mrs. Schonfield. Do not talk to me in the term which you used.

Mr. SCHERER. I ask that you direct the witness to answer my question.

Mr. DOYLE. Did you hear Mr. Scherer's question?

Mr. HARDYMAN. I was shocked to hear it, sir. Will you ask him to phrase the question courteously?

Mr. SCHERER. Do you know the Schonfield woman?

Mr. DOYLE. If you understand his question and can answer it, let's try it.

Mr. HARDYMAN. I decline to answer, sir, on the grounds previously stated.

Mr. SCHERER. I ask that you direct the witness. He said in response to Mr. Tavenner's question he did not know whether she was president or not. So obviously he has waived his right to answer that question. How can he say he doesn't know whether the woman is president or not if he won't answer whether he knows the woman or not?

Mr. DOYLE. Do you understand the question, Witness? I direct you to answer.

Mr. HARDYMAN. I think that I have waived no privilege, sir, and I decline to answer on the grounds previously stated.

Mr. DOYLE. Very well, proceed.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Mr. Moulder?

Mr. MOULDER. Just 2 or 3 questions, Mr. Hardyman.

What year did you come to the United States?

Mr. HARDYMAN. I came from England in 1920.

Mr. MOULDER. Then where did you first reside when you came here?

Mr. HARDYMAN. I landed in New York, sir.

Mr. MOULDER. That is what I mean. Then did you come to California?

Mr. HARDYMAN. The first time, 1921.

Mr. MOULDER. I also recall in the beginning of your testimony that you stated that you were connected with the Southern California Peace Crusade in a small way or in a limited degree and that you would be willing to tell the committee what that association was.

Mr. HARDYMAN. Would you care to hear about it, sir?

Mr. MOULDER. Yes; I am asking. I think any witness is entitled to give an explanation.

Mr. HARDYMAN. This is a committee of people who are exceedingly anxious to avoid the catastrophe of international war and who hold meetings, put out literature, get people to write letters to Congressmen and to the President and to their Senators, urging world disarmament, urging the cessation of the building of such devilish machines as hydrogen bombs, urging international peace, urging conferences and more conferences and more conferences, anything is better than war, let us talk and talk and talk until a solution is arrived at for a modus vivendi with the rest of the world on the basis of equality.

Mr. MOULDER. May I interpose to interrupt you? My question was directed at your personal association and activities in connection with the organization, not the objectives of it.

Mr. HARDYMAN. I am one who approves of and speaks if asked to for the organization, writes occasionally material which the organization has distributed, and sometimes I have contributed toward the bills, the payment for printing and so on, and defrayment of costs of hiring halls for meetings, and the contributions never were as large as I would have liked for them to be because I have other uses for the small amount of money which I make, but I would like to be regarded as a typical member of the Southern California Peace Crusade and so far as I know I have been with it since at least very early in its organization. I forget just how it started.

Mr. MOULDER. Then you have appeared before audiences as a speaker?

Mr. HARDYMAN. Yes, indeed, sir. I will speak for the peace crusade any time they get me an engagement and I will speak before any audience whether it is Communist, Republican, Progressive, Democratic or religious or any audience at all that will give me a chance to talk for peace, I will talk for peace. I believe this to be absolutely essential to the survival of the United States.

Mr. MOULDER. I have forgotten whether or not this question has been propounded to you, probably it has been, but for your own benefit as well as for the information which the committee desires, the question is: Are you now or have you ever been a member of the Communist Party?

Mr. HARDYMAN. I was expecting that would be asked, sir, and it hasn't yet. I am quite willing to answer it, although with the stipulation that I do not think it is the business of congressional committees to inquire into the political affiliations of—

Mr. MOULDER. You have come before this committee, and much that has been said here has had an unfavorable reflection upon you. This gives you an opportunity to deny or affirm and clear up that proposition.

Mr. HARDYMAN. I expect, I will answer that question, Congressman. Having explained that I don't think it should be asked of any citizen, it violates secrecy of the ballot or makes nonsense of the so-called secrecy of the ballot and other processes of democracy. I happen to be on record already, I forget the date, but it was under oath, that at that time I was not nor had previously been a member of the Communist Party. That wasn't many years ago. In the meantime I have not joined the Communist Party. I am not a member thereof. I was a member of the Democratic Party for well over 20 years and then I became so outraged at the prolongation of what I regarded as the absolutely unjustifiable war in Korea that—

Mr. JACKSON. Mr. Chairman, I am not interested in his background—

Mr. HARDYMAN. I changed to the Progressive Party.

Mr. JACKSON. I think he has answered the question and an answer is what was sought.

Mr. MOULDER. Referring to Hardyman Exhibit 10, Mr. Tavenner, a while ago when questioning you about the speech you made as

reported in the People's World, I believe there is a paragraph first which says:

Solemn warning that neither Truman, H-bomb threats nor vaunted United States industrial and military might can be expected to dismay the Chinese people, was sounded by Hugh Hardyman, United States delegate to the Peiping Peace Conference.

I assume you have just repeated your attitude about Truman, and that is the reason you base your objections and opinions of the Truman administration, because of that?

Mr. HARDYMAN. That and more, sir.

Mr. DOYLE. Any more questions?

Mr. MOULDER. Yes.

Have you at any time in your lifetime received any money from any agent or representative of any foreign government?

Mr. HARDYMAN. No, sir; I have been on the contributing end pretty constantly. I have no—

Mr. MOULDER. That is a simple question to answer.

Mr. HARDYMAN. I have no gold from Moscow.

Mr. MOULDER. I asked from any government, from an agent or representative of any foreign government.

Mr. HARDYMAN. By money do you mean money or do you mean, for example, that I have eaten a meal or been entertained by somebody who might be construed to be a representative of a foreign government?

Mr. MOULDER. I will say in the form of compensation for any services performed by you.

Mr. HARDYMAN. No, sir. That is safe enough.

Mr. DOYLE. Mr. Jackson.

Mr. JACKSON. Just what is the Ormsby Trust Foundation or Ormsby Hill Trust, whatever the proper name is for it?

Mr. HARDYMAN. There are two organizations. The Ormsby Hill Trust is an organization set up under the laws of the State of California for the purpose of providing vacations in rural surroundings for underprivileged children from metropolitan areas. It has been doing this for a number of years and continues to do this. That organization was the purchaser of the estate which was used in Topanga Canyon for camp purposes by the Ormsby Village for Youth Foundation.

Mr. JACKSON. That answers my question.

What is your official capacity? What is your connection with the Ormsby Hill Trust if any?

Mr. HARDYMAN. I am one of the trustees of that institution.

Mr. JACKSON. Did you exercise any direct control over the employment of any personnel at Ormsby Village?

Mr. HARDYMAN. Part of the time that Ormsby Village was functioning I was on the board of directors, I think you call it, the official title, and at such time as a member of the board and according to the bylaws since the Ormsby Hill Trust was the owner of the property, a representative of the trust had to be on the board. In that capacity I was on the board for part of the time that the foundation has functioned.

For some years I wasn't. I am not even sure just which years I was elected to serve and which not.

Mr. JACKSON. What is the present Federal tax status of the Ormsby Hill Trust?

Mr. HARDYMAN. It has a tax-exempt status as an eleemosynary organization.

Mr. JACKSON. I have nothing further.

Mr. DOYLE. Mr. Scherer.

Mr. SCHERER. Witness, you have testified about your connection with the Southern California Peace Crusade. Did you hear the testimony of Anita Schneider?

Mr. HARDYMAN. Oh, yes.

Mr. SCHERER. Was her testimony true or false when she said that the Southern California Peace Crusade was Communist dominated and Communist controlled and Communist inspired?

Mr. HARDYMAN. I am inclined personally to be extremely dubious of her testimony, but I am not categorizing her testimony as true or false.

Mr. SCHERER. As a matter of fact, you know that it was completely controlled and dominated by the Communist Party?

Mr. HARDYMAN. Mr. Scherer, you have told me again and again what I know and I think that you are exposing thereby your ignorance of my mind and I think that it is a presumption on your part to tell me what I know and I wish you'd stop doing it, sir, because it gets tiresome.

Mr. SCHERER. Is what I said untrue?

Mr. HARDYMAN. Frequently, sir.

Mr. SCHERER. I am not asking you that. I am asking you right now: Is what I said untrue?

Mr. HARDYMAN. Yes, sir. I trust that the chairman will realize that I am replying to this question asked by the Congressman and I am under oath to speak the truth. I think this was the truth. I would not have put the question in that manner by choice, sir. I prefer a little more courtesy.

Mr. SCHERER. Are you willing to say then that her testimony is false?

Mr. HARDYMAN. I have refrained, sir, from so stating. I have stated merely that in my opinion I am exceedingly dubious of its veracity. I am not in a position to know whether what she says is true or false.

Mr. SCHERER. Well, as a matter of fact, I will repeat it again, you know of your own knowledge, do you not, that the Southern California Peace Crusade was Communist dominated and Communist controlled, the same as the camp which you are participating in?

Mr. HARDYMAN. No, sir; I do not know that of my own knowledge and when you state what somebody knows of their own knowledge in your opinion is a fact I just don't think you even know what a fact is, Mr. Scherer. It is extraordinary for you to be in Congress with this kind of thinking process.

Mr. JACKSON. It occurs to us it is very strange that you can be in this country at all in light of some of the things you have done. We are all puzzled.

Mr. HARDYMAN. We are different. That is the explanation. People are different.

(Representative Moulder left the hearing room.)

Mr. DOYLE. Any other question, Mr. Scherer?

Mr. SCHERER. I have no further questions.

Mr. DOYLE. I have a couple of questions.

In addition to this committee membership here today, as you know, I am on the Armed Services Committee of the House.

Mr. HARDYMAN. Yes.

Mr. DOYLE. That is the committee which deals with the American military, whatever it is in the world. I also had the benefit of being in Korea for some time, flying an actual bombing mission to some place in North Korea. I make that statement to you, Mr. Hardyman, so you will realize my anxiety toward the reported statement by you as having been made in this country. I remember your statement that you wouldn't say anything about the area of China, what you did over there, but here in Los Angeles, you were reported to have made a statement, as I understand it, against our Government, our Military Establishment, charging that they used biological warfare—germ warfare.

Did you make that statement or substantially that in Los Angeles after your return from China or at any time? Have you charged that the United States Military Establishment engaged in germ warfare in Korea?

Mr. HARDYMAN. Suppose I state what I would state outside this room or any other place, and what I have stated before. In my opinion there is overwhelming evidence that the Armed Forces of the United States did participate in germ warfare during the Korean war.

Mr. JACKSON. That is a great international lie so far as I am concerned, and I should like to see your evidence, sir, that this Nation or any of its citizens engaged in germ warfare.

Mr. WIRIN. May he answer?

Mr. JACKSON. I want to categorically state my feelings.

Mr. HARDYMAN. I have categorically stated on each occasion I believe that the subject has come up that this is my opinion, since I am not in a position to prove or disprove my opinion.

Mr. SCHERER. In his speech in Peiping he said they had the uncontradicted evidence that there was germ warfare. That is what he said in his speech in Peking, that they saw the evidence.

Mr. DOYLE. I was getting to that, Mr. Scherer.

Mr. SCHERER. I am sorry.

Mr. HARDYMAN. I am sure Mr. Doyle, when you get to it you will read the matter correctly.

Mr. DOYLE. I heard your speech from Peiping, China, that there was uncontradicted evidence that our American troops engaged in germ warfare and of course that is a pretty strong statement to make by anybody, because our American military has flatly denied it.

That statement by you from Peiping, China, went over the Eastern European countries back to the Iron Curtain. So you charged to all of Europe and the world that the country which has adopted you at your request, and the country for which my boy died, engaged in germ warfare. What evidence can you give this committee to prove such a statement? I think it is your bounden duty to produce the evidence or retract your statement and apologize to the world.

Don't you think so? What evidence have you? Produce it. If you can't produce it here, when will you produce it to the United States Government?

I, as a member of the Armed Services Committee, invite you to come before our committee and produce the evidence upon which you relied to make that—

Mr. HARDYMAN. As a member of the Armed Services Committee, Mr. Congressman, have you not seen the report of the international commission which investigated that subject?

Mr. DOYLE. Sure I have seen that.

Mr. JACKSON. Handpicked lackeys of the Soviet Union in almost every instance of which I have knowledge. Don't talk about their high standing and unquestioned integrity because every one of them has a documented record of absolute subservience to the Soviet line.

Mr. DOYLE. Did you just rely on that report, or join in it?

Mr. SCHERER. He had the evidence before that report was made, during the war in Peiping, so he said.

Mr. DOYLE. Did you report to the—

Mr. HARDYMAN. Had you read the report, you would see this was made by an international commission of distinguished scientists who spent a long time investigating the situation in Korea.

Mr. DOYLE. I don't recall in this instance whether or not you made any contribution to their evidence.

Mr. HARDYMAN. I could not possibly, sir. I am not a distinguished biologist, I am not a fellow of the Royal Society, or the head of a government department in Brazil, or the head of a clinic in Sweden.

(Representative Moulder returned to the hearing room.)

Mr. DOYLE. The evidence upon which you relied to make that charge from Peiping about this country is the report you referred to; is that right?

Mr. HARDYMAN. That was a substantial part of it, sir.

Mr. DOYLE. What was the rest of it? What other evidence do you claim as reliable evidence?

Mr. HARDYMAN. Statements of many American fliers captured by the Chinese.

Mr. DOYLE. Who? No doubt you made a record of them at the time you spoke with them.

Mr. HARDYMAN. I didn't speak with them, Congressman.

Mr. JACKSON. They were probably not capable of further speech by the time the admissions had been extracted.

Mr. DOYLE. You brought home with you, you must have, I would assume you would bring home with you photostats or copies of the documents that you claim you relied upon; wouldn't you? You wouldn't dare come back to my country and yours and make these statements in public charging germ warfare without having evidence in your pocket. Where is the evidence on which you relied?

Mr. HARDYMAN. The report of the International Scientific Commission.

Mr. DOYLE. You just now stated you had other evidence. What is the evidence? Where is it? Give it to us.

Mr. HARDYMAN. I did not bring with me photostatic copies of the written confessions of our officers, sir.

Mr. DOYLE. Did you bring any copies of any sworn statements?

Mr. HARDYMAN. I brought the report of the International Scientific Commission which was available to the Congress.

Mr. DOYLE. May I understand that you have no other claimed documentary evidence?

Mr. HARDYMAN. That is right.

Mr. JACKSON. May I make a motion, Mr. Chairman?

Mr. DOYLE. Yes.

Mr. JACKSON. That the alleged impartial neutral viewpoint as expressed by the International Commission be inserted in the record at this time together with the documented biography with respect to Soviet connections and Soviet fealty of those who participated in it?

Mr. DOYLE. It will be so ordered.

(The information referred to follows:)

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REPORT OF THE INTERNATIONAL SCIENTIFIC COMMISSION FOR THE INVESTIGATION OF THE FACTS CONCERNING BACTERIAL WARFARE IN KOREA AND CHINA

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PREAMBLE

From the beginning of 1952, phenomena of a very unusual character occurring in the territories of Korea and China led to allegations by the peoples and governments of those countries that they had become the objective of bacteriological warfare.

Since the peoples of the world had long manifested their disapproval, and indeed detestation, of such methods of war, the gravity of the situation was well understood. This was the reason for the formation of an International Scientific Commission which should examine the evidence in the field.

The members of the Commission, who, conscious of their responsibility, made every effort to free themselves from preconceived ideas, have carried out their investigations according to the strictest scientific principles known to them. The details of this work, and the conclusions to which it has led, are placed before the reader in the present Report. In its composition eight languages have participated, and if it should be found lacking in elegance, the reader will remember that it had to be clear, unambiguous, and comprehensible in every continent.

FORMATION AND WORK OF THE COMMISSION

On the 22nd February, 1952, Mr. Bak Hun-Yung, Foreign Minister of the Democratic People's Republic of Korea, and on the 8th March Mr. Chou En-Lai, Foreign Minister of the People's Republic of China, protested officially against

the use of bacteriological warfare by the U. S. A. On the 25th February, Dr. Kuo Mo-Jo, President of the Chinese People's Committee for World Peace, addressed an appeal to the World Peace Council.

At the meeting of the Executive Committee of the World Peace Council held at Oslo on the 29th March, Dr. Kuo Mo-Jo, with the assistance of the Chinese delegates who accompanied him, and in the presence of the Korean representative, Mr. Li Ki-Ien, placed the members of the Committee, and other national delegates, in possession of much information concerning the phenomena in question. Dr. Kuo declared that the governments of China and (North) Korea did not consider the International Red Cross Committee sufficiently free from political influence to be capable of instituting an unbiased enquiry in the field. This objection was later extended to the World Health Organisation, as a specialised agency of the United Nations. However, the two governments were entirely desirous of inviting an international group of impartial and independent scientists to proceed to China and to investigate personally the facts on which the allegations were based. They might or might not be connected with organisations working for peace, but they would naturally be persons known for their devotion to humanitarian causes. The group would have the mission of verifying or invalidating the allegations. After thorough discussion, the Executive Committee adopted unanimously a resolution calling for the formation of such an International Scientific Commission.

Efforts were therefore made immediately after the Oslo meeting to obtain the acceptances of a considerable number of European, South American, and Indian scientists, as eminent as possible in the relevant fields. As soon as the provisional acceptances were known, Dr. Tsien San-Tsiang, Director of the Institute of Modern Physics of Academia Sinica (the Chinese National Academy), and a member of the Chinese Peace Committee, who had remained in Europe after the Oslo meeting charged with the work of organising the Commission, issued invitations in the name of Dr. Kuo Mo-Jo, President of Academia Sinica and of the Chinese Peace Committee. The indispensable minimum of members having been reached by mid-June, they duly proceeded to China.

The International Scientific Commission reached Peking on the 21st and 28th June, where its members were warmly welcomed by representatives of Academia Sinica and the Chinese Peace Committee. The members were as follows:

- Dr. Andrea Andreen (Sweden), Director of the Central Clinical Laboratory of the Hospitals Board of the City of Stockholm.
- Mons. Jean Malterre (France), Ingenieur-Agricole, Director of the Laboratory of Animal Physiology, National College of Agriculture, Grignon; formerly Livestock Expert, UNRRA; Corresponding Member of the Italian and Spanish Societies of Animal Husbandry.
- Dr. Joseph Needham (U. K.), F. R. S., Sir William Dunn Reader in Biochemistry, University of Cambridge; formerly Counsellor (Scientific), H. B. M. Embassy, Chungking, and later Director of the Department of Natural Sciences, UNESCO.
- Dr. Oliviero Olivo (Italy), Professor of Human Anatomy in the Faculty of Medicine of the University of Bologna; formerly Lecturer in General Biology, University of Turin.
- Dr. Samuel B. Pessoa (Brazil), Professor of Parasitology at the University of Sao Paulo; formerly Director of Public Health for the State of Sao Paulo; Hon. Professor in the Faculties of Medicine of the Universities of Recife and Paraiba.
- Dr. N. N. Zhukov-Verezhnikov (U. S. S. R.), Professor of Bacteriology at, and Vice-President of, the Soviet Academy of Medicine; formerly chief medical expert at the Khabarovsk Trial of Japanese ex-service men accused of participating in bacteriological warfare.

While greatly regretting that certain distinguished men of science whose participation had been expected, had not been able to come, the 15th July was fixed by the Commission as the last date for arrival. However, later on, a warm welcome was given to

Dr. Franco Graziosi (Italy), Assistant in the Institute of Microbiology, University of Rome, who arrived in Peking on the 6th August just before the return of the Commission from Shenyang (Mukden). Since he was thus only able to be present during the last three weeks of the Commission's work, he was established in the status of Observer-Consultant, and in that capacity gave great help to the proceedings.

Finally, there participated:

Dr. Tsien San-Tsiang (China), Director of the Institute of Modern Physics, Academia Sinica (Chinese National Academy), who had accompanied the Commission from Europe to Peking as Dr. Kuo's representative. Upon the unanimous invitation of the Commission, he was attached by the Chinese authorities as Liaison-Member, a position which carried a voice in the deliberations of the Commission, but no vote. The group also included:

Mr. N. A. Kowalski; Secretary-Interpreter to Dr. Zhukov-Verezhnikov, and Mrs. S. B. Pessoa; acting as Secretary-Interpreter to Dr. Pessoa.

The International Commission was assisted by a Committee of Reception which had been set up on the Chinese side. This was constituted as follows: Chairman: Mrs. Li Tê-Chuan, President of the Chinese Red Cross Society and Member of the World Peace Council

Vice-Chairman:

Mr. Liao Ch'êng-Chih, Member of the World Peace Council

Dr. Ho Chêng, Hon. President of the Chinese Medical Association

Secretary-General: Dr. Kung Nai-Ch'uan, Director of Shanghai Medical College
Assistant Secretary-General: Dr. Chi Su-Hua, Secretary of the Chinese Medical Association

Specialist Liaison Officers:

Dr. Chung Hui-Lan, Director of the People's Hospital, Peking, and Professor of Clinical Medicine, China Union Medical College

Dr. Wu Tsai-Tung, Professor of Pathology, Nanking University Medical College

Dr. Fang Kang, Associate Research Member, Central Biological Products Institution Peking;

Dr. Chu Hung-Fu, Assistant Director Laboratory of Entomology, Academia Sinica

Dr. Yen Jen-Ying, Associate Professor of Obstetrics and Gynaecology, Peking University Medical College

Dr. Yang Chih-Ta, Professor of Public Health, Aurora University, Shanghai

Most of the members of the Committee accompanied the Commission upon its travels, however hazardous or arduous, and were constantly ready to perform every conceivable liaison task which the situation might demand. From time to time some of them, together with many other Chinese scientists and medical men, attended the meetings of the Commission as observers or to give evidence before it. The Commission wishes to thank all these colleagues, for whose scientific attainments and probity it conceived a deep respect.

As regards the conduct of the meetings of the Commission, the Chairmanship rotated in an approximately consecutive manner among the members. M. Malterre was elected Scientific Secretary. The first meeting of the Commission took place in Peking on the 23rd June, and a brief chronological summary of all the meetings held will be found in App.

Of the general methods of the Commission it may be said that it worked in close contact with the Ministers and ministerial secretariats of the central and regional Ministries of Health at Peking, Shenyang (Mukden), and Pyongyang. It naturally had the help of all those scientists whose fields of work were relevant to the problem before it. Besides those already mentioned, the Commission wishes to thank Dr. Wang Pin and Dr. Pai Hsi-Ch'ing, Minister and Vice-Minister of Health respectively for the North-Eastern Region of China (Manchuria), who spared no pains to lay before the Commission all information that it was in their power to give. Its thanks are similarly due to Dr. Ri Ping-Nam and Dr. Lu Tchen-Han, Minister and Vice-Minister of Health respectively in (North) Korea, but these could not be offered without an expression of admiration for the cool manner in which these distinguished medical officials conducted all their business while suffering the constant inconveniences and dangers of heavy air bombardments.

In this connection, too, the Members of the Commission wish to voice their profound admiration for the devoted service to their country of all the Korean bacteriologists and other specialists whom they had the honour to meet Korean their visit. The Commission renders homage to three of the best Korean bacteriologists who have perished while carrying out their professional duties. It also wishes to place on record its admiration of the selfless service of the eminent Chinese specialists seconded to the Korean Epidemic Prevention Corps, such as Dr. Ch'ên Wên-Kuei, Dr. Wei Hsi, and Dr. Ho Ch'i, who thought fit

to leave the quiet amenities of their laboratories in far-away parts of China to share all the hardships and dangers of their Korean colleagues in the front line of anti-bacterial defence.

The meetings of the Commission varied in character. Sometimes the members discussed scientific problems for many hours in closed session, on other occasions Chinese scientific experts were present, and again at other times large rooms were required for the hearing of evidence of numerous eye-witnesses who came from all walks of life. Among the witnesses there figured a captured intelligence agent (App.) and four airmen (App.). From time to time specific sub-committees of two or three members were delegated to look into particular problems in conjunction with Chinese colleagues, and then to report back to the Commission. From time to time whole days were spent in laboratories, at Peking, Shenyang, and Pyongyang, where the Chinese and Korean scientists demonstrated in great detail the results of their investigations. As occasion demanded, too, members of the Commission made use of the very good library facilities available at Peking and Shenyang.

The material on the cases prepared by the Chinese and Korean specialists forms the bulk of the Appendices to the present Report. They will be found briefly described in the paragraphs which follow. It should be understood that they are not isolated cases, but represent a sampling from a larger mass of material. If the bulk of what is here presented is Chinese rather than Korean, this is because the Koreans were working under far more difficult conditions, and because the Commission was in Korea for a shorter time, and indeed at a particularly difficult moment.

At the same time the Commission felt that it must familiarise itself with the original scientific data which had formed the basis for the documentation issued from Prague during the earlier part of the year. It was necessary that these documents should be validated or otherwise, if possible, and it proved that clarifications were indeed necessary; misunderstanding, tentative identifications afterwards withdrawn, sheer mistakes of translation, etc. being found. After a great deal of work along these lines, the results of which may be seen in many of the Appendices, the general conclusion of the Commission was, in fact, to confirm the main statements of the Reports of earlier investigating groups which had been disseminated through Prague.

The main travels undertaken by the Commission were as follows. Having unravelled the main threads of the situation in Peking from the 23rd June to the 9th July, it proceeded to Shenyang (Mukden), where it worked from the 12th to the 25th. Accompanied by the members of the Reception Committee, it then passed across the Yalu River into North Korea and held meetings in Pyongyang (subject to interruptions by air-raids) from July 28th to 31st. Then returning north, the Commission spent two days at a rendezvous with the captured airmen before re-crossing the frontier into Northeast China on August 6th. It should be recorded that the technical organisation of this expedition was faultless.

An earlier one, which took a shorter time, had been undertaken on the 15th and 16th July, when the Commission went by special plane, train, and jeep, via Chichihar and Laha to visit the localities in the Kan-Nan district which had been the scene of the dissemination of plague-infected rodents (see App.). These places are located in Heilungchiang province on the border of Inner Mongolia. Other official journeys were of a minor character.

It is important to say something regarding the difficulties of language necessarily attendant upon any enterprise such as that of the present Commission. Within the Commission itself seven languages were represented, but it was found that French was the one spoken and understood by the majority of the members, and this therefore became the working language. Russian, English, and Italian, when spoken, were at once translated into French. On the Chinese side, the fact that so many Chinese scientists speak excellent English or French was of great value to the work, but during meetings, for protocol reasons, they spoke in Chinese, interpreted immediately, and often independently, into French, Russian, and English. This was effected by Dr. Yang Shih-Ta and Mr. Ting Chi-Ch'ien for French, Dr. Ch'en Shu for Russian, and Dr. Yen Jen-Ying for English. At a later stage of the work, Dr. Wu Huan-Hsing rendered valuable literary and linguistic assistance. The Commission had further the advantage that one of its European members spoke and understood the Chinese language, which was of particular value during the interviewing of witnesses, and could also read and write Chinese, which facilitated the consultation of literature and the examination of documents. Another member was able to maintain direct

English-Russian linguistic contact. In Korea conditions were even more complicated, for very few Chinese scientists understand Korean, but the Commission had there the services of a remarkable linguist, Dr. Ok Jen-Hsieh, who interpreted perfectly from Korean into French, English or Chinese at will. Other Korean-Chinese interpreters were also available. A parallel check was obtained by translation into one of the European languages through Chinese, and also simultaneously from Korean to Russian direct. Since frequent comparison of notes took place, it will be seen that there was not much likelihood of any mistake on points of substance. Lastly, the proceedings at some of the meetings were recorded by magnetophone for subsequent reference. For all these reasons, the Commission considers itself protected against any criticisms that it did not succeed in apprehending the full mind of Chinese and Korean specialists and witnesses.

The names of the members of the Commission signed below bear appropriate indications as to the qualifications and fields of competence of the signatories. Their diverse experiences were pooled in laborious and extended discussions. Each contributed equally in all matters where a knowledge and understanding of the scientific method as such sufficed, and when the problem was remote from their own fields, the critical expositions of the better qualified members carried the conviction of the others. The present Report is thus a truly collective work.

Besides those things which the members of the Commission themselves saw and heard, and for which therefore they take the responsibility of witnesses, the Commission necessarily depended on Korean and Chinese documentation. Although there was no reason to doubt the competence and probity of the medical men and other scientists in China and Korea, the Commission left no precaution untaken. It never wearied in analysing the cases, and took the greatest pains to enter into direct contact with the original facts whenever this was at all possible. Its members held themselves continually on guard against political, ethical or emotional influences, and its work was done in an atmosphere of calm and scientific objectivity. Its final convictions naturally rested to some extent upon the reliability of the hundreds of witnesses interviewed and interrogated. Their testimonies were too simple, too concordant, and too independent, to be subject to doubt.

In the descriptions which will be found in the body of the Report it was obviously impossible to incorporate in every sentence the Korean or Chinese authority upon which the statement is based. Personal tests, examinations, interrogations, etc., carried out by the members of the Commission, have generally been mentioned in the text. In all cases, full details will be found in the relevant documents and commentaries indicated by the references to the Appendices.

A final Appendix gives biographical details of all the Chinese and Korean scientists whose names are mentioned in the documents here published.

DOCUMENTATION ¹

At the time when the members of the Commission first assembled, the only documents available to them were those which had been released by the Korean and Chinese Governments and disseminated in the western world from the secretariat of the World Peace Council at Prague or through the various Chinese official news agencies in the various countries.

The First Report of the Korean Medical Service (SIA/1)² dealt only with events of Jan. and Feb. 1952. The material contained in it was worked over again in the International Democratic Lawyers' Commission (Korea) Report (SIA/4), which added data on the appearance of plague cases in Korea, and of course the results of examination of eye-witnesses by international personnel.

The two most detailed reports were those of the Chinese Commission for Investigating the American Crime of Germ Warfare which carried out investigations both in Korea and in NE China (Manchuria) during the month of March. The main one of these was that of the sub-commission in Korea printed in Peking in April, given in full in NCNA/S5 (Suppl.), and abridged in SIA/13. The report of the sub-commission, in Northeast China (Manchuria) was similarly printed in Peking and abridged in SIA/3. This report is that which contained the fullest entomological information. Nothing of strictly scientific significance

¹ The references contained in the text relate to Appendices which will be published at a later date.

² The following document identifications will be used: Prague series, SIA/; New China News Agency, NCNA/; Documents furnished to the International Scientific Commission, in China, ISCC/; in Korea, ISCK/.

was added by the International Democratic Lawyers' version of the same material, again printed in Peking, and fully reproduced in SIA/8.

A special report by certain European scientists consulted by the Secretariat of the World Peace Council confirmed the entomological identifications by photographs, and appeared as SIA/2; it covered both Korean and NE Chinese data. A further special report by four Chinese scientists, again based on the same material, appeared as SIA/12.

Those who wish to examine the earlier reports would be well advised to study them in the above order. By the time that the members of the Lawyers' Commission returned to Europe (mid-April), a considerable amount of new duplicated and typescript material was ready for them to take with them, especially a series of ten important, but at that time only partially analysed, incidents, which, as they carried numbers 00001 to 00010, are termed the "Four-Zero Series".

The remaining material, while by no means lacking in scientific significance, was predominantly legal and personal. Eye-witness depositions, some of which concerned cases also described elsewhere (e. g. 00005), were collected in SIA/6 and 10. Statements of various American prisoners of war and agents were collected in SIA/7, while many papers were devoted to the elaborate statements of captured American pilots (SIA/14, 15, 16, 17, 18), and these themselves were photolithographically reproduced in a document published by the World Peace Council probably in May. A collection of relevant press excerpts on bacteriological warfare was brought together in SIA/5.

THE RELEVANCE OF JAPANESE BACTERIAL WARFARE IN WORLD WAR II

No investigation of allegations of bacterial warfare in East Asia could fail to take cognisance of the fact that it was undoubtedly employed by the Japanese against China during the second world war. The Commission was relatively well informed on this subject since one of its members had been the chief expert at the Khabarovsk trial, and another had been one of the very few western scientists in an official position in China during the course of the events themselves. In 1944 it had been part of his duty to report to his own government that although he had begun with an attitude of great scepticism, the material collected by the Chinese Surgeon-General's Office seemed to show clearly that the Japanese were, and had been, disseminating plague-infected fleas in several districts. They were thus able to bring about a considerable number of cases of bubonic plague in areas where it was normally not endemic, but where conditions for its spread were fairly favourable. As is generally known, under normal circumstances, bubonic plague is endemic only in certain sharply circumscribed areas (e. g. Fukien province) out of which it does not spread.

From the archives of the Chinese Ministry of Health one of the original reports dealing with the artificial induction of plague at Changtê in Hunan province by the Japanese in 1941 was laid before the Commission (App. ISCC/1). This document is still today of considerable value and indeed historical interest. Official Chinese records give the number of hsien cities which were attacked in this way by the Japanese as eleven, 4 in Chekiang, 2 each in Hopei and Honan, and 1 each in Shansi, Hunan and Shantung. The total number of victims of artificially disseminated plague is now assessed by the Chinese as approximately 700 between 1940 and 1944.

The document reproduced below has, moreover, historical interest. It is known that the Chinese Surgeon-General at the time distributed ten copies among the Embassies in Chungking, and it may well be more than a coincidence that according to the well-known Merck Report of Jan. 1946, large-scale work in America on the methods of bacteriological warfare began in the very same year, 1941. The Commission was happy to have the opportunity, during its work in Korea, of meeting the distinguished plague specialist who wrote the original memorandum from Changtê and of hearing his views on the failure of the Kuomintang Government to follow up the evidence which was already in their hands by the end of the second world war (App.). As is generally known, his conclusions were subsequently fully confirmed by the admissions of the accused at the Khabarovsk trial.

By the publication of the "Materials on the Trial of Former Servicemen of the Japanese Army charged with Manufacturing and Employing Bacteriological Weapons" (Moscow, 1950) a wealth of information about the practical work carried out under the direction of the Japanese bacteriologist Ishii Shiro (who was unfortunately not himself in the dock) was made available to the world. It was established beyond doubt that techniques had been employed for the

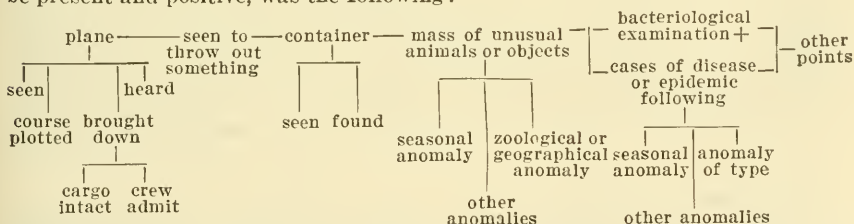
mass-production of bacteria such as those of cholera, typhoid and plague, literally by hundreds of kilograms of the wet paste at a time. Techniques, quite simple in character, had also been used for the breeding of large numbers of rats and very large numbers of fleas, though in practice only the latter seem to have been disseminated. Moreover, the various witnesses were ready to give chapter and verse as to the dates upon which they had proceeded to various Japanese bases in China to superintend the methods of dissemination used. Abundant details were also forthcoming about the special secret detachments (such as the notorious "731") and their laboratories, pilot plants, and prisons in which Chinese and Russian patriots were made use of with perfect sangfroid as experimental animals. In the course of its work, as will be mentioned below (p. 44) the Commission had the opportunity of examining some of the few remaining specimens of the earthenware "bombs" which were manufactured for Ishii in a special factory at Harbin.

It would seem that the Japanese militarists never abandoned their visions of world-conquest by the aid of biological weapons in general and the dissemination of insect weapons in particular. Before they departed from Dairen they systematically tore out from all volumes of journals in the university and departmental libraries articles which had any connection with bacterial warfare. It should not be forgotten that before the allegations of bacterial warfare in Korea and NE China (Manchuria) began to be made in the early months of 1952, newspaper items had reported two successive visits of Ishii Shiro to South Korea, and he was there again in March. Whether the occupation authorities in Japan had fostered his activities, and whether the American Far Eastern Command was engaged in making use of methods essentially Japanese, were questions which could hardly have been absent from the minds of members of the Commission.

INCIDENT ANALYSIS ADOPTED BY THE COMMISSION

On account of its very nature, the use of biological weapons is an act exceptionally difficult to prove. Perfect proof might require, for example, that an airplane be forced down with its biological cargo intact and its crew prepared to admit their proceedings forthwith. Obviously this would be a very unlikely occurrence for many reasons. It is therefore necessary to envisage a manner of grouping events into a coherent pattern so that they can throw light upon each other and perhaps build up a circumstantial case. A first necessity, therefore, for the thought and work of the Commission was some kind of scheme which could serve as a framework for the facts which it would have to study in each particular investigation.

The simplest scheme, in which, under ideal conditions, every component would be present and positive, was the following:



Naturally this complete pattern will rarely or never be encountered. There are, nevertheless, cases which come near enough to it to be decisive. In this way it is possible to reconstruct the activities of those who have utilised such methods, and to elucidate the effects which have been produced by them. The Commission paid particular attention to those assemblies of facts which attained most nearly the demonstrative character of the ideal pattern. When the general complex of facts resulting from the confrontation of numerous patterns is examined, the whole situation becomes clear, (cf. p. 51 below).

ENTOMOLOGICAL DATA OF THE PRAGUE DOCUMENTS

One of the first tasks which presented itself to the Commission when it began its work in Peking was the systematic examination of the scientific material on which the Prague documents had been based, and one of the first aspects

of this work was the fabrication of the entomological evidence in conjunction with the Chinese scientists of Academia Sinica and other learned bodies who had been responsible for the identifications. The opinion of the Commission was soon formed that there could be no doubts whatever as to their high competence (App.). They are, moreover, provided with very extensive library facilities including a rapid loan system between institutes, and the various collections of insects are maintained in excellent order. The only real difficulty, which remained insuperable, was the fact that even after the work of half a century, the systematic classification of many groups of insects in the Chinese sub-continent remains imperfectly known. It was therefore impossible to assert that all new introductions could be definitely recognised as such; and the Commission had to be content with the fact that in certain cases certain insect species had at least never before been recorded from areas in which they now appeared in great numbers.

The species identified from specimens sent to the Chinese experts as representatives of unusual multitudes of insects found after the passage of American planes, are given in a Table (App.). They include nine species of Diptera (six species of flies and three of mosquitoes and midges), one of Plecoptera, one of Collembola, one of Siphonaptera, and three of Orthoptera, as well as two spiders (Arachnida). In all, eighteen species including a beetle to be mentioned below.

One of the original impressions which the documentation (e. g. SIA/4) had given in Europe was that certain arthropods had been found which belonged, not only to species, but to genera, never known before in the relevant regions of continental Asia. This was not confirmed. Nevertheless, in three cases there were phenomena clearly anomalous in this respect. The species of *Hylemyia* (anthomyiid fly) identified repeatedly from numerous swarms collected, proved definitely not the same as any one of the four species common in Northeast China, nor with any one of the fifteen species previously recorded from all parts of China. The genus, however, has some 600 species, counting all parts of the world, and the true faunal areas of all of them are not yet perfectly known (App.). Similarly, the sun-flies found (*Helomyza modesta*; Meigen) were certainly not identical with the single species of this genus previously recorded from China (App.). Exactly the same observation applies to the midge *Orthocladus*. These zoological and geographical discrepancies must be allotted due weight in the consideration of all the evidence.

In any case, the anomalies proved to be much more extraordinary on the oecological than on the zoological-geographical side. While the various species might or might not be strange to the region, it was certainly exceedingly strange to find them appearing in very large populations during the first three months of the year, when the snow is still on the ground in North and Northeast China and in Korea. The Commission found no difficulty in substantiating that these masses had been seen (and destroyed as quickly as possible) by very many ordinary men and women in all walks of life. Of the eighteen species so far referred to, no less than twelve exhibited marked seasonal anomalies of appearance. In other words they appeared in mass with a precocity varying from 6-14 weeks earlier than the time of year at which, according to the personal experience and published works of competent entomologists, they ought normally to be expected to appear. The average shift was one of 9 weeks; more than two months (App.).

Here several points of interest arise. The collection of many tens of thousands of flies of approximately the same size as house-flies can easily be imagined, but the size of the spring-tail (*Isotoma neigishina*; Börner) is so small (only 2 mm. in length) that immense numbers in high density must have been present to have attracted any attention at all (App.). Wherever possible, concrete figures for assessed densities have been given in a Table (App.). An observation of importance made by one of the Chinese entomologists in SIA/12 was that certain masses of *Hylemyia* appearing when the temperature was -10° C. contained a high proportion of individuals ready to lay eggs, thus still further deepening the mystery of their origin. Similarly striking was the case of the field-cricket *Gryllus testaceus*, the life-history of which happened to have been the subject of an elaborate paper written in Peking in 1951 (App.). Thousands of adults of this species appeared in March near K'uan-Tien in Liaotung province, NE China (Manchuria), adjoining Korea, i. e. at a time when even in Peking, which has a warmer temperature than NE China, there should be present no individuals except those in the egg stage.

Now it may be granted that isolated and sporadic instances of the appearance of swarms of various kinds of insects in winter are to be found in entomological literature. But it is hardly conceivable that such phenomena could occur for so many species at once if its causes were purely natural. The Commission ascertained that the meteorological conditions pertaining in the past winter in NE China (Manchuria) and Korea were strictly normal (App.). It was therefore not at all surprising that the Chinese and the Koreans associated the unusual phenomena with the passage of American planes which on many occasions were seen by eye-witnesses to throw down non-explosive objects whence insects emerged. The Commission interviewed such eye-witnesses (App.), and assured itself of their good faith and rational credibility. As we shall see (pp. 39-45 below) containers of types both banal and highly peculiar were found and studied. Unfortunately in some of the documentation which reached Europe (such as the Four-Zero Series) the essential statements of the passage of the planes beforehand were not included, but the Commission was able to clear up this important point (App.).

Another argument would admit that there had indeed been a shift of the times of appearance of a considerable number of species of insects, but would urge that even if this could not have been due to abnormal meteorological conditions, some other natural factor had been at work, shifting systematically all the apparitions backwards by the same amount. A test of this was fortunately very easy. It was only necessary to arrange the various species in the order of their normal appearance, and then to plot on the same graph the order of their abnormal appearance. If a uniformly-acting natural factor had been at work, the two curves or lines should run parallel, but a glance at Fig. in (App.) is sufficient to show that they do not. The order of abnormal appearances is so haphazard as to indicate the intervention of an artificial factor.

One argument which had a certain success in various countries before the Commission began its work was that napalm bombing had notoriously been going on, and that this might well have led to intense and localised heating of the earth. Such an effect might have disorganised the normal life-cycles of various kinds of insects so as to lead to their appearance several weeks or even months before their proper time. The Commission therefore noted with interest the fact that many dozens of accounts of masses of insects including 33 principal incidents, some of which are given in Table, (App.) originated from places in NE China, a region in which there has, of course, been no napalm bombing.

All the foregoing remarks apply to the species of insects mentioned in the SIA and parallel documents. A few species mentioned there by common names, such as "ants" and "horse-flies", could not be confirmed by the Chinese entomologists, and there may well have been some confusion due to terms used by non-scientific eye-witnesses. At a later stage the Commission examined new evidence concerning a coleopteron (beetle), *Ptinus*, (App.); this will be dealt with in its place. Both in this and other cases of infected insects, the material assembled in the Appendices is available for the study of the connections between the vectors and the outbreaks of disease. Relevant also here is the question of the measures taken in China and Korea to control insect populations (see App.), and that of the occurrence of pathogens on random samples of normal insects (App.).

MEDICAL NOTES ON THE INSECTS DISSEMINATED

The reader may encounter in the following paragraphs certain insects and spiders the names of which are likely to be unfamiliar to non-specialists. The following lines are intended to supply brief descriptions of them, and they are arranged in correspondence with the order adopted in Appendix.

The insect most frequently found to be disseminated is the anthomyiid fly, *Hylemyia* sp. Flies of this genus are particularly common in North America, and there are in all more than 500 species, some of which frequent human habitations. Since they breed in human excrement they are naturally important as mechanical vectors of intestinal diseases. Many of the species pass the winter underground in the pupal stage, and in general their appearance in large numbers does not occur earlier than the month of May. Under natural conditions these flies can be infected by various bacteria pathogenic to plants (cf. p. 25 below, and App.).

Helomyza sp. (family Helomyzidae), the sun-fly, is an insect which frequents dungheaps. There are several dozen species most of which live on the excrement of man, bats, small mammals and birds; not only in the larval but also

in the adult stages. Some species of these flies frequent human habitations, where they soil food and become the mechanical vectors of any human disease due to pathogenic bacteria.

The house-flies, *Musca domestica* and its southern form *Musca vicina*, live invariably with man, and are well recognised as carriers of the agents of his diseases. More than sixty different species of pathogenic bacteria have been found on them.

The large house-flies, or stable-flies, *Muscina stabulans*, are also recognised as insects associated with man, and mechanical vectors of human diseases.

All the above belong to the Diptera. The Plecoptera have been represented by *Nemoura* sp., one of the stone-flies. These multiply in streams and running water, their larvae feeding on the microorganisms in the water. The adults do not like to stray far from this environment of their growth. Contact with man can occur through water and plants.

The Collembola, primitive wingless insects, have been represented by *Isotoma* sp. These develop in decomposing plant material and damp soils rich in humus, and in the roots of vegetables. Some species develop on the surface of standing water.

In natural conditions, it has been proved that *Pulex irritans*, the flea parasitic on man, is capable of causing serious outbreaks of plague, (Blanc and Balthazar). It will later be seen that this vector has been utilised in bacteriological warfare.

The beetle *Ptinus fur* (Coleoptera) belongs to a genus comprising some 35 to 40 species most of which have the same habits, and some of which live in the neighbourhood of man. The species in question is most frequently found in human habitations, storehouses, stables, lofts and mills, libraries and factories. It lives on husked grain, cereals, cottonseeds, stale bread or biscuits, flour, straw, furs, carpets, leather, etc. Among these things it lays its eggs. The process of metamorphosis lasts from 3 to 4 months, so that at least three generations can be produced in one year. The adult beetles can live for five years. They are to be met with in Europe, Asia, and North America, so that the species is widespread. Virulent anthrax bacilli have been isolated from *Ptinus* in the natural state (App.).

Among the spiders, the representatives are *Lycosa* sp. and *Tarentula* sp. of the family Lycosidae. They are carnivorous, feeding on mosquitoes, flies, ants, and other species among which there may be some which are vectors of human diseases. When such a spider attacks a man, the pathological phenomena seen are provoked not only by the venom of the bite, but also by the fact that pathogenic bacteria may be injected at the same time. The excreta of these spiders may also contain pathogenic bacteria. Their length of life is considerable, attaining several years. The adults are capable of living for two years without food, and several months without water; they can also withstand light frosts.

In the scientific literature there are descriptions of methods for the artificial production of insects and arachnids on a large scale. The most complete information on this subject will be found in a collective work prepared by American entomologists and entitled "Culture Methods for Invertebrate Animals" (New York, 1937).

As can be seen from the above commentary, some of the insects disseminated are known vectors of diseases, while others do not figure in the text-books as having anything to do with such transmissions. Thus the flies *Hylocmyia* and *Holomyza* frequent human habitations from time to time, while other insects, such as the Collembolid *Isotoma* sp., have only remote contacts with man. It would therefore seem unlikely at first sight that such arthropods could have any importance in the transmission of human diseases. However, one must take into consideration not only the great latitude of the so-called specificity of vectors, but also certain aspects of the vector-host relationship not yet clarified.

Thus the connection of man with the fowl mite *Dermanyssus gallinae* is possible only in peculiar and narrowly-defined conditions. Before 1944 nothing was known of the important part played by this ecto-parasite in the transmission and conservation of the virus of encephalitis. Before then it would have seemed absurd if anyone had made use of *Dermanyssus* to provoke artificially an epidemic of encephalitis.

It can not be accepted as a general rule that those species which are in intimate contact with man are necessarily more effective disease vectors than wild species. Thus among many examples one may take that of the mosquitoes *Aedes scapularis* and *Haemagogus spegazzinii*. Under laboratory conditions these species transmit yellow fever. Now the first of these is very domestic and frequents human

habitations located in forest regions, while the second one never enter them. Yet the human commensal has no important role in the transmission of yellow fever, while the wild species is well known as a vector.

As for the case of *Isotoma*, for example, various hypotheses may be formed, so long as one does not lose sight of the fact that they are only speculations about experiments of which we know nothing. For example:

- (a) *Isotoma*→infection of lower mammal→ecto-parasites (fleas, mites, etc.)→infection of man.
- (b) *Isotoma*→Contamination of food or water→infection of man.
- (c) *Isotoma*, multiplication of the pathogen in,→*Isotoma*, congenital disease→infection of lower mammal→ecto-parasites→infection of man.
- (d) *Isotoma*→infection of plants.

Many other hypotheses would also be plausible.

The same kind of suppositions apply also to the stonefly, *Nemoura*, but here there are probably yet other possibilities, hard to state precisely at present. There is no difficulty in understanding the role of the semidomestic flies as vectors, especially when artificial laboratory conditions permit an augmentation of the percentage of infection, and an increased virulence of the pathogenic agent.

One further important point is worth emphasizing. A single species can be semi-wild in one region and domesticated in another. As an example, one may cite the Anopheline mosquitoes of the genus *Kerteszia* which have no domestic habits north of the 24th degree of latitude in South America, and therefore play no part in the transmission of malaria. But south of that line, on the contrary, they become very domestic, and consequently attain importance in the transmission of the disease.

Lastly, it is well known that prolonged researches were necessary before it became possible to establish definitely the role of arthropods as vectors in parasitic and bacterial diseases, such as the anopheline mosquitoes for malaria, fleas for plague, lice and ticks for Rickettsias, and so on. The part which arthropods play in the transmission of disease agents is something which requires continued study. Little known vectors may well have been employed in the hope that the methods of control of these unusual species of insects had not been worked out. Thus with regard to the methods of bacteriological warfare it can be seen that the artificial establishment of new biological inter-relations is quite possible, and though the researches required to elucidate them may be arduous, they are not likely to be unsuccessful.

PHYTOPATHOLOGICAL DATA

Several references were made in the earlier literature to the dropping of packets of plan material from American airplanes. They were usually seen by the eye-witnesses to burst at about 1,000 feet and scatter the leaves or other parts of plants over a wide area. Incidents of this kind occurred at Chong-Ju in Korea on 20th March (NCNA/85, p. 9; SLA/13 p. 4) and at more than ten other localities in Northeast China and North Korea. In one case the descent of the material was seen personally by a British war correspondent (SLA/6, p. 2). Members of the Commission were able to discuss the botanical and mycological identifications with Chinese phytopathologists and botanists of international repute (App).

It was established that the stalks and pods of soya-beans were infected with purple spot fungus, *Cercospora sojini* Hara, (syn. *Cercosporina kikuchii*, Matsu-moto and Tomoyasu). This fungus is a plant pathogen which has been reported from Korea and China, and which could cause serious damage and loss to soya-bean crops. As in the other cases here discussed, the pathogenic organisms were found inside the tissues of the plant material, showing that it was thoroughly and not merely superficially infected.

Among the fragments of leaves some were infected with anthracnose (*Glomerella*, sp., the asexual stage of which is called *Colletotrichum*). The organism found has a wide host range, attacking apple-trees, pear-trees, and cotton-plants, as experimental inoculation tests demonstrated. Ordinary cotton anthracnose (*Glomerella gossypii* (South) Edg.) only attacks cotton and related plants, while the apple bitter-rot fungus (*Glomerella cingulata* (Stoneman), S. & S.), though attacking more than thirty host plants, does not attack cotton. Both these have been reported from China. The fungus found, however, has morphological differences from them, as well as a much wider host range.

A third case of dissemination of a plant disease occurred as late as July, after the Commission had begun its work, near Hsiu-Yen in the south of Liaotung prov-

ince. Peach-leaves, (not its natural host), were found to be infected with *Macrophoma kuwatsukai* Hara, the fungus causing apple and pear fruit rot (ring-spot) and also canker and twig blight of those trees. The fungus isolated proved to be highly infectious.

In the above three cases, precise eye-witness accounts of the dropping of the packets of plant material were available.

A further incident in this phytopathological warfare which came to the attention of the Commission, was the appearance of scattered corn (maize) grains (kernels) after one of the constant American air intrusions over Liaotung province in NE China (Manchuria), at the village of Sun-Chia-Pao-Tzu near Antung. These grains were found to be infected with a species of *Thecaphora* similar to, but not identical with, *Thecaphora deformans*, which is known as a pathogen of legumes in America and Europe. The plant pathogen here found had never previously been reported from China.

Although the leaves were sometimes in a fragmentary state, there was only one consignment (the anthracnose case) in which they could not be fully identified. In the first incident the material was *Glycine max*, in the third *Prunus persica*, and in the fourth *Zeamays*. Other consignments frequently consisted of *Quercus* sp. (oaks) and *Sorghum vulgare* (kaoliang). Among them two are of particular interest (App.). At Dai-Tek San in North Korea a mass of leaves was dropped which were identified as those of the deciduous oak *Quercus aliena*, Bl. var. *rubripes*, Nakai, a tree the distribution of which is strictly limited to regions south of the 38th parallel of latitude. At Hai-Loon hsien in NE China another mass of leaves was dropped on May 3rd, which were identified as those of *Lindera glauca* Bl., a tree only found in South Korea and quite unknown in Northeast China.

Allusion should be made to the possible use of insects as vectors of plant as well as human diseases. It is well known, for example, that the anthomyiid fly *Hylemyia* spp. (cf. p. 20 above, and App.), carries fireblight of pear and apple (*Erwinia amylovora*), corn (maize) wilt (*Phytomonas, stewartii*), and soft rot of vegetables (*Erwinia coratovora*)—three bacterial diseases—together with the fungal "black-leg" of cabbage (*Phoma lingam*). It is also well known the *Muscina Stabulans* (cf. p. 20 above, and App.), carries fireblight of pear and apple. Chinese phytopathologists have isolated strains of bacteria from the insects (and leaves) disseminated, and research is proceeding.

In general it may therefore be said that the dissemination of plant diseases has certainly played a part in the biological warfare which has been carried on in Korea and Northeast China (Manchuria).

INCIDENTS IN KOREA (PLAGUE)

As has already been observed, the classical method of bacteriological warfare involving plague, that adopted by the Japanese during the second world war, consists in delivering, whether by container or spray, large numbers of fleas infected with plague bacteria. Since the beginning of 1952 numerous isolated foci of plague have appeared in North Korea, always associated with the sudden appearance of numbers of fleas and with the previous passage of American planes. Seven of these incidents, the earliest dating from 11th February, were reported in SIA/1, and in six of them the presence of the plague bacteria in the fleas was demonstrated. Document SIA/4 added the statement that after a delivery of fleas to the neighbourhood of An-Ju on the 18th February, fleas which were shown bacteriologically to contain *Pasteurella pestis*, a plague epidemic broke out at Bal-Nam-Ri in that district on the 25th. Out of a population of 600 in the village, 50 went down with plague and 36 died.

According to the best information which the Commission was able to obtain, for the past five centuries there has been no plague in Korea. The nearest endemic centres are three hundred miles away in NE China (Manchuria) and a thousand miles to the south in Fukien. Moreover, the month of February would be no less than three months too early for the normal appearance of human plague cases in this climate. Above all the fleas appearing were not the rat fleas which more usually carry plague bacteria in a state of nature, but human fleas (*Pulex irritans*). It was these which were used by the Japanese during the second world war, as we know from identifications on the Chinese side (App.) and from other indications (App.).

While in Korea the Commission was invited to study two special cases (App.). In the first of these, at Kang-Sou towards the end of March, a farmer went to a jar near his well one morning after a plane had circled over his village the

previous night. He found that numerous fleas were floating on the surface of the water in the jar. He was probably bitten by other fleas of the same sending, for he died of bubonic plague a few days later, the diagnosis being abundantly confirmed by pathological and bacteriological tests, carried out by Korean and Chinese experts. The fleas also were demonstrated to be infected with plague bacteria. Members of the Commission inspected the cultures of microorganisms isolated from the body of the patient by the above-mentioned specialists, and convinced themselves that these cultures were really of *Pasteurella pestis*. Pathological and histological preparations were also examined. Prompt sanitary measures at Kang-Sou had prevented further cases.

In the second of the studies, two lieutenants of the Chinese Volunteer Forces in Korea, found a very dense mass of fleas on a bare hillside near Hoi-Yang. The zoning was so distributed as to indicate that they had been delivered by a container which came down rather slowly in a NNE direction, but no trace of any container could be found. Somewhat astonished at the density of the population, which darkened the ground and blackened their trousers, the two young men, who were afterwards questioned by the Commission personally, returned to their quarters and brought reinforcements which destroyed the fleas with a fire of petrol and pine branches. In this case the soldiers were protected in a number of ways (App.) and their prompt counter-measures took effect before any appreciable number of the fleas could find their way to routes of transit frequented by human beings. Tests carried out by the Korean-Chinese services showed that these fleas were infected with plague bacteria, and that they were human fleas.

The fact that they were fleas (*P. irritans*) parasitic on man must be emphasised. According to what is known of the oecology of this insect, it would be impossible to find large numbers away from the houses of man. What, then, is to be said of the occurrence of a number of these insects estimated at many tens of thousands, at one time, on bare wasted land remote from any human habitation? Such a witches' sabbath was certainly not called together by any natural means. More relevant was the plane which members of the CPVF billeted in the neighbourhood had heard circling over the place about 4 a. m. on the day of the discovery.

Analysis shows that in these circumstances some of the normal links in the epidemiological chain of plague, in which *Pulex irritans* participates, are missing. Normally the epizootic disease manifests itself first among rodents, and this is followed by an outbreak of human cases, from which *P. irritans* is secondarily infected. Only then is this parasite of man capable of giving rise to further cases.

In the light of all these and other similar facts, the Commission had no option but to conclude that the American Air Force was employing in Korea methods very similar to, if not exactly identical with, those employed to spread plague by the Japanese during the Second World War.

During the discussions of these cases at Pyongyang the Commission had the help of one of the foremost Chinese experts on plague, the author, indeed of the 1941 report (App.). He gave evidence to the effect that he had urged the Kuomintang government to make known to the world the facts concerning Japanese bacterial warfare, but without success, partly, he thought, as the result of American dissuasion (App.). He also drew attention to the high virulence of the strains of plague bacteria now being used in Korea.

The delivery of plague-infected fleas is of course not the only way in which it might be hoped to induce an epidemic. Other methods can be used and we shall now see that this has indeed been done.

THE KAN-NAN INCIDENT (PLAGUE)

Another case with a relatively complete sequence of component elements which the Commission was invited to consider in great detail was one involving the sudden appearance of a population of voles infested with, and suffering from, plague. On the morning of the 5th April, 1952, the countryfolk of four villages situated within the area administered from the town of Kan-Nan (Kan-Nan hsien), awoke to find themselves surrounded by large numbers of a rat-like animal (App.). This town lies on the western border of the province of Heilungchiang in NE China (Manchuria), and its district is thus just on the edge of Inner Mongolia.

During the previous night many of the villagers had heard a plane pass overhead, and information provided by the Chinese Air Observer Corps shows that

after having crossed the Yalu River just before 10 p. m., it was over Kan-Nan district about 11:30; it then retraced its course as if its mission had been accomplished (App.). It was identified by the Corps as an American F-82 double-fuselage night-fighter plane. In the morning, the villagers found many of the voles dying or dead in their houses and courtyards, on their roofs, and even on their beds, while others were scattered around the outskirts of the settlements. The total number collected and destroyed in and near the inhabited places of an area measuring roughly 3×9 miles was 717 (App.). There was an anomaly of season, for small rodents do not usually begin to show themselves in this region until a month later, and then in nothing approaching such numbers (App.). The location was also anomalous, for voles are not frequenters of human settlements.

The species concerned also seemed to be regionally anomalous. It had never before been seen by the local people. It was possible to identify it as belonging to the genus *Microtus*, and morphologically similar to *Microtus (Stenocranius) gregalis gregalis*. This species had previously been reported by Tokuda (1941) from parts of Northeast China (Manchuria) northwest of Kan-Nan, and by others from points still more to the west. Further taxonomic study by Chinese Scientists is in progress. Moreover, this genus is not among those three which are normally carriers of plague (*Pasteurella pestis*) in those parts of Northeast China where the disease is endemic (App.). Analysis of the evidence by the Commission, both at Shenyang (Mukden) and at the villages, showed that a certain rôle in concentrating the animals must have been played by the cats of the farmers, but it also became clear that the members of the intrusive species were uniformly diseased or dying before the cats found them. Some died in circumstances which excluded the action of cats.

The Kan-Nan area has never known any form of plague so far as records are available, and reasons more than adequate were presented to show that a migration of the voles from the nearest endemic areas must be regarded, in view of the distances and obstacles involved, as highly unlikely (App.). Furthermore the season was at least a month too early for the normal occurrence of epizootics of plague among rodents in the endemic areas (App.). Only one individual was preserved sufficiently for bacteriological test, but the evidence of virulent infection with *P. pestis* obtained from this specimen, together with the eye-witness accounts mentioned above, pointed unmistakably to a collection of animals in the full grip of the plague (App.). This evidence was confirmed in personal experiments carried out by those members of the Commission competent to do so, in collaboration with the Chinese scientists, and demonstrated to the whole Commission in the Bacteriological Laboratories of the National Medical College at Mukden.

The principal gap in the chain of evidence consists in the fact that no container or "bomb" of any kind was discovered. However, in view of the fact that in January 1952 there was described in a Japanese journal (*Mainichi*) a container and parachute made of strong paper in such a manner that it would burn away, leaving no trace, after depositing its cargo of infected rats (App.); this missing link can hardly be considered sufficient to render nugatory the mass of circumstantial evidence already outlined. Other Japanese press reports (*Kowa Shimbun*, Aug. 1952) revealed the existence of a breeding Institute directed by Ojawa, a former assistant of Ishii Shiro, which produces a large number of rodents, (App.).

It only remains to add that the Commission heard evidence at Shenyang (Mukden) from ten farmers, who, with others, were visited also individually in their homes. It also heard evidence from the epidemiologist who took charge of the local sanitation arrangements after the incident, from the bacteriologists who investigated and isolated the plague bacteria, and from the zoologist responsible for the specialised study of the rodents. The Commission considers that the countryfolk owed their escape from plague in this case to the sanitary precautions which they took from the moment of first discovery of the unusual rodents, and to the remarkable promptitude with which they destroyed the whole population of cats and dogs at noon on the same day. Among the precautions taken was a very effective method in common use in NE China for destroying fleas in human habitations: a thin layer of dry hay and straw is thrown over the earthen floors and k'angs, after all household goods have been removed, and then set on fire. For these reasons plague-infected fleas were unable to transmit the pathogenic agents to the human beings.

In the opinion of the Commission, therefore, there remains no doubt that a large numbers of voles suffering from plague were delivered to the district of Kan-Nan during the night of the 4th/5th April, 1952, by the aircraft which the villagers heard. This was identified as an American F-82 double-fuselage night-fighter.

THE K'UAN-TIEN INCIDENT (ANTHRAX)

The Commission studied in detail a case which involved the abnormal and simultaneous appearance of anthomyiid flies and spiders (App.). On the 12th March, 1952, inhabitants of the town of K'uan-Tien, which lies in the southeastern part of Liaotung province near the Yalu River, saw eight American fighter planes pass over the city about half-an-hour after noon. They recognised them without difficulty for such intrusions were a common, almost daily, occurrence. The Chinese Air Observer Corps identified them as F-86 planes and spotted their courses. From one of them there was distinctly seen to drop a bright cylindrical object. Immediately afterwards, and during the following days, the people of the town, including school-boys, organised searches in the region beyond the east gate where the object appeared to have fallen, and collected many anthomyiid flies (*Hylemyia*, sp.) and spiders (*Tarentula*, sp.).

Nine days after the original incident, one of the schoolboys was so fortunate as to discover fragments of a container in and around a shallow crater at the point of impact of the object (App.). The location was a maize field constituted by a small island surrounded by the beds of rivers dry at this time of year. The largest "bomb" fragment was of metal, but the most numerous were of a thin porous calcareous substance the nature of which was not immediately obvious. This was later identified and will be discussed separately (p. 44). The site of the incident was visited on the following day by two well-qualified entomologists, who had already searched in the immediate neighbourhood four days earlier; they collected a further supply of flies, and carefully assembled as many container-fragments as possible, melting the snow with the help of hot water.

The presence of snow, at least in drifts between the furrows explains how it was possible for the insects (sluggish at the low environmental temperature) to remain for more than a week in the close neighbourhood of the point of impact. It also explains the similar continued presence of considerable numbers of fowl feathers (also delivered at the same time) in the same zone. The insects and arachnids showed an anomaly of seasonal appearance (see p. 20 above) and the former also a regional anomaly as to zoological species (see p. 16 above).

Competent bacteriological examination by the Chinese demonstrated the presence of the pathogenic organism causing anthrax (*Bacillus anthracis*) both in insects, spiders and feathers (App.). The occurrence of this in or on the arthropods must be considered a highly extraordinary phenomenon. While its occurrence on the fowl feathers is not quite so remarkable, bacteriological examination by the Chinese services of control specimens of feathers collected at random in N. China and NE China (Manchuria) yielded negative results. Moreover, the feathers may perhaps have been simply packing to ensure the safe passage of the insects, though it must be remembered that in other cases anthrax-infected feathers have been delivered alone. No cases of anthrax in or around the town were reported as a result of this intervention.

In view of the above facts the Commission had no option but to conclude that insects and spiders carrying anthrax had been delivered by means of at least one container of special type from at least one American plane in the neighbourhood of this small town in Liaotung province on March 12th.

INCIDENTS IN LIAOTUNG AND LIAOHSI (RESPIRATORY ANTHRAX)

The Commission gave exhaustive study to a group of cases in which American planes coming from across the Yalu River and returning thither were actually seen to drop objects of various kinds (App.). Though no containers could be found at the presumed points of impact when local eye-witnesses immediately went to search for them, other things were found, notably large numbers of beetles of the species *Ptinus fur* (normally a pest of stored grain and other dry stuffs), or alternatively masses of downy feathers of fowls. In some cases large numbers of the house fly *Musca vicina* unexpectedly appeared, with the anomaly of season so often noted, snow being still on the ground. Though the beetle was not seasonally anomalous, its appearance in the open air and in daylight in great numbers was oecologically extraordinary. All three of these biological objects were found by the Chinese bacteriologists to be contaminated with anthrax bacilli. And the strains of bacilli isolated, in spite of the diversity of the objects, all had exactly the same behaviour in fermentation tests,—an unusual and suspicious circumstance.

Thorough examination of 24 eye-witnesses was carried out, some of whom had been among those who saw the objects descending from the planes. Spotting

records from the Chinese Air Observer Corps were available in all cases (Figs.) and this information showed that the intruding planes were in general F-86 fighters, with the exception of a B-26 bomber on one occasion. In one case several people saw an object like a large red thermos flask thrown down, which seemed to burst with an explosive puff and a disagreeable smell like burning skin or horn when about 30 feet from the ground (cf. the paragraph on Containers). In another case valuable testimony, admitting the absence of any material container at the presumed point of impact, described the slow dispersion by the wind of a large quantity of feathers from just that point, with the formation of a triangular area slowly extending and broadening. In this instance the description of the container was such as to recall strongly the self-destroying "egg-shell" type used at K'uan Tien, (App. and p. 44 below).

The evidence concerning aircraft, containers, biological objects appearing, and bacteriological tests, was now amplified, for a number of localities in the provinces of Liaotung and Liaohsi, by concrete and well-analysed data concerning fatal human cases of respiratory anthrax and haemorrhagic anthrax meningitis (App.). Five of these were examined, that of a railwayman, a tricycle-rickshaw driver, a housewife, a schoolteacher, and a farmer. All of these fell sick of a disease which ran a similar rapid course, and all of them presented the same picture to the pathologists on autopsy and subsequent histological analysis. The Commission satisfied itself that none of the cases had the customary occupational history connected with anthrax. The beetles appear to have been responsible for two of the deaths, while the flies and the feathers would have accounted for another two. The Commission was fully satisfied with the diagnosis made and the proofs demonstrated by Chinese scientific colleagues. Furthermore, the examination of witnesses brought out (App.) what was missing from the document itself (App.), namely that four out of the five victims had not only collected the insects and feathers in the general course of such organised hunts, but were known to have dispensed with the recognised precautions followed by most people; that is to say, he or she had failed to protect the respiratory passages by mask, or had handled the biological objects without gloves or forceps. Under the dissecting microscope it was clear that the beetle *Ptinus* would be well adapted for disseminating anthrax by this route, for it has an abundance of brittle chitinous spines on its elytrae which could be inhaled, a fact which the document apparently overlooked.

It is not to be supposed that these were the only deaths caused by the anthrax-infected objects; the five cases, with their precise pathological analysis, were presented as samples. Nor can the five cases be placed in their proper setting unless the full rarity of this kind of disease in the region previously, is clearly understood. Statistical evidence is presented (App.) which shows that not only was the classical cutaneous or pustular anthrax exceedingly rare in NE China in recent times, but respiratory anthrax leading to haemorrhagic meningitis was completely unknown.

It is well known that the literature contains proposals for the use of anthrax bacilli in bacteriological warfare. Although, under natural conditions, transmission from man to man occurs only rarely, so that a spontaneous epidemic could not easily be set on foot, the bacillus has the "advantages" of a wide host range, a high infectivity is virulent, and an extreme resistance to environmental conditions so that it is capable of poisoning a locality for a long time. To these must be added the very insidious character of the disease when the infection occurs by the respiratory route, for all the victims here mentioned remained comparatively normal until they suddenly collapsed, after which death ensued in 48 hours or less.

Anthrax infection by the respiratory route is significant in connection with the work on bacteriological warfare carried out in the United States. Researchers from Camp Detrick, published in 1946 and 1947 (see App.), showed that it had been possible to obtain new strains of anthrax bacilli cultured on synthetic media which not only possessed unusually high virulence, but which were especially adapted to the respiratory route of infection.

On the basis of the evidence presented, and on their own searching and prolonged interrogation of a considerable number of witnesses, both medical and lay, the Commission was compelled to conclude that the delivery of various biological objects contaminated with anthrax bacilli to many places in the two Chinese provinces had taken place, and that this had given rise to a number of cases of a mortal infection hitherto unknown in the region, namely pulmonary anthrax and ensuing haemorrhagic meningitis. Eye-witness statements im-

possible to doubt indicated American airplanes as the vehicles of delivery of the infected objects.

THE DAI-DONG INCIDENT (CHOLERA)

One of the incidents to which the Commission was invited by the (North) Korean Minister of Health to devote detailed attention concerned certain fatal cases of cholera illustrative of those which have been occurring in rural areas since May, 1952 (App.). Early in the morning after a night (16th May) during which a plane had been heard circling round for an hour or more as if its pilot were trying to find something, a country girl picking herbs on the hillsides found a straw package containing a certain kind of clam. She took some of the clams home and she and her husband made a meal of them raw; on the evening of the same day both fell suddenly ill and by the evening of the following day both were dead. Medical evidence showed that the cause of death was cholera (App.). Further packages of clams were found on the hillsides by the local Home Guard, and bacteriological examination by the Korean and Chinese specialists proved that the clams were heavily infected with the cholera vibrio (App.).

The whole sequence of events becomes more and more extraordinary the more closely it is examined. In the first place, the appearance of marine molluscs (*Meretrix meretrix*), contaminated in this way, on a hill in the middle of the countryside, can only be regarded as a highly unnatural phenomenon. The human fatalities, moreover, were epidemiologically very abnormal. Evidence presented convinced the Commission that cholera has never been an endemic disease in Korea; for while there have been a number of outbreaks during the past forty years it was always possible to trace them to a maritime point of entry. Yet here was a purely rural focus. Furthermore, there had only been one previous instance during this century of any cholera in Korea in May; seldom did it appear before the month of August. Then there were several peculiarities about the clams as found. In Korea they are not usually wrapped in straw for sale, they appeared here a month before their usual season (indeed since the beginning of the war they have not been reaching the markets at all), and if anyone had gone to the trouble of laying the packages down at various places on the hillside it was hard to explain why many of the thick calcareous shells of the clams should have been broken.

Light was thrown on the sequence of events, however, when the nature of the locality was examined. The clams were found in a zone some 400 yards from a pumping-station at the top of the hill, and some 1,000 yards from a series of reservoirs or spring-fed ponds the water of which is drawn up by the pumping-station and distributed, partly for drinking, to several coastal settlements and port towns. On the night previous to that during which the clams made their appearance, the purification-plant adjacent to this pumping-station had been accurately destroyed by American planes using small bombs, the pumps themselves being undamaged. Further statements of local residents examined personally by the Commission (App.) revealed that the weather on the night of the second raid when the clams appeared had been dark and windy. All these facts pointed unmistakably to a deliberate and carefully-planned attempt to contaminate drinking-water reservoirs, the scheme having failed in its main purpose because the weather conditions on the night of the delivery of the clams did not permit the pilot to locate the reservoirs. On the night in question they would not have presented a mirror-like surface.

It might still, however, be thought bizarre, that a marine or at least estuarine variety of lamellibranch mollusc should have been thought suitable for depositing in fresh-water sources for their pollution. Evidence of much interest, however, not only reminded the Commission that the cholera vibrio is a halophilic organism, but revealed the existence in the Japanese literature of researches which had shown the marine lamellibranch molluscs to be well suited as media for its growth (App.). This provided the last link in the reconstruction of the plan for this kind of bacteriological warfare. During their slow osmotic death in fresh-water the molluscs would serve as natural culture-vessels for the cholera vibrios, liberating them at their death to contaminate the drinking-water for a period likely to be of the order of thirty days (App.).

Thus the Commission could only conclude that American air force units, following a careful plan previously established, first destroyed the Dai-Dong purification plant without damaging the pumps, and then attempted to contaminate the drinking-water reservoirs with cholera. The young couple who

died, impoverished by war devastation, had the imprudence to eat some of the clams which had been intended as the vehicles of contamination.

This case should be studied in connection with evidence mentioned elsewhere (p. 58) concerning flies as artificial carriers of cholera.

TYPES OF CONTAINERS OR "BOMBS"

The time has now come to devote some attention to the types of containers, or "bombs," if the term is appropriate for engines of war which may contain little or no explosive material. At various times and places, particularly at Shenyang (Mukden) and in the neighbourhood of Pyongyang, the Commission had the opportunity of examining at leisure a variety of the containers in which biological objects had been delivered from the air. Its members were thus able to verify a number of the statements made in the Prague documentation, and to investigate in considerable detail newer methods more refined than any which had been described therein. As will be better appreciated shortly the task of the Commission was not rendered easier by a circumstance which soon became apparent, namely that some of these newer methods comprise "self-destroying containers," that is to say, containers which either break into pieces so small that their discovery is unlikely, or containers which set fire to themselves and disappear after delivering their cargo. Moreover, throughout the Prague documents, and even in subsequent depositions collected by the Commission, there runs a streak of unavoidable confusion, due to the fact that even when eye-witnesses were on the spot when a container was delivered, they did not always succeed in finding it, partly because naturally they did not quite know what to look for, and when they did find it their descriptions were sometimes not as detailed as they might have been. This confusion was unfortunately not cleared up by the testimonies of the captured air force officers, whose status as pilots and navigators did not seem to have entitled them to very precise and detailed information on bombs and containers. It must be remembered that in one of the lectures which the pilots attended (Quinn/Ashfork; see below, p. 51 and App.) it was distinctly stated that "our bombs are still in the experimental stage, and there are various types of them." The contents of this paragraph must therefore be accepted with all due reservations.

The containers present a variety of forms and systems probably adapted to a variety of different cases. It seems also that pathogenic agents can be spread directly over the target area. In what follows it will be convenient to begin with this method, namely spraying, which involves no container at all, and to end with the self-destroying receptacles. Intermediate positions will be occupied by the less specialised devices whether parachuted or not.

(1) *Spraying*.—In NCNA/85, p. 4 (Report of the Chinese Scientific Commission in Korea) the claim was made that a Chinese volunteer soldier actually saw an American plane spraying insects at Chor-Won from a height of about 900 feet on February 11th. It seems unlikely that this could have been anything else than a deduction from the fact that large numbers of insects were found anomalously on the snow over and oblong area 6×3 miles after its passage. Nevertheless the statements of all four American pilots are quite specific and concordant that in five separate lectures they were told that spraying could and would be done. One of these statements (O'Neal, ISCK/4, App.) includes a diagram of the equipment installed in the plane, and another (Kniss, ISCK/5, App.) says that its writer was informed that spraying would start in June. However, the former witness states his reasons for believing that spraying was going on from at least February 18th, so the Chinese volunteer may have been right in his deduction.

As to the kinds of insects which could be so distributed, it seems certain that the method would be unsuitable for delicate creatures such as mosquitoes, but other discussions (App.) indicated that it would not be unreasonable for fleas. It would of course be the way in which bacteria, viruses or toxins, would be disseminated in aerosol form.

(2) *Non-exploding Objects and Paper Packets*.—Several of the Prague documents have descriptions of the findings of paper packages of various colours from which insects were emerging. Again on the 11th February Chinese volunteers at Chor-Won saw three American planes throw down such non-explosive objectives, which turned out to be cylindrical yellow paper packets 8 inches high and 4 inches in diameter (SIA/1, p. 6; SIA/4, p. 5). Elsewhere in the vicinity there were rectangular grey paper packets, 4×4×1¼ inches, containing insects. White paper packets are spoken of as having been delivered at Pyongyang on the

4th March (NCNA/85, p. 8) and brown ones at Chang-Do on 10th March (NCNA/85, p. 6). Two of the lectures attended by the captured pilots (Enoch/Wilson and Quinn/Ashfork, see below, p. 51) describes the use of paper as a packing for infected insects. While it seems conceivable that hardly insects might be dropped from a low height simply wrapped in this way, it seems more probable that in all cases the packets originated from the interior of metal leaflet-containers or "bombs" which had exploded and opened in mid-air. To these we now turn.

(3) *Air-Bursting Variable-Time Fuse Leaflet Bomb*.—This type of container is the one which has figured most in all accounts hitherto published on bacteriological warfare in Korea and China, and it is certainly the commonest type in the collections which the authorities of those two countries have made. Members of the Commission saw many examples of it. This bomb is of approximately the same size and shape as the ordinary American 500 pound HE bomb, but it weighs only about 150 pounds and can therefore be loaded on to the planes by hand (App.). It consists of a conical nose-piece at the tip of which is the time-fuse. This nose-piece forms a small empty compartment, and below it the cylindrical body of the bomb is divided by three steel diaphragms into four separate compartments. The casing is divided longitudinally so that half of it, being mounted on hinges, can swing open and release its contents at any moment desired. Below the floor of the lowest compartment the casing narrows again to form a conical empty space from the sides of which spring the four tail-fins, and in the bottom of which is a hole sufficiently large to permit of the escape of a parachute if it should be desired to equip the bomb with such a device. There has been some divergence in the published measurements of the bomb (NCNA/85, SIA/13, ISCC/4 etc.) but the specimens seen by the Commission and described by the captured pilots have a total length of approximately 4 feet and a diameter of 1 foot 2 inches. The casing is made of $\frac{1}{8}$ inch steel, and the total capacity of the 4 compartments is of the order of $14\frac{1}{2}$ gallons. The length of the time-fuse is a little more than 3 inches. Markings seen were "Leaflets Bomb—500 lb.—M 105 Lot—U. S. Time (-fuse)-Empty". According to the descriptions given by the captured airmen (App.) the doors of the bomb are supposed to open at a height of about 100 feet, distributing the contents over an area likely to be about 300 feet in diameter.

The classical eye-witness description (App.) is that of an army doctor who on March 26th saw an American plane, circling over Yong-Won, drop two bombs in a power dive. Both split into two on exploding and gave rise to an insect-congested zone some 200 yards long and 100 yards broad, with a maximum density of 100 insects per square yard, centering on the craters (5 inches deep) made by the bomb halves (NCNA/85, p. 5). The Commission had the opportunity of personal interrogation of eyewitnesses, mostly peasant farmers, who had found three such leaflet-bombs surrounded by insects after they had been dropped by planes on March 27th and 31st at Ch'ang-Pai in Liaotung Province (ISCC/4; SIA/10). Again, while at Pyongyang, the Commission inspected a collection of these containers, and here reproduces a table of details concerning them (cf. App.).

Serial No.	Date	Time	Place	Province	Remarks
208	26/2	night	Pyong-Won	Pyong-An-Nam	flies temp. -4° .
209	28/2	dawn	Kim-Hua	Kang-Won	flies 300×300 ft. temp. -3° .
205	28/2	8 p. m.	Pyong-Won	Pyong-An-Nam	flies.
210	1/3	morning	Shin-Chun	Huang-He	flies in discoidal zone centering on point of impact, 2,700 sq. ft. temp. -1° .
201	5/3	midnight	Min-Chun	Kang-Won	flies, 600×300 ft., lethargic.
207	10/3	4 a. m.	Sung-Chun	Pyong-An-Nam	flies in discoidal zone centering on point of impact, 150 ft. diam.; greatest density 20-30 sq. yd.
204	21/3	night	Mun-Chyn	Kang-Won	flies.
206	26/3	9 a. m.	Myong-Won		flies in discoidal zone centering on point of impact, area 100 sq. yds.

It only remains to add to the above that this type of container was described in more or less detail in every one of the nine lectures attended by the four captured airmen who gave evidence before the Commission. In all four cases, too, the airmen believed that the bacteriological bombs which had been loaded on to their planes and which they duly dropped, were of this type (App.).

As is well-known, public disputes have arisen in the international press about the use of leaflet containers, but the chief of the American Army Chemical Corps is on record for the statement that they are well suited for the delivery of biological objects (SIA/9, p. 1; NCNA/85, p. 5; ISCC/4).

(4) *Air-Bursting Propeller-Armed Leaflet Bomb*.—This container would appear to be a variation of that just described. The fuse in the nose would be armed by a small passive airscrew or propeller which would bring about detonation after a certain number of revolutions. There is hardly any mention of this type in the documentation issued before the Commission began its work, nor was any evidence found of its use. However, it was described in one of the lectures which the captured airmen had received (O'Neal/McLaughlin, see below, p. 51).

(5) *Leaflet Bomb with Doors opened by a Propeller*.—In this type, which would be similar in external appearance to both those just described, the passive propeller or airscrew in the nose would actuate a mechanism, to open a series of doors along the length of the bomb after it had carried out a predetermined number of revolutions. The packets are then blown out by the wind. Again there is no mention of this in the Prague documentation, nor did the Commission find direct evidence of its existence or use. But nevertheless it was described in one of the lectures which the captured airmen had received (Quinn/Ashfork, see below, p. 51).

(6) *Leaflet Bomb with Doors or Sides opening after Impact*.—Here the half-side of the bomb, or a series of doors in it, would be opened by mechanism driven by electric battery activated only by the shock of impact. Breakage of a plastic partition would permit access of the acid to the plates. This was not mentioned in the Prague documents, nor was direct evidence of its existence found. But it was described in one of the lectures attended by the captured airmen (Quinn/Ashfork, see below, p. 51) who was afterwards able to make a sketch of it in his deposition (App.). From the descriptions it would follow that this type of bomb must be equipped with a parachute, and it is possible that this was the container referred to in their lectures as delivering infected insects by parachute (O'Neal/McLaughlin; Kniss/Holleman; Kniss/McLaughlin). One of them (App.) was able afterwards to make a sketch of what he conceived such parachute containers to look like.

(7) *Paper or Carton Cylinder with Silk Parachute*.—The only type of parachute container which the Commission actually saw was one which is said to be similar to those used for flares. It is a carton cylinder with walls about $\frac{3}{8}$ inch thick, some 1 foot 2 inches long and 5 inches diameter. The examples seen were marked "USC 5/1-1-1952-Lot 100-F-6". The silk parachute attached had a diameter of only 2 feet $3\frac{1}{2}$ inches. As has been pointed out, (NCNA/85, p. 5) this size is only one thirtieth of the ordinary flare parachute, so that presumably it would not be likely to float for a long time in the air. It was also pointed out that there was no trace of burning on the carton, and this was certainly true of the examples which the Commission examined. It may well be significant that on one of the occasions when such a receptacle was found, it appeared to have delivered midges (Kang-Dong, 26th March, NSNA/85; SIA/13). Delicate insects such as these (*Orthocladus*), or mosquitoes, would doubtless conveniently be delivered by such a method.

(8) *Paper container with Paper Parachute (Self-Destroying)*.—Of this interesting type no example was seen by the Commission nor had the captured airmen any information to give about it. But such a device was described in some detail in the article by Maj. R. Sakaki in *Mainichi* for January, 1952 (App.). According to this account, the container would be of strong paper and would include several compartments, it would be weighted, and it would carry a fuse so arranged as to be able to ignite both the container and the paper (or impregnated silk) parachute when the proper moment arrived. In Sakaki's description the biological objects (plague-infected rats) would be gently liberated after the container had opened on touching the ground, and then after a sufficient latent period the ignition would occur and no trace would be left. But the machine could easily be so arranged as to deliver its load some 20 or 30 feet above the ground, after which, becoming lighter, it could drift further away before ignition and disappearance. The circumstance that Sakaki specifically refers to the use of these containers for plague-infected rats made it tempting to suppose that a battery of them had been used in the Kan-Nan incident (p. 29 above), but for this there is no specific evidence. One corollary of paper containers for rodents would be that the animals might have to be kept in at least a semi-anaesthetised condition during the flight, to prevent them from gnawing

their way out. The Commission places these points on record only for the purpose of drawing attention to possibilities.

(9) *Bomb-shaped Containers of Earthenware or Porcelain.*—During the second world war, the Japanese bacteriological warfare organisation manufactured "porcelain" (actually earthenware) bomb-shaped containers, of at least two different sizes, in a special plant near Harbin. Specimens of these (the larger about 2 feet 6 inches and the smaller about 1 foot 6 inches long) were examined by the Commission at Shenyang (Mukden). Although this kind of container is still recommended in Japan, as by Sakaki in the article already mentioned (App.), for bacterial cultures, the Commission did not find any evidence for its use in 1952 in Korea or China. Here it takes its place rather as the precursor of the most ingenious of all the types in question, namely the "egg-shell" container which breaks up on impact, but into a greater number of small and thin pieces easily overlooked.

(10) *The Artificial Egg-Shell Container.*—On March 21st, more than two hundred fragments of a container made of some calcareous material, together with a cap-shaped steel plate and metal rod attached to the centre of the concave surface, were found outside the city of Kuan-Tien in Liaotung province. Circumstances (reported in ISCC/3, App.) showed that these things must have been the remains of a container which had fallen from an American plane on the 12th, and in which there was reason to think that anthomyiid flies, spiders, and fowl feathers, bearing anthrax bacilli, had been delivered. The metal pieces and calcareous fragments were subjected to an exhaustive analysis by the Institutes of Modern, and of Applied, Physics of Academia Sinica (the Chinese National Academy), with a view to reconstruction of the original form of the device (App.).

It was thus possible to deduce that the intact container must have been cylindrical, and domed at least at one end. The total length would have been more than 1 foot 3½ inches, and the length of the rod 11 inches (Fig.). The radius of curvature of the steel cap plate is just under 5 inches, and its diameter 6¾ inches: the radius of the calcareous body of the container 5½ inches. The thickness of the calcareous walls would have been just over 1/16 inch, and the whole had been painted on the outside with aluminium paint. X-ray examination demonstrated that the material of the walls was chiefly calcium carbonate. While mainly calcite, the substance contained, as was shown spectroscopically, some magnesium. By some means or other, then, a fragile calcite box had been fashioned, and chemical evidence was obtained of the presence of organic matter, which had served perhaps as a cement for the calcite particles. Something is still lacking in our understanding of the facts since it is not yet clear how so fragile a container can stand the shock of departure from the plane.

The incident at K'uan-Tien (ISCC/3) had already been partially reported in SIA/3, p. 2 and SIA/8, p. 6, and the Commission was able to examine the calcareous fragments preserved from it. But it did not represent the only incident of the kind which came to the notice of the Commission. As late as June 6th, the delivery of insects to the neighbourhood of Pi-Tung (N. Korea) had been accompanied by what was described as the rather slow slanting fall of silvery globes about twice as big as footballs (App.). There can be little doubt that this was the same device again. Moreover, one of the eye-witness accounts of the Pai-Ch'ing-Tzu cases (ISCC/5; SIA/6, p. 1) mentioned shining objects dropped by American planes. Here, too, masses of feathers infected with anthrax were delivered. Other descriptions (e. g. SIA/10, p. 1) might refer to this type, but it is not possible to be sure. In any case, the Commission considers that there can be no doubt that such containers were used by the Americans on both sides of the Yalu River in March and in June.

(11) *Miscellaneous Containers.*—It only remains to add that evidence has been produced of the use of several other kinds of receptacles besides those already mentioned. For rodents there has been mention of cylindrical cages of wire-netting (NCNA/85, p. 5) and of wooden boxes (NCNA/85, p. 6). If these indeed descended from the sky, it was more probably as part of the cargo of some kind of parachute bomb. Packages of straw were used for the cholera clams of Dai-Dong (App.). A hand-grenade type of bomb has also been mentioned (NCNA/85, p. 6; SIA/13); the Commission did not see this. Members did however have the opportunity of examining near Pyongyang fragments of a green translucent insect container which, it was stated, had been fired as a shell (NCNA/95, p. 5, 6; SIO/13). Artillery participation in bacteriological warfare was referred to in at least two of the lectures attended by captured American airmen (Enoch/Wilson and O'Neal/Williams, see below, p. 51); but the Com-

mission found no evidence of the practical use of the method of warfare described by Sakaki, namely of covering pieces of shrapnel with jelly containing *B. welchii* (gas gangrene) or tetanus (App. Cotton filling for padded winter clothing, however, which appeared at one time conveniently near the Chinese trenches, was found to be contaminated with paratyphoid B (comm. from DGMS, CPVF).

(12) *Ground Distributions of Biological Objects Delivered.*—Those who read the appendices to this Report as well as the earlier documents issued from Prague will find eye-witnesses constantly speaking of discoidal insect-congested zones, centered on the remains, generally quite uncrumpled, of the leaflet-container "bomb." This presumably means that there was a fairly regular concentric distribution around the spot immediately beneath which the opening of the container had taken place.

Apart from these cases, the Commission noted two interesting examples of ground distribution of delivered objects. In one case (ISCC/5) (App.) feathers were found being blown away slowly by the wind from their point of arrival, so as to form a triangular area $\frac{1}{2}$ mile long and rather less than $\frac{1}{4}$ mile broad at the base. This was gradually lengthening and broadening. Though no container or its fragments were found, the bomb in this case was probably of the egg-shell type. In another instance, that of the great numbers of human fleas found on a bare hillside (ISCK/3; App.), it was seen that the insects covered an ellipsoidal area about 30 yards \times 10 yards with a zone of maximum density at approximately one of the centres or foci of the ellipse. This would presumably suggest that the fleas were delivered by some object, perhaps a parachute container, which travelled along the long axis of the ellipse.

TESTIMONIES OF CAPTURED INTELLIGENCE AGENTS

The Korean authorities informed the Commission that since the beginning of the war agents had been sent into North Korea with the precise objective of obtaining and sending back epidemiological information related to bacterial warfare. Many of these agents had been captured, and their admissions had thrown considerable light on the organisation of the American intelligence service and the work which had been entrusted to them. Already in SIA/7 detailed information had been published concerning some of the agents, for example one Chinese and one Korean.

Members of the Commission had the opportunity at Pyongyang of interviewing at length one of these agents, (App.). The young man, whose schooling had been cut short, belonged in 1945 to the "Youth Organisation" of the South Korean Government, and when the American troops finally retreated he had gone with them. Minor personal interest, rather than political conviction, had apparently been the dominant motive in his antagonism to the North.

Unable to make a living, the witness joined the American auxiliary intelligence forces. He described the political, military, and hygienic training which he had received in a organisation entitled "K. L. O." at Seoul between December, 1951 and March, 1952, (App.). Here he was taught the techniques for obtaining the information desired. It was during this period that the bacterial warfare developed. Numerous inoculations were given to him about the beginning of February, though he was not informed of their nature. Until the eve of his departure he had no contact with foreign military officers, but his final instructions were then delivered to him by an American major through an interpreter. These comprised a specific area for his operations, and gave exact details of the diseases about which the Americans wanted to know (typhoid, plague, cholera, encephalitis, dysentery, and smallpox). The witness was informed as to the systems on which North Korean statistical information was drawn up, and his instructions were to obtain it if possible by means of contacts in the health and other governmental services, or if need be, to steal it. He was also told to be extremely careful of what he ate, not to pass the night in places infected with insects, and not to drink unboiled water. North Korea was full of illness, it was said, but his inoculations would give him great protection.

The witness accordingly passed into North Korea on the 29 March, and worked there with an accompanying radio-telegraphist until he was arrested on the 20th May. In replying to questions, he was rather reticent, perhaps to shield collaborators. He said that he had very little success in contacting North Korean health personnel, and had been able to transmit little or no information to American headquarters.

The witness made it clear that before his illicit entry into North Korea, he had been given no indication that bacterial warfare was being carried on. He had only

heard that there were numerous epidemics in the North, and that the armies of the South "were employing the most modern scientific weapons with good results." He learnt of bacterial warfare only from reading public notices.

The Commission was unanimously of the opinion that the bearing of this witness and his evidence about his mission and instructions bore the stamp of truth, and that any pressure, physical or mental, could be excluded. For the rest, he seemed to be a rather mercenary personality. The Commission found no improbability in the sending of epidemiological intelligence agents across the lines. It was satisfied that the task of the agent had been to provide information about the effectiveness of bacteriological warfare; a conclusion which could only add to the cumulative mass of evidential material inculcating the American armed forces.

TESTIMONIES OF CAPTURED AIRMEN

On January 13th, 1952, a B-26 bomber of the American Air Force was shot down over An-Ju in Korea. By May 5th statements of considerable length admitting their participation in bacteriological warfare had been made by the navigator, Lt. K. L. Enoch, and by the pilot, Lt. John Quinn, and issued to the world through Peking. As has already been stated, these documents will be found in SIA/14 and 15 respectively, and together with lithograph reproductions of the original manuscripts, in the printed brochure issued from Prague. The relevant parts are here reproduced in App. Documents SIA/17 and 18 should also be consulted, though the later interviews recounted in them did not add much to the technical and scientific evidence.

What were the essential points in the principal declarations of these airmen? First of all, both officers had had to attend, in Japan and in Korea, secret lectures on the methods of bacteriological warfare. These expositions which it was impressed on them contained highly confidential information, described the use of bacteria directly as cultures deposited or sprayed, of insects transmitting diseases biologically or mechanically, of rodents in parachute-containers, of poisoned foods, and of bacteria-containing artillery shells. Various kinds of containers or "bombs" were described and sketched. Correct altitudes and air-speeds for delivery were given. Particularly significant statements made in the lecture attended by Lt. Quinn were (a) that "almost any insect could be used for spreading disease", (b) that "rats could be dropped, though this might not be necessary", and (c) that there was an intention to use encephalitis, "for which no positive cure is known."

Secondly, both officers had received orders to carry out bacteriological warfare missions, and had duly flown them, though with the greatest inner reluctance. There were various peculiarities about the special bombs used, and in some cases these were under special guard so that the pilots could not examine them too closely. In one of the reports information was given as to the various types of planes most suitable for delivering various kinds of containers. From the personal knowledge of the two airmen many of their fellow service-men had also engaged in such missions, and later conversations brought out well the large number of Air Force personnel who had been instructed on bacteriological warfare, (SIA/17). Lt. Enoch was briefed "germ bombs" while Lt. Quinn was briefed "duds", but both were told that in debriefing (i. e. reporting the results of the flight) "duds" was to be the term used.

There can be no doubt that these admissions had considerable influence on the western world. But those who did not wish to be convinced tended to brush them aside as confessions obtained under physical or mental duress, saying that after all, only two young men had come forward, and suggesting indeed they did not really exist at all, and that the whole declarations were forged. Attempts, however, to demonstrate inconsistencies in Lt. Quinn's story, failed (SIA/16).

In these circumstances it was of great importance that the Commission was able to meet, at a rendezvous in Korea, not only the two officers so far mentioned, but two more, Lt. F. B. O'Neal and Lt. Paul Kniss, whose accounts are even more lengthy and detailed (App.). With those four American airmen, the Commission found itself in presence of a good cross-section of American life—a cool-headed electrical engineer; a middle-class business man; a young research chemist, and a solid steel-mill worker of agricultural origins. The Commission had the opportunity of extended conversations with these men under conditions of free discourse. Its members unanimously formed the opinion that no pressure, physical or mental, had been brought to bear upon these prisoners of war in order to induce them to make the declarations which they made. These declarations were made of their own free will, after long experience of the friendliness and kindness of

their Chinese and Korean captors had brought to them the realization that their duty to all races and peoples must outweigh their natural scruples at revealing what might be considered the military secrets of their own government. The greater part of the conversations consisted in question and answer among the airmen and the members of the Commission, but each airman prefaced his interview with a statement along the lines of his written document, and concluded it with a solemn affirmation of the convictions to which his conscience had brought him.

Since the statements of the witnesses (ISCK/4 and 5), and the commentaries containing the substance of the interviews, are reproduced below as App., there is no necessity to elaborate them further here. But from the written statements and answers to questions it seems already possible to reconstruct what was going on in the American air force during the last months of 1951 and the early months of 1952. This may be appreciated by means of the following table:

1951

June.....	Kniss attends lecture by Laurie in U. S. Information given because the enemy might use bacteriological warfare.
Aug. 25th.....	Enoch attends lecture by Wilson in Japan. The U. S. has no plans for bacteriological warfare, but the enemy might use it.
October.....	Enoch attends lecture by Browning in Korea. Same statement.
Dec. 1st.....	O'Neal attends lecture by Williams in U. S. Non-committal attitude on intention to use bacteriological warfare.
December.....	Enoch attends another lecture by Browning in Korea. Same statement as in October.
Dec. 18th.....	Quinn attends lecture by Ashfork in Korea. Necessity of preparing for bacteriological warfare which the enemy might use.

1952

Jan. 3rd.....	Quinn's first mission with bacteriological bombs. Briefed and debriefed as "duds," but from other circumstances he knew what they were.
Jan. 6th.....	Enoch's first mission with bacteriological bombs. Briefed as "germ bombs," to be debriefed as "duds."
Jan. 22nd.....	O'Neal attends lecture by McLaughlin in Korea. Bacteriological warfare stated definitely to be in use.
Feb. 15th.....	O'Neal's first mission with bacteriological bombs. Briefed as "germ bombs," to be debriefed as "air-burst VT."
Feb. 18th.....	O'Neal sees evidence of the use of spraying technique, from specially adapted planes.
Feb. 22nd.....	Kniss attends lecture by Holleman in U. S. Use of bacteriological warfare definitely denied, but possession of weapons by the U. S. admitted.
Mar. 21st.....	Kniss attends lecture by McLaughlin in Korea. Bacteriological warfare stated definitely to have been in operation since 1st Jan. Clear statement that the U. S. Government would continue to deny it as long as possible.
Mar. 27th.....	Kniss' first mission with bacteriological bombs. Briefed as "flack-suppressor," to be debriefed as "results of mission unobserved."

From the above facts the conclusion can hardly be avoided that the order to begin bacteriological warfare upon the people of North Korea and China must have been given late in 1951, air personnel having previously been prepared for the work by cautious informatory lectures, and not apprised of what they were expected to do, even after January 1952, until their actual arrival in Korea. At American and Japanese bases, bacterial warfare was said to be a theoretical and purely defensive matter; but at Korean bases pilots were surprised to find that it had already been started weeks or months before their arrival. The fact that the general order must have been given during the period of the Kaesong peace talks was not overlooked by the pilots.

For the rest, the independently heard testimonies of the airmen contained several points of interest. It was noteworthy that they did not remember ever having received any instruction on the recognized customs and usages of war, such as the prohibition of the shooting of prisoners nor of having seen any regulations relating thereto in American manuals of procedure; still less had they heard of the outlawing of certain forms of war, at least by certain nations. Then

the testimony of the witnesses was unanimous as to the disastrous effects on the morale of their fellow service-men of the orders to carry out bacteriological bombing. It was the last straw for many of them already disgusted by the ferocity with which they were being hounded on to slaughter the civilian population of North Korea (App.). The revulsion of feeling which the witnesses then underwent, when after their capture they were treated in such a friendly way by the Koreans and Chinese, who evidently no longer regarded as enemies those who had laid down their arms, can well be imagined.

The officers interviewed did not seem very well-informed on the variety of types of containers being used, but this was doubtless because as pilots and navigators they were not supplied with the information which armament officers would have had. They were also able only to speculate as to the place of origin of the biological material used, but significantly some of them thought that it might be in Japan.

In sum, the Commission, as the result of exhaustive conversations and direct personal contact, saw every reason to accept the veracity and to uphold the integrity of the officers who gave evidence before it. They appeared fully normal and in perfect health, they spoke in a natural way and seemed fully at their ease. The Commission once more affirms its belief that the airmen were not subjected to any physical or mental pressure, and that their treatment was worthy of the best traditions of Chinese humanism. The Commission therefore accepted as true and faithful the evidence of the airmen, which complemented indeed in many ways the strictly scientific and observational evidence already accumulated from the field.

HYGIENE IN NEW CHINA

The Commission was deeply impressed by the present hygienic conditions of the Chinese people and by the measures which are being taken to raise the hygienic standards and to combat the spread of epidemic diseases. These measures are effective and thorough. The idea that the Chinese people live in very unsatisfactory hygienic conditions is widespread in the West, but even a superficial first-hand acquaintance with the conditions now prevailing, and with the enthusiasm shown by the Chinese population in carrying out the health directives of their government, is sufficient to dispel it.

A few figures may be given to indicate the extraordinary progress which has been brought about in a few years. In Northeast China 35 million rats were killed in 1951, and 10 million in the spring of 1952—a war against rodents unparalleled in any other part of the world. The fight against flies and other insects capable of acting as vectors of disease has assumed a universal character, and Peking has become a city almost devoid of flies and mosquitoes. Before the liberation, vaccination against smallpox was sparse and inefficient, the largest number of persons vaccinated in one year (1946) being no more than 7.3 million. But in three years since the liberation 307 million people have been vaccinated, and the disease has been almost entirely eliminated. Re-education of midwives has lowered the infant mortality rate from Tetanus neonatorum, by one third between 1949 and 1951. Infantile mortality as a whole, and maternal mortality, were reduced by one half in the same period. The numerous practitioners who follow the system of traditional Chinese medicine have been mobilised as auxiliaries in the great campaign for health, and have proved both able and willing to receive such instruction in modern medicine as equips them to play a useful part. In Peking and other great cities there has been a complete elimination of stray dogs, which were suspected of being reservoirs of encephalitis virus and vectors of many infections.

Besides all this, there has been great progress in the organisation and productive capacity of the laboratories producing vaccines and sera. The Commission visited the relevant Institute in Peking, and was impressed by its efficiency, high production, and excellent scientific research quality.

The health movement is not confined only to Peking or a few other "model" cities. Reliable informants asserted that it reaches far into the remotest corners of the sub-continent. The Commission as a body had the opportunity of seeing this for themselves during their travels in the Northeast, which included a visit to remote places in the north of Heilungchiang province, on the borders of Inner Mongolia. The members were much impressed by the cleanliness of the villages.

Since the liberation, indeed, there has been a health education campaign in China of a breadth and scope probably hitherto unattained elsewhere. The whole-hearted cooperation of every member of the population, man, woman

and child, has been necessary for the results which have been achieved. The clearing away of accumulated rubbish, the scrupulous cleaning of courtyards and waste-land, the screening of windows, the fight against all kinds of noxious insects, the production and use of insecticides and vaccines—every possible aspect of a constantly and rapidly rising general level of public health has been thought of and executed with verve and thoroughness. The fundamental education has been carried out by every available means of instruction, by large meetings, by posters, picture-books and wall-newspapers, by the press, from the stage, and on the screen.

When confronted with bacteriological warfare, or even the suspicion of it, the peasant masses of China knew exactly what to do, and did it without the least confusion or panic. The Commission was able to visualise, through personal contact with a large number of witnesses from many parts of the Chinese countryside, the disciplined action of hundreds, indeed thousands, of ordinary folk, guided by instructions from the central and regional Ministries of Health, combing their fields and streets to collect and destroy everything which issued from containers arriving from the air.

The hygienic progress in China today constitutes the active execution of measures more or less vainly urged by successive international health organisations. The achievement of so much progress in so short a time would not have been possible if the Chinese government had not been able to count upon the unconditional support of all classes of the population. Peasants and factory workers, scholars and religious groups, have approved its aims and done their best to achieve them.

GENERAL CONSIDERATIONS

It will now be useful to assemble certain facts in tabular form, not only those which were summarily set forth in the Prague documents, but also those which were brought before the Commission during June, July and August for examination. A certain number of the clearer incidents will be found in the folding table (App.). For each case there is recorded the reference number, date, place and circumstances, whether the passage of a plane was noted, and whether any object was seen to fall, whether a container was found, and what areas unusually congested with insects or other biological objects were observed, together with notes on the density of the animals, where possible. There follows the entomological or zoological identification, the results of bacteriological tests, and any epidemiological remarks. It must be understood that only a small number of the known incidents is included in the Table.

It will be clear from this summary tabulation that the appearance of biological material found to be infected with pathogenic micro-organisms was not always followed by human cases of disease. This must be in great part attributed to the speed with which the country and townspeople throughout the districts affected have searched for and destroyed any unusual animals and objects which there was reason to think might have been disseminated from the air. So effective have these operations been that in many cases no samples were saved for bacteriological analysis, as the Table shows. In other cases, bacteriological analysis gave negative results for those types of pathogenic organisms for which tests were made.

Here it is worth noting that the incursions of planes over Northeast China have been numerous during the year, and that for the most part they have not been accompanied by bombardment with explosives. Between the 29th February and the 21st March, American planes made 955 sorties in 175 groups over NE China (Manchuria), covering 70 hsien districts in the provinces of Liaotung, Liaohsi, Chilin, Sungchiang and Heilungchiang (SIA/3). Other similar figures have also been given (NCNA/85; SIA/13), and the air intrusions over China have recently intensified rather than decreased. In the eight days ending 7th August, for instance, American planes* made 398 sorties in 79 groups over Chinese territory.

The geographical distribution of the incidents in NE China is also interesting (see Map.) Down to the end of April, taking well-analysed incidents only, the greatest number (18) had occurred in Liaotung province, which borders most of the Korean frontier. Here the fact was striking that almost always the incidents were reported from the immediate neighbourhood of railways and main roads. The same peculiarity was noteworthy in the 8 incidents which occurred in the remotest province, Heilungchiang. Here one of the railway lines north of Chichihar and Harbin describes a vast S-shaped bend, with sides of a hundred miles or more—all along this line the incidents were dotted.

Several of the diseases used are connected with domestic animals as well as man for example anthrax (NCNA/85; App.). When the discovery of *Pasteurella multocida* (septica) on certain disseminated vectors (App., Table) was confirmed, it seemed at first to have little importance since it is so common an infection of laboratory animals. There are reasons, however, for supposing that it might be used as a weapon against domestic stock (App.).

As for the *Vibrio cholerae*, though in the detailed case studied above (Dai-Dong) it appeared in contaminated molluscs, there have also been not a few cases (App.) in which it has been found on insects, especially flies. The same has also been true for *Salmonella typhosi* and *paratyphosi*, and for *Shigella dysenteriae*. These pathogens have been found on populations of flies appearing in areas where no cases of these diseases had been known. This raises the question of the possible existence of pathogenic micro-organisms in or upon normal flies collected at random. The Chinese medical literature contains studies (App.), published many years before the present hostilities, in which exactly these controls were made. They showed that in non-epidemic periods, normal flies did not carry the bacteria of typhoid or paratyphoid fever, or the cholera vibrio. The relevant appendix adds a further note on certain similar studies made this year in Shenyang (Mukden).

A question related to this is the use of quantitative methods of investigation in the study of the carriage of bacteria by insects; it is treated of in a special Appendix.

A few words should be added concerning the part played by insect vectors, to complete what has already been said in the Prague documentation and elsewhere. One Appendix is devoted to the zoological identification of the insects disseminated; another will help the reader in the general study of problems of medical entomology relating to bacteriological warfare.

In the earlier reports there were a certain number of questions, especially as regards events in Korea, which still remained open. During its stay in Pyongyang, therefore, the Commission submitted to the Minister of Health, Dr. Ri, a series of questions (App.), to which answers were in due course received (App.). It thus appeared that some translations had been faulty. The word "tick" used in the first Korean report (SIA/1) had in fact been a reference to the red mite, *Trombicula akamushi*. As for the nycteribiid flies, parasitic on bats, also mentioned in the same document, the Commission was informed by the competent Korean authorities that it could not now be considered demonstrable that these insects had been connected with the bacteriological warfare.

Confirmation, however, was obtained for the statement that dead fishes contaminated with *Salmonella* and *Shigella* had on more than one occasion been found lying on hillsides. It was emphasized that these phenomena had always occurred in the neighbourhood of drinking-water sources. This recalls the Dai-Dong incident investigated in detail by the Commission (P. 37 and App.) where the purpose of spreading cholera clearly appeared.

A question which had particularly aroused the curiosity of western scientists, and about which the Commission was seriously concerned, was that of the "lyophilised proteinaceous material" discovered after the passage of planes (NCNA/85). This substance, found in separate masses, was sticky and hygroscopic, absorbing water as it lay on the surface of the snow. Chemical analysis showed that it was composed of protein breakdown products; proteoses, peptones and polypeptides. The bacteriologists were able to isolate from it mannitol-fermenting dysentery bacilli. No incident of this kind took place during the period of the Commission's work in Korea, and it had therefore to rely upon the reports of the Korean services, but it found entirely probable the hypothesis accepted by the Minister himself, namely that the material represented the delivery of freeze-dried bacterial cultures as such.

As for the question of the dissemination of insects under conditions of very low environmental temperatures, the Commission points out (though not itself prepared to subscribe necessarily to such affirmations) that in their evidence the captured airmen alluded to methods directed to the production of insect populations specially endowed with cold-resistance (App.).

In a preceding paragraph (p. 16), eighteen species of insects and arachnids disseminated from airplanes were described. Of these, nine have been definitely incriminated by bacteriological tests as infected with pathogenic micro-organisms. What is to be said of the others? The Commission could not conclude that they were perfectly clear from infection. It is a difficult matter to isolate pathogenic micro-organisms from such material when no one knows exactly what

should be looked for, all the more so when artificially selected bacteria and viruses are in question. The possibilities are far from having been exhausted.

In the American literature on bacteriological warfare there are some contradictions with what has been seen in Korea. Certain judgments expressed in works not yet superseded are hardly in accordance with the observations of the Commission. It seems likely that in some important cases technical advances have rendered these opinions obsolete. The case of plague is typical. Ten years ago Rosebury cautiously expressed the view that it might be possible to spread this effectively for warlike purposes, but only in areas remote from the front lines owing to the great danger of the infection of friendly territory. In Korea the Commission's work has revealed repeated attempts to diffuse plague at places not far removed from the front lines contrary to the opinion of so experienced a bacteriologist as the former Director of Camp Detrick. But the contradiction is only apparent. The last ten years have seen enormous progress in techniques of disinfestation; on the one hand new and ever more potent insecticides, combined in various mixtures, and on the other hand machines of high efficiency for the dissemination of clouds of these substances in large amounts and minimum time, sufficiently simple to be operated by any ordinary person. These machines derive from smoke-screen apparatus developed during the second world war.

Practical experience has shown that such methods can be used for the eradication of diseases caused by insect vectors from whole territories. Recent published information shows that the American forces in Korea are in possession of such machines, and emphasises their significance since "in any future hostilities ordinary measures and normal methods may well prove insufficient to cope with the situation." (App.).

These data are sufficient to clear up the apparent contradiction between the literature and the facts found in the field. They apply, at any rate partly, to all other insect-carried diseases, and help to explain the general tendency seen in Korea towards the use of insect vectors. The example taken is typical; we cannot limit the possibilities of bacteriological warfare to what has classically been observed in natural conditions; technical and scientific advances extend the range of what may be done, and throw light, as here, on apparent contradictions. An almost perfect control of insect vectors on the American side in Korea would invalidate the reservations found in the literature. For the same reasons the Commission cannot share the opinion of those who would assume that the diffusion of bacteria, viruses and toxins, in aerosols is the only effective method of bacteriological warfare. Thus Japanese experience (cf. pp. 13/14 above) can now be utilised on a new level.

However, one of the cases examined by the Commission, that of the epidemic of encephalitis (SIA/3:8:00010) occurring in the cities of Shenyang (Mukden) and Anshan in Liaotung province, Northeast China (Manchuria), raised the possibility that a virus had been disseminated directly by the aerosol method. The Commission was unable to reach a firm conclusion on the matter, since it could not establish a definite relationship between the disease and the air incursions. Nevertheless the evidence is indeed disturbing and full documentation concerning it is therefore placed among the Appendices (ISCC/6).

The Commission is not in a position to give to the world concrete figures concerning the total number of Korean and Chinese civilians killed, nor the total morbidity, nor the mortality rate. It is not desirable that this should be done, since it would provide the last essential data for those upon whom the responsibility lies. The information is not necessary for the proof of the case upon which the Commission was invited to express an expert opinion. All that is necessary is to know what the Commission confirmed, namely that many human fatalities have occurred in isolated foci and in epidemics, under highly abnormal circumstances in which the trail always leads back to American air activity. It is essential that the world should take warning from what has happened and is still happening. All people should be aware of the potentialities of this kind of warfare, with its incalculable dangers.

CONCLUSION

Since the beginning of 1952, phenomena of a very unusual character occurring in Korea and China, led to allegations by the peoples and governments of those countries that U. S. A. forces were waging bacteriological warfare. The International Scientific Commission which was formed to investigate the relevant facts has now brought its work to a conclusion after more than two months in the field.

It found itself in the presence of a mass of facts, some of which formed coherent patterns which turned out to be highly demonstrative. It therefore concentrated its efforts especially upon these.

The Commission has come to the following conclusions. The peoples of Korea and China have indeed been the objective of bacteriological weapons. These have been employed by units of the U. S. A. armed forces, using a great variety of different methods for the purpose, some of which seem to be developments of those applied by the Japanese army during the second world war.

The Commission reached these conclusions, passing from one logical step to another. It did so reluctantly because its members had not been disposed to believe that such an inhuman technique could have been put into execution in the face of its universal condemnation by the peoples of the nations.

It is now for all peoples to redouble their efforts to preserve the world from war and prevent the discoveries of science being used for the destruction of humanity.

The list of the 46 appendices is as follows :

- A. Chronological summary of the meetings of the commission.
- B. General survey of the principles of transmission of diseases by insect vectors, etc.
- C. Memorandum on the quantitative investigation of bacteria carried by insects.
- D. Memorandum on the mechanical transmission of bacteria by normal flies in China; analysis of studies on random samples.
- E. An investigation to determine whether the flies naturally occurring in the city of Shenyang (Mukden) carry intestinal pathogenic bacteria or *Bacillus anthracis* (ISCC8).
- F. An investigation on the bacteriology of local specimens of chicken feathers collected from the cities of Shenyang and Kuan-Tien to determine if they carry *Bacillus anthracis* (ISCC9).
- G. General table of incidents in North Korea and Northeast China (Manchuria) ; including some of the more important of those mentioned in the Prague documents.
- H. Entomological data on the insects disseminated (ISCC 10) ; table of species identified; graph showing the anomalies in the appearances of the unusual insect populations; graph comparing the winter temperatures of 1951 to 1952 with earlier figures.
- I. Questions addressed to the (North) Korean Minister of Health (Pyongyang, 30 July, 1952), and replies received (Peking, 21 August).
- J. (a) Report on fungus-laden plant materials dispersed by U.S. planes in Northeast China and in North Korea (ISCC7).
- J. (b) Report on two kinds of leaves of South Korean plants disseminated by U.S. planes in North Korea and Northeast China.
- K. Report on plague in Changteh, Hunan (12 December 1941) (ISCK6).
- L. Memorandum on certain aspects of Japanese bacterial warfare (ISCK6).
- M. Report on voles infected with *Pasteurella pestis* dropped by U.S. plane at Kan-Nan Hsien, Heilungchiang Province (ISCC2).
- N. Hearings on the Kan-Nan incident; depositions of eyewitnesses and others; observations of the commission made on the spot, etc.
- O. Memorandum on the comparison between the voles collected at Kan-Nan with *Microtus gregalis* Pallas (ISCC2a).
- P. Commentary on the comparison of the Kan-Nan voles with *Microtus gregalis* (O.O.).
- Q. Article: "Bacteriological Warfare", by Sakaki Ryohei, formerly major, Epidemic Prevention Service, Japanese Kwantung Army; translated from Sunday Mainichi (weekly), No. 1,682, 27 January, 1952.
- R. Report on a case of plague in Kang-Sou Goon Pyong-An Nam Do, caused by contact with fleas infected with plague, dropped by U.S. planes on March 25th, 1952 (ISCK2).
- S. Hearings on the Kang-Sou incident (plague); replies of eyewitnesses and statements of scientific experts.
- T. Report on the spreading of human fleas infected with plague bacteria, by U.S. planes (ISCK3).
- U. Hearings on the Hoi Yang incident—plague; eyewitness statements, etc.
- V. Report on the calcareous bacteriological bomb dropped by U.S. plane at Kuan-Tien district, Liaotung Province (ISCC3).
- W. Commentary on the case of "eggshell" container used at Kuan-Tien
- X. Notes on the incident of June 6th.

- Y. Report on four-compartment insect bombs dropped by U.S. planes at Chang-Pai Hsien, Liaotung Province (ISCC4).
- Z. Notes on exhibits of containers in the Central Laboratories of the Korean Epidemic Prevention Service, Pyongyang (ISCK7).

II

- A. (a) Report on the occurrence of respiratory anthrax and haemorrhagic anthrax meningitis following the intrusion of U.S. planes over Northeast China (ISCC5).
- B. (b) Hearings on the incidents in Liaotung and Liaohsi Provinces connected with the dissemination of anthrax and fatalities arising therefrom.
- C. (c) Report on a case of cholera in Dai-Dong Goon caused by eating raw clams contaminated with *Vibrio cholerae* and dropped by U.S. planes during the night of May 16th, 1952 (ISCK1).
- D. (d) Hearing on the Dai-Dong incident (cholera); statements of scientific experts and depositions of eyewitnesses.
- E. (e) Memorandum on the mollusc *Meretrix* as an agent for carrying *Vibria cholerae* (ISCC11).
- F. (f) Memorandum on acute encephalitis—a new disease in Shenyang (Mukden) and its neighbourhood produced by the intrusions of U. S. planes (ISCC6).
- G. (g) Hearings on the cases of a new form of encephalitis occurring at Shenyang (Mukden) after U. S. air intrusions.
- H. (h) Information on arthropod-borne diseases of the encephalitis type in man.
- I. (i) Commentary on the incidents at Shenyang (Mukden) (encephalitis).
- J. (j) Notes on the case of the South Korean agent sent to North Korea to collect and transmit to U. S. headquarters epidemiological intelligence.
- K. (k) Testimony of Lieutenant K. L. Enoch concerning his participation in bacterial warfare waged by the U. S. forces in Korea (SIA14).
- L. (l) Testimony of Lieutenant J. Quinn concerning his participation in bacterial warfare waged by the U. S. forces in Korea (SIA15).
- M. (m) Testimony of Lieutenant F. B. O'Neal concerning his participation in bacterial warfare waged by the U. S. forces in Korea (ISCK4).
- N. (n) Testimony of Lieutenant P. R. Kniss concerning his participation in bacterial warfare waged by the U. S. forces in Korea (ISCK5).
- O. (o) Notes on interviews with four captured U. S. airmen.
- P. (p) Memorandum on the public health and hygiene movement in New China.
- Q. (q) Report on the occurrence of epizootics of septicaemia among fowls following the dissemination of spiders carrying *Pasteurella multocida* by U. S. planes (ISCC12).
- R. (r) Declaration by Dr. Franco Graziosi.
- S. (s) Excerpt from medical literature presented as a reference concerning the use of exploding projectiles for the dissemination of pathogenic organisms.
- T. (t) Biographical register of Chinese and Korean scientists and medical men.

Mr. DOYLE. We will have that report in context with your claim. The committee will stand in recess for 5 minutes.

May I ask you to return for just a short time after the 5 minute recess.

(Brief recess.)

Mr. DOYLE. The committee will come to order and the guests in the courtroom will please be seated promptly.

I want to say it was quite helpful for you folks in the room to be so quiet this morning. It is not easy to sit in a crowded room this way, not altogether air-cooled. We appreciate your cooperation.

Let the record show that all the members of the subcommittee are present: Messrs. Scherer, Jackson, Moulder, and Doyle, the committee convening at 11:25 a. m.

Mr. Hardyman, I only have one more question and I will tell you the basis of it for your guidance. Now that you have answered me and given me as I understand the substance and the basis of your charge at Peiping over the radio, whatever way you gave that speech to the Eastern European countries in which you said substantially, if this

report is correct, that there was uncontradicted evidence of the Government of the United States using germ warfare, and then when you spoke at Embassy Auditorium, if you did, as reported in these papers, and you said again that there was germ warfare, and I just assume that you have made some effort since you have come home now that you said you didn't bring any documents or any photostats or any copies with you of statements by fliers or by American fliers or by American military, I just assume that as long as you didn't bring any of those other things home with you to justify your attack on the American military and American Government, I assume you made effort to get additional proof or supplementary proof and evidence to justify your attack. Have you?

Mr. HARDYMAN. Your assumption, sir, is correct. I have read the newspapers with great care, including the one which I believe is the most reliable newspaper, the Wall Street Journal.

Mr. DOYLE. Just a moment. I don't refer to newspapers and magazines, I am referring to your own individual effort to justify your claim that there was germ warfare used.

Mr. HARDYMAN. My sources of information, Mr. Chairman, are quite limited. Not being a member of the Armed Services Committee, I do not have access to any private sources of information or classified material or anything of that sort but as far as your statements in the press which confirm—

Mr. DOYLE. Those are all public.

Mr. HARDYMAN. That is all I have to go on, Mr. Doyle.

Mr. DOYLE. No, I would think—

Mr. HARDYMAN. I don't have a pipeline to any mysterious or secret or hidden information.

Mr. DOYLE. No, but I assume you did have a pipeline at least and I assume it continues because of your expressed interest in peace, I assume you still have a pipeline to certain sources in Europe, including China.

Now I assume therefore that you have come home and you have kept the pipeline open in order to get further evidence, if you could, to justify your statements in my country that the military forces of my country that you adopted or adopted you, were using germ warfare. Did you?

Mr. HARDYMAN. Mr. Doyle, I have not and have never had any actual secret or special sources of information. However, I have read with great interest the reports in the press many of which give considerable substance to this point of view.

Moreover, you as a Member of the Congress would be in a better position than I to tell me and the American people why the United States refuses to sign the convention which has been signed by all other powers except Japan agreeing that it will not use biological bacterial gas and other new means of warfare.

Mr. DOYLE. Just a minute.

Mr. HARDYMAN. The United States is sacrificing thereby—

Mr. DOYLE. Please cooperate.

Mr. HARDYMAN. I am trying to, sir, trying to explain.

Mr. DOYLE. I want you to answer my question and not take advantage of me to make a speech to express your philosophy. I am being frank with you.

Mr. HARDYMAN. I am trying to explain to you on what my opinion is based.

Mr. DOYLE. I asked you a question and that isn't an opportunity to make a speech on some other subject.

Mr. HARDYMAN. I am speaking to the subject as far as I can.

Mr. SCHERER. Will you yield, Mr. Chairman?

Mr. DOYLE. I think, Mr. Hardyman, I am disappointed that you as a responsible man of finance, at least evidently an outstanding success in the financial world in some way, haven't felt enough responsibility toward the American people and the world to try to document in every way you could the charges you made against the American military.

Again I say I think I am in a position to say to you that which I said yesterday, and that which I say today, whether you knew or not it was a lie, it was a dastardly lie that you told, unfounded in fact, and I repeat it.

Now, if you have anything to prove it, for heaven's sake get up and produce it. Otherwise keep your mouth shut in making charges of that kind against the American military.

If it hadn't been for the American military the Chinese Communists would be in China today and would have been not only in South Korea, they would be in Japan today.

Mr. HARDYMAN. Mr. Chairman, throughout the period under discussion, the 1950-53 period, the gentleman who is now my admired President Eisenhower, was making a series of speeches on the subject of peace. In fact, he pledged during this very period under discussion to go to Korea in the hope of bringing to an end what he regarded as a lamentable war and he brought it to an end, thank heaven, and I believe he is continuing to preserve peace for the people in the best way he knows how, and I am for it.

Mr. SCHERER. Will the Chairman yield?

Mr. DOYLE. Yes.

Mr. SCHERER. We are missing the issue. It isn't a question today whether the United States engaged in germ warfare in Korea or not. Here we have a naturalized American citizen, at the time we are engaged in war, perpetrating a fraud on the State Department in obtaining a passport, obviously perjuring himself, with that passport obtained by fraud, going into China at a time of war, and there making charges against the Government of the United States and giving aid and comfort to the enemy. That is the crux of this question. Whether we engaged in germ warfare I don't think has anything to do with it.

Mr. HARDYMAN. The Justice Department can decide about matters of perjury. It is not your role, sir, to make those decisions.

Mr. DOYLE. That is all, Mr. Hardyman, thank you, and Counsel.

Mr. HARDYMAN. Thank you. And thank you for the courtesy to my counsel.

(Whereupon the witness was excused.)

Mr. TAVENNER. Mr. Raphael Konigsberg, will you come forward; please, sir.

Mr. DOYLE. Will you raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KONIGSBERG. I do.

**TESTIMONY OF RAPHAEL KONIGSBERG, ACCOMPANIED BY
COUNSEL, HERBERT SIMMONS**

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

Mr. KONIGSBERG. My name is Raphael Konigsberg.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record.

Mr. SIMMONS. Herbert Simmons, of Los Angeles.

Mr. TAVENNER. Mr. Konigsberg, will you spell both your first and last names, please?

Mr. KONIGSBERG. R-a-p-h-a-e-l K-o-n-i-g-s-b-e-r-g.

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

Mr. KONIGSBERG. Mr. Counsel, and Mr. Chairman, if I may I would like to introduce my answer to the question with a very brief comment which I think may help us all and that is this: That since I have very carefully read the law establishing this committee, particular reference being made to section (b), I have a copy in front of me which Mr. Wheeler so graciously sent me in the mail, which indicates the nature of your duties, the subject matter of your investigation has been announced in the press, and since I am certain that you are not men who have come here for any other purpose other than to investigate that subject, certainly not to get publicity to smear me or perhaps be in California at vacation time, I want to say I have no intention of giving you any information in the area in which you proclaim you are investigating, particularly since I believe that every citizen should act on the basis of the recent Supreme Court decision which says a committee of Congress cannot investigate where Congress cannot legislate.

Therefore, I would refuse to supply information in the area which the press and you have said you are investigating on the basis primarily of the privileges guaranteed to every citizen under the Constitution, under the first and fifth amendments particularly, as I do not intend to collaborate with those I think are undermining the Constitution and so since I don't intend to give you any information I want to ask whether you intend to persist in asking these questions.

Mr. DOYLE. We are going to persist, sir, in following our assigned duty under Public Law 601, which is on page 4 of the little blue covered book that you have, and I assume you read it.

Mr. KONIGSBERG. Yes; I have.

Mr. DOYLE. Now, you have made your preliminary explanation and let's proceed. We intend to follow the law and we intend to follow our bounden duty.

Mr. KONIGSBERG. Fine.

Mr. DOYLE. You have been asked what question?

Mr. TAVENNER. The question was: When and where were you born?

Mr. KONIGSBERG. Mr. Chairman, I do not intend to answer that question. I wouldn't care to even answer—

Mr. DOYLE. I instruct you to answer that question. The United States is entitled to know where its citizens were born and where they live and where they are and you know it, and don't be facetious in your answer.

Mr. KONIGSBERG. I am not being facetious. It is irrelevant and what has that to do with the subject matter?

Mr. DOYLE. We are trying to find out the extent of your activity, if any, in the Communist Party, and we want to know who you are, where you were born, where you live. We are entitled to know.

Mr. KONIGSBERG. Mr. Chairman, any question you ask is either relevant or irrelevant. If it is irrelevant, then under the Supreme Court decision a citizen is not required to answer and if it is relevant it would be incriminating.

Mr. DOYLE. Congress can legislate, Congress has the authority, and you know it, to legislate on the conduct and the status of all American citizens, and I hope you are an American citizen.

Mr. KONIGSBERG. I certainly am.

Mr. DOYLE. Then where were you born? I direct you to answer.

Mr. MOULDER. Another question was asked. May I suggest that the question pending is: When and where was he born, propounded by counsel.

Mr. TAVENNER. That is right.

Mr. KONIGSBERG. Do you want me to tell you when and where I was born?

Mr. TAVENNER. Yes, sir; the same question.

Mr. KONIGSBERG. Having stated my objection to this type of question being asked, I will nevertheless inform the committee I was born March 25, 1911, in Austria.

Mr. TAVENNER. When did you come to this country, Mr. Konigsberg?

Mr. KONIGSBERG. I was 9 months old, my mother tells me.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. KONIGSBERG. Correct, Mr. Counsel. I did not come to the United States then. We first moved to Canada.

Mr. TAVENNER. When did you come from Canada to the United States?

Mr. KONIGSBERG. I believe it was about 1918.

(The witness conferred with his counsel.)

Mr. TAVENNER. What was your age at that time?

Mr. KONIGSBERG. Will you repeat the question, please?

Mr. TAVENNER. What was your age then at the time you came to the United States?

Mr. KONIGSBERG. I intend to object to all such questions as being irrelevant and immaterial and to refuse to answer on the basis of the grounds cited before.

Mr. TAVENNER. Of course I can figure it out for myself, if I make the effort.

Mr. KONIGSBERG. Yes; why do you ask questions that are so obviously answered by yourself?

Mr. DOYLE. Just a minute. Congress is entitled to know the answer to that question.

Mr. KONIGSBERG. If it will help—

Mr. DOYLE. We don't accept your answer, and I direct you to answer.

Mr. KONIGSBERG. If it will help Congress in its deliberations how old I was when I came to America?

Mr. TAVENNER. Yes; what was your age when you came to the United States from Canada?

Mr. KONIGSBERG. Since I came in 1918 and was born in 1911, if my mathematics is correct I was 7.

Mr. DOYLE. That is rapid calculation.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. KONIGSBERG. Yes.

(Representative Scherer left the hearing room.)

Mr. TAVENNER. When and where were you naturalized?

Mr. KONIGSBERG. I want to raise the objection that I raised before as to the relevancy of these questions as having no bearing on the subject.

Mr. DOYLE. I direct you to answer the question. The United States is certainly entitled to know where people claim they were naturalized. You know that.

Mr. KONIGSBERG. Well, if you direct me to answer that question—

Mr. DOYLE. I am going to direct you to answer every such question, so don't waste your time and ours and your counsel's by trying to avoid answering.

Mr. KONIGSBERG. Mr. Chairman, it is not a question of avoiding answering, I think there is basic principle involved, not simply being in opposition or obstreperous.

Mr. DOYLE. You know we are entitled to inquire where you were naturalized.

Mr. KONIGSBERG. I only know full well, not under the Supreme Court. You are directing me to answer?

Mr. DOYLE. I do.

(The witness conferred with his counsel.)

Mr. KONIGSBERG. It just occurs to me that since this committee, as evidenced in a recent decision of the Supreme Court, which I think proves that several years ago actions taken by this committee were wrong, they could be wrong again, but since you direct me to answer this question—when and where was I naturalized? Was that the question, Mr. Doyle?

Mr. TAVENNER. Read him the question. May I suggest that the witness confine his answers to the question instead of volunteering irrelevant matter.

Mr. KONIGSBERG. We will let that pass.

(The question was read by the reporter.)

Mr. KONIGSBERG. I was naturalized according to my father's having taken out citizenship papers, I think I was about 15, I can't be certain of the exact date, but it was in Cleveland, Ohio.

Mr. TAVENNER. Where do you now reside?

Mr. KONIGSBERG. Again objection on the same grounds stated.

Mr. DOYLE. I direct you to answer.

Mr. KONIGSBERG. I live at 2446 Echo Park Avenue, Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

(The witness conferred with his counsel.)

Mr. KONIGSBERG. I would appreciate and I think it would help if counsel would indicate to me the relevancy of these questions.

Mr. DOYLE. I direct you to answer, you know the relevancy of them.

Mr. KONIGSBERG. Does the chairman feel that these questions are relevant?

Mr. DOYLE. Yes; we do or we wouldn't take your time and ours to ask them.

Mr. KONIGSBERG. Is the witness entitled to know on what basis these questions are relevant?

Mr. DOYLE. You have distinguished legal counsel right at your side. Ask him what your constitutional rights are. I direct you to answer.

Mr. KONIGSBERG. I forgot the question now.

Mr. JACKSON. That is so extremely humorous, this outburst of the last few minutes, I request if there are additional ones that the hearing room be cleared.

Mr. DOYLE. That is what we will do. We expect the cooperation of everyone. Continue.

Mr. JACKSON. This is the business of the United States Government and this committee is going to have quiet, or I will request the chairman, that this hearing room be cleared.

Mr. KONIGSBERG. Truly, sir, I have forgotten the question.

Mr. TAVENNER. Read him the question.

Mr. MOULDER. It takes so much time reading questions. The question was how long he lived in Los Angeles.

Mr. KONIGSBERG. I came to Los Angeles in 1936. That makes it 19 years, approximately.

Mr. TAVENNER. Have you lived in Los Angeles continuously since 1936?

Mr. KONIGSBERG. Yes, except for time I served in the United States Army overseas.

Mr. TAVENNER. What was the period of your service overseas?

Mr. KONIGSBERG. Well, I think the same objections I have made to every question asked apply here, Mr. Chairman.

Mr. DOYLE. I direct you to answer.

Mr. KONIGSBERG. I enlisted in the Army October 1942, was discharged April 1946.

Incidentally, I was not overseas all that time, I was overseas 20 months, I think, but I wasn't in Los Angeles.

Mr. TAVENNER. What is your occupation, please, sir?

Mr. KONIGSBERG. Again I object on the same grounds previously stated.

Mr. DOYLE. I direct you to answer.

Mr. KONIGSBERG. By training I am a social worker.

Mr. TAVENNER. How long have you been engaged in that business?

Mr. KONIGSBERG. Again I object on the same grounds.

Mr. DOYLE. I direct you to answer.

Mr. KONIGSBERG. Well, I have been a social worker since 1933. One moment, please.

(The witness conferred with his counsel.)

Mr. TAVENNER. Mr. Konigsberg, during the course of investigation the staff has procured a photostatic copy of a notice of intention to appeal or solicit for charitable, philanthropic, or patriotic purposes.

(Representative Scherer returned to the hearing room.)

Mr. TAVENNER. Will you examine this, please, and state whether or not the signature appearing at item 22, which is the last item on the second page, is your signature?

(Document handed to witness; witness conferred with his counsel.)

Mr. KONIGSBERG. Mr. Counsel, with respect to this document the subject matter which it relates I refuse too to answer on the basis of the first and the fifth amendments and I don't think it is clear since in the

context of this hearing any reference to Ormsby Village would justify such a claim, I refuse therefore to answer.

Mr. TAVENNER. Will the chairman direct that the question be answered?

Mr. DOYLE. I direct you to answer the question.

Mr. KONIGSBERG. I still refuse to answer on the same ground.

Mr. TAVENNER. I desire to ask that the document be marked and received as "Konigsberg Exhibit 1" for identification only.

Mr. DOYLE. So received and so marked.

Mr. TAVENNER. Mr. Chairman, this is an application which shows that Ormsby Village for Youth Foundation was organized January 21, 1951. It is dated June, it was received by the proper Government department on June 28, 1954. It shows that the person in charge of the appeal that was desired to be made for funds for Ormsby Village for Youth Foundation was under the charge of Raphael Konigsberg.

Mr. Konigsberg, were you employed in the capacity of raising funds for Ormsby Village for Youth Foundation on June 28, 1954, or any date subsequent thereto?

Mr. KONIGSBERG. Mr. Counsel, I refuse to answer that question on the grounds stated.

Mr. TAVENNER. I hand you a photostatic copy of a check and ask you to examine it, please, and also the endorsement appearing on the back of the check. This check, Mr. Chairman, was obtained by subpoena duces tecum issued by the committee.

Mr. KONIGSBERG. What do you want to know about this check?

Mr. TAVENNER. I want you to examine the endorsement appearing on the back. Is that your endorsement?

Mr. KONIGSBERG. On the grounds stated, I will refuse to answer and I want to emphasize—a number of questions may be directed to this area—that I will refuse to answer on the basis of the first and fifth amendments because I think it is the duty of a citizen to use these amendments to defend that Constitution and particularly since the Supreme Court in the recent decision—

Mr. DOYLE. Just a minute, please. We understand and we know the decisions of the Supreme Court and you have referred to that decision, so let's confine your answers, please, to what is pertinent and germane in your answers, which is the plea of your constitutional privilege.

Mr. KONIGSBERG. Yes. Don't you think—

Mr. DOYLE. You have explained the basis before.

Mr. KONIGSBERG. There is another point I want to make.

Mr. DOYLE. You have several books there in front of you and we will not have time to let you refer to long, printed documents and books.

Mr. KONIGSBERG. Just a sentence or two from the Supreme Court decision.

Mr. JACKSON. Regular order. Let's proceed with the question.

Mr. DOYLE. Do you stand on your constitutional privilege?

Mr. KONIGSBERG. I refuse to answer any questions relating to this check for the grounds given.

Mr. TAVENNER. I offer the check in evidence and ask that it be marked "Konigsberg Exhibit 2" for identification only.

Mr. DOYLE. It will be so received and so marked.

Mr. MOULDER. Are you going to pursue questioning this witness concerning Ormsby Village for Youth Foundation?

Mr. TAVENNER. That is what I am attempting to do.

Mr. MOULDER. I have a question on that. Are you a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. KONIGSBERG. I think the nature of my reply ought to be obvious, what the reply would be and particularly since we recognize, I know you do, wanting to uphold the constitutional law that the use of the fifth amendment is for the use of the innocent as well as the guilty that I think, as one witness previously cited, it is a proud claim to claim that you are a fifth amendment American, that you are a constitutional amendment American, and it is a citizen's duty to use these amendments, not hide behind them, and use them to defend that Constitution. I will use these amendments now and in every other question, because I do not admit and the Supreme Court does not admit you have a right to question what my views or party membership may be and I do refuse to answer that question.

Mr. MOULDER. I do want to explain my question.

Mr. KONIGSBERG. You asked me a question and I am answering it.

Mr. MOULDER. Very good, I understand, of course, that a foundation for Youth organization in itself is certainly not illegal or subversive, or un-American. In other words, you have refused.

Mr. KONIGSBERG. Why do you ask me about political membership in connection with youth work?

Mr. MOULDER. That is the reason I asked you whether or not you were a Communist. Do you give the same answer to that question as you give to questions concerning the Youth Foundation? I assume there must be some relation. What sort of logic do you use to arrive at that deduction?

Mr. DOYLE. This is the logic, and you know it. We are here under Public 601 which tells us that we are directed to investigate the extent and nature and character of subversive and Communist activities. Now, if you or any other one in control of Ormsby Village is a Communist, that is what we are after and you know it. We are trying to find the extent to which Ormsby Village, if at all, is now or was ever, under your direction or any one else's, controlled in whole or in part by a Communist faculty of instructors.

We have certain evidence that we are in possession of, otherwise we wouldn't take your time to call you here. But you have not answered our questions and have stood upon your constitutional rights. That is the background of our questioning you, as you well know.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, this check bears date July 15, 1954, and appears from its face that it is payable to Raphael Konigsberg in the amount of \$214, signed Ormsby Village for Youth Foundation. One of those signing the check is Susan Hardyman. In the left-hand corner of the check appears a description of the purpose for which it was used. It states there:

Salary, July 1 to July 15, \$250, tax withheld, \$35.90.

Were you employed and receiving a salary based on \$250 for a half a month period in July 1954—that is, employed by Ormsby Village?

Mr. KONIGSBERG. Mr. Tavenner, I thought I answered you. Didn't you ask me before if I was employed?

Mr. TAVENNER. Answer the question, please.

Mr. KONIGSBERG. I refuse to answer on the grounds stated, completely irrelevant to the subject matter of this investigation and violates my rights.

Mr. JACKSON. That would appear to be entirely in line with item 15 of this notice of intention to appeal or solicit for the charitable purpose. Item 15 covers salaries, allowances, or other remuneration payable out of the contributions accepted and there is a note of "\$500 per month salary to executive director," which would appear to bear out the \$250 figure.

Mr. TAVENNER. Were you the executive director of this camp on July 15, 1954?

(The witness conferred with his counsel.)

Mr. KONIGSBERG. I refuse to answer that question, too, not only on the basis of the first, because you have no right to inquire into this, but on the basis of the fifth being a shield for the innocent as well as the guilty, and the obligations of every citizen to invoke them at every opportunity, I refuse to answer.

Mr. TAVENNER. Were you a member of the Communist Party on July 15, 1954?

Mr. KONIGSBERG. Why do you think I would answer that any more than the question Mr. Moulder asked me?

Mr. TAVENNER. May I ask that the witness be directed to answer the question, the statement is not responsive.

Mr. DOYLE. We don't accept that statement as an answer and I direct you to answer.

Mr. KONIGSBERG. I was just concerned about the woeful waste of time and taxpayers' funds repeating these questions.

Mr. DOYLE. You are sure wasting it.

Mr. KONIGSBERG. I didn't initiate the inquiry.

Mr. JACKSON. You could expedite it considerably.

Mr. KONIGSBERG. I am attempting to do that. I said at the start I was going to refuse to answer. You could have got me off the stand in 1 minute.

Mr. DOYLE. Do you refuse to answer?

Mr. KONIGSBERG. I refuse to answer on the grounds previously given.

Mr. MOULDER. What was that?

Mr. TAVENNER. It is the date of this check payable to him in the amount of \$214.10.

Will you tell the committee, please, the circumstances under which you were employed by Ormsby Village?

Mr. KONIGSBERG. No, I won't tell the committee for the reasons given.

Mr. TAVENNER. I ask that the witness be directed to answer.

Mr. DOYLE. I direct you to answer the question, Witness.

Mr. KONIGSBERG. Mr. Chairman, I think I am making it clear that a citizen not only has certain rights and privileges in America, he has duties to perform, and one duty is to refuse to collaborate with any action that will undermine that Constitution which I think the actions of this committee are doing and I will not be a party to it.

Mr. DOYLE. Do you refuse to answer and if so, state your grounds.

Mr. KONIGSBERG. I refuse to answer.

Mr. DOYLE. On what grounds?

Mr. KONIGSBERG. On the first and fifth amendments, which must be used in these circumstances.

Mr. JACKSON. Mr. Chairman.

Mr. DOYLE. Yes.

Mr. JACKSON. I move that all extraneous matter from this point on which is not in direct answer to the inquiry be stricken from the record. The points have been made time and time again, he has referred to Supreme Court decisions, there is nothing that can be said from this time on that would not be entirely repetitious and I ask that any extraneous matter that is not in direct response be stricken.

Mr. KONIGSBERG. Would the Congressman tell me what is extraneous?

Mr. JACKSON. Everything beyond the statement of your constitutional grounds for refusal to answer is entirely extraneous.

Mr. KONIGSBERG. Specifically?

Mr. JACKSON. Specifically everything.

Mr. KONIGSBERG. You mean reference to the Supreme Court and Constitution are irrelevant?

Mr. JACKSON. Yes; in answer to a direct question answerable yes or no, or which you can decline to answer on constitutional grounds, I believe is extraneous. We have heard practically everything that you have to say, could conceivably say many, many thousands of times.

Mr. KONIGSBERG. And hasn't it made an impression, Congressman?

Mr. JACKSON. It has made an impression but not the one you desire, either with the committee or with the American people.

Mr. DOYLE. At least, Witness, you have stated these other grounds in addition to the constitutional amendments. We understand them. They are in the record. So let's just confine your answers.

Mr. KONIGSBERG. Mr. Doyle, I simply said an additional word or two in each instance.

Mr. JACKSON. Regular order, and my motion still stands. I made that in the form of a motion.

Mr. DOYLE. Proceed.

Mr. JACKSON. That is without objection?

Mr. DOYLE. Yes.

Mr. KONIGSBERG. I shall endeavor to do so.

Mr. TAVENNER. Will you tell the committee, please, whether or not in 1952 you were a member of the Central Committee of the Independent Progressive Party in California?

Mr. KONIGSBERG. For the grounds previously given in deference to Congressman Jackson, I will simply say I refuse to answer on the grounds given.

Mr. JACKSON. Thank you.

Mr. TAVENNER. You were asked a question, if I recall, correctly, as to whether you are now a member of the Communist Party and whether you were a member of the Communist Party on July 15, 1954. My question now is: Have you ever been a member of the Communist Party?

Mr. KONIGSBERG. For the reasons already given several times, which are only repetitious, I decline to answer that question and I just want to add this point which I don't think is outside the matter Congressman Jackson is saying, that the fifth amendment must be used not only as a shield but also as a sword in defense of the Constitution.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Moulder?

Mr. MOULDER. Since you have been subpoenaed before the committee and the answers which you have given you claim the privilege and protection of the Constitution might give some considerable unfavorable reflection upon you—

Mr. KONIGSBERG. I am sorry, I didn't hear that.

Mr. MOULDER. I said it gives an unfavorable reflection upon you even though you maintain that the Constitution is for the protection of the innocent as well as the guilty and of course that is the law. Do you wish to give more detailed information about your services in the Armed Forces?

Mr. KONIGSBERG. Congressman Moulder and Mr. Chairman, I think it is, I would like to do it, yes, and I will explain why I won't do it, though I would like to do it, and that is simply that I think it is a rather tragic state of affairs in this Nation that the public morality has so been permeated by actions such as this committee is guilty of that a man can't stand up and proudly say what he has done, whether for the Army, children's good, education, integration of all Americans, whatever it may be, but you have so corrupted the public thinking we cannot proudly admit what we have done and though I have a proud record in the military service, I refuse to answer in that area of discussion.

Mr. JACKSON. I resent the suggestion this committee has corrupted any of the public. This committee is acting in accordance with the directions of the Congress of the United States.

Mr. KONIGSBERG. Not when it violates the Constitution.

Mr. JACKSON. To the extent that your remarks are directed at this committee and at the Congress under the authority of which this committee operates, I want it very definitely noted I take exception to it, Mr. Chairman.

Mr. DOYLE. So do I. I hope the gentleman as executive director and social worker of children is not teaching or allowing to be taught—

Mr. KONIGSBERG. I was a teacher.

Mr. DOYLE. Teaching the American children, all races, creeds and colors, that the United States Congress is allowing a committee to go about corrupting the country. If you are teaching the American children that, of course, that is a line of the Communist Party, just right down your alley, just the statement you made is the line of the Communist Party.

Mr. KONIGSBERG. This is the line of eminent Americans from President Roosevelt to Dr. Hutchins of the—

Mr. JACKSON. Regular order.

Mr. KONIGSBERG. I have answered Congressman Moulder's question. I do not wish to enter into the area of my military service.

Mr. MOULDER. I don't care to argue about it, either, but regardless of your opinion of me as a member of the committee I wanted to give you an opportunity to explain anything in your life which would be favorable to you such as service in the armed services. I think it was being very fair.

Mr. KONIGSBERG. I appreciate it and I think I have said it not personally directed against you. I feel strongly about the role of this committee in American affairs comparable to the similar situations in other periods in our history. This period is going to pass. I think

frankly these are the last days of this committee and I feel that the committee has done a great disservice to civil liberties and democracy in this country. That is my opinion.

Mr. DOYLE. The Communist Party says that, too.

Mr. KONIGSBERG. If the Communists would like fresh air and I like fresh air, that proves nothing.

Mr. JACKSON. It proves a great deal to me if the air is in a closed meeting of Communists?

Mr. KONIGSBERG. May I make a comment?

Mr. JACKSON. May we have the regular order of business so we can complete with this witness who is obviously going to say nothing with respect to his work in the camp or respect to his participation in the Communist Party?

Mr. KONIGSBERG. I said that at the start.

Mr. JACKSON. This is a total waste of the time of the committee. It has been demonstrated clearly and beyond any peradventure of doubt that he was employed by the Ormsby Village Youth Foundation, he was brought into constant day-to-day touch with children of all races, creeds, and colors. I think his philosophy is well enough demonstrated so I wouldn't trust him within 50 feet of a child's mind.

Mr. DOYLE. Do you have any questions?

Mr. JACKSON. No.

Mr. DOYLE. Mr. Scherer.

Mr. SCHERER. What branch of the service did you serve in?

Mr. KONIGSBERG. I don't care to answer that.

Mr. SCHERER. I ask that you direct him to answer.

Mr. DOYLE. I direct that you answer that question. It is certainly pertinent.

Mr. SCHERER. How can a man claim the privilege of the fifth amendment in refusing to answer as to the branch of service to which he was assigned?

Mr. DOYLE. I have heard some men who have been ashamed of the fact they served in the military of the United States, ashamed of wearing the United States uniform. I have heard a few fellows like that.

Mr. KONIGSBERG. I have met them in the Army. They turned out to be Fascist-minded Americans, but I was proud to wear the uniform. I did not claim the fifth in answering Congressman Moulder's questions. I said I don't care to enter that area of discussion, as the notes will show.

Mr. SCHERER. To get the record straight, did you serve in the Armed Forces of the United States?

Mr. KONIGSBERG. I made it clear when I answered Mr. Tavenner's question I enlisted October 1942 and was discharged honorably in April 1946.

Mr. SCHERER. What branch—

Mr. KONIGSBERG. Pardon me a moment.

(The witness conferred with his counsel.)

Mr. KONIGSBERG. What area, did you say? I was an officer in the Medical Administrative Corps.

Mr. SCHERER. What rank did you have?

Mr. KONIGSBERG. Captain.

Mr. SCHERER. Just one question: While so serving in the Armed Forces of the United States, were you a member of the Communist Party?

Mr. KONIGSBERG. Here we go on the old merry-go-round. The answer is that I refuse to answer such questions for the reasons already given.

Mr. SCHERER. That is all.

Mr. DOYLE. Any other questions, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. DOYLE. Mr. Moulder?

Mr. MOULDER. No questions.

Mr. TAVENNER. I have one other question: Do you still have a commission in the Army?

Mr. KONIGSBERG. Not to my knowledge. I didn't enter the Reserve, if that is what you are asking.

Mr. TAVENNER. Do you have any type of commission?

Mr. KONIGSBERG. Not to my knowledge. I say not to my knowledge because I remember hearing once that once an active officer you are really on duty I think, but I did not join the Reserves and was never asked to, as I recall, but I was an officer the entire time I was in the Army, having received a direct commission.

Mr. DOYLE. Any other questions?

Mr. TAVENNER. No, sir.

Mr. DOYLE. The committee will stand in recess until 2 o'clock. You are excused.

Mr. KONIGSBERG. Thank you.

(Whereupon, at 12:10 p. m. the committee was recessed, to reconvene at 2 p. m. the same day.)

AFTERNOON SESSION—JUNE 29, 1955

Mr. DOYLE. The committee will please come to order.

Again the courtroom is filled with citizens, and we are glad to have you. I know you will continue to give us your utmost cooperation and be as quiet as you can, and we know you will make no demonstrations in terms of laughter, applause, or anything else, either of approbation or disapproval. Please do that, be as quiet as you can and don't show any approbation or disapproval as to what goes on, what is said.

Mr. Tavenner, are you ready?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. Let the record show, please, that the full personnel of the committee is here: Congressman Scherer, of Ohio, Congressman Jackson, of California, Congressman Moulder, of Missouri, and Congressman Doyle, of California.

Mr. TAVENNER. Mr. Chairman, the committee issued a subpoena for the appearance here during the course of these hearings of a witness by the name of Lew Harris. Before we left Washington there was received a doctor's certificate which went quite a bit into detail regarding the witness' state of health, in which the doctor concluded that Mr. Harris was not able to appear in a public session for testimony or to appear for testimony.

As it is the practice of the committee, an investigation of our own was undertaken immediately and the witness has been examined by a physician chosen by the committee and the result of that investigation is that the Government's doctor is of the opinion that the witness is not well enough to undergo a public hearing, but concludes that

under the proper conditions he could have a closed session hearing without injury to his health.

Mr. Charles J. Katz, counsel for this witness, is present. He has asked for a continuance. I have informed you of all the facts within the possession of the staff, and I know that the committee has been considering this matter as to what action it should take. I suggest now that if you are not ready for a decision that you give Mr. Katz an opportunity to be heard or that you announce your decision if you have reached one.

Mr. DOYLE. Have you any statement you wish to make, Mr. Katz, in behalf of your client?

Mr. CHARLES J. KATZ. Yes, sir; the nature of the four operations to which my client has recently been subjected is such that there has been removed completely his gallbladder and also there has been removed his common bile duct so that he lives virtually on borrowed time and has required in order to continue to function to ingest his own bile. In talking with his physician, any kind of tension or strain at this time may render this man a total invalid for life. It is a miracle he has survived these four major operations. He has been a resident of this community and a property owner all of his adult life. It is my recommendation and plea to the committee that the matter of his examination either in executive or public session be deferred for, say, a period of 2 or 3 months. He is under the care of expert physicians who are creating artificial bile ducts which he can use for a short period of time and then they take them out as they decay or collapse.

I know the committee would not want, and I don't want to have the responsibility for the possible total invalidism of this man, and he is making slow recovery and will be here whenever you suggest—

Mr. DOYLE. If you can assure us he will be here whenever we direct—

Mr. KATZ. Yes; no question about it.

Mr. DOYLE. Have you any objection to a continuance, Mr. Tavenner?

Mr. TAVENNER. No, sir. As I suggested earlier, I recommend a continuance to a specific date.

Mr. DOYLE. Mr. Scherer, do you have any objection?

Mr. SCHERER. No.

Mr. DOYLE. Mr. Jackson?

Mr. JACKSON. No objection.

Mr. MOULDER. No objection.

Mr. DOYLE. This committee is certainly not going to be a party to the health status of any American citizen being permanently injured where it is possible to avoid it. May we continue the hearing until Monday, November 14, at 10 o'clock here?

Mr. KATZ. That is agreeable.

Mr. DOYLE. This same year.

Mr. TAVENNER. Announcement by the chairman, I assume, is the equivalent of a direction to the witness to appear.

Mr. DOYLE. I am sure Mr. Katz will follow through and have his client here.

Mr. KATZ. No question about it. Thank you very much.

Mr. TAVENNER. Mrs. Sylvia Schonfield, will you come forward, please?

Mr. DOYLE. Mrs. Schonfield, will you raise your right hand and be sworn? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. SCHONFIELD. I do.

Mr. DOYLE. Please be seated.

**TESTIMONY OF SYLVIA SCHONFIELD, ACCOMPANIED BY HER
COUNSEL, DANIEL G. MARSHALL**

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

Mrs. SCHONFIELD. Sylvia Schonfield.

Mr. TAVENNER. Are you accompanied by counsel?

Mrs. SCHONFIELD. Yes, I am.

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

Mr. MARSHALL. Daniel G. Marshall, Los Angeles.

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

Mrs. SCHONFIELD. S-y-l-v-i-a S-c-h-o-n-f-i-e-l-d.

Mr. TAVENNER. Are you a native of California?

Mrs. SCHONFIELD. May I, before any questions are asked, I want this committee to know that I intend to be a first and fifth amendment American. I intend to defend the Constitution.

Mr. TAVENNER. Mr. Chairman, the witness has not been asked a question yet.

Mrs. SCHONFIELD. I said before any questions are asked me I would give the statement.

Mr. MARSHALL. I thought counsel asked the witness if she was a native of California and the witness wanted to make the statement.

Mr. TAVENNER. I did ask the question.

Mr. MARSHALL. Counsel did, so you proceed.

Mrs. SCHONFIELD. I intend to defend the Constitution by refusing—

Mr. DOYLE. Just a moment.

Mr. JACKSON. The rules of the committee state that if a witness has a prepared statement to make it may be presented to the committee and if in the determination of the committee the statement is considered a suitable one it may be accepted. This is a statement of that nature.

Mrs. SCHONFIELD. This is a note I have made, not a statement.

Mr. SCHERER. Regular order. Let's proceed with the questioning.

Mr. JACKSON. I oppose the admission of any statement.

Mrs. SCHONFIELD. As you said before—

Mr. DOYLE. If you have a statement which you are reading—

Mrs. SCHONFIELD. I have never been very good at public speaking and I don't remember everything that I intend to say.

Mr. DOYLE. You are pretty good, apparently.

Mr. MARSHALL. The witness wants to finish her answer, Mr. Doyle.

Mr. DOYLE. You know the rules, Counsel.

Mr. MARSHALL. I know the rules and we have no typed statement. The witness wants to answer the question.

Mr. DOYLE. The rule, as you know it, the counsel cannot speak to the committee except through the witness. Please observe that and cooperate with us.

Mr. JACKSON. May I suggest, Mr. Chairman, if the witness desires to make a statement of this sort that she have it prepared, submit it

to the committee, the committee will undertake study of it and enter it or not enter it, but certainly this is not responsive to the question pending and I ask that the witness be directed to answer the question.

Mr. DOYLE. You are directed to answer the question of whether or not—

Mrs. SCHONFIELD. I wanted to make my statement publicly in answer to this question.

Mr. JACKSON. I still insist on direction to answer the question.

Mr. DOYLE. I direct you to answer the question. If you feel you have a constitutional privilege to claim for refusing to answer, then exercise whatever privilege you feel is yours.

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. No, I am not a native of California.

Mr. TAVENNER. Where were you born?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. Well, I am trying to save the committee's time and money. As you said before, too much time has been taken up, so may I state now that I am going to refuse to answer all questions basing it on the first and fifth amendments and it will save us all time.

Mr. JACKSON. Do you decline to answer this question?

Mr. SCHERER. How can the witness then properly invoke the first and fifth amendments if she says she is going to refuse to answer all questions on the basis of the first and fifth amendments?

Mr. MARSHALL. You didn't give the witness a chance to answer, to finish her answer.

Mr. DOYLE. Mr. Marshal, please, you are a member of the bar and I am going to enforce the rule of the committee and I am not going to permit you to address the committee.

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. Mr. Scherer, may I finish my answer?

Mr. DOYLE. Proceed with whatever answer you have but do not read your statement.

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. I want to answer the question and these are my notes, they are not a prepared, long statement. I don't make, I don't write long things, but I just want to finish my answer.

Mr. DOYLE. Read the witness' answer as far as she has gone. What is the question? Where were you born? You don't have to read any dissertation on where you were born, do you?

Mr. MARSHALL. Is that the pending question?

Mr. DOYLE. I think that is the question.

Mr. TAVENNER. It is not precisely the pending question. I suggest that the reporter read it.

(The reporter read from his notes as requested.)

Mr. DOYLE. The question the reporter read is: Where were you born?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. Before I answer any questions I want you to know again that I intend to be a first and fifth amendment American, and I will defend the Constitution by refusing to give this committee any information whatsoever.

Mr. DOYLE. Just a minute, please. I am not going to permit you to violate the rules of this committee. Neither you nor counsel.

You might as well understand it. If you want to plead the first and fifth amendments in replying to a question of where you were born, that is your privilege. How in the world could saying where you were born incriminate you? Let's have a common understanding. There is not going to be, directly or indirectly, any violation of the congressional rules in this hearing.

(The witness conferred with her counsel.)

Mr. JACKSON. I ask that the witness be directed again to answer the question.

Mrs. SCHONFIELD. If you will allow me to finish my answer, then I can go on.

Mr. DOYLE. Just a minute. I have directed that you answer the question. I am not going to permit you to read a document because that is a violation of the committee rules. You have several sheets of paper there, several sheets very visibly written out, to which you are referring, and I am not going to permit the violations. Please proceed to obey the rules of the committee.

Mrs. SCHONFIELD. It is forbidden for me to look at my notes?

Mr. DOYLE. No, it isn't forbidden.

Mrs. SCHONFIELD. That is what I looked at.

Mr. JACKSON. It is against the committee rules for the witness to make a statement. I don't care whether she has notes or a written statement. The rules of the committee say that any statement which is to be made by a witness shall be prepared in writing and submitted to the committee before the hearing. This statement has not been and it is in direct violation of the rules and I shall protest any further statement until the witness has answered the question. If it is then necessary to elaborate on her answer as to why she answered it that way, that is a matter for further consideration. But it is obviously outside the purview of the rules for her to make a statement at this time. I shall continue to object.

Mrs. SCHONFIELD. I do want to answer if you will allow me—

Mr. JACKSON. Please do.

Mrs. SCHONFIELD. To look at my notes.

Mr. JACKSON. You have to refer to a note to determine your answer as to where you were born?

Mrs. SCHONFIELD. It is a strange situation and I can't remember everything I intended to—

Mr. DOYLE. You don't have to look at your notes to answer the question of where you were born. Let's have a common understanding.

Mrs. SCHONFIELD. My counsel tells me that I do.

Mr. DOYLE. Your counsel is not going to tell you to violate the rules of the committee. If he does, he is violating the rules of the committee himself.

(The witness conferred with her counsel.)

Mr. JACKSON. There is a pending question.

Mr. DOYLE. I instruct the witness to answer.

Mrs. SCHONFIELD. Your view is different because Mr. Jackson just said I could look at my notes.

Mr. DOYLE. Mr. Jackson said just the reverse.

Mr. JACKSON. I said irrespective of whether you have notes, what you are saying is in the nature of a prepared statement, a statement which you have prepared in advance whether it be written out in

detail or in the form of notes. Such a statement made before the committee without having been submitted to the committee previously is a violation of the rules of procedure of the committee and for that reason I shall object to any statement from the witness.

Mrs. SCHONFIELD. What rule is that, may I ask, please?

Mr. DOYLE. Mr. Marshall knows what rule it is.

Mr. JACKSON. The rule on page 5 of the committee:

Any witness desiring to make a prepared or written statement for the record of the proceedings in executive or public sessions shall file a copy of such statement with counsel of the committee within a reasonable period of time in advance of the hearing at which the statement is to be presented.

All such statements so received which are relevant and germane to the subject of the investigation may upon approval at the conclusion of the testimony of the witness by majority vote of the committee or subcommittee members present be inserted in the official transcript of the proceedings.

The statement upon which you embarked is a statement of that nature as I interpret the rules. Therefore, I make the point of order that the statement is in violation of the committee rules, and is not responsive to the question which has been asked, and to which the Chair has directed an answer.

(The witness conferred with her counsel.)

Mr. DOYLE. Of course I will sustain the point of order. Go ahead and cooperate a little bit if you can.

Mrs. SCHONFIELD. Again I will try. I was born in Russia.

Mr. JACKSON. Where?

Mrs. SCHONFIELD. I was born in, from what my mother told me, I was born in Poskura, Padulska Poskura.

Mr. TAVENNER. Spell it for the reporter.

Mrs. SCHONFIELD. I didn't know how to spell when I left there and still don't know how to spell that.

Mr. SCHERER. I think it is sufficient that she was born in Russia.

Mr. JACKSON. The record should reflect every word of the transcript, but if she can't spell it, she can't.

Mrs. SCHONFIELD. I can't.

Mr. TAVENNER. When did you come to the United States?

Mrs. SCHONFIELD. I was 1 year old.

Mr. TAVENNER. When did you take up your residence for the first time in the State of California?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. Before I can go on with an adequate answer—

Mr. DOYLE. Just a minute. You are referring again to a prepared typewritten statement.

Mrs. SCHONFIELD. It is not a statement.

Mr. MARSHALL. How can you see from there, Mr. Doyle? If you can, you shouldn't.

Mr. DOYLE. Why not? I have a right to look at you and at what the witness is using.

Mr. JACKSON. What is the pending question?

Mr. TAVENNER. The question is: When did she first take up her residence in the State of California.

Mrs. SCHONFIELD. Before I can go on with an adequate answer I would like to have the facts and the circumstances on which this committee relies to establish the pertinency of this information.

Mr. JACKSON. Are you reading that directly from the paper?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. I decline to answer that on the advice of my counsel.

Mr. JACKSON. I insist upon an answer, Mr. Chairman.

Mr. DOYLE. Manifestly she was. We could all see her doing it. I could see her plainly reading it.

Mr. JACKSON. I request the witness be directed to answer the question as to whether she was reading a statement in violation of the rules of the committee.

(The witness conferred with her counsel.)

Mr. TAVENNER. Mr. Chairman, maybe I can simplify the matter. I will withdraw the question. Where do you now reside?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. Los Angeles.

Mr. TAVENNER. What address?

Mrs. SCHONFIELD. Since there are so many cranks in this city, would it be all right if I wrote it down and handed it to counsel for the committee?

Mr. TAVENNER. We want the record to show what your address is.

Mrs. SCHONFIELD. Don't you have that so that the record could show it?

Mr. TAVENNER. No, I do not. It may be on your subpoena, I am not sure.

Mrs. SCHONFIELD. I was served there with a subpoena.

Mr. TAVENNER. Very well. That satisfies me.

Mr. SCHERER. Wait a minute. I ask that you direct the witness to answer the question as to where she lives.

Mr. DOYLE. I direct that you answer the question.

Mrs. SCHONFIELD. Can I hand it to you, Mr. Scherer?

Mr. SCHERER. No, I want it for the record.

Mrs. SCHONFIELD. Mr. Tavenner thought that would do for the record, if I handed it to you.

Mr. SCHERER. I ask that you direct the witness to answer.

Mr. DOYLE. We don't accept your answer.

Mrs. SCHONFIELD. I was trying to cooperate, but as you aren't, 12401 Sunset Boulevard.

Mr. DOYLE. Thank you.

Mr. TAVENNER. How long have you lived in Los Angeles?

Miss SCHONFIELD. Since 1924.

Mr. TAVENNER. What is your profession or business?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. A housewife.

Mr. TAVENNER. Have you engaged in any occupation in the period of the last 5 years?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. Is that information pertinent to any information which you may have?

Mr. DOYLE. I direct you to answer the question, please.

Mr. TAVENNER. May I make a statement. The witness has made that reply several times and apparently proposes to continue it. I think it is well recognized that on the question of materiality the witness must bear whatever risk it is, if she decides not to answer the question, that the committee is not bound to explain the reasons for asking the question.

Mr. DOYLE. Thank you.

Mr. TAVENNER. If the committee considers it is a material question, that is as far as we need go. So I ask again that the witness be directed to answer the question.

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. Will you repeat the question?

Mr. JACKSON. It was whether you have engaged in any occupation in the last 5 years.

Mrs. SCHONFIELD. I decline to answer that question on the grounds of the first amendment to the Constitution, supplemented by the fifth amendment.

Mr. DOYLE. I direct you to answer the question.

Mrs. SCHONFIELD. I still decline on the same grounds.

Mr. DOYLE. Very well. Next question.

Mr. TAVENNER. I hand you a photostatic copy of a card and I will ask you to examine both front and back of it, where you will see the name Sylvia Schonfield, and I will ask you whether or not those signatures were made by you.

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. I would also—

(The witness conferred with her counsel.)

Mr. TAVENNER. Did you look at the back also?

Mrs. SCHONFIELD. No, I didn't.

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. I decline to answer that question on the grounds of the first amendment to the Constitution supplemented by the fifth amendment.

Mr. TAVENNER. Mr. Chairman, I offer the document in evidence and ask that it be marked "Schonfield Exhibit No. 1" for identification only.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. The document, Mr. Chairman, was procured through a subpoena duces tecum by this committee. It is a photostatic copy of a depositor's signature card with the Bank of America for a commercial account in that bank in the names of Friends of Ormsby Village. I will read the pertinent parts. After naming of the lodge, association, or society as Friends of Ormsby Village, it is stated that it is signed by and the name in handwriting, "Sylvia Schonfield," under which appears the word, opposite the word "title" the word "president."

There also appears on the first page or the front side of the card authorized signature Sylvia Schonfield, president.

On the reverse side is a sworn statement which is not fully completed, but on which there appears the name in handwriting of Sylvia Schonfield, president.

Mrs. Schonfield, will you tell the committee, please—

Mr. MARSHALL. Could I see that exhibit again, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Counsel has called my attention to the fact that it is not a sworn statement and he is correct in that. It is "witness our hands and seals: this blank day of blank." That is the part not completed and it is signed in handwriting Sylvia Schonfield, title, president.

Mrs. Schonfield, will you tell me whether or not on the date of this card, which is—the card shows the date when the account was opened, but it is so blurred I can't read it. I would like to withdraw the ques-

tion, please, and will you state whether or not you opened an account under the name of Friends of Ormsby Village at Bank of America by deposit of \$271.55?

Mrs. SCHONFIELD. As I have stated before, I decline to answer on the grounds of the first amendment to the Constitution supplemented by the fifth amendment.

Mr. TAVENNER. The date apparently is July 5, 1954, with the aid of my associate. I think the committee can look at it and can probably see the date. Now that he has told me I have no trouble seeing it.

On that date, July 5, 1954, were you the president of the Friends of Ormsby Village?

Mrs. SCHONFIELD. I still decline to answer that question on the grounds of the first amendment to the Constitution, supplemented by the fifth amendment.

Mr. TAVENNER. Was the organization, Friends of Ormsby Village, established for the purpose of raising funds to promote the Ormsby Village for Youth organization?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. Before I can go on with an adequate and lawful answer to this question may I have, I would like to have from the committee the following information. The fact and the circumstances—

(Representative Jackson left the hearing room.)

Mr. DOYLE. Just a minute. You are reading from a prepared statement, manifestly, and I am not going to permit you to do that. So please cooperate on that point, Counsel and Witness.

Mr. TAVENNER. Mr. Chairman, may I call your attention to the fact that that is the same question that she has asked 2 or 3 times before and which we endeavored to give her the committee's position on.

Mr. DOYLE. I instruct you to answer the question, Witness.

Mrs. SCHONFIELD. I decline to answer on the grounds of the first amendment to the Constitution, supplemented by the fifth.

Mr. TAVENNER. Will you tell the committee, please, whether or not you conferred with any member of the Communist Party regarding the organization of Friends of Ormsby Village prior to its actual organization?

Mrs. SCHONFIELD. I decline to answer this question on the same grounds as previously stated, based on the grounds of the first amendment to the Constitution supplemented by the fifth amendment.

Mr. TAVENNER. Were you a member of the Communist Party on July 5, 1954?

Miss SCHONFIELD. I decline to answer this question on the same grounds of the first supplemented by the fifth amendment.

Mr. TAVENNER. Did you confer with Mr. Hugh Hardyman regarding the organization of this group prior to its organization?

Mrs. SCHONFIELD. I must decline to answer that question, not only must, but I do decline to answer that question on the grounds of the first amendment to the Constitution, supplemented by the fifth amendment.

Mr. TAVENNER. Was any inquiry made of you before accepting the position of president of Friends of Ormsby Village whether or not you were affiliated with the Communist Party or ever had been?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. I refuse to answer that question.

Mr. TAVENNER. Had you at any time prior to July 5—

Mr. DOYLE. May I interrupt, Mr. Tavenner. All you have done is refuse to answer the question. I think probably the record should show whether or not you claim your constitutional privilege in so refusing.

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. Do I have a direction to answer, Mr. Doyle?

Mr. TAVENNER. I suggest you direct the witness to answer.

Mr. DOYLE. I think all I heard you say was you refused to answer the question, and you didn't say you refused to on the grounds of the first supplemented by the fifth amendment.

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. You hadn't directed me to answer. I refuse to answer that question on the grounds of the first amendment to the Constitution supplemented by the fifth amendment. It would save time if we didn't have—

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

Mrs. SCHONFIELD. I refuse to answer that question on the basis of the first amendment to the Constitution, supplemented by the fifth amendment.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Moulder?

Mr. MOULDER. No questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. How did you become naturalized?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. I refuse to answer that question as not pertinent.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. I direct that you answer the question. We can't accept that answer.

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. I became a citizen by derivative citizenship.

Mr. DOYLE. Derivative citizenship accomplished where and when, what State?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. I believe it was in Los Angeles.

Mr. DOYLE. About what year?

(The witness conferred with her counsel.)

Mrs. SCHONFIELD. I think it was either 1924 or 1926. I am not certain.

Mr. DOYLE. Thank you. Any other questions, Counsel?

Mr. TAVENNER. No, sir.

Mr. DOYLE. Thank you, Mrs. Schonfield, and Mr. Marshall.

(Whereupon the witness was excused.)

Mr. TAVENNER. Mrs. Jean Benson Wilkinson, come forward, please.

Mrs. WILKINSON. I have two counsel.

Mr. DOYLE. Will you be sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. WILKINSON. I do.

Mr. DOYLE. Thank you. Will you be seated.

TESTIMONY OF MRS. JEAN WILKINSON, ACCOMPANIED BY COUNSEL,
ROBERT KENNY AND DANIEL G. MARSHALL

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

Mrs. WILKINSON. I am Jean Wilkinson.

Mr. TAVENNER. It is noted that you are accompanied by two counsel. Will they identify themselves for the record, please.

Mrs. WILKINSON. I have two because I am known as being very talkative and it takes two. May I introduce Daniel Marshall—

Mr. TAVENNER. You need not introduce them. We are quite familiar with both gentlemen.

Will they please identify themselves?

Mr. KENNY. Robert Kenny, Los Angeles.

Mr. MARSHALL. Daniel G. Marshall, Los Angeles.

(Representative Jackson returned to the hearing room.)

Mr. TAVENNER. Where were you born, Mrs. Wilkinson?

Mrs. WILKINSON. California.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mrs. WILKINSON. I do.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mrs. WILKINSON. Approximately 33 years.

Mr. TAVENNER. Will you tell the committee, please, what your profession or occupation is?

Mrs. WILKINSON. I am an ex-teacher.

Mr. TAVENNER. Will you tell the committee, please, what your formal education training has been in preparation for your profession?

Mrs. WILKINSON. Yes, I attended UCLA, received my bachelor of arts there and my teaching credential.

Mr. TAVENNER. What year, please?

Mrs. WILKINSON. 1936 and my teaching credential from California, Berkeley, in 1937.

Mr. TAVENNER. Mrs. Wilkinson, do you have any knowledge of a method used by Ormsby Village for Youth in employment of its directors?

Mrs. WILKINSON. I might as well tell you right now that I am an unfriendly witness and since this committee has already seen fit to smear Ormsby Village—

Mr. DOYLE. Just a minute, Madame.

Mrs. WILKINSON. I am refusing to answer the question, sir, and I intend to explain my answers in my own way.

Mr. DOYLE. You answer the question and if it is pertinent we will give you time to explain.

Mrs. WILKINSON. I didn't have a chance to finish. Give me a chance to finish and—

Mr. DOYLE. That isn't part of your answer. It can be answered yes or no.

Mrs. WILKINSON. I have read the rules and I know my rights and if I am brought up here and made a spectacle of I am going to have my rights and if I am pleading the first and fifth amendments, I have a right to explain why. And I am now in the process of explaining why. Would you be quiet and let me finish?

Mr. DOYLE. I am not going to permit you to make an oration and you might as well understand it.

Mrs. WILKINSON. You had better just check up on your constitutional law, because I have a right to explain my reasons why I am declining to answer.

Mr. DOYLE. After you answer the question.

Mrs. WILKINSON. Isn't that correct, Mr. Tavenner?

Mr. TAVENNER. You have a perfect right—

Mrs. WILKINSON. Thank you.

Mr. DOYLE. Just a minute. Let him answer.

Mr. TAVENNER. You have a perfect right in refusing to answer a question to state the legal basis for your refusal but not to argue reasons that are not a legal basis.

Mrs. WILKINSON. To me this is—may I explain my legal basis?

Mr. JACKSON. After you answer the question.

Mrs. WILKINSON. I am refusing to answer any questions regarding Ormsby Village on the basis of the fifth amendment.

(Additional statement stricken from the record.)

Mr. SCHERER. Mr. Chairman, I move that all of the witness' answers after she invoked the fifth amendment be stricken from the record.

Mr. JACKSON. I second it and I shall make the same motion and support it from this point on in all answers that are not directly related to answering the question and setting forth the constitutional grounds upon which the declination is made.

Mr. DOYLE. I will grant the motion.

(The witness conferred with her counsel.)

Mr. TAVENNER. Were you selected—

Mrs. WILKINSON. Just a minute. May I finish that answer?

Mr. SCHERER. I think the witness should be warned that her conduct, at least in the opinion of this member of the committee, is contemptuous, she is not complying with the ruling of the Chair, and if she persists I shall recommend that she be cited for contempt because obviously that is her purpose here as indicated by her first statement. I suggest we proceed in order.

Mr. JACKSON. Is there a question pending?

Mr. TAVENNER. Not quite.

Mrs. WILKINSON. Point of order, Mr. Chairman. May I ask a question?

Mr. DOYLE. Is there a question pending?

Mr. TAVENNER. I started the question. If you will permit me to finish it—

Mr. DOYLE. Go ahead.

Mrs. WILKINSON. I want to finish the last question.

Mr. TAVENNER. You stated your legal basis for refusal and the committee heard you.

Mrs. WILKINSON. First and fifth.

Mr. TAVENNER. That is all you need and that is perfectly clear in the record.

Will you tell the committee, please, whether or not you were selected as the camp director of Ormsby Village for Youth?

(The witness conferred with her counsel.)

Mrs. WILKINSON. This is obviously the same area of questions, and I must refuse on the same basis.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. MARSHALL. The chairman accepted the claim.

Mr. DOYLE. We don't accept your claim as sufficient and therefore I direct you to answer the question.

Mrs. WILKINSON. I refuse on the same grounds.

Mr. TAVENNER. Who conferred with you with regard to any possible appointment as an official at that camp or employee at that camp?

Mrs. WILKINSON. I must refuse to answer that question and particularly if it would involve any other individual I wouldn't care to have them join the show.

Mr. JACKSON. You say you must decline. Do you so decline?

Mrs. WILKINSON. I do so decline and refuse.

Mr. JACKSON. For the reasons previously stated?

Mr. TAVENNER. Were you a member of the Communist Party at any time in 1954?

Mrs. WILKINSON. On that question I also refuse to answer because that is my own business, my political affiliations, my religious affiliations; I decline on the first and the fifth.

Mr. SCHERER. You say the Communist Party amounts to a religious affiliation?

Mrs. WILKINSON. I didn't say that. You said it. If you want it, keep it.

Mr. SCHERER. Will you read the witness' answer?

Mr. JACKSON. Mr. Chairman, there is a group in here who seem to find this an extremely amusing proposition. I am going to ask in about 5 minutes that a little—I won't call it a cell—but a little group be removed from the audience if they continue in it. This is not a humorous proceeding. It is a proceeding of your Congress whether you have any faith in the Congress or not.

Mr. DOYLE. I have been noticing the same several people. I hope you will desist whether you came here intending to cooperate or not. Proceed.

Mr. TAVENNER. The testimony and documentary evidence introduced in the course of this hearing indicates that the organization was established—that is, Ormsby Village for Youth—around the year 1951. Will you tell the committee, please, whether at any time prior to that date you were a member of the Communist Party?

Mrs. WILKINSON. That is the same question, sir, and I must refuse on the same basis, first and fifth amendments.

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

Mrs. WILKINSON. Same answer, first and fifth.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Any questions, Mr. Moulder?

Mr. MOULDER. I have no questions.

Mr. DOYLE. Mr. Jackson? Mr. Scherer?

Thank you, Mrs. Wilkinson and Counsel, you are excused.

Mr. TAVENNER. Dr. Frank Davis.

Mr. DOYLE. Dr. Davis, will you please raise your right hand and be sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Dr. DAVIS. I do.

**TESTIMONY OF FRANK C. DAVIS, ACCOMPANIED BY COUNSEL,
ROBERT KENNY AND DANIEL G. MARSHALL**

Dr. DAVIS. May I ask why we are not being televised? It seems to me it is unfair to the rest of the avenues of communication. I am glad to have the press here and the press cameras, but it seems to me it is very unfair to the other avenues of communication not to allow this to go out to as many people as want to look and listen.

Mr. TAVENNER. May we proceed?

Mr. SCHERER. I agree with the witness that it should be televised, but the rules of the House as interpreted by the present Speaker prohibit it. That is the only reason. I would be happy to have it go out.

Mr. JACKSON. I concur with my colleague in that. I think all of us would feel that way.

Mr. TAVENNER. Dr. Davis, will you state your name, please.

Dr. DAVIS. Frank C. Davis. May I explain the "C" please? This is the first time in public I have ever admitted my middle name as being Cornelius. The reasons I do it are two.

Mr. TAVENNER. The fact that it is used is all we are interested in.

Dr. DAVIS. Because there are so many Frank Davises I want nobody to be judged guilty because I happen to have that name.

Mr. TAVENNER. It is noted you are accompanied by the same two counsel who represented the preceding witness and it will be so recorded.

When and where were you born?

Dr. DAVIS. May I ask a question before we go into that? Do I understand statements are not permitted to be read at these sessions?

Mr. DOYLE. They are not permitted to be read unless they have been submitted to the committee previously and we have had an opportunity to pass upon them under rule 9.

Dr. DAVIS. Are they permitted to be read if the committee has seen them previously?

Mr. DOYLE. If we have had them and passed on them.

Dr. DAVIS. I have a short statement which I think might speed up the proceedings.

Mr. DOYLE. We would be glad to have you file it with us if that is what you want to do.

Dr. DAVIS. I would be glad to do that. That is a statement mailed out to 300 psychologists last week which explains my position.

Mr. TAVENNER. Please state when and where you were born?

Dr. DAVIS. Born in South Framingham, Mass., in 1896.

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

Dr. DAVIS. Yes.

Mr. TAVENNER. How long have you resided in Los Angeles?

Dr. DAVIS. I first came to Los Angeles as a resident in 1931.

Mr. TAVENNER. Have you lived here continuously since that date?

Dr. DAVIS. Except for trips to take summer sessions, teaching appointments at other places, yes.

Mr. TAVENNER. What is your profession?

Dr. DAVIS. I would say I am an educator and a psychologist.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Dr. DAVIS. I would be glad to. I went to grade school in Portland, Maine, high school in Summerville, Mass., I am perhaps the only Ph. D., doctor of philosophy, in the country who didn't graduate from high school, the reason being there I encountered the first Fascist-minded principal in my experience and he and I didn't agree and he had more power than I did and he saw to it I didn't graduate. Incidentally, his name was John B. Avery and he looked a little like Mr. Scherer, which I hope——

Mr. DOYLE. Just a minute.

Dr. DAVIS. I just want to say that I am trying, not by association, trying not to have anything against Mr. Scherer by association.

Mr. DOYLE. This is no forum to take a crack at one of your former teachers, we are not going to permit that sort of thing.

Dr. DAVIS. Take a crack at one of my former teachers to describe him——

Mr. DOYLE. Please confine yourself to the things that are pertinent and answer the question: What was your formal education.

Mr. SCHERER. He must have been a pretty good teacher.

Dr. DAVIS. Because of the resemblance? Don't you feel it is relevant when I try to tell you the reasons why I did not graduate from high school?

Mr. DOYLE. I don't think so.

Dr. DAVIS. I feel it is.

Mr. DOYLE. It is accomplishments we are interested in.

Mr. TAVENNER. May I ask that the witness be instructed to answer the question?

Mr. DOYLE. Answer the question, please.

Dr. DAVIS. I was answering the question to the best of my ability. I will be responsive but I shall answer them in my own way under the first amendment.

Mr. TAVENNER. You are not answering it.

Mr. DOYLE. You will not answer them in violation of the rules of the committee. Let's have a common understanding.

Dr. DAVIS. Are the rules of the committee in violation of the first amendment?

Mr. DOYLE. Not at all.

Dr. DAVIS. That is good, glad to hear that.

Following my nongraduation from high school under the circumstances I described I came to California and went one semester to the Davis Agricultural School. Not because I expected to become a farmer, though sometime later in my later years I wished I had chosen the occupation instead of this more controversial one, but because you needed credits to make up for high school. I took carpentry, botany, English, got those credits later on, went back to Boston for a year and took some postgraduate work in the same high school still without a high school diploma and eventually came back to California and was admitted as a special student at the College of the Pacific, Methodist College, then in San Jose.

First World War interrupted by formal education and I enlisted in the Armed Forces of the United States I think 1 week after war was declared in 1917.

I spent a year and a half in the United States Navy. While there I had some more education, formal education at the Harvard Naval

Radio Training School at Harvard University in Cambridge, Mass., and was sent to the New London Submarine School, where I was trained and sent out as one of the first radio listeners in the First World War, on a submarine, and on the submarine chaser and various other boats during my term of enlistment. While there I took extension courses from the University of California in navigation and I think also in Shakespeare, hoping to profit somewhat by the enforced absence from college.

I shouldn't have said enforced absence from college because as I said, I volunteered 1 week after the war started.

Upon the expiration of my service with the Armed Forces I was discharged from the Navy with a medical discharge. A number of times I have been told I should have applied for a pension because of having been discharged with a medical discharge.

I, in my opinion at that time, was such a good American I didn't want a pension in case I was physically able to get along without it and as you can see, these many years later I still seem to be in pretty good physical health and I myself feel in very good mental health, perhaps better than ever before. I am freer from fear than ever before in my life.

Therefore, I didn't apply for a pension. Once out of the Navy, and since at that time there were no GI bill benefits, and at that time I don't feel I would have accepted them if there had been, my feelings were not along that line, they have changed considerably in recent years, at that time I renewed my education, went back to the College of the Pacific, spent 2 more years there, transferred to the University of California at Berkeley and completed my—

Mr. TAVENNER. What was the date of your transfer to Berkeley?

Dr. DAVIS. I would say the summer session of 1920, and then I stayed there the following year as a senior even though I had been elected president of the student body of the College of the Pacific I stayed at the University of California at Berkeley because I could get a better education for me at that time there than I could by going back to a smaller college.

I received my AB degree at the University of California at Berkeley in 1921. I continued on there as a teaching fellow in psychology after having been offered scholarships at both Stanford and the University of California, and accepting the one that paid the most, namely, \$52.50 a month, which wasn't bad in those days. I stayed on then as a teaching fellow and received my master's degree in, I think, December 1922.

I continued on as a teaching fellow working toward my Ph. D. degree. My work for the degree of Ph. D. was interrupted due to illness of my wife and my illness and a tonsilectomy which put us hundreds of dollars in the hole and I interrupted my work toward my Ph. D. I was offered a job after applying for it in Honolulu to teach psychology at the then Territorial Training School, now School of Education in the University of Hawaii.

I was offered a job to teach psychology alone for \$1,800. They cabled me back an offer of almost double that amount, if I would also coach basketball, be dean of men, and organize a jazz orchestra in order to raise enough money to support the athletic program.

I cabled the acceptance to the offer and promptly took courses in basketball coaching from Nibs Price, real name Clarence, nickname—

Nibs, and George Jelte, who was giving a summer session course in recreation at the University of California that summer.

So, as I said, in order to make enough money and pay off my doctor's bills and my wife's doctor's bills I took this job in Honolulu. I stayed there 3 years.

Mr. TAVENNER. What year did you leave Hawaii?

Dr. DAVIS. Arrived there in 1924 and left there in 1927.

Mr. TAVENNER. Proceed.

Dr. DAVIS. When I left I was on leave of absence. I left in order to resume my formal education. My wife and I went to New York City where I enrolled for graduate courses at Columbia University in psychology, football coaching, and swimming. While at the same time I passed the New York Public School Board of Examiners examination for a teaching job in psychology and statistics and remedial reading at the New York Trinity School for Teachers.

That was in 1927, as I said. I taught there at the New York Trinity School for Teachers for 1 year, was offered a salary of \$5,000 a year to stay there even without a Ph. D., chose to come back to Berkeley and finish up my work for the Ph. D. at Berkeley instead of staying on in New York under those conditions.

At Berkeley I was offered a position, very minor position, very ill-paid position as a research associate at the Institute of Child Welfare. When I say ill-paid I shouldn't imply that I am complaining about the salary scale at that time because jobs were few, graduate students were many and few were even offered a job; you were honored and your ability recognized.

I was research associate at the University of California at Berkeley in the Institute of Child Welfare from, I think, 1929 to 1931 when I received my Ph. D. in psychology.

That concludes the statement as to my formal education. I feel that is far from a complete statement as to what my education has been like because I was conscious of gaps in it even after I received my Ph. D. If it is relevant and this committee feels it is—

Mr. TAVENNER. All professional men interested in their profession continue to study. My question was merely what your formal educational training was.

Mr. SCHERER. I can now sympathize with the problems of that high school teacher who I look like.

Dr. DAVIS. May I ask what the meaning of that remark is, Mr. Smearer—pardon me—Scherer. That wasn't unconscious, I have been practicing that for days.

Mr. JACKSON. It showed.

Dr. DAVIS. I am sure it showed.

Mr. TAVENNER. Did you have any official connection with Ormsby Village for Youth?

Dr. DAVIS. I was not in this room when the foundation was laid for questioning about Ormsby Village. Would you please let me know what the situation is as of the present moment?

Mr. TAVENNER. I think all that is necessary for you to know is that the committee considers that it is a material question.

Dr. DAVIS. Well, to answer that I would like to do it in this way: When I received my subpoena and called a lawyer and asked him what the committee was here for this time—

Mr. SCHERER. Regular order, Mr. Chairman.

Dr. DAVIS. He told me so far as he knew Ormsby Village camp was one of the subjects they were going to investigate, and I recall my first remark: "How silly can they get? A camp for underprivileged, interracial, intercultural"——

Mr. TAVENNER. The answer is not responsive to the question. I ask that he be directed to answer.

Mr. DOYLE. Go ahead and answer.

Dr. DAVIS. I will respond to any questions you ask, but I insist under the first amendment in answering them in my own way. I feel myself as good an American as anybody here this afternoon, believe me.

When I said I felt freer from fear today I mean that, too. I feel committee members try to intimidate some witnesses. They are not going to intimidate me.

Mr. DOYLE. Are you through criticizing the committee? If you are, let's have a little cooperation and answer the question.

Dr. DAVIS. I wasn't intending that as criticism. It is a statement of fact, as I see it.

Mr. DOYLE. Doctor, I have certain obligations as chairman the same as you do as a witness and I am not going to let you override the rules of the committee. You might as well understand it. I am cooperating with you up to a point, but I will not let you abuse the committee nor the privileges of the witness chair.

Dr. DAVIS. I understand where the power lies in this room, Mr. Chairman.

Mr. DOYLE. It is not a matter of power. It is a matter of decent respect and cooperation both ways.

Dr. DAVIS. I would be glad to see it both ways; I hear the committee make remarks over and above even statements of opinion.

Mr. DOYLE. Please; I will make a ruling in a minute and I ask your cooperation.

Dr. DAVIS. I will be glad to cooperate, Mr. Chairman.

Mr. DOYLE. Then give it.

Dr. DAVIS. What is the ruling?

Mr. DOYLE. What is the question, Mr. Tavenner?

Mr. TAVENNER. The question was whether or not he has had any official connection with Ormsby Village for Youth.

Dr. DAVIS. May I consult with my attorneys, please, since I know nothing about the background of this?

Mr. DOYLE. Go ahead.

(The witness conferred with his counsel.)

Dr. DAVIS. After conferring with my attorneys I feel that it is the only thing I can do as a loyal American in my own right to refuse to answer that question on the grounds of the first supplemented by the fifth amendment.

Mr. DOYLE. Do you want a direction?

Mr. TAVENNER. Yes.

Mr. DOYLE. We cannot accept your answer, and I direct you to answer the question.

(The witness conferred with his counsel.)

Dr. DAVIS. I decline to answer on the grounds of the first amendment to the Constitution supplemented by the fifth.

Mr. TAVENNER. According to the organizational papers of the corporation which the staff investigated, it appeared that you were a

member of the first group of the board of directors. In other words, that you were a member of the board of directors.

Dr. DAVIS. The first group of the board of directors?

Mr. TAVENNER. I am mistaken. I understand it is 1953 that you were a member of the board of directors. Are we correct in that information?

(The witness conferred with his counsel.)

Dr. DAVIS. What was that date, Mr. Tavenner?

Mr. TAVENNER. 1953.

Dr. DAVIS. Would you give me the months on which I am alleged to have served on the board?

Mr. TAVENNER. If I haven't I will give it to you. The information that we have is that on July 27, 1953, you were listed as a member of the board of directors.

Dr. DAVIS. On July 27, 1953. That is approximately 2 years ago.

I am searching my memory, Mr. Chairman. My memory is not clear as to those dates, but nevertheless, in this area since Ormsby Village has been so labeled by this committee, I shall refuse to answer on the grounds of the first and fifth amendments.

Mr. TAVENNER. Will you give a direction to answer?

Mr. DOYLE. Doctor, we cannot accept your answer. I direct you to answer the question.

Dr. DAVIS. For the same reasons, Chairman Doyle, I refuse to answer.

Mr. TAVENNER. The answer that you gave leaves the inference that you are uncertain as to the date when you were a member of the board of directors but that you were in fact a member of the board of directors. I want to be certain what you mean by your answer. Were you a member of the board of directors at any time?

Dr. DAVIS. Is this one of those open-the-door questions, Mr. Tavenner, that I have heard Mr. Scherer refer to?

Mr. TAVENNER. I am not interested in opening the doors. I am interested in trying to get facts that should be within your knowledge.

Dr. DAVIS. I shall have to refuse to answer that on the same grounds.

Mr. TAVENNER. Did you assist in any manner in the selection of the executive director of the camp and the camp director.

Dr. DAVIS. Since apparently Ormsby Village is now here before this committee something other than a camp for underprivileged kids of different races and creeds, I shall refuse to answer that question on the same grounds as before.

Mr. DOYLE. May I help the doctor to understand the situation of the committee in regard to Ormsby Village. We are here under Public Law 601 of the Congress, your Congress and mine, which directs us to investigate the extent and the character and the subversive activities over the country, the extent to which the Communist Party is in control or trying to get into control of any organization or any group of persons. We have information that perhaps at Ormsby Village there was an effort made by some Communists to get on the faculty, get in control of the board, perhaps, get in control of the policy of these American children regardless of race, creed, or color.

Now, certainly, Doctor, there is no more important segment of the American public than children. So I am talking to you frankly as one man to another. If we didn't believe from our information that Ormsby Village is one of those youth camps in the country to which the Communist Party has applied its effort to get into the teaching realm and raising-of-children realm for future Communists we wouldn't be here. That is the background why we are here questioning you about Ormsby Village.

Dr. DAVIS. I understand that is your statement as to the reasons why you are here.

Mr. DOYLE. That is my statement as chairman of this committee, and I wouldn't be here, frankly, on this committee at this hearing if I didn't know that we have certain evidence that makes it pretty clear that there is a very definite Communist influence, past or present, in this area. We are asking your help, as a responsible American citizen, to help us as a congressional committee to find out the extent to which the Communist Party in California has exercised any influence, past or present, in control of these American children.

Dr. DAVIS. The implication being that the purpose of the camp was not for the pleasure and fun of these kids, but something more sinister.

Mr. SCHERER. Yes, that is the implication.

Mr. DOYLE. The implication definitely being that in Ormsby Village, the same as in other camps we know to be Communist agencies, there has been some effort to do that very thing. We are asking your cooperation to help us.

Dr. DAVIS. Then you also mean to indoctrinate them with American doctrines or concepts.

Mr. DOYLE. We are trying to expose wherever there is an effort by the Communist conspiracy to indoctrinate American children with the Communist philosophy.

Dr. DAVIS. Any evidence that was done at Ormsby Village?

Mr. DOYLE. You would be surprised.

Mr. JACKSON. We can't find out what was done at Ormsby Village. Nobody will talk. It is hard to find out whether it was fun and recreation or indoctrination. You are in a position to assist us, Doctor. Why don't you tell us what was done at Ormsby Village, then perhaps we will be in a position to draw some intelligent conclusion.

Dr. DAVIS. May I speak to my attorney for a moment?

Mr. DOYLE. Yes.

(The witness conferred with his counsel.)

Dr. DAVIS. Chairman Doyle and members of the committee, and Mr. Tavenner, I hope you were listening to the prefacing remarks with which I answer that question. My first inclination—and I am saying this not on the advice of my lawyers, they didn't tell me what to say, Mr. Scherer.

Mr. SCHERER. I must have bothered you pretty much by my questions this morning.

Dr. DAVIS. Yes; when you objected to Mr. Wirin and fed questions and answers to a witness who was a friendly witness, then you bother me. I feel this was very unfair on your part and I still feel it is unfair.

My attorneys have not told me what to say in answer to this question.

Mr. SCHERER. Does that bother you?

Dr. DAVIS. Will you please let me finish?

Mr. SCHERER. No.

Dr. DAVIS. Mr. Chairman—

Mr. JACKSON. I don't think this relates to the legislative work of the committee or the investigation—

Dr. DAVIS. It does relate—

Mr. JACKSON. Of the committee.

Dr. DAVIS. This is a hearing, Mr. Jackson.

Mr. JACKSON. The question was directed to you.

Dr. DAVIS. I swore to tell the whole truth, this is a hearing. Am I going to be heard or not, or is it a star chamber proceeding?

Mr. JACKSON. Are you going to tell the whole truth?

Dr. DAVIS. Let me tell the truth in my way.

Mr. JACKSON. If you answer the questions your way, we are going to get no information at all about Ormsby Village.

Dr. DAVIS. I want to take the first amendment. My attorneys didn't know I was going to say this.

Mr. DOYLE. Doctor—

Dr. DAVIS. Can I say I wanted to take the first amendment only before I came to this hearing. Can I say why I wanted to do that and why I didn't?

Mr. JACKSON. Let him say it. I don't care why he takes it as long as he takes it, with any others.

Mr. SCHERER. He wants to give the reason why.

Mr. MARSHALL. We can't understand, there is a colloquy there, whether there is a question or not.

Mr. DOYLE. I don't know if there is a question. I will ask the reporter to read.

(The witness conferred with his counsel.)

Dr. DAVIS. I am advised by my lawyers that—

Mr. SCHERER. I don't care what he is advised by his lawyers. He isn't allowed to tell us what he is advised by his lawyers.

Dr. DAVIS. I was going to answer the question.

Mr. MARSHALL. What is the ruling? Who is for who and why?

Mr. DOYLE. Undertake to answer the question.

Mr. MARSHALL. What is the question?

Mr. DOYLE. Read it, please. Do you have the question in mind?

Dr. DAVIS. The original question I have completely forgotten.

Mr. SCHERER. He is so mad at me he can't—

Dr. DAVIS. I am not made at you personally, but I object to your attitude. It is unfair.

Mr. DOYLE. Please read the question.

(The reporter read from his notes as requested.)

Mr. JACKSON. Why don't we ask a couple of questions and clarify this and get the witness off the stand? It is obvious we are not going to get any information on Ormsby Village from him.

Dr. DAVIS. I had hoped to have a fair hearing.

Mr. JACKSON. You will have a fair hearing to the extent you are willing to answer the questions of the committee.

Dr. DAVIS. Fair hearing?

Mr. JACKSON. Yes.

Mr. TAVENNER. Mr. Jackson asked the question.

Mr. JACKSON. The only question I want to ask is whether or not you, Dr. Davis are, or ever have been a member of the Communist Party, and whether you were at the time that you were connected with Ormsby Village?

Dr. DAVIS. May I give the answer and explain my answer, which is what I was trying to do before?

Mr. JACKSON. Very well, go ahead with a reasonable explanation.

Dr. DAVIS. In accordance with the rules of the committee, is it not?

Mr. JACKSON. So far as I am concerned, after you answer the question a reasonable time should be given to explain the answer.

Dr. DAVIS. Reasonable time.

Mr. SCHERER. If he answers the question. If he takes the fifth amendment that is not answering, that is refusing to answer.

Dr. DAVIS. I don't understand that at all.

Mr. JACKSON. If you answer the question "Yes, I am, but I should like to explain the circumstances," if you answer "No, I am not, however"—then to me that would seem to warrant an opportunity to explain. If you simply say to this committee, "I refuse to answer because it might tend to incriminate me"—

Dr. DAVIS. Because of my constitutional rights, that is not answering your question?

Mr. JACKSON. It is answering the question and you have every right to answer the question in that way.

Dr. DAVIS. Mrs. Roosevelt said 7 years ago, "Stand up and be counted," and next day the reporter was fired. Andries Deinum, I read in the paper, was fired from his job.

Mr. JACKSON. You were saying don't put words in my mouth. I am saying to you don't tell me what I am telling you. You can answer yes or no, or decline to answer. If you decline to answer that would preclude any lengthy statement as to why you decline, except the constitutional grounds which are granted to you for the declination. That is a perfectly clear-cut reasonable situation as far as I am concerned.

Mr. DOYLE. Doctor, do you plead your constitutional privilege?

Dr. DAVIS. In response to the question just asked me by Mr. Jackson?

Mr. DOYLE. Yes, that indicates to us you are aware of your constitutional privilege and under advice of your counsel and your own conclusions—

Dr. DAVIS. Are you allowed to explain your answers? Others have done it.

Mr. DOYLE. We haven't had opportunity in the work of this committee to allow long explanations.

Dr. DAVIS. It won't take very long.

Mr. DOYLE. When men take their constitutional privilege, that is their privilege. We don't criticize them when it is in good faith.

Dr. DAVIS. I want to explain the reasons for taking this position.

Mr. DOYLE. When you take your constitutional privilege, that is your right. We don't criticize you for it, but there is no reason to explain why you take it. You take it because you believe in it, I assume. If you don't believe in it you shouldn't take it.

Dr. DAVIS. I am not a lawyer myself.

Mr. DOYLE. I know, but what I mean is, as I see it as an American Congressman when you plead your constitutional privilege if it is honest and in good faith—I always assume it is honest and in good faith in my book.

Dr. DAVIS. Good.

Mr. DOYLE. But on the other hand, if you plead the constitutional provision there is no reason for an explanation as to why you do it. We know you do it because you believe it is your privilege and that is sufficient. That is sufficient, the fact that you plead it.

Mr. DAVIS. Chairman Doyle, I am a psychologist and things often aren't as simple to psychologists as to a layman. Yes or no answers doesn't tell the whole story.

Mr. JACKSON. Regular order, and may I insist on the answer to the question. We are consuming altogether too much time.

Dr. DAVIS. I am reminded more and more of my high-school principal.

Mr. DOYLE. Doctor, what is your thought on an answer to that question?

Dr. DAVIS. I refused to answer the question, if I remember correctly, on the grounds of the first supplemented by the fifth amendment. May I explain?

Mr. SCHERER. No. When you invoke the fifth amendment that is not answering, that is a declination.

Mr. DOYLE. Mr. Scherer, I was going on to say this to the doctor. We cannot accept that as an answer on that point and I direct you to answer the question.

(The witness conferred with his counsel.)

Dr. DAVIS. I decline to answer on the basis of the first amendment to the Constitution, supplemented by the fifth amendment, and I would like to explain my answer.

Mr. DOYLE. Thank you, Doctor.

Do you have any more questions?

Mr. TAVENNER. I have nothing else.

Mr. MOULDER. During the course of your testimony you made some reference to the activities and functions of this school in that you stated—

Dr. DAVIS. Which school, Mr. Moulder?

Mr. MOULDER. I believe you stated it was an interracial recreational facility for underprivileged children, thereby indicating that you had considerable knowledge or at least some personal knowledge as to its functions, and its operations. Do you care to give the committee any knowledge or information which you have concerning it?

(The witness conferred with his counsel.)

Dr. DAVIS. Because of the setting in which this inquiry is being carried on and the foundation laid, I must refuse to answer any questions in this area for the grounds previously stated, for the reasons previously stated.

Mr. DOYLE. Thank you, Doctor, and thank you counsel. The witness is excused.

The committee will stand in recess for 5 minutes.

(Short recess.)

Mr. DOYLE. Let the committee come to order.

Let the record show the full membership of the subcommittee is here: Congressmen Scherer, of Ohio; Jackson, of California; Moulder, of Missouri; and Doyle, of California.

Mr. TAVENNER. Bertha Bargeman, please.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. BARGEMAN. I do.

**TESTIMONY OF MRS. IRENE B. BOWERMAN, ACCOMPANIED BY
COUNSEL, BEN MARGOLIS**

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

Mrs. BOWERMAN. My name is Irene B. Bowerman.

Mr. TAVENNER. Spell the name, please.

Mrs. BOWERMAN. Last name?

Mr. TAVENNER. Yes.

Mrs. BOWERMAN. It is not the name that is on the subpoena. I have been married. It is B-o-w-e-r-m-a-n.

Mr. TAVENNER. That was your name before marriage?

Mrs. BOWERMAN. Correct.

Mr. TAVENNER. Thank you.

Mrs. BOWERMAN. That was a previous married name.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. MARGOLIS. For the record my name is Ben Margolis.

Mr. TAVENNER. Are you a native of California?

Mrs. BOWERMAN. No; I was born in Oklahoma City, Okla.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mrs. BOWERMAN. Yes.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mrs. BOWERMAN. Since 1936.

Mr. TAVENNER. Have you lived in Los Angeles continuously since 1936?

Mrs. BOWERMAN. Yes.

Mr. TAVENNER. What is your profession or occupation?

Mrs. BOWERMAN. I am a nursery-school teacher.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your formal educational training has been?

Mrs. BOWERMAN. I went through grammar school and high school in a town called Pittsburg, Kans. I attended Milwaukee-Downer College, Milwaukee, University of Wisconsin at Madison, Wis., and I have had a number of extension courses at the University of California at Los Angeles and Los Angeles College.

Mr. TAVENNER. Have you followed any occupation other than that which I mentioned?

Mrs. BOWERMAN. Yes; I have been a newspaper reporter, office worker, and office administrator.

Mr. TAVENNER. Have you worked in any connection in the moving-picture industry?

Mrs. BOWERMAN. Well, now, we got so far. I am very confused by certain things that I have been observing the last few days in this committee or before this committee, in terms of answering and not answering questions. As an American citizen it is certainly my desire to co-

operate with any properly constituted group of the Government engaged in a proper kind of investigation, but as I said, I am confused.

Now it is my understanding—and if I am incorrect please correct me—that there are certain limitations imposed on this committee, one is an investigation into private affairs. Now a question like this—

Mr. SCHERER. Regular order, Mr. Chairman.

Mrs. BOWERMAN. I need some clarification, sir.

Mr. DOYLE. I think you are entitled to rely upon the advice of your counsel.

Mr. MARGOLIS. I need some clarification.

Mrs. BOWERMAN. A question like this is either an inquiry into the private affairs—

Mr. SCHERER. You know the rules of the committee.

Mr. MARGOLIS. I know the rules of law, sir, and we are entitled to this clarification.

Mrs. BOWERMAN. It is something—

Mr. JACKSON. Just a minute. If the witness will suspend. The witness was asked a simple question. Quite obviously this is another statement carefully rehearsed in preparation for this occasion. It is a prepared statement.

Mrs. BOWERMAN. It is not a prepared statement.

Mr. JACKSON. If the witness desires to have the statement typed or otherwise put in form where it can be presented to the committee, all right, let's do it. Meanwhile, there is a question pending which should be answered before any explanation.

Mrs. BOWERMAN. I am not going to answer that question until I have a question answered for me. Am I waiving all my privileges in anything relating to that subject, if I answer?

Mr. DOYLE. You have able counsel by your side. He has been before this committee many times.

Mr. MARGOLIS. In several capacities.

Mr. DOYLE. In several capacities, and we are not here in that capacity. You have counsel and if you didn't have counsel we would see that you did.

Mrs. BOWERMAN. I am sorry, Congressman Doyle, I saw the witness here who had able counsel on Monday and he answered a certain question and you asked him other questions and it was your opinion, which was read into the record, that he had waived his privilege. I am not interested in waiving my privilege. I want to protect my privilege.

Mr. JACKSON. Then by all means take the fifth amendment.

Mr. DOYLE. You follow the advice of your counsel on your constitutional rights, that is your privilege and you should rely on it.

Mrs. BOWERMAN. Apparently you can do what you like. The committee says you can claim the privilege, whatever you claim.

Mr. DOYLE. Claim whatever you and your counsel please.

Mrs. BOWERMAN. You leave me and my counsel no choice and I do claim the first amendment supplemented by the fifth amendment, and I also would like to add, if I might, that I am proud to claim these amendments.

Mr. SCHERER. I ask the chairman to direct the witness to answer the question.

Mr. DOYLE. We can't accept your answer to that question, and I direct you to answer.

Mrs. BOWERMAN. You just told me I could claim the privilege.

Mr. JACKSON. May I ask what the question was?

Mrs. BOWERMAN. That is why I want clarification.

Mr. TAVENNER. The question was as to whether or not she was at any time employed in the moving picture industry.

Mr. SCHERER. I ask for a direction to answer the question.

Mr. DOYLE. I direct the witness to answer the question.

Mrs. BOWERMAN. I refuse on the grounds I previously stated.

Mr. DOYLE. Very well.

(The witness conferred with her counsel.)

Mrs. BOWERMAN. Does that question refer to motion picture studio?

Mr. TAVENNER. It refers to any employment in the moving picture industry.

Mrs. BOWERMAN. Moving picture industry is a very spreadout kind of industry. I mean, a place like Faith Plating Co. makes parts for cameras.

Mr. TAVENNER. Whatever connection you had with it is what I want you to tell us about.

(The witness conferred with her counsel.)

Mr. SCHERER. I thought she took the fifth amendment to the direction.

Mrs. BOWERMAN. Does the question include organizations that are interested in motion pictures?

Mr. TAVENNER. If you answer the question as to whether or not you have been employed in any way in the moving picture industry it would seem to me to be simple.

Mrs. BOWERMAN. It is not a simple question because the obvious purpose of this committee is to trap people. I am not a legal authority.

Mr. DOYLE. Just a minute, Madame. Can you break that question down just a little bit, Mr. Tavenner, to help this witness understand plain English?

Mr. SCHERER. She understands.

Mr. TAVENNER. I can't break it down any more than that.

Mr. MARGOLIS. She wants to know whether it is in the industry or an organization. She has a right to know. This is a trap.

Mr. JACKSON. It is not a trap, Mr. Margolis.

Mr. MARGOLIS. It is the way it is being handled.

Mr. JACKSON. It is not a trap.

Mr. MARGOLIS. Why don't you answer her question and stop treating it as a trap?

Mr. TAVENNER. If there is a question in her mind about a matter that I have no knowledge of which would aid her to answer the question by changing it, I will be glad to do it. I understand you are concerned about my question as to whether or not I am inquiring as to employment in the industry itself or in some organization concerned with the industry. Is that your problem?

Mrs. BOWERMAN. That is my problem.

Mr. TAVENNER. Then let us make it plain. Were you employed in any capacity by the industry itself, that is, in the moving picture industry.

Mrs. BOWERMAN. Yes, I was.

Mr. TAVENNER. What was that employment?

Mrs. BOWERMAN. I was employed in the office of a laboratory that processed motion picture film.

Mr. TAVENNER. During what period of time was that?

Mrs. BOWERMAN. This was from 1937 to 1939.

Mr. TAVENNER. Were you known at that time by the name of Mrs. Bargeman?

Mrs. BOWERMAN. No, I was not. I was not married then. My name was Schlanger, S-c-h-l-a-n-g-e-r.

Mr. TAVENNER. When were you married?

Mrs. BOWERMAN. I was married in 1939, my first marriage.

Mr. TAVENNER. Were you known as Bert Bargeman?

Mrs. BOWERMAN. That is my nickname.

Mr. TAVENNER. What was the date of your second marriage?

Mrs. BOWERMAN. January of this year.

Mr. TAVENNER. Did you have any other employment by the industry other than which you just told us?

(The witness conferred with her counsel.)

Mrs. BOWERMAN. No; to the best of my knowledge I answer that question "no."

Mr. TAVENNER. You indicated there was a distinction between being employed by the industry itself and by an organization connected with the industry.

Mrs. BOWERMAN. That was the distinction I was trying to determine and you made it for me.

Mr. TAVENNER. Were you employed by an organization which was connected with the industry?

Mrs. BOWERMAN. On that question I claim the privilege on the grounds I have previously stated.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. We cannot accept your answer as given and I direct you to answer that question.

Mrs. BOWERMAN. Well, I regret my inability to oblige you, Mr. Doyle, but I cannot answer that question on the basis of the first amendment, which gives me freedom of association and on the fifth amendment, which says that a witness may not be compelled to testify.

Mr. TAVENNER. Were you a member of any talent guild?

Mrs. BOWERMAN. No.

Mr. TAVENNER. Were you a member of any union organized within your place of employment between 1937 and 1939?

(The witness conferred with her counsel.)

Mrs. BOWERMAN. I didn't know that it was within the rights of this committee to inquire into union membership.

Mr. TAVENNER. Will you answer the question?

Mrs. BOWERMAN. I said, Is it within those rights of this committee to inquire into a person's union membership?

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. We can't accept your answer and I direct—

Mr. JACKSON. She hasn't answered.

Mrs. BOWERMAN. I was proud of my affiliation. I was a member of the Screen Office Employees Guild.

Mr. TAVENNER. Did you hold any position in that field?

Mr. DOYLE. I might state while he is preparing to ask the next question the chief purpose in our asking about union identification or membership is that we have heard of some unions in Hollywood that in time were well dominated and well infiltrated by Communists, and the Communist Party is well known as being subversive, so our interest is not for you as a union member, but we hope to have your cooperation in helping us in case there was infiltration in your union.

Mrs. BOWERMAN. I would like to say, Mr. Doyle, when I answer that question which from a personal feeling I felt was something of an infringement of my private rights, that I did not answer that question with any feeling or any idea that you were going to inquire further into the affairs of this union because I want to make it absolutely clear I would not answer any questions if I had any knowledge about the affairs of a union.

Mr. DOYLE. I felt it necessary on my part as chairman to indicate to you that we were asking you about the union because we believe under Public Law 601 our duty is to investigate subversive activities wherever they exist, whether it is in your union or my union or wherever it is.

Mrs. BOWERMAN. May I say just one thing, please?

Mr. DOYLE. Yes.

Mrs. BOWERMAN. I got a subpoena three weeks ago tomorrow. I have had no idea since I got the subpoena what the purpose, what purpose this committee had in calling me here, was because maybe I signed a petition sometime or maybe I was on a picket line sometime. So—just a minute—the witness before me asked you certain questions about Ormsby Village before he came into the room. If I hadn't heard at any time any comments from you or Mr. Tavenner or any other person on this committee that you were interested in expressing the affairs of the now defunct Screen Office Employees Guild I would not have even admitted my membership. I would have stood on the first and fifth amendments to that question.

Mr. JACKSON. Regular order, Mr. Chairman.

Mr. DOYLE. Now, that you understand the situation let's proceed, Mr. Tavenner.

Mr. TAVENNER. Were you a member of the Hollywood Writers Mobilization?

Mrs. BOWERMAN. I cannot answer.

Mr. TAVENNER. Or were you employed by it?

Mrs. BOWERMAN. I refuse to answer that question on the grounds of the first amendment and the fifth amendment and—

Mr. TAVENNER. Were you a member of the Central Committee of the Independent Progressive Party of California, in 1952?

(The witness conferred with her counsel.)

Mr. TAVENNER. Before you answer that question I would like to hand you a photostatic copy of a paper.

Mr. MARGOLIS. We are not interested in seeing it, Mr. Tavenner.

Mr. TAVENNER. Will you hand the document to the witness?

(Document handed to witness.)

Mrs. BOWERMAN. Are you also interested in how I voted in that year?

Mr. TAVENNER. You just answer my questions and you will find out what I am interested in. I would like to withdraw my question and ask you to look at the paper which has been presented to you and state whether or not you see a facsimile of your signature?

Mrs. BOWERMAN. I am not going to answer a question of this kind. I consider it a gross infringement of my personal rights to belong to a legal political party and of anybody's choice on the ballot of the State of California and not to be questioned about what party I might have belonged to. This is one of the things I remember from my earliest childhood.

Mr. JACKSON. Do you decline to answer the question?

Mrs. BOWERMAN. I do decline to answer.

Mr. JACKSON. On what grounds?

Mrs. BOWERMAN. On the grounds of the first and fifth amendments.

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

Mr. DOYLE. So received and so marked.

Again may I briefly state that the purport of our questions along that line go to the objective of trying to find out the extent to which the Communist Party either organized or controlled the IPP, if it did.

Mr. SCHERER. There is abundant evidence in the record already that it did control it and dominate it.

Mrs. BOWERMAN. If there is abundant record, why do you require me that I state my political affiliation before a roomful of people?

Mr. DOYLE. There is a registration at the county court house, matter of public record.

Mrs. BOWERMAN. You can check that.

Mr. JACKSON. As I understand it, you didn't disclose your political registration before a roomful of people. You stood on your constitutional rights.

Mrs. BOWERMAN. I did and I am proud to.

Mr. JACKSON. There is no disclosure of any secret in your life, including your registration.

Mrs. BOWERMAN. Only because I must decline to answer questions that I am not disclosing.

Mr. JACKSON. You are extremely fortunate that we have the fifth amendment and the first amendment.

Mrs. BOWERMAN. Everybody in the United States is fortunate to have the fifth amendment. This is part of our tradition and the idea that a stigma attaches to a person because they stand on the fifth amendment is becoming pretty upsetting to people in this country.

Mr. JACKSON. You said the stigma attaches. No member of the committee—

Mrs. BOWERMAN. When the previous witness tried to explain why he stood on the fifth amendment you wouldn't let him explain why.

Mr. JACKSON. It was not necessary for him to explain.

Mrs. BOWERMAN. When he or somebody else may lose a job tomorrow it is not necessary to explain?

Mr. DOYLE. You have had ample time to explain. Proceed.

Mr. TAVENNER. Were you appointed by the Los Angeles County Central Committee as a delegate to the State convention of the Independent Progressive Party in Sacramento in the year 1952?

Mrs. BOWERMAN. The same question, and I give the same answer.

Mr. TAVENNER. Were you a member of the central committee in the year 1952? That is, the central committee of the Independent Progressive Party?

Mrs. BOWERMAN. I am not going to disclose my political affiliations, past, present, or future to this committee and I refuse to answer.

Mr. DOYLE. What grounds?

Mrs. BOWERMAN. On the grounds of the first and fifth amendments.

Mr. TAVENNER. Will you tell the committee, please, what knowledge you have, if any, of Communist Party domination or control of the Independent Progressive Party in 1952 in the State of California?

Mrs. BOWERMAN. I refuse to answer that question. I think this is an infringement of my personal rights and I am finding myself feeling very resentful, which I regret.

Mr. JACKSON. On what ground do you decline to answer?

Mrs. BOWERMAN. On the grounds previously stated.

Mr. DOYLE. Very well.

Mr. TAVENNER. Were you a member of the Communist Party at any time between 1941 and 1945?

Mrs. BOWERMAN. I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you a member of the Communist Party in July 1952?

Mrs. BOWERMAN. That is the same question.

Mr. SCHERER. No, it is not.

Mrs. BOWERMAN. I refuse to answer.

Mr. DOYLE. On the same grounds?

Mrs. BOWERMAN. Yes.

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

Mrs. BOWERMAN. I refuse to answer that question, too.

Mr. DOYLE. On what grounds?

Mrs. BOWERMAN. On the grounds of the first and the fifth amendments.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Moulder?

Mr. MOULDER. I have no questions other than to ask you if you were not a member of the Communist Party, would you refuse to answer?

Mrs. BOWERMAN. That is also the same question.

Mr. SCHERER. I ask that she be directed to answer Mr. Moulder's question.

Mr. DOYLE. You haven't stated the ground, on which you refused, yet.

Mrs. BOWERMAN. The same grounds that I previously stated. I wish to call to the attention of this committee that I read some lines recently that said that no ritualistic formula is necessary to invoke the privilege before this committee. That was in the Supreme Court—

Mr. DOYLE. You didn't refer in your last answer to the Constitution.

Mrs. BOWERMAN. I am happy to refer to it but it gets kind of ridiculous.

Mr. DOYLE. I assure you it is not ridiculous.

Mr. SCHERER. Where are you teaching now?

Mrs. BOWERMAN. I think I shall refuse to answer that question, too, because I think that is a matter——

Mr. DOYLE. I ask that you direct the witness to answer.

Mrs. BOWERMAN. It is a matter of record, it is on the subpoena. I was served at my place of employment and a question like this is simply——
(The witness conferred with her counsel.)

Mrs. BOWERMAN. You have the information on the subpoena and the question is just a matter of further possible harassment.

Mr. SCHERER. I ask that you direct the witness to answer.

Mr. DOYLE. I so direct you, Witness.

(The witness conferred with her counsel.)

Mrs. BOWERMAN. May I inquire what the purpose of this question is in order to be able to give a proper answer?

Mr. SCHERER. No, you may not.

Mrs. BOWERMAN. How can people cooperate with you when you don't even want to indicate what reasons you are asking the question?

Mr. DOYLE. You are being asked the question because we believe the question pertinent.

Mrs. BOWERMAN. Pertinent to what, to getting fired from my job?

Mr. JACKSON. Pertinent for proper identification.

Mrs. BOWERMAN. You have the identification.

Mr. JACKSON. I don't know where you are employed, I didn't know your name until you took the stand.

Mrs. BOWERMAN. It is in the record and it is on the subpoena and I was served at my place of employment. You do have the information.

Mr. SCHERER. Have we directed the witness to answer?

Mr. DOYLE. I direct the witness to answer.

Mr. SCHERER. If she doesn't answer in my opinion she is in contempt. She hasn't invoked any constitutional privilege and if she would invoke a constitutional privilege I believe it would be an improper invocation.

Mrs. BOWERMAN. It is a matter of record and so I will answer it. I do not think and I am not invoking any privileges, I am going to answer the question but I certainly think that it is public harassment, because you already know and it is on the record, to force people to come up here and tell you where they are employed. That is the only possible purpose it could serve.

Mr. JACKSON. Now where are you employed?

Mrs. BOWERMAN. I am employed by the Gardenville Park Cooperative Nursery School.

Mr. DOYLE. You are excused. Thank you.

Mr. TAVENNER. Mr. Chairman, as a result of investigation conducted by the staff of the committee during the course of this hearing, I understand you received a telegram from a person who desires to appear before the committee in regard to the subject which we have been inquiring about, and I understand he is here now and I also am informed that the committee unanimously agreed that he could appear here and testify.

Mr. DOYLE. I think I gave you the telegram, didn't I, Mr. Wheeler?

Mr. TAVENNER. I think Mr. Wheeler has it. I understand he is here now and if it is the committee's pleasure, I will call him.

Mr. DOYLE. You hand me a telegram from Carl Sugar.

Mr. TAVENNER. That is right.

Mr. DOYLE. Mr. Sugar, will you come forward, if you are here. Will you please raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. SUGAR. I do.

Mr. DOYLE. Please be seated. We have your telegram, which was sent voluntarily, and without your having been subpoenaed by this committee, in which you stated you believe your findings would be of value to this committee and held yourself available—that you believed you had valuable information for us. We sent you a telegram saying come on and we would take time to hear you.

TESTIMONY OF CARL SUGAR

Mr. SUGAR. Thank you very much, Mr. Doyle.

My name is Carl Sugar. I live in Stockton, Calif. I am a consulting industrial engineer. Back about 1936-37 I became quite agitated over the problem of fascism and nazism. I was in Los Angeles at the time, living here. I attended many meetings of the German-American Bund out at Hindenberg Park up above here in La Crescenta and I saw these people with fire in their eyes heiling Hitler, marching, drilling, and getting to the point where I was deeply agitated.

I had read about the Nazis lining up their battleships in a little town off the coast of Spain and blasting the town out and I was worried. I attended meetings of the American League Against War and Fascism in the hope I would find some agency or something that would help me propagate against this type of subversive activity of the time.

I attended their meetings and they weren't the answer. I then attended an open meeting of the Communist Party I think it was late in 1937—I don't recall the exact time—at which time they put on a terrific demonstration against fascism, against the exact thing that I was opposed to. I felt that here was an organization that I could do some work in. At that time the Communist Party was on the ballot, it was legal, there was no animosity toward it to my knowledge, so I joined the party.

After a while in the party I realized this wasn't the answer that in exchange for battling nazism they presented other problems that I could not take as an American citizen, so I left the party.

Mr. DOYLE. How long were you in it?

Mr. SUGAR. I judge about a year, but I wasn't too regular in attendance. I then went to Sacramento. I was appointed to the State board of forestry. While on the board I agitated wherever I could get a meeting to tell them about this problem, to tell them about the potential sabotage. If our forests were burned by saboteurs we would be blocked off and be in bad shape. I continued this actually until the war. Upon the attack at Pearl Harbor I took some photographs I had obtained of these Nazi affairs. Incidentally, prominent Los Angeles citizens in those pictures, I took it to the Federal Bureau of Investigation.

Mr. DOYLE. What year was this?

Mr. SUGAR. That would be in December 1941, after Pearl Harbor. Within a week or ten days after Pearl Harbor.

I held myself in readiness at any time that they wanted any information from me and since that date I have been fighting all of those isms whether it is fascism, communism, or any others.

During this period of time I have spent considerable of my own money and time in putting across these particular messages and as a result I have prepared a number of ideas that I would like to present to the committee for consideration. I think they will be helpful.

Mr. DOYLE. Any question, Mr. Tavenner?

Mr. TAVENNER. Yes, sir. I would like to question the witness before he does that.

Mr. SUGAR, the staff of the committee as long ago as April of this year in the course of its investigations obtained evidence indicating your former Communist Party membership and I think you were interviewed by a member of the staff on one occasion.

Mr. SUGAR. Yes, I was.

Mr. TAVENNER. Now the investigation indicates that the group or cell of the Communist Party of which you were a member was known as the Pasadena professional cell. Is that correct, or not?

Mr. SUGAR. Yes, I was assigned apparently in 1938 to that cell or that group.

Mr. TAVENNER. The Pasadena professional cell?

Mr. SUGAR. That is correct.

Mr. TAVENNER. Our investigation further disclosed, Mr. Chairman, that that cell was made up of a number of students at Cal-Tech, probably some professors, and a few on the outside. Is that in accordance with your recollection of it?

Mr. SUGAR. Well, yes; as far as I can recall that is correct.

Mr. TAVENNER. We have made a careful investigation of the membership of the student body for the purpose of determining what happened to them after leaving school, and we are not prepared at this time to make public the names of any of those young students, but it is our information that Dr. Frank Oppenheimer was also a member of this professional group. Do you recall him in the group?

Mr. SUGAR. I attended I think altogether three meetings of that group over quite a lengthy period of time. I asked too many questions and they were the ones who kicked me out of the Communist Party, incidentally. I don't recall him or any of the people.

Incidentally, I might add I have gone over this material a number of years ago with another governmental agency so I don't recall him at this time. I don't recall, to be very honest, who was there or who wasn't.

Mr. TAVENNER. Do you recall whether there was any other physicist or teacher in Cal-Tech who was a member of this professional cell?

Mr. SUGAR. Again I am in a bad position because I didn't know who was who in that organization. I attended three or four meetings, I was never introduced to anybody. I wouldn't know them now. It has been after all about 12 years ago. I have never heard any of their names.

Mr. SCHERER. Sometimes in the party, particularly in the professional cells, they used fictitious names.

Mr. SUGAR. Yes, I am so informed. I understand I was given a fictitious name.

Mr. TAVENNER. What was that name that you were given?

Mr. SUGAR. C. C. Carl.

Mr. TAVENNER. How were you employed at the time you were a member of this cell of the Communist Party?

Mr. SUGAR. I was employed by a large statewide banking organization handling fieldwork for them.

Mr. DOYLE. How old a man were you at that time?

Mr. SUGAR. I would be about 26 years old.

Mr. TAVENNER. I might advise you the substance of testimony that the committee took in executive session in April regarding your membership. It was considered quite strange in the Communist Party, from information that we have received, that a member of the banking profession should become a member of the Communist Party.

Mr. SUGAR. Well, you are correct. I was seeking and I didn't find it so I got out. I was seeking an answer to the potential sabotage that the Nazis could bring upon our country.

Mr. TAVENNER. Actually, the witness who testified before us was assigned the duty of investigating you, although he was in the Communist Party, to make sure that you were not in as an informer.

Mr. SUGAR. I don't know what he told you, but they finally did boot me out because I asked too many questions and I wasn't satisfied with what I found there.

Mr. TAVENNER. Can you tell the committee, please, what other professions were represented in that group, if you know?

Mr. SUGAR. I don't know. I don't know who were schoolteachers, students, or oil station attendants. I never inquired and never found out.

Mr. SCHERER. Mr. Chairman, I might make this observation, that the testimony of this witness is not unusual.

During the 2½ years I have been a member of the committee, other individuals have testified before this committee and have stated that they entered the Communist Party for the same reason that you did in the late thirties and early forties, and of course this committee doesn't blame anyone for entering the party under those conditions. A number have testified, as I recall, that they got out of the party for the same reasons that you did, they found out it wasn't the answer.

I believe it was Dr. Gorham Davis, from Harvard, who had an experience similar to yours. He said he found out after he was in the party that there wasn't much difference between nazism and the Communist philosophy.

Mr. JACKSON. Do you recall who recruited you into the party? With whom did you make your first contact?

Mr. SUGAR. The man by the name of Prokel, as I recall.

Mr. JACKSON. Do you know how that was spelled?

Mr. SUGAR. No; I don't. Sounds like a funny name, but as I recall, that was the man's name.

Mr. JACKSON. Would you approximate the spelling of it?

Mr. SUGAR. P-r-o-k-e-l, I would assume. I don't know.

Mr. JACKSON. You do not recall any of the other individuals or the occupations of any other individuals with whom you were associated during the period of your membership in the party?

Mr. SUGAR. No, Mr. Jackson, it has been a long time, a lot of water has gone under the bridge, I have talked to millions of people in the meantime. You will recall possibly I have somewhat of a public career in my life and as a result many organizations and I don't recall.

Mr. JACKSON. I press this only for your benefit in the event some day a witness takes the stand and says my good friend C. C. Carl went to a Communist convention, it would put an entirely different light on the matter, so I say under the compulsion of your oath you should search your memory to the best of your ability.

Mr. TAVENNER. Mr. Sugar, you said your party name was C. C. Carl?

Mr. SUGAR. That is correct.

Mr. TAVENNER. The committee in the course of its investigations has been able to uncover from sources other than you a Communist Party book in the name of C. C. Carl. That is, the original book bearing number 80715, issued on May 10, 1937, signed by William Schneiderman. Will you examine it, please, and state anything you know and can recall about the book?

Mr. SUGAR. Yes, sir; be glad to.

If you have a question, Mr. Tavenner, on the book—

Mr. TAVENNER. Can you recall having been issued that book?

Mr. SUGAR. No, I can't, but I understand that that is the book that they issued and if I was a member of the party it is obvious that I did have it in my possession at least some time, or at least it was issued for me. The question being of course if I had it it wouldn't be here today.

Mr. TAVENNER. I hand you what is known as a control card which we understand from the operations of the Communist Party must have been issued about July 1937.

Will you examine it and see whether or not the C. C. Carl appearing there is your handwriting?

Mr. SUGAR. It appears to be my handwriting; yes. The balance of it also appears to be my handwriting.

Mr. TAVENNER. I hand you another Communist Party book issued in December 1937.

I will ask you if you can recall any facts regarding its issuance.

Mr. SUGAR. Frankly, I don't recall it. The fact is until I saw them in the hands of Mr. Wheeler some time ago I didn't remember even what they looked like or what they were.

Mr. TAVENNER. The committee has uncovered a list of Communist Party members prepared in State headquarters in San Francisco in the year 1939, showing the names of those who had failed to reregister in the Communist Party in this area in the year 1938. Your name was on that list according to our investigation, indicating that they had to check up on you and follow up and get your registration for the year 1938. We have located an alleged copy of the re-registration in 1939, a copy of which I will hand you. I do not know whether you signed it or not.

Mr. SUGAR. It is not mine. In 1939 I had been out of the Communist Party at least 6 months.

Mr. TAVENNER. I do have a registration card for you for 1938, reregistration. Will you examine it, please, and state whether or not you recognize your handwriting on that document.

Mr. SUGAR. Yes, that I have seen before. That is my handwriting.

Mr. TAVENNER. I should have advised you in the document that I handed you preceding this that it is not a copy which somebody else prepared from your original.

Mr. SUGAR. It couldn't possibly have been, Mr. Tavenner, because by the middle of 1938 I was out fighting them and I continued all through 1939 and ever since.

Mr. TAVENNER. That is what I have understood from your testimony, that since that time you have opposed the Communist Party in every way that you know how.

Mr. SUGAR. Right.

Mr. DOYLE. Anything else, Mr. Tavenner?

Mr. TAVENNER. I believe that is all, Mr. Chairman.

Mr. DOYLE. Mr. Moulder?

Mr. MOULDER. No questions.

Mr. TAVENNER. You said you had been active in fighting communism since 1938. I want to ask you in what way you have done that.

Mr. SUGAR. In 1938-39 on through until the war began I was fighting all types of sabotage, all types of isms that might be detrimental to our country and I did it through conservation practices. In 1939 I became chairman of the State board of forestry here in California. I might tell you that I worked my way through college with the United States Forestry Service and I have been in experimental work and things of that nature and I realized that all these isms had to be destroyed and I brought with me some evidence of the work I did at the time and if I might be permitted, I would like to read at least a part of an editorial from the Los Angeles Times just prior to Pearl Harbor which I think will establish what I was doing. I would like very much to do these things.

Mr. SCHERER. I think they ought to be put in the record.

Mr. JACKSON. Because of the time element involved, I certainly have no objection to their being extended in the record and would so move.

Mr. SUGAR. Representative Jackson, I am up here being branded a Communist. Can't I defend myself back at the very beginning when I left the party in 1938-39?

Mr. JACKSON. That is the purpose.

Mr. SUGAR. These people and the newspapers won't read that transcript where they will after many years I have gone.

Mr. JACKSON. I won't press the point. We have a considerable volume of work.

Mr. DOYLE. Can you just read briefly and identify the one editorial and read a brief portion and then we will make provision, I am sure the committee will approve inserting the balance of it, if you will furnish us those we will insert the pertinent portions and return to you the originals.

Mr. SUGAR. I am going to put this in the record, if I may at this time, but I feel very badly about this. I was under the impression I would be able to make a statement here about what I believe and how I am operating and what I think the committee can do, and I feel quite strongly about it, Mr. Doyle.

Mr. DOYLE. Mr. Sugar, we have your telegram and I will read it and we will put it in the record showing this:

Hon. CLYDE DOYLE, *Chairman, House Un-American Activities Committee, Biltmore Hotel, Los Angeles.*

I request permission to appear before your committee in Los Angeles to present my views regarding your committee work. I have spent over 20 years studying group motivations and believe my findings will be of value to your committee for discussion and possible legislation. I will be available for any other matters your committee may wish to discuss with me.

CARL SUGAR.

Mr. SUGAR. That is correct.

Mr. SCHERER. I think, Mr. Doyle, we should take the time and let him read some of the excerpts.

Mr. SUGAR. Thank you very much, Mr. Scherer. This is on the editorial page of the August 21, 1941, issue of the Los Angeles Times and this is actually what is here, I am not going to give it substance, I will read it:

Carl Sugar has been worrying 20 years about our forest situation and can't get anyone to listen to him. Sugar says that in midsummer a few planes carrying incendiary bombs could sweep over California from Mexico to Washington and start fires which would put all our main highways and railroads out of commission and there wouldn't be enough efficient fire fighters in the State to put them out and we have potential saboteurs in the State. The CCC boys are trained to fight forest fires, but now there are fewer than there were. The orange packing plant operators have been more farsighted than most groups of businessmen and have promised in case of fire their crews will aid in fire fighting but Sugar says those crews are not trained to the job. He thinks the National Guard might have fire-fighting units and major disaster organizations should make plans for every town in California.

He seems to have something. Maybe we should all join Pasadena in urging Uncle Sam not to reduce CCC activities there but with so many boys in the Army it may be hard to find enough to fill the CCC camps.

If I may, I won't go into any more back history. I am sure that if there are any questions about what I was doing on those days—

Mr. DOYLE. You mentioned here in your telegram that you thought you had some matters of value to the committee and matters of possible legislation.

Mr. SUGAR. Yes, I have, sir.

Mr. DOYLE. Will you take the time of the committee briefly to give us that, with the understanding that you will furnish us promptly elaboration of your suggestions in the field of legislation, because under our law 601 that is one of the very—in fact, it is the only thing—that justifies the committee's existence in the major premise, and then if you can, Mr. Sugar, file some of the papers involving your back history with us, but give us briefly the benefit of your suggestions on legislation and then elaborate on it in a written statement.

Mr. SUGAR. I will be happy to. I have several points here that I think will be of interest. I started out by stating that there are many groups actually fomenting racial disturbances and all types of difficulties today here in the United States recruiting great numbers of people because of certain identification, fear, profit motives involved. I say that we can counteract these groups by publicity, by your committee picking on these groups, showing what motivates them, why do people join them and show them the antidote and of Americanism and what we believe in here.

The second one is on schools. I believe that in 1930 in Germany there were many brilliant, well-trained men led astray because a man knew how to mold them. They weren't trained in our daily work, weren't trained in motivations in life. The Soviet Union has done the same thing. I feel our schools are falling down because all they are doing is training the mind, not training the people. I feel that we should teach these people in schools starting with seniors in the high school, about all of these anti-American dogmas, ideologies and how they operate and how we can effectively combat them so they are on the watch and not to be taken in by any of these groups.

Then I suggest a new evaluation of the word "Communist." This committee is interested and I feel that I would like to read what I have written here just to take a moment.

Mr. DOYLE. Yes.

Mr. SUGAR. New evaluation of the word "Communist." Twenty-five years ago many people joined many different organizations, being motivated by many and various personal reasons. Many of these people were mere sojourners during a period of personal need. The stigma of "Commies" has been attached to many of these people innocent of wrongdoing unaware that their motives at that time were easily explained, yet they live under a badge of dishonor.

I suggest legislation or administrative action in classifying Communists and others subversives based upon a sound reasoning. I might say in this morning's Times there was a statement to the same effect by the subcommittee of the Internal Security Committee of the Senate.

Mr. SCHERER. Could I interrupt?

Mr. SUGAR. Yes, sir.

Mr. SCHERER. I think your case here clearly demonstrates that this committee has already followed what you have suggested. As you know, the committee made an investigation, an investigation that up until this moment has never been made public, it is only made public because you requested that you be here.

Mr. SUGAR. Right.

Mr. SCHERER. The committee had ample proof that you were a member of the Communist Party, but never called you because it felt that your membership was only transitory. It got some idea of why you joined the party and, as I said to you before, there are many people in the late thirties that joined the party for the reasons that you say you joined and then got out of it. So the committee isn't interested in smearing anybody as we are charged, because you are only one of many individuals that have been investigated and then nothing has been done, nobody ever knows, you have never been identified publicly by this committee.

So we do follow what you suggest here that mere membership in the party doesn't mean that we call a witness before this committee. We call a witness before this committee because we feel he has continued his membership in the Communist Party or because he has valuable information which will help this committee in doing its job, and in recommending remedial legislation.

Mr. DOYLE. Thank you, Mr. Sugar.

Mr. SUGAR. Let me finish one more thought. In this particular last one I was interested in many things that motivate people to join organizations: Lack of job. Anybody loses his job, the first man comes down the line and says "Our group will get you a job," he joins it. I feel many problems are because we haven't gone to the source or the seed that creates these situations and I have several suggestions here.

One, we have juvenile delinquency and young people roaming the streets. I suggest revival of the Civilian Conservation Corps between high school and the going into the military service. It will do a lot of good for American conservation and we will have good Americans as a result.

There are a number of other things in letting the people know, let Americans know what is behind the Iron Curtain, let them know what

is happening in America. We tell them these things happen behind the Iron Curtain but we haven't educated our people in what is happening right in America and I feel that is a big field we have to get into.

I might say that in closing, I know you want to go, but in 1939 I appeared before the Bankhead Committee on Forestry in San Francisco dealing with the Clarke-McNary fund. Prior to that time they had allocated no money for public information. The only money that went out would be for treatises by foresters for foresters and I went before that committee and Dan Reed I think is the last living member of that committee, and asked them to provide money for specialists to provide the people with knowledge of what is happening to their forests, what is happening to conservation, how they can help, and as a result today we have it.

Mr. DOYLE. Any other question of Mr. Sugar?

You are in the same position other witnesses have been before the committee. We simply don't have time to hear as much dissertation as we would like to. But will you please file your data with us.

Mr. SUGAR. I will be happy to.

Mr. DOYLE. We appreciate your coming to us at your own expense and taking your time and your money to do so.

Mr. SUGAR. Thank you.

Mr. DOYLE. I wish to thank you for your information.

Mr. TAVENNER. Mr. Matthew Vidaver, will you come forward, please sir.

Mr. VIDAVER. My counsel is not here, Mr. Chairman. He was here a minute ago, but he left.

Mr. TAVENNER. Is that Mr. Margolis?

Mr. VIDAVER. That is right.

Mr. TAVENNER. I am very much afraid Mr. Margolis may have misunderstood me.

Mr. VIDAVER. He said you said I would not be on today.

Mr. TAVENNER. I said there is a chance we wouldn't reach you and that is where he misunderstood me.

Mr. VIDAVER. Sorry.

Mr. TAVENNER. I think in light of that we could scarcely get Mr. Margolis back here in time.

Mr. DOYLE. As long as you said there was a chance he wouldn't be called, he took the chance. That was about a quarter to five. It is 10 minutes to 5. Is there anything else you must do this afternoon in the next 10 minutes?

Mr. TAVENNER. No.

Mr. JACKSON. I move we adjourn.

Mr. DOYLE. We will adjourn until 9 o'clock in the morning.

(Whereupon, at 4:50 p. m. the committee was recessed, to reconvene at 9 a. m. the following day, Thursday, June 30, 1955.)

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