INVESTIGATION OF COMMUNISM IN THE METROPOLITAN MUSIC SCHOOL, INC., AND RELATED FIELDS—PART 1

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH CONGRESS

FIRST SESSION

APRIL 9 AND 10, 1957

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

INDEX IN PART 2

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COMMITTEE ON UN-AMERICAN ACTIVITIES

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Public Law 601, 79th Congress

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

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

PART 2—RULES OF THE HOUSE 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.

* * * * * * *

Rule XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

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

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * * * *

RULE X

STANDING COMMITTEES

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

* * * * * * *

(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.

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.

* * * * * * *

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

SYNOPSIS

(Investigation of Communism in the Metropolitan Music School, Inc., and Related Fields—April 9–12, 1957, Parts 1 and 2)

Hearings conducted by the Committee on Un-American Activities in New York City from April 9 through 12, 1957, established that Metropolitan Music School, Inc., is controlled by identified Communists.

Miss Lilly Popper, the director and founder; Wallingford Riegger, president emeritus; John Kenneth Ackley, the registrar; Sidney Finkelstein, Thelma Pyle, and Harry M. Smyles, all members of the board of directors; and Mildred Hagler, a former secretary, were all identified as members of the Communist Party or invoked the fifth amendment when interrogated on the question of party membership.

Wallingford Riegger was identified by John Lautner, not only as a Communist Party member but as branch organizer, treasurer, and general functionary of the Communist Party. Lucy Brown, Max Hollander, Sam Morgenstern, Max Pollikoff, Vivian Rivkin, and Earl Robinson, all sponsors of the school, invoked the fifth amendment when questioned about Communist Party membership. Carroll Hollister, another sponsor, had been identified as a party member in a prior hearing.

Twenty-four identified Communists have been on the faculty of the school. (Lilly Popper admitted that she makes recommendations to the board of directors in selecting faculty members.) Some of the instructors have also taught at the Jefferson School of Social Science, a Communist school. One of them is Sidney Finkelstein, cultural spokesman for the Communist Party, who described one of his courses at the Jefferson School in the school catalog as "the role of culture in the class struggle today."

Such Communists as Paul Robeson, Robert Claiborne, and Oakley C. Johnson were on the Citizens Committee when the 20th anniversary of the school was commemorated in 1954; Robert Claiborne was publicity director and Oakley C. Johnson was editor of the 20th Anniversary Golden Almanac.

The music school has an annual registration of between 375 and 400 children and adults.

That the school does not impart musical instruction objectively is evidenced from an article which appeared in the Daily Worker of September 21, 1938, introduced into the record as an exhibit, in which Dr. Joachim Schumacher, faculty member, announces the introduction of a new course as a study of "the bourgeois music culture in the period of monopoly capitalism." When Lilly Popper, director of the school, was asked if the foregoing accurately described the theme of teaching at the Metropolitan Music School, she invoked the fifth amendment. An article in People's Songs, February–March 1947 issue, entitled, "People's Songs—First Year," states, "Among the first

year's most successful projects were the classes in the use of music for political action," referring to classes which had been conducted in schools in Washington, Chicago, Boston, New Haven, New York, and Detroit. In his testimony before the committee Earl Robinson, faculty member, stated that music had been used "a lot" for political action.

Further indication of the Communist nature of the Metropolitan Music School is the fact it frequently advertises in the Communist Daily Worker.

An insight into the school's operation was provided by Leonard Cherlin, a musician and teacher. He told the committee he was a Communist Party member from 1940 to 1943 and again from 1946 to 1948, when he dropped out. Cherlin was on the faculty of the Metropolitan Music School from 1946 to 1953. He attended closed party meetings, he said, some of them at the homes of Lilly Popper, the director, and Thelma Pyle, a member of the board.

Cherlin's membership in the party began in 1940 when he joined Local 802, American Federation of Musicians and became part of the Communist Party unit within the union. The Communist activities, he said, comprised "philosophical discussions or educationals, fund raising campaigns, and discussions on how to facilitate the growth of Communist influence within Local 802." One of the objectives was to oust the anti-Communist administration by a coalition between Communists and non-Communists.

Cherlin terminated his first period of membership in the party in June 1944 to enter the Armed Forces. This was a Communist Party procedure, he said. On his discharge in 1946, Cherlin continued, he immediately rejoined the Communist Party cell in Local 802.

Cherlin said he utilized his GI benefits to complete 4 years of musical education at the Juilliard School of Music. Thereafter, he received a New York State war service scholarship of $1,400 which helped him to attend Teachers College of Columbia University where he received his B. S. and M. S. degrees in musical education. While in attendance at Juilliard, he was transferred from the Communist branch in Local 802 to another within the cultural section of the Communist Party.

Another witness, Max Marlin, testified that he joined the Communist Party at the request of one of the officials of Local 802 in order to obtain work. He further testified that he was pressured by the Communist Party in 1939 and 1940, after he had become a leader of orchestras playing in legitimate theaters on Broadway, to hire Communists. When he declined to do this, he was tried by the Communist fraction in Local 802. It was a rule that Communists were to be taken care of first, he added, regardless of musical ability. This was one of the factors that caused Marlin to leave the Communist Party. Marlin, a member of the party from 1936 until 1940, identified a number of people as Communists. Five of them had held office in Local 802.

The testimony in general established the following:

(1) Considerable service has been, and continues to be, given to the Communist cause by Communist artists and musicians. Even a hostile witness, Earl Robinson, composer, conductor, and performing artist, admitted that the use of an artist's name and his prestige can promote a "cause" and that certain music is "revolutionary."

(2) Besides serving on the Metropolitan Music School faculty, some of the members of the faculty operate private studios where they teach.

(3) Some of the hostile witnesses, identified as Communists, enjoy great influence and prestige as composers, conductors, contractors, and members of world-renowned symphonic and concert groups. Many work in the most lucrative fields of music: television, radio, theater pits, and record companies. One witness was chairman of the board of the Symphony of the Air; another was a member of its personnel committee; still another engages musicians for orchestras to accompany productions and artists presented by an internationally famous impresario.

(4) The importance of many of the hostile witnesses is further evidenced by the fact that they have performed, and their works have been performed, in some of the most important musical centers and theaters throughout the world, sometimes under the sponsorship of cultural agencies of the United States Government.

One witness entertained at the White House; another worked for the Adjutant General of the United States as a translator for the United Nations, first in the Russian Translation Section and later for its International Telecommunications Union. He refused to say whether or not he had been a Communist or whether he had been in communication with any Soviet agent during such employment. He presently holds the position of music librarian for an important music publishing house.

(5) The danger the Communist musician and teacher presents is summed up in a letter addressed to Lilly Popper, director of the Metropolitan Music School, in answer to her appeal that the school be supported in the investigation and hearing. The writer of the letter is Dr. Abram Chasins, music director of radio station WQXR owned by the New York Times and director of the annual musical educational activities of the New York Times.

Miss Popper had stated in her appeal, "The very idea that there is an 'un-American' way of teaching music is ridiculous." Dr. Chasins answered:

"I think this is eminently correct, but there is more to the question. There are those who think that teaching involves only techniques. However, a teacher worthy of the name exerts a powerful intellectual and spiritual influence on the pupils. In my opinion, any teacher who abuses this great pedagogical privilege to impose irrelevant political ideas upon an esthetic relationship, is unfit to teach, no matter what his nationality or ideology."

INVESTIGATION OF COMMUNISM IN THE METROPOLITAN MUSIC SCHOOL, INC., AND RELATED FIELDS—PART 1

TUESDAY, APRIL 9, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to notice, in room 35, United States Courthouse, Foley Square, New York, N. Y., Hon. Morgan M. Moulder (chairman of the subcommittee), presiding.

Committee members present: Representatives Morgan M. Moulder, of Missouri; Clyde Doyle, of California; James B. Frazier, Jr., of Tennessee; Bernard W. Kearney, of New York; and Robert J. McIntosh, of Michigan.

Staff members present: Richard Arens, director; Dolores Scotti, investigator; and Frank Bonora, acting clerk.

Mr. MOULDER. The committee will be in order.

This subcommittee, consisting of Mr. McIntosh, of Michigan; Mr. Kearney, of New York; Mr. Clyde Doyle, on my left, of California; Congressman Frazier, of Tennessee; and myself as chairman, is duly appointed by the chairman of the committee, Francis E. Walter, to conduct the hearings. There being a quorum present, the committee will come to order.

(Resolution and order follow:)

EXCERPT FROM THE MINUTES OF JANUARY 22, 1957

A motion was made by Mr. Kearney, seconded by Mr. Willis, and unanimously carried, approving and authorizing the holding of hearings in New York City, beginning April 9, 1957, or at such later date as the Chairman may determine, and the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, the subject of which hearings and the investigations in connection therewith to include, in general, all matters within the jurisdiction of the committee, and in particular the extent, character, and objects of Communist Party activities within the entertainment industry.

To the Clerk of the Committee on Un-American Activities of the House of Representatives:

ORDER FOR APPOINTMENT OF SUBCOMMITTEE

Pursuant to the provisions of law and the Rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, House of Representatives, consisting of Hon. Morgan M. Moulder, Chairman; Hon. Clyde Doyle, Hon. James B. Frazier, Jr., Hon. Bernard W. Kearney, and Hon. Robert J. McIntosh, associate members, to hold hearings in New York City, beginning

on April 9, 1957, on all matters within the jurisdiction of the Committee, and to take testimony on said day or any succeeding days, and at such times and places as it may deem necessary, until its work is completed.

The Clerk of the Committee is directed to immediately notify the appointees of their appointment and to file this Order as an official Committee record in the order book kept for that purpose.

Given under my hand this 3d day of April, 1957.

FRANCIS E. WALTER,
Chairman, Committee on Un-American Activities, House of Representatives.

Mr. MOULDER. The chairman desires to make this statement on behalf of the subcommittee. This morning, the Committee on Un-American Activities begins a series of hearings on a distinctive area of Communist activity. The principal subject of our inquiry is the Metropolitan Music School, Inc., located in New York City, and also the music field generally. The committee has already conducted some hearings on Communist activity in the field of education, in public schools, and in colleges and universities. We have also conducted hearings on Communist cultural affairs.

The present hearings combine elements of both of these spheres of investigation. We are confronted with the problem of Communist influence upon students; and, at the same time, we must be concerned with the possible efforts of these students to carry out Communist cultural objectives in their professional work.

We have had numerous examples of the important services given by Communist entertainers to Communist Party and Communist-front functions; the tremendous sums of money which they have contributed to the Communist Party; and, on still another level, the influence they have exerted as members of the professional unions. Among those who have been subpenaed to appear before us here, are musicians who have performed in various places throughout the world under the sponsorship of the United States Government.

Several worldwide tours in which they have participated have, in fact, been almost fully paid for by the taxpayers of the United States. Their Communist affiliations have consequently become a matter of deep concern to the Congress of the United States, and it is clear that ways must be found to deprive Communist-controlled organizations of the actual or the implied support of the American Government.

Now, of course, we are not worried about communizing Beethoven and Bach, and we do not feel that the performance of a concerto by a Communist is in itself subversive. But we do feel that the presence of the activities of Communists, of persons loyal to the international conspiratorial apparatus in the Soviet Union, do constitute a subversive threat regardless of the profession in which these persons are engaged.

The Communist musician, Communist lawyer, the Communist teacher, all stand forth as a danger to a free society for the one reason alone, that they are Communists and that, as Communists, they will utilize their professions in whatever way possible to further the interests of the alien conspiracy to which they belong.

I would like to remind the spectators present that they are here by the permission of the committee. A disturbance of any kind during the testimony, whether favorable or unfavorable to any witness, will not be tolerated. Anyone who violates this rule will be ejected from the hearing room.

In addition, please observe the rules of the Federal court which prohibit smoking in the courtroom.

Every witness appearing before our committee is entitled to have counsel accompany him. I want to make it clear, however, that counsel's sole function is to advise his client as to his rights and privileges, and the rules of the committee prohibit counsel from making statements or arguing with members of the committee. The sole function, as stated, is to advise and counsel with his client on the witness stand.

Are you ready to call your first witness, Mr. Arens?

Mr. ARENS. Yes, sir.

Lilly Popper, kindly come forward. Kindly remain standing while the chairman administers an oath to you.

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss POPPER. I do.

TESTIMONY OF LILLY POPPER, ACCOMPANIED BY COUNSEL, MILDRED ROTH

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss POPPER. My name is Lilly Popper. I am director of the Metropolitan Music School, and I live at 18 West 74th Street.

Mr. ARENS. Kindly tell us whether you are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities.

Miss POPPER. Correct.

Mr. ARENS. You are represented by counsel?

Miss POPPER. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Miss ROTH. Mildred Roth, 401 Broadway.

Mr. ARENS. Please tell us, where is the Metropolitan Music School located.

Miss POPPER. 18 West 74th Street, where I live.

Mr. ARENS. In New York City?

Miss POPPER. Yes.

Mr. ARENS. Is the Metropolitan Music School a corporation?

Miss POPPER. It is.

Mr. ARENS. And how long has it been in existence as a corporation?

(The witness conferred with her counsel.)

Miss POPPER. Since 1947, I believe.

Mr. ARENS. Were you one of the incorporators of the Metropolitan Music School?

Miss POPPER. I was.

Mr. ARENS. Was there a predecessor organization to the Metropolitan Music School?

Miss POPPER. Yes; there was; the Downtown Music School.

Mr. ARENS. And where was it located?

Miss POPPER. 111 West 88th Street.

Mr. ARENS. Has the predecessor organization become extinct?

Miss POPPER. Yes.

Mr. ARENS. Is there any affiliate organization to the Metropolitan Music School?

Miss POPPER. No; there isn't.

Mr. ARENS. Has the Neighborhood Music School ever had an affiliate relationship with the Metropolitan Music School?

Miss POPPER. Yes; it has.

Mr. ARENS. Tell us when that affiliate relationship existed.

Miss POPPER. I don't remember exactly the date, but I know that it is many, many years since we have been separated.

Mr. ARENS. Does the Metropolitan Music School own the building which it occupies?

Miss POPPER. It will own it when all the debts are paid.

Mr. ARENS. It has title to the property; is that correct?

Miss POPPER. Correct.

Mr. ARENS. And it is paying on the building?

Miss POPPER. That is right.

Mr. ARENS. Tell us just a word, if you please, about the number of students who are taught at the Metropolitan Music School.

Miss POPPER. Between 375 and 400 students.

Mr. ARENS. Is that an annual enrollment, an approximate annual enrollment?

Miss POPPER. I would say so.

Mr. ARENS. Tell us, if you please, the number of faculty members who are at the Metropolitan Music School.

Miss POPPER. I would say about 38.

Mr. ARENS. Are these full-time faculty members?

Miss POPPER. No; they are not. Some of them only have 1 day, some of them only have 2 hours.

Mr. ARENS.. Tell us, please, the age groupings of the students, in general.

Miss POPPER. From the preschool department through adults.

Mr. ARENS. I beg your pardon?

Miss POPPER. From the preschool department through adults.

Mr. ARENS. How many do you have in each of the several categories, generally speaking?

Miss POPPER. I would say, generally speaking, between a fourth or a third adults and the others children.

Mr. ARENS. Has the annual enrollment of the Metropolitan Music School been approximately 375 to 400, as you estimated, over the course of the last many years, or has that been just a recent figure?

(The witness conferred with her counsel.)

Miss POPPER. Yes. I wish to correct. The enrollment is per term, not annual.

Mr. ARENS. Then the annual enrollment would be—would it be twice?

Miss POPPER. No; it wouldn't, because very many of the people continue during the second term, but they enroll anew.

Mr. ARENS. Has the enrollment been substantially the same numerically, over the course of the last several years?

Miss POPPER. Yes, I think so.

Mr. ARENS. Kindly tell us who is the president emeritus of the Metropolitan Music School.

Miss POPPER. The president emeritus is Dr. Wallingford Riegger.

Mr. ARENS. Can you tell us the name of the registrar?

Miss POPPER. J. K. Ackley.

Mr. ARENS. Can you tell us also the name of the members of the board of directors? Perhaps I can refresh your recollection.

Is John K. Ackley a member of the board of directors?

Miss POPPER. He is.

Mr. ARENS. Is Sidney Finkelstein a member of the board of directors?

Miss POPPER. He is.

Mr. ARENS. Is Robert——

Miss POPPER. Yes, Robert Claiborne.

Mr. ARENS. Robert Harris?

Miss POPPER. He is no longer, because he is not in town.

Mr. ARENS. Is Mazie LaMelle a member of the board of directors?

Miss POPPER. No longer. She has resigned because she doesn't live in New York any more.

Mr. ARENS. Does she have a successor on the board of directors?

Miss POPPER. No.

Mr. ARENS. Is John H. Harmon a member of the board of directors?

Miss POPPER. He has just asked for his resignation.

Mr. ARENS. Is he likewise currently occupying the post of treasurer of the institution?

Miss POPPER. Well, as he has just resigned, I imagine that he no longer is, but he has been.

Mr. ARENS. He has been treasurer?

Miss POPPER. That is right.

Mr. ARENS. Does he have a successor as treasurer?

Miss POPPER. Not yet. We haven't had a board of directors' meeting since then.

Mr. ARENS. Is Thelma Pyle a member of the board of directors?

Miss POPPER. She is.

Mr. ARENS. David Simon?

Miss POPPER. Yes.

Mr. ARENS. Harry M. Smyles?

Miss POPPER. Yes.

Mr. ARENS. Richard Yaffe?

Miss POPPER. Well, he is just an honorary member.

Mr. ARENS. How long have you been associated, first, with the Metropolitan Music School and then, secondly, with the predecessor organization, the Downtown Music School?

Miss POPPER. Since its inception.

Mr. ARENS. And when was the Downtown Music School initiated or started?

Miss POPPER. 1934–35.

Mr. ARENS. You were with the Downtown Music School all during its existence?

Miss POPPER. Yes.

Mr. ARENS. Miss Popper, are you now, or have you ever been, a member of the Communist Party?

Miss POPPER. Sir, I decline to on the basis of my rights under the first amendment and my right under the fifth amendment to be a witness against myself. And I object to this question as to my political affiliations or nonaffiliations.

Mr. ARENS. Now, in anticipation of the appearance by yourself here today, did you address a letter to certain persons on the letterhead

of the Metropolitan Music School, and accompany that letter with a memorandum?

Miss POPPER. I certainly did.

Mr. ARENS. I lay before you, if you please, a letter bearing your signature, accompanied by a memorandum. I ask if you would kindly be good enough to tell us if that is a true and correct reproduction of the letter and accompanying memorandum which you sent to each of several persons in anticipation of these hearings today.

(Document handed to witness.)

(The witness conferred with her counsel.)

Miss POPPER. Yes; this is a copy of the letter. This is a copy of the letter.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this exhibit, and all succeeding exhibits used in the course of the hearings here in this session, be appropriately marked, and reproduced or incorporated by reference in the record. If we have a general order of that character, it will save a little time, I believe.

Mr. MOULDER. Without objection, it is so ordered. Do you mean by that every exhibit which you offer to a witness?

Mr. ARENS. Yes, sir; numbered in chronological order and reproduced or incorporated by reference in the record as the case may be. We have a number of exhibits which we shall use in the course of these next several days. It will just be a mode of facilitating our proceedings.

Mr. MOULDER. Without objection, it will be so ordered, unless, of course, there is objection on the part of any member of the subcommittee to any exhibit which you may offer later.

Mr. ARENS. Yes, sir.

POPPER EXHIBIT NO. 1

METROPOLITAN MUSIC SCHOOL, INC.,
18 WEST 74TH STREET,
New York, N. Y., April 1, 1957.

Mr. ABRAM CHASINS,
229 West 43d Street, New York City.

DEAR SPONSOR: Nearly three years ago we wrote you concerning an attack on the school by the publication *New Counterattack*. Like all the rest of our sponsors you stood by us.

We now face the second phase of this attack. More than fifty musicians, actors and writers have been subpoenaed by the House Committee on Un-American Activities, among them members of our faculty and administrative staff. Public interrogation of these people will begin on April 9th.

Judging from its past activities, the Committee's object is the same as *Counterattack's:* to set up a blacklist of persons whose present or past political beliefs or associations it finds distasteful. Pressure will be brought on individuals and organizations (such as the school) to refuse to employ such people.

We do not propose to give in to such pressure. We know, as you do, that most American musicians have a hard enough time making a living without being subjected to irrelevant political tests. Moreover, we believe that no reputable educational or musical organization can or should permit a Congressional committee—or any other outside group—to dictate whom it may or may not employ. In the future as in the past we intend to employ teachers on the basis of their professional competence only. For this reason it is quite likely that our school will be denounced as a "Communist front" organization.

As you know, there is nothing "subversive" about the school's activities. On the contrary: the fact that we have for years had an "integrated" faculty and student body has drawn the favorable attention of the U. S. Information Agency as well as publications like *Color*. The very idea that there is an "un-American" way of teaching music is ridiculous. The political beliefs of our staff—into which we have never enquired—cannot conceivably endanger the security

or welfare of the United States. Under the circumstances, we can only regard the Committee's activities as an attempt by publicity-hungry politicians to hamper the development of American culture.

We are sure that we will continue to enjoy your support. We hope also that you will acquaint the Committee with your feelings about the school and this attack upon it.

Sincerely,

LILLY POPPER, *Director.*

POPPER EXHIBIT NO 1A

MEMORANDUM

In the interest of our staff members and the other musicians who have been subpoenaed, we have, in cooperation with attorneys in the field, prepared the following memorandum summarizing some of the problems faced by witnesses before the Committee. We hope it will help to provide "background" to the current hearings.

A hearing before the Committee on UnAmerican Activities is not a court proceeding. It is subject to none of the ordinary rules of evidence: "cooperative" witnesses are permitted and often encouraged to fill the record with hearsay, rumor and personal conjecture. "Accused" persons are not permitted to cross-examine witnesses against them.

The Committee has stated as a matter of policy that it does not call anyone before it unless it possesses evidence that the person was once a member of the Communist Party. Witnesses questioned on this or similar matters are therefore faced with the following alternatives:

1. They may deny the "accusation." In this case they may be indicted for perjury on the basis of the testimony about them (frequently secret) which the Committee claims to have.

2. They may answer in the affirmative. They will then be required to "prove" that they are no longer connected with "subversive" groups *by naming all their associates in such groups.* Failure to act as an informer under these circumstances is punishable as contempt of Congress.

3. They may refuse to answer on the Constitutional ground of the Fifth Amendment. Though it is a well-known principle of American law that this amendment exists for protection of the innocent, the Committee has consistently sought to turn it into an inference of "guilt." Persons refusing to answer on this ground have been abused as "Fifth Amendment Communists" and have suffered loss of employment.

4. They may refuse to answer on the ground that the Committee has no power under the Constitution to inquire into a citizen's beliefs and associations. While there is good reason to believe that this position is legally sound, the Supreme Court has not yet decided the question. Persons taking this alternative face the burden of heavy legal expenses and the ultimate possibility of a jail sentence for contempt of Congress.

As you can see, therefore, every course of action open to a witness is either expensive, dangerous or degrading. It is for this reason that these and similar proceedings have frequently been described as "inquisitions."

Mr. ARENS. Now, how many letters such as the one marked Popper Exhibit No. 1 did you send?

Miss POPPER. I cannot tell you the exact number, but we sent it to the sponsors, and we sent it with another letter to the students of the school, to the parents and the adult students.

Mr. ARENS. You say here in this letter—and I will not burden the record at the moment to quote all of the letter, as it will speak for itself—you say in your letter that the committee, namely, the House Committee on Un-American Activities, has as its object to set up a blacklist of persons whose present or past political beliefs or associations it finds distasteful; also, that the object here is to inquire into political beliefs and irrelevant political tests. Is that a correct interpretation of the theme of your letter?

Miss POPPER. Yes; it is.

Mr. ARENS. Is it your position that a person who is a member of the Communist conspiracy, the Communist Party, is a person who adheres merely to certain political beliefs?

(The witness conferred with her counsel.)

Miss POPPER. I decline——

(The witness conferred with her counsel.)

Miss POPPER. I decline for the same reasons that I declined before.

Mr. ARENS. And you sent a copy of this letter to a person by the name of Abram Chasins, who is musical director for WQXR, which, I understand, is owned or controlled by the New York Times?

Miss POPPER. I did.

Mr. ARENS. And did you receive a reply from Abram Chasins, musical director of WQXR, a copy of which I now display to you?

(Document handed to witness.)

(The witness conferred with her counsel.)

Miss POPPER. I certainly sent a letter to him. Whether this is the fact, I would have to read it through word by word and compare it. This is his answer.

Mr. ARENS. Yes; that is what I am asking.

Miss POPPER. That is what you are asking?

Mr. ARENS. Yes.

Miss POPPER. I would not be able to tell, without reading it word by word, if it is; but I did receive a letter from him.

Mr. ARENS. Mr. Chairman, I have in my hand a letter addressed to the chairman of this committee—which I have received from the chairman—by Abram Chasins, musical director of WQXR, director of the annual musical educational activities of the New York Times. Dr. Chasins also sent to Chairman Walter a copy of his reply to Miss Popper's letter and memorandum of April 1.

I would like at this time to read in toto the letter Mr. Chasins sent to the Chairman of the House Committee on Un-American Activities in reference to the letter sent to him by Miss Popper.

Mr. MOULDER. Proceed.

Mr. DOYLE. What is the date?

Mr. ARENS. April 4, 1957—

POPPER EXHIBIT NO. 2

The CHAIRMAN,
House Committee on Un-American Activities,
United States Court House, Foley Square,
New York, N. Y.

DEAR MR. CHAIRMAN: I have just received a communication from the Metropolitan Music School that informs me of a forthcoming investigation of this school by your committee. Enclosed, please find my reply to the director of that school, which will be self-explanatory.

For many years I allowed this school to use my name as a member of its musical board. Originally, I consented because the school had stated musical objectives that appeared to be worthy of encouragement. Two years ago I wrote the school requesting it to remove my name from its catalog and to accept my resignation from its musical board. I seem to recall that my letter was acknowledged with regret, but now I understand that my name was not removed as requested.

My resignation was not caused by political considerations, for I was completely unaware of the matters which your committee is investigating. I resigned from several other boards at the same time because of my decision not to lend my name to any organization or school whose work I could not check personally.

The pressure of time has always made it impossible for me to do this. Incidentally, in all the years that I was considered a member of the Metropolitan Music Board I was never asked to meet with that board. Nor have I ever been inside the school, to the best of my remembrance.

I trust that it is superfluous for me to add that I am unequivocally opposed to every aspect of Communist ideology. I am writing you primarily because I just learned that my name has continued to be used in the catalog of the Metropolitan Music School.

Should your investigation expose those who used the privileges of democracy to undermine it, and should you at the same time protect all the innocently entangled people they exploited, every American citizen will be deeply in your debt.

Yours faithfully,

ABRAM CHASINS,
Music Director of WQXR, Director of the Annual Musical-Educational Activities of the New York Times.

Mr. ARENS. Mr. Chasins enclosed in his letter to Chairman Walter a copy of the letter which he addressed to the witness, Miss Lilly Popper, director of the Metropolitan Music School, Inc., under date of April 4, 1957, and that letter reads as follows:

POPPER EXHIBIT NO. 3

DEAR MISS POPPER: Your letter and memorandum of April 1 surprised me in view of the fact that over 2 years ago I wrote to the Metropolitan Music School resigning from your musical board and requesting the removal of my name from your catalog. I recall having received a regretful reply, but your recent communication indicates that my requests were obviously not fulfilled.

Nevertheless, although not involved in the matter that causes your communication, I feel very much involved as an educator. Your letter states that "the very idea that there is an un-American way of teaching music is ridiculous." I think this is eminently correct, but there is more to the question.

There are those who think that teaching involves only techniques. However, a teacher worthy of the name exerts a powerful intellectual and spiritual influence on the pupils. In my opinion, any teacher who abuses this great pedagogical privilege to impose irrelevant political ideas upon an esthetic relationship, is unfit to teach, no matter what his nationality or ideology.

Although I do not wish to wage any political discussion, your communications compel me to make one thing very clear. I believe in the necessity of congressional inquiry on the principle that intelligent action can only result from thorough information. I know that the process has sometimes been abused. I also know that it has itself been the victim of abuse. Should anyone with the right of inquiry ask me where I have been, why, and with whom, I shall be glad to answer him. Should I refuse to answer, should I use any of the legal instruments available to the fortunate citizens of a democracy to refuse to answer—you may safely assume that I have either stolen a payroll or another man's wife.

Should it develop that the Metropolitan Music School has knowingly harbored teachers who have abused both their pedagogical and democratic rights, it will elicit my fullest disapproval.

Yours sincerely,

ABRAM CHASINS,
WQXR Music Director.

Mr. ARENS. Now, Miss Popper, did you at any time direct to Mr. Chasins, or cause to be directed to him, an acceptance of his resignation from the board of the Metropolitan Music School or from the list of sponsors of that school?

(The witness conferred with her counsel.)

Miss POPPER. First of all, I have gone, since I received that letter, I have gone through our material of letters and answers which we keep rather carefully. I have not found any letter by Mr. Chasins in which he asked for his resignation. By the way, it is not the board.

He was never a member of the board. He was a member of the sponsoring committee.

Mr. MOULDER. Will his name now be removed as a member of the sponsoring committee?

Miss POPPER. Most certainly.

Mr. ARENS. Do you know a person by the name of Marcia Minor?

Miss POPPER. I didn't get that.

Mr. ARENS. Marcia Minor, M-i-n-o-r.

(The witness conferred with her counsel.)

Miss POPPER. I don't know any such name.

Mr. ARENS. Do you recall a teacher at the Metropolitan Music School by the name of Dr. Joachim Schumacher?

Miss POPPER. Yes, I do.

Mr. ARENS. Did you engage him?

Miss POPPER. Well, the board of directors did.

Mr. ARENS. Did you recommend his engagement to the board of directors?

Miss POPPER. That I cannot tell you. I can't tell you how he came to the school.

Mr. ARENS. I lay before you a photostatic reproduction of the Communist Daily Worker of New York, Wednesday, September 21, 1938, page 7, in which an article appears respecting the Metropolitan Music School. It states that Dr. Schumacher is a new addition to the faculty, and I specifically direct to your attention the following:

> He will introduce new courses under such headings as "the bourgeois music culture in the period of monopoly capitalism" and "the topography of Carl Maria Von Weber"—

and the like.

I also invite your attention to the latter part of the article in which it is set forth that "art for art's sake is 'busted.' "

Kindly look at that article, please, and tell us if the author of that article has accurately and truthfully described the theme of teaching at the Metropolitan Music School.

(Document handed to witness.)

(The witness conferred with her counsel.)

Mr. MOULDER. While the witness is examining that exhibit, Mr. Arens, the name was mentioned of Marcia Minor. Should that name be permitted to remain in the record without further identification?

Mr. ARENS. The article speaks for itself, Mr. Chairman, in this respect. Marcia Minor is the author of the article. It has her byline.

Mr. MOULDER. How do you spell Marcia?

Mr. ARENS. M-a-r-c-i-a, is it not, Miss Popper?

Miss POPPER. I haven't found it here and I don't see it.

Mr. ARENS. It is under the byline.

Miss POPPER. First of all, I don't know the person.

Mr. ARENS. Mr. Chairman, the spelling is M-a-r-c-i-a, Minor, M-i-n-o-r.

(The witness conferred with her counsel.)

Miss POPPER. I don't quite know what the question is, sir. Would you mind repeating it?

Mr. ARENS. The question is did Marcia Minor in her article in the Communist Daily Worker truthfully and accurately describe the theme of teaching at the Metropolitan Music School?

Miss POPPER. I decline, as I declined before, on the basis of my rights under the fifth amendment.

(Document marked "Popper Exhibit No. 4," and retained in committee files.)

Mr. ARENS. Do you honestly feel that if you truthfully told this committee whether or not the theme of teaching at the Metropolitan Music School is accurately and truthfully described by Marcia Minor in that article in the Communist Daily Worker, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Mr. MOULDER. What is your response to that question?

Miss POPPER. Well, I really feel that in the context of the operations here, this might be used against me, and I decline on the basis of the fifth amendment.

Mr. ARENS. Do you know a person by the name of Leonard Cherlin?

Miss. POPPER. I do.

Mr. DOYLE. Mr. Chairman, I think the record will not show that the witness has answered that question either yes or no. I mean the last question. I think the record ought to show whether or not she did answer that question which you asked her.

Mr. ARENS. Would you have me repeat the question, Mr. Doyle, and then we can be sure the record is clear on that?

Mr. DOYLE. Yes. Or we can have the record read to show what the answer is.

Miss POPPER. I have given my answer and the record will show it. My answer is the same.

Mr. DOYLE. May I have the record read, please, for that question and answer?

(The reporter read from his notes as requested.)

Mr. DOYLE. Thank you.

Mr. ARENS. The question outstanding was did you know Leonard Cherlin, and your response was in the affirmative?

Miss POPPER. Yes.

Mr. ARENS. When did you last talk with Mr. Leonard Cherlin?

(The witness conferred with her counsel.)

Miss POPPER. Well, do you mean in person or by telephone?

Mr. ARENS. By telephone.

(The witness conferred with her counsel.)

Miss POPPER. Last night.

Mr. ARENS. And what occasioned the conversation?

Miss POPPER. The occasion was that I had been told by another instructor that Mr. Cherlin had called him up and told him that he also had been subpenaed; and I felt, after the discussion with this teacher, that perhaps I could be of some help, or something or other, because some of the subpenaed have been speaking to one or another; and I called up to see whether I could see him.

Mr. ARENS. Had you had a previous telephone conversation with him in the course of the last several days?

(The witness conferred with her counsel.)

Miss POPPER. Well, he had said that he wanted this message to be given to me, that he is subpenaed and so forth, and then I had called him up and I told——

Mr. ARENS. What is the "and so forth"?

Miss POPPER. Pardon?

Mr. ARENS. What is the "and so forth" that he said in his message to you?

Miss POPPER. He said that the message was to be given to me, and I don't remember anything else besides that.

Mr. ARENS. In the course of your conversation with Mr. Cherlin last night, was the subject of communism or membership by any person in the Communist Party a topic of the conversation?

(The witness conferred with her counsel.)

Miss POPPER. Which conversation?

Mr. ARENS. The conversation you had last evening on the telephone with him.

(The witness conferred with her counsel.)

Miss POPPER. It was not.

Mr. ARENS. Was the subject of communism or membership by any person in the Communist Party the subject of the message which Mr. Cherlin left for you in a preceding conversation in the course of the last several days?

(The witness conferred with her counsel.)

Miss POPPER. You see, I did not get the message. It was one of our instructors who got the message.

Mr. ARENS. And he relayed it to you?

Miss POPPER. He relayed it to me.

Mr. ARENS. Did Mr. Cherlin tell you that he proposed to swear before this committee that, while he was a member of the Communist Party, he knew you as a Communist? Did he tell you that, or the essence of that, in your telephone conversation?

Miss POPPER. He did not.

Mr. ARENS. Have you ever been in a closed Communist Party meeting with Leonard Cherlin, a meeting in which only comrades are admissible?

Miss POPPER. I decline, again, on the same basis, the fifth amendment.

Mr. ARENS. Of the members of the board of directors whom we called off a little while ago, how many of them, to your certain knowledge, are persons who have been members of the Communist Party?

Miss POPPER. Sir, we have gone through this at the closed sessions. I have been asked names back and forth and back and forth and I declined, and I can only see that this question here is given in order to smear the school and in order to smear the people in the school. I decline to answer——

Mr. ARENS. Do you think it might be——

Miss POPPER. On the basis of my rights——

Mr. ARENS. Consistent on the basis of the motives that we are trying to develop facts on who are Communists in institutions of this character so that the committee can recommend legislation to protect the internal security of this country? Do you think it might be consistent with our motives, for that to be the objective?

(The witness conferred with her counsel.)

Miss POPPER. I still decline to——

Mr. MOULDER. Let her give the reasons, Mr. Arens. You started to give your reasons for declining to answer.

Miss POPPER. I did give my reasons. I will state my reasons again. That I was already asked at closed sessions name after name and name after name and I declined; and bringing this out in the open here and asking in the open can only have one purpose, and that is to smear the instructors and to smear the school. I will have no part of it. I decline on the basis of my rights under the first amendment and my rights under the fifth amendment not to be a witness against myself.

Mr. ARENS. By the word "smear" I take it you mean an unjust accusation or an unjust innuendo that a particular person is, or has been, a member of the Communist Party. Is that what you mean by the word "smear"?

Miss POPPER. My answer is the same.

Mr. ARENS. Just tell us what you mean by the word "smear," when you say that it is the apparent attempt of this committee, or desire of this committee, to smear someone.

(The witness conferred with her counsel.)

Miss POPPER. Well, I will say this: I have seen again and again——

Mr. ARENS. Just tell us in this particular instance, what you mean by the word "smear" with reference to any one of these particular persons. Do you mean an unjust innuendo of Communist affiliation?

Miss POPPER. You know as well as I do what has happened in the field of entertainment, in the field of music and in other fields, and that has been that people have lost their jobs, people are afraid to speak, and this I object to very strenuously and I will have no part of it.

Mr. ARENS. Is John K. Ackley, a member of the board of directors, a person, to your certain knowledge, who has been a member of the Communist Party?

Miss POPPER. I decline. That is the same procedure.

Mr. ARENS. Is Sidney Finkelstein a person who, to your certain knowledge, has been a member of the Communist Party, a member of the board of directors?

Miss POPPER. I decline to answer on the basis of my rights under the first and fifth amendments.

Mr. ARENS. Is Harry M. Smyles a person who to your certain knowledge has been a member of the Communist Party?

Miss POPPER. The answer is the same.

Mr. ARENS. Now, ma'am, I should like to invite your attention to the Metro-Tones.

Mr. MOULDER. Referring to the persons named by Mr. Arens; do you have any knowledge or information as to whether or not they are now members of the Communist Party?

Miss POPPER. I decline on the same basis.

Mr. ARENS. I want to invite your attention to Metro-Tones, issued periodically by staff and parents of the Metropolitan Music School, Inc., 18 West 74th Street, New York City, issued January 1957. I shall display it to you in just a moment. I see by the article appearing on page 2, under Coming Events, that a concert is to be given in connection, or in conjunction, with the Neighborhood Music School. I should like to ask you: Does the Metropolitan Music School have joint activities with the Neighborhood Music School?

Miss POPPER. Very few, indeed.

Mr. ARENS. Did it have one scheduled in April of this year?

Miss POPPER. Yes; it did, but it has not taken place.

Mr. ARENS. I observe on page 3 of the same publication, this article:

> We would like to publicize our preparatory department in the public schools. Several instructors have offered to visit Parent-Teachers meetings and give illustrative talks about the work we do.

That is a true and correct article; is it not?

Miss POPPER. That is a true statement; yes, it is.

(Document marked "Popper Exhibit No. 5," and retained in committee files.)

Mr. ARENS. Could you tell us about the number of teachers of the Metropolitan Music School who do or have visited parent-teachers meetings in the vicinity here to give these illustrative talks about the work that the Metropolitan Music School performs?

Miss POPPER. Not one, sir.

Mr. ARENS. Then why was this article in the paper?

Miss POPPER. Because we wanted them to, and they were so overburdened with work that they couldn't.

Mr. ARENS. They haven't done so yet; is that correct?

Miss POPPER. No.

Mr. ARENS. The Metropolitan Music School carries advertisements, does it not, in the Communist Daily Worker?

Miss POPPER. It carries advertisements in all papers where we can get students.

Mr. ARENS. And does it carry advertisements in the Communist Daily Worker?

Miss POPPER. It does.

Mr. MOULDER. Can you name the other newspapers in which you carry advertisements?

Miss POPPER. The New York Post, the Times, Amsterdam News, the downtown one—what is that? I don't remember what it is called; but in 8 or 10 papers.

Mr. ARENS. What is the name of the printer or publisher who publishes the bulletins and other printed material of the Metropolitan Music School?

(The witness conferred with her counsel.)

Miss POPPER. His name is Cohen, and I have forgotten the first name.

Mr. ARENS. Is the name of his company the Prompt Press?

Miss POPPER. It is.

Mr. ARENS. Do you know that the Prompt Press was cited by the Attorney General of the United States as early as 1942 as that which prints the bulk of the literature issued by the Communist Party and its affiliates, and is reliably known to be owned by the Communist Party? Are you cognizant of that citation?

Miss POPPER. I decline to answer on the basis of my rights under the first and fifth amendments.

Mr. ARENS. Are you cognizant of the Communist ownership and control of the Prompt Press?

Miss POPPER. I again decline for the same reasons.

Mr. ARENS. Are any of the works of People's Songs used at the Metropolitan Music School?

Miss POPPER. I wouldn't know. You see, we don't police the materials used by our teachers.

Mr. MOULDER. May I ask what you mean by People's Songs, Mr. Arens?

Mr. ARENS. People's Songs is an organization which has been cited which has published Communist Party songs.

Mr. DOYLE. May I ask this question: I understand, Witness, that you just said "We don't police the material," but I did not hear the balance of your answer. That referred to this book, the People's Songs.

Miss POPPER. I said I would not know because I do not go around asking the teachers what kind of materials they use.

Mr. DOYLE. You did say, "We don't police." Did the rest of your answer go to the point of not policing the material that is used in your classes?

Miss POPPER. No.

Mr. DOYLE. Is that your answer?

Miss POPPER. That is my answer.

Mr. DOYLE. In other words, the board of directors takes no responsibility, and neither do you as the director, for whatever is taught in your classrooms; is that correct? That is your answer, is it not?

Miss POPPER. No, that is not my answer.

Mr. DOYLE. What is your answer, then?

Miss POPPER. My answer is this, that the school has outlines that are carefully worked out and painstakingly worked out for each term and for what ground has to be covered during those terms. However, I don't know which of the books are used or which books are not used, and I would have no way of knowing it.

Mr. DOYLE. Correct me if I am in error. Again I say that neither you nor your board of directors takes responsibility for policing or checking what books are used in your classrooms. That is correct; is it not?

(The witness conferred with her counsel.)

Miss POPPER. Of course, we take responsibility for what is taught, because what is taught is in the outlines that we give to the teachers. However, we don't know every book at every time that is used.

Mr. DOYLE. Of course not. But when you said that you did not police the material, you were telling us, were you not, that you did not check the material, by way of policing, to know whether or not that was the only material that was used in your classroom? In other words, a teacher could use material that you had not approved as director; and you would never know it because you did not police it; is that not correct? That is what you meant to tell us?

(The witness conferred with her counsel.)

Miss POPPER. Look, we know the basic material that is used is in the outlines. However, we don't know at all whether this or that material may not be used.

Mr. DOYLE. That is right. That is what I was getting at. You would not know what material was used, for sure.

Mr. ARENS. Does the school have a scholarship arrangement whereby certain students are given scholarships?

Miss POPPER. Yes, it does.

Mr. ARENS. And who constitutes the board or the committee that makes the scholarship awards?

Miss POPPER. There is a scholarship committee.

Mr. ARENS. Tell us who are on the scholarship committee.

(The witness conferred with her counsel.)

Mr. ARENS. May I ask you this question: Is Ray Lev on the scholarship committee?

Miss POPPER. No.

Mr. ARENS. Is Lucy Brown on the scholarship committee?

Miss POPPER. No.

Mr. ARENS. Is Ben Steinberg on the scholarship committee?

Miss POPPER. No.

Mr. ARENS. Is Thelma Pyle on the scholarship committee?

Miss POPPER. No.

Mr. ARENS. Is there a person by the name of John F. Mehegan on the faculty?

Miss POPPER. Yes, there is.

Mr. ARENS. Do you know whether or not Mr. Mehegan has been a member of the Communist Party?

Miss POPPER. I decline again on the basis of the fifth amendment.

Mr. ARENS. Is Harry M. Smyles on the faculty of the Metropolitan Music School?

Miss POPPER. Sir, I resent—yes, he is on the faculty.

Mr. ARENS. To your certain knowledge, is Harry Smyles a person who has been a member of the Communist Party?

Miss POPPER. Sir, I resent this inquiry very, very much, and I again decline on the basis of the fifth amendment.

Mr. ARENS. Carroll Hollister is a member of the teaching faculty?

Miss POPPER. He is in a nonteaching member, but he is not teaching.

Mr. ARENS. Is Robert Claiborne a member of the faculty of the Metropolitan Music School?

Miss POPPER. He is.

Mr. ARENS. Can you tell us whether or not, to your certain knowledge, Robert Claiborne has been a member of the Communist Party?

Miss POPPER. The answer is the same, the fifth amendment.

Mr. ARENS. Would you repeat the answer?

Miss POPPER. I decline to answer on the basis of my rights under the first amendment and my right under the fifth amendment not to be a witness against myself.

Mr. ARENS. Is Henry Zlotnick a member of the faculty?

Miss POPPER. Yes, he is.

Mr. ARENS. And to your certain knowledge has he been a member of the Communist Party?

Miss POPPER. I decline for the same reasons.

(At this point, Mr. Moulder left the hearing room.)

Mr. ARENS. In the selection of the faculty, do you, as director of the Metropolitan Music School, make recommendations to the board of directors?

Miss POPPER. Sir, I believe that in the closed hearing you asked me whether I had my finger in the pie; and I answered you then at the time yes, I did have my finger in the pie. However, what happens is the following: People write letters to the school, give us their backgrounds. People come in person and consult with me. Then, on the basis of whoever is the best person for that particular job, the person is engaged after consultation with the board of directors.

Mr. ARENS. Now, Mr. Chairman, I respectfully suggest that in the presence of this witness, another witness be sworn.

Mr. DOYLE. Call your next witness.

Mr. ARENS. Mr. Leonard Cherlin, please come forward. Remain standing while you are sworn.

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

Mr. CHERLIN. I do.

TESTIMONY OF LEONARD CHERLIN

Mr. ARENS. Mr. Chairman, I respectfully suggest that I intend to question Mr. Cherlin at length, but I have only 1 or 2 preliminary questions at this time.

Mr. Cherlin, would you kindly identify yourself by name, residence, and general occupation.

Mr. CHERLIN. My name is Leonard Cherlin. I live at 182 East 59th Street in Brooklyn, and I am a musician and teacher.

Mr. ARENS. Mr. Cherlin, as I said a moment ago, I intend to interrogate you at length with reference to a number of items; but at the present time, may I ask, have you ever been a member of the Communist Party?

Mr. CHERLIN. I have.

Mr. ARENS. Give us at this time the years of your membership in the Communist Party.

Mr. CHERLIN. From 1940 to 1943 and again from 1946 to approximately 1948.

Mr. ARENS. During the course of your membership in the Communist Party, did you know as a Communist a person by the name of Lilly Popper?

Mr. CHERLIN. I did.

Mr. ARENS. Do you see in the courtroom today the person whom you knew as the Communist, Lilly Popper?

Mr. CHERLIN. Yes.

Mr. ARENS. Would you kindly point her out to this committee.

Mr. CHERLIN. The witness.

Mr. ARENS. Thank you. If you would wait a moment, Mr. Cherlin, I expect to interrogate you further.

TESTIMONY OF LILLY POPPER—Resumed

Mr. ARENS. Miss Popper, you have heard the testimony of Mr. Cherlin where he has identified you under oath as a person known by him to be a member of the Communist Party. Will you look at him and tell us, was Mr. Cherlin lying or telling the truth?

Miss POPPER. I decline to answer, on the basis of my rights under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of Miss Popper; and if there are questions of the committee, we will defer our interrogation of Mr. Cherlin until the committee has concluded.

(At this point Representative Morgan M. Moulder returned to the hearing room.)

Mr. DOYLE. Are there any questions from the committee?

If there are no other questions, I believe I have 1 or 2 questions, Mr. Chairman.

Mr. MOULDER. Proceed.

Mr. DOYLE. Miss Popper, in view of your statement in answer to one of counsel's questions, you said, "I object to this question as to my political affiliations," do you remember so doing?

Miss POPPER. Yes, I do.

Mr. DOYLE. In view of that answer as one of the alleged grounds for your refusing to answer, I wish to state that I am sure the record of the highest courts of this country shows, as well as several declarations by the United States Congress both House and Senate, that in the Subversive Activities Control Act, for instance, in the 81st Congress, Congress made this declaration and this is the law.

I read this because of your answer that whatever affiliation you had with the Communist Party, if any, was a political affiliation. I will quote:

> As a result of evidence adduced before various committees of the Senate and House of Representatives, the Congress hereby finds that: There exists a world Communist movement which, in its origin, its development, and its present practice, is a worldwide revolutionary movement, whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a worldwide Communist organization.
>
> The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, a subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

The reason I read that into the record at this point is that this committee is under a direction, under Public Law 601, under which this subcommittee is here, functioning under that public law, and that Congress does not recognize the Communist Party, with which you have just been identified as a member, as a political organization and neither does our high courts.

We hold, with uncontradicted evidence, that it is a conspiracy to set up a totalitarian regime. It is not a political party recognized by Congress nor by our courts. So in my book, when you claim that it is an interference with your political affiliation, I thought you ought to know, if you did not already know—and I think you already knew—that the Communist Party is not a political organization such as the Democratic or Republican Party. It is a conspiracy. That is all, Mr. Chairman.

Mr. MOULDER. Are there any other questions?

If not, the witness is excused.

Mr. ARENS. Mr. Cherlin, would you kindly take the principal witness seat?

TESTIMONY OF LEONARD CHERLIN—Resumed

Mr. ARENS. Mr. Cherlin, give us, if you please, sir, at this time, a brief thumbnail sketch of your musical education.

Mr. CHERLIN. I took private music lessons first with an uncle of mine; and then, while I was at the Tilden High School, I won a scholarship at the Philharmonic Symphony Society, through which I

received music lessons under their auspices. Through this training, I was able to become a professional musician.

Mr. ARENS. And with what university have you been identified?

Mr. CHERLIN. I graduated Tilden High School in 1936 and worked as a free-lance musician until approximately 1940–41, when I was able to get several major jobs.

In 1943, I went into the service. I came out of the United States Army in 1948. I then utilized the GI bill to go to Juilliard School of Music for 4 years, and received my diploma from the Juilliard School of Music.

I then was one of the fortunate people to receive a New York State war service scholarship of $1,400 which helped me go to Teachers College, Columbia, for the following 3 years, wherein I received my B. S. and M. S. in music education.

That would be in answer to the music aspects of my education.

Mr. ARENS. Could you kindly tell us again the circumstances of your joining the Communist Party when you joined?

Mr. CHERLIN. The circumstances preceding my actual joining was that I functioned as a music teacher in a Jewish fraternal organization called the Jewish People's Fraternal Organization [Order].

Mr. ARENS. Was that an adjunct of the International Workers Order?

Mr. CHERLIN. That is right. We would go from 1 lodge or 1 group to another, a group of 3 or 4 teachers, where we would give lessons. One or two of these people were party people; and, in traveling from one place to another, we would have discussions, political, theoretical, philosophical, and practical; and pressures were put upon me to join the Communist Party.

Mr. ARENS. What would be the nature of those pressures?

Mr. CHERLIN. Philosophical pressures, the practical aspects of whether being a member of the Communist Party would help facilitate working toward a better world, a better society; and idealistic setup which would be one where a greater number of people could benefit from the material worth of our country.

Mr. ARENS. Now, kindly proceed in your own way to tell us about your career in the Communist Party.

Mr. CHERLIN. My answer finally was that when I would join Local 802, I would simultaneously join the Communist Party.

Mr. ARENS. Local 802 is a musicians' local, is that correct?

Mr. CHERLIN. Of the American Federation of Musicians; that is right.

Mr. ARENS. Proceed, if you please, sir.

Mr. CHERLIN. I joined in 1940 and simultaneously joined the Communist Party branch of Local 802.

Mr. ARENS. Now, tell us, if you please, of your career in the Communist Party.

Mr. CHERLIN. The activities of the Communist Party, Local 802, revolved around having regular meetings at which there would be philosophical discussions or educationals, fund-raising campaigns, and discussions on how to facilitate the growth of Communist influence within Local 802.

Mr. ARENS. And how long were you in the Communist Party?

Mr. CHERLIN. At this particular period, from 1940 to approximately 1943.

Mr. ARENS. And what happened in 1943?

Mr. CHERLIN. In 1943 I got a job going on the road. I took a leave of absence at that time. When I came back, I had "greetings" waiting for me from Uncle Sam; and I terminated membership with the Communist Party and entered the United States Army. That was June 1944.

Mr. ARENS. What was your period of service in the United States Army?

Mr. CHERLIN. I served in the United States Army until 1946.

Mr. ARENS. After your discharge, did you have any connection with the Communist Party?

Mr. CHERLIN. When I came back to the city, my first thought was to reestablish my old contacts, try to find work, and immediately rejoined the Communist Party of Local 802.

Mr. ARENS. How long did you remain in the Communist Party?

Mr. CHERLIN. Of Local 802?

Mr. ARENS. Yes, sir.

Mr. CHERLIN. For approximately a year or less because at that time I enrolled in Juilliard, started to emphasize the teaching aspects of my profession rather than the playing aspects, and was transferred to another Communist Party group which was not primarily made up of Local 802 people or people that were interested in Local 802 affairs.

Mr. ARENS. Do you recall the name of that new group with which you were identified in the Communist Party?

Mr. CHERLIN. I don't believe it had any name. It was just another group within the cultural section of the Communist Party.

Mr. ARENS. How long did you maintain your membership in the Communist Party after you reaffiliated?

Mr. CHERLIN. I reaffiliated in the middle of 1946, and I believe when I left it was early 1948.

Mr. ARENS. What precipitated your breaking from the Communist Party?

Mr. CHERLIN. Two factors: One was that the Communist Party was taking an ultrasectarian point of view that I did not agree with. The so-called people's front, the popular front, period was over. And there was a mass attack against everything that the United States was fighting for in terms of rehabilitating European countries, the Marshall plan; the factor of the expulsion of Earl Browder, who had said that we were in a period of expanding capitalism and that we should cooperate with the progressive capitalists points of this country—these things disenchanted me at this particular point, plus the subjective point that I became intensely interested in my schooling.

I had to work full-time, go to school full-time. I was married and had a child. I had no time for political activities, social activities, or any kind of leisure activities and the two synthesized into my just going to party meetings less and less and eventually dropping out.

Mr. ARENS. Have you ever been connected with the Metropolitan Music School?

Mr. CHERLIN. Yes. I joined—became a member of the staff in 1946, I believe.

Mr. ARENS. And how long did you maintain your connection with the school?

Mr. CHERLIN. Until approximately 1953 when I took a leave of absence. The leave of absence was supposed to be for 1 year. At the end of that year, I received notification that I would have to renew my leave of absence, which I did, for another year. At the end of the second year, I received no notification, and I never notified them, and the whole thing was allowed to ride.

Mr. ARENS. Mr. Cherlin, what is the significance or importance of the music field to the Communist Party, and musicians to the Communist Party?

Mr. CHERLIN. The significance would be the same of any entertainment field or media which has people in the public eye, people that have prestige and status and, on the basis of their prestige and status, can influence other people.

Mr. ARENS. What is the significance of the Metropolitan Music School in the objectives of the Communist Party?

Mr. CHERLIN. This is difficult to answer because in my workings with the Metropolitan Music School, I never actually saw an actual synthesizing of politicalizing and teaching of music. These things were kept divorced.

There was a clientele of people that certainly ranged from the extreme left to the extreme right. It was considered that politics and business or music should not mix, as far as the Metropolitan Music School procedures were concerned.

Any politicalizing, I would surmise, would take place after school hours, after activities that the school might have, where possibly people would come together in cafeterias or social gatherings and, in discussion, any political points that might be had by the teacher or student would be brought to the others in the group.

Mr. ARENS. Does the teacher have a status of prestige with the students beyond the prestige of just music?

Mr. CHERLIN. Depending upon the quality of the teacher and of his personality, I would assume that there would be varying degrees of prestige in terms of teacher-pupil relationship.

Mr. ARENS. In the course of your membership in the Communist Party, did you know, as a Communist, a person by the name of James Collis?

Mr. CHERLIN. I did.

Mr. ARENS. Can you tell us just a word about him?

Mr. CHERLIN. I knew him during the 1940–43 period.

Mr. ARENS. Did you serve in a closed Communist Party meeting with him?

Mr. CHERLIN. Yes.

Mr. ARENS. Did you, in the course of your membership in the Communist Party, ever serve in a closed Communist Party meeting with a man by the name of Arthur Deutsch?

Mr. CHERLIN. I did.

Mr. ARENS. Did you know him as a Communist?

Mr. CHERLIN. Yes.

Mr. MOULDER. Can you give us more specific identifying information about each one of the parties he has mentioned?

Mr. ARENS. May we start, then, with Mr. Collis? Could you tell us anything further about Mr. Collis?

Mr. CHERLIN. He was frequently chairman of the meetings that were held during this period.

Mr. ARENS. Was he identified with the Metropolitan Music School?

Mr. CHERLIN. That I don't know because he wasn't at the Metropolitan Music School when I was there.

Mr. ARENS. Arthur Deutsch, kindly give us a word of description or recollection about him.

Mr. CHERLIN. My recollection is that he was never an active member, but he did attend meetings of Local 802, party functions and meetings.

Mr. ARENS. These were closed party fractions within Local 802; is that correct?

Mr. CHERLIN. That is correct.

Mr. ARENS. Did you know as a Communist, and serve in closed Communist Party meetings with, a person by the name of John Imbergamo?

Mr. CHERLIN. Yes.

Mr. ARENS. Can you give us a word of description about him?

Mr. CHERLIN. He was not active in any official capacity; but several times when we had meetings in various boroughs, we would meet at his home.

Mr. ARENS. Those were Communist Party closed meetings; is that correct?

Mr. CHERLIN. That is correct.

Mr. MOULDER. The reason I asked the question was so that those people would not be confused with others who have the same name. So far you have not given any identifying information, such as description or some other fact, where they might be separated from someone else who might have a similar name.

Mr. ARENS. Where was Imbergamo's home?

Mr. CHERLIN. He lived in Brooklyn.

Mr. ARENS. Did you know as a Communist a person by the name of June Rotenberg?

Mr. CHERLIN. Yes.

Mr. ARENS. Give us, if you please, a word of identifying information with reference to her.

Mr. CHERLIN. She attended meetings quite regularly. As far as identification, she was a bass player, played the bass fiddle.

Mr. ARENS. Do you know whether or not she was ever identified with the Metropolitan Music School?

Mr. CHERLIN. Not during the period I was there.

Mr. DOYLE. And were the meetings she attended closed Communist Party meetings?

Mr. CHERLIN. Yes.

Mr. ARENS. Gerald Rudy?

Mr. CHERLIN. Yes.

Mr. ARENS. Give us a description about Gerald Rudy, so this record is clear. Do you here and now identify Gerald Rudy as a person known by you to have been a member of the Communist Party?

Mr. CHERLIN. Yes. He was at closed party meetings. He was a flute player and participated actively at meetings.

Mr. ARENS. Sam Schneider?

Mr. CHERLIN. Yes. He was the person who recruited me.

Mr. ARENS. He recruited you into the Communist Party?

Mr. CHERLIN. Yes.

Mr. ARENS. And a word of identification?

Mr. CHERLIN. A clarinetist, saxophonist, and a music teacher.

Mr. MOULDER. Can you give us some description about his age, about where he resided, or where he may have worked?

Mr. CHERLIN. I believe he now lives in Brooklyn. So far as age, I would only be guessing. We are all in our middle thirties or early forties, I would say.

Mr. ARENS. Did you know as a Communist a person by the name of Benny Berrafato?

Mr. CHERLIN. Yes. He attended Communist Party meetings.

Mr. ARENS. Could you give us a word of description about him?

Mr. CHERLIN. He was a clarinet player. He was an older man. I would say he would be in the fifties. He was older than the rest of us.

Mr. ARENS. Could you tell us whether or not you knew as a Communist, and served in closed party meetings with, a person by the name of Gita Rosova?

Mr. CHERLIN. Yes.

Mr. ARENS. Give us a word of description about that person.

Mr. CHERLIN. She was quite active with the group.

Mr. ARENS. By "group" do you mean the Communist Party?

Mr. CHERLIN. The Communist Party group. What comes to mind was that she was the only non-802 member who was a member of this 802 party group. An older woman, I would imagine she is in her fifties.

Mr. ARENS. Did you know as a Communist, and serve in closed Communist Party meetings with, a person by the name of Frank Schwartz?

Mr. CHERLIN. Yes.

Mr. ARENS. Give us, if you please, sir, a word of description about Mr. Frank Schwartz.

Mr. CHERLIN. He attended meetings; was not active, to my recollection; and, as far as I know, plays bassoon.

Mr. ARENS. Did you know as a Communist, and serve in closed Communist Party meetings with, a person by the name of Jerry Schneider?

Mr. CHERLIN. Yes.

Mr. ARENS. Could you give us a word of description about Mr. Schneider?

Mr. CHERLIN. He came to meetings; was not active; and during this period he got married and left, about 1940 or 1941; and I haven't seen him since.

Mr. ARENS. These people concerning whom we have just asked you were all known to a certainty by you to have been members of the Communist Party, is that correct?

Mr. CHERLIN. That is correct.

Mr. ARENS. And it was during the period of your membership in the Communist Party from about 1940 to 1943, is that correct?

Mr. CHERLIN. Yes.

Mr. ARENS. I would like to ask you with reference to people known by you to have been members of the Communist Party in the second session of your membership in the Communist Party, which you testified about, namely from 1946 to 1948.

Mr. MOULDER. Before you begin, Mr. Arens, we will take a brief recess.

(Present at the taking of the recess: Representatives Morgan M. Moulder, Clyde Doyle, James B. Frazier, Jr., Bernard W. Kearney, and Robert J. McIntosh.)

(Members present after the taking of the recess: Representatives Morgan M. Moulder, Clyde Doyle, James B. Frazier, Jr., Bernard W. Kearney, and Robert J. McIntosh.)

Mr. MOULDER. The subcommittee will be in order. Proceed, Mr. Arens.

Mr. ARENS. Mr. Cherlin, before the recess, I was in the process of posing to you a question with reference to people known by you to have been members of the Communist Party during your second tenure in the Communist Party from 1946, I believe you said, until 1948.

Mr. CHERLIN. That is right.

Mr. ARENS. You have previously told us about your knowledge of Communist Party membership of Lilly Popper——

Mr. CHERLIN. That is right.

Mr. ARENS. Who has identified herself on this record as director of the Metropolitan Music School. Would you kindly hesitate a moment and tell us the nature of your knowledge and activities with Lilly Popper?

Mr. CHERLIN. I attended closed party meetings at which she was present.

Mr. ARENS. And where were those closed party meetings?

Mr. CHERLIN. Generally in the home of one of the people.

Mr. ARENS. Did you know——

Mr. DOYLE. I have a question at that point, Counsel.

Was that home, at least when you were there, known to you to be owned or occupied by a person identified to you as a member of the Communist Party?

Mr. CHERLIN. Yes.

Mr. DOYLE. What was the address of that home, if you know?

Mr. CHERLIN. It was on Riverside Drive, near approximately 125th Street.

Mr. DOYLE. And about how many people would attend those closed Communist Party meetings at which you and Miss Popper were both personally present at the same time?

Mr. CHERLIN. These were small group meetings of approximately 3 to 4 people.

Mr. DOYLE. Were any people in attendance at any of these meetings of the Communist Party at that home, which you now describe as closed Communist Party meetings, known to you not to be Communists? In other words, were they all known to you to be Communists?

Mr. CHERLIN. To the best of my knowledge, they were all Communists.

Mr. ARENS. Those were meetings to which only known comrades could, by the security process of the party, be admitted; is that correct?

Mr. CHERLIN. That is correct.

Mr. DOYLE. Was that a cell to which you belonged, a Communist Party cell?

Mr. CHERLIN. It was a small group. It was called a group within the club. I have to make a point here. During this period, I was quite inactive because of my schooling and work, and I made it

clear I could not attend meetings regularly. Meetings normally would alternate. There would be a large meeting of the entire club, followed by a small group meeting at someone's home.

Mr. MOULDER. These were referred to as discussion groups?

Mr. CHERLIN. Discussion groups, educational groups. The meetings I would attend would be the ones that were held at this particular home because it was convenient for me to attend. It was only 1 or 2 blocks away from the Juilliard School of Music and Columbia. Other meetings, I just stayed away from because I was unable to make the time for these meetings.

Mr. DOYLE. May I ask you this: At any of those meetings at a home to which you referred, did Miss Popper, whom you identified, participate in the program by way of leading any discussion or reading any paper or leading any discussion of the Communist Party that you now recall?

Mr. CHERLIN. I have to make another point. This was one home where I attended most of the meetings, but there were also meetings that I can recall in Miss Popper's own apartment. I don't recall if she attended any of the meetings at the Riverside Drive address.

Mr. DOYLE. Did she have closed Communist Party meetings in her own home which you attended?

Mr. CHERLIN. I believe there were 1 or 2 that I remember.

Mr. DOYLE. Where was that address?

Mr. CHERLIN. 18 West 74th Street. She has an apartment in the school.

Mr. DOYLE. How many people would attend those meetings?

Mr. CHERLIN. Again, it would be a small group. I can't recall for sure.

Mr. DOYLE. At any meeting that you attended at Miss Popper's home, in the apartment at the school, which you testified to, did she lead in any Communist Party discussion?

Mr. CHERLIN. Not that I can recall. She was never active in any of these capacities in the Communist Party, my assumption being that her activities as director of the school were time consuming and, therefore, there would be no time for her to participate actively in the Communist Party.

Mr. DOYLE. But, to your knowledge, these meetings were held at her home?

Mr. CHERLIN. There were 1 or 2 that I can recall.

Mr. MOULDER. You have used that phrase several times "active in the Communist Party." How do you use it? What does a person have to do to be active?

Mr. CHERLIN. An active person would be one who would accept assignments to lead discussions, read up on pamphlets, and then lead the educationals on these pamphlets; a person who would be responsible for the collection of dues; a person who would chair the meeting. I sometimes functioned in the capacity of a literature agent where I would assume the responsibility of going down to the Workers Book Store or some other central place and picking up the literature and bringing it to these party meetings. Inactive people, to my definition, were those that came to meetings and who would listen, occasionally give their viewpoints, but did not accept actual assignments in terms of preparation for discussion and educationals.

Mr. DOYLE. May I ask this further question: Within what periods of time did you attend any Communist Party meetings at Miss Popper's home? What years that you can identify?

Mr. CHERLIN. I would say that would be 1947.

Mr. ARENS. Miss Popper this morning identified as a member of the board of directors of the Metropolitan Music School a person by the name of Thelma Pyle, whose name appears in the bulletin of the Metropolitan Music School. Did you, in the course of your membership in the Communist Party, know as a Communist a person by the name of Thelma Pyle?

Mr. CHERLIN. Yes. Thelma Pyle's home was the one I referred to on Riverside Drive.

Mr. ARENS. Did you serve in closed Communist Party meetings with her?

Mr. CHERLIN. Yes.

Mr. ARENS. Can you give us a further word of description or characterization of Thelma Pyle?

Mr. CHERLIN. I don't understand what kind of description you want.

Mr. ARENS. Was she a musician?

Mr. CHERLIN. She was a musician. I believe she was a piano teacher. At that particular time, I don't even know if she was a member of the Metropolitan Music School. Either she did studio teaching or she taught at some other settlement school. I think that was her sole source of income.

Mr. ARENS. Did you know as a Communist during your membership in the Communist Party—the second tenure—a person by the name of Mildred Hagler?

Mr. CHERLIN. Yes.

Mr. ARENS. Can you tell us a word about her?

Mr. CHERLIN. She was a person who played cello, who taught cello when there were cello students, and also functioned in the capacity of a clerk or assistant secretary in the office of the Metropolitan Music School.

Mr. ARENS. Did you know as a Communist a person by the name of Gita Rosova?

Mr. CHERLIN. Yes. I have identified her before with the first group, the 802 group. In this particular period, she was now active outside of the 802.

Mr. ARENS. And she is a member of the faculty of the Metropolitan School, is she not?

Mr. CHERLIN. Yes, and teaches violin.

Mr. ARENS. Are there any other persons, whether or not I have asked you their names, who, to a certainty, were known by you to have been members of the Communist Party?

Mr. CHERLIN. Not to a certainty.

Mr. ARENS. There are others whom you have told us about in staff consultations whom you are not certain about, is that correct?

Mr. CHERLIN. That is correct.

Mr. ARENS. We, therefore, would not like to have you reveal their names in this public session.

Did you have any experience in the Communist Party with reference to employment practices initiated or promoted by the Com-

munist Party for the purpose of procuring jobs for the comrades or for the purpose of precluding employment to anti-Communists?

Mr. CHERLIN. There was no overt showing of favoritism for Communist Party people or lack of favoritism for others. However, it was assumed that people who were of like political feeling and belief would have first choice if a job opportunity availed itself?

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. MOULDER. Mr. Doyle, do you have any questions?

Mr. DOYLE. Yes, I have a question, Mr. Chairman.

I think our committee counsel asked you as to your music training and practice and so forth. I did not hear you bring down to date what your present activity was. Did you so testify?

Mr. CHERLIN. No, I haven't.

Mr. DOYLE. What is your activity now?

Mr. CHERLIN. Well, to continue with my education, I left Teachers College, Columbia, with my masters in music education in 1953. At that time, I determined that I would prefer teaching younger children, rather than children of high-school age, and went to New York University for one semester for elementary school courses, after which I became interested in working with retarded, mentally retarded, children and emotionally disturbed children. I matriculated at City College here in New York City for another masters in psychological services in the field of special education. I am at present specialist in remedial reading and do tutoring with emotionally disturbed children and children who are retarded either academically or intellectually.

Mr. DOYLE. What ages of children do you work with as a specialist in that field?

Mr. CHERLIN. I have been working with children between the ages of 7 and 13, I would say.

Mr. DOYLE. In your testimony, you used the phrase "philosophical basis," in referring to one of the factors that was instrumental in getting you originally into the Communist Party in 1940. What did you include or mean by philosophical factor or basis?

Mr. CHERLIN. The philosophy of Marxism-Leninism, which was that, on the basis of the principles enunciated under that term, a better world could be built for all peoples in terms of a socioeconomic system which would eliminate classes, and have the working class as the one and only class in society.

Mr. DOYLE. I know, but what has the philosophical premise of Lenin and Marx to do with our own American economy? What is the relationship, if any?

Mr. CHERLIN. The premise being that, as long as we had a capitalist society, there would be alternate booms and busts; that the working-class people would never get their just due; that as long as a profit motive existed, the working-class people would suffer.

Under the principles of Marxism-Leninism, if the capitalist system could be changed to a Socialist or Communist one, the working class could get their full worth, their full value, and booms and busts would disappear in exchange for an ever higher level of living.

Mr. DOYLE. In other words, the Communist Party, as you knew it in 1940 when you went into it, was advocating the application of Marx and Lenin to the problems of the United States of America?

Mr. CHERLIN. Yes. But in 1940 the problem was just a little different. The question of socialism became secondary to the one of stopping fascism; and in those days, in those years, the primary problem was that of stopping Hitler. They had developed a popular-front or democratic-front approach where they were collaborating with other elements within our country.

Mr. DOYLE. As I understand the emphasis by the Communist Party as applied to our own beloved Nation, it is that they were advocating then, and they advocate now, control of our economy by what they call the proletariat or the so-called working class. I think in America we are all working people.

Mr. CHERLIN. Well, toward the end of World War II, when there was a break within the Communist Party between the Browderites and those who remained in control—Browder was eliminated, expelled from the Communist Party—the Communist Party then adopted a position of fighting for socialism, and took a direct frontal attack against the socioeconomic position of our country.

Mr. DOYLE. What year was that, do you think?

Mr. CHERLIN. Toward the end of World War II, 1945–46–47.

Mr. DOYLE. You mentioned Earl Browder. He was formerly the head or general secretary of the Communist Party of the United States.

Mr. CHERLIN. That is right.

Mr. DOYLE. I believe at the convention of the Communist Party in New York, in 1945 or thereabouts, Earl Browder was expelled and reduced to no control in the Communist Party as a result of what we know as the Duclos letter, is that not true?

Mr. CHERLIN. That is true.

Mr. DOYLE. In which the French Communist Duclos, writing at the direction of Moscow, delineated the fact that there could not be two existing economies in the world at the same time, that one must survive, and that that one must be the Soviet system of communism. Is that not true?

Mr. CHERLIN. I never read the letter. I am assuming that is so.

Mr. DOYLE. I did. I have read it often. Let me ask you this, if you know, and I do know what the fact is, and that is why I base this question, to get it before you and the record and to those who may be hearing this discussion: This same French Communist whose letter from Moscow deposed Earl Browder, because Earl Browder said that the American capitalist system and the Soviet system could exist in the same world side by side at the same time, that French Communist wrote another letter to the recent Communist Party convention held right here in the city of New York about 6 weeks ago; did he not? You have read of that?

Mr. CHERLIN. I read of that, yes.

Mr. DOYLE. All right. And again evidencing the fact that the American Communist Party was looking to a foreign nation and foreign Communists to delineate what the American Communist Party should do and follow; again giving concrete evidence of a definite tie-in between foreign Communists and the American Communist Party right here in the city of New York at their national convention.

I want to just observe this, Mr. Chairman, in connection with that Communist Party convention in this city. You talk about freedom of the press. Unless the press reports themselves are inaccurate, there

was no freedom of the press at that convention because the American press was not permitted to be there, either to take notes or photographs of the proceeding.

I have one or two more questions. You stated that when you joined Local 802 you would simultaneously join the Communist Party. What do you mean by that? Your membership in 802—did that pay your dues in the Communist Party?

Mr. CHERLIN. No. I said that at the time that I would join Local 802 I would also join the Communist Party.

Mr. DOYLE. But that would be a separate membership?

Mr. CHERLIN. It would be a separate membership.

Mr. DOYLE. Were you expected to join the Communist Party if you joined Local 802, necessarily?

Mr. CHERLIN. Not necessarily, no.

Mr. DOYLE. Did you know at that time the condition of the leadership, of Local 802? Were any of them known to you to be members of the Communist Party? If they were, tell us, and if you do not know, say so.

Mr. CHERLIN. To the best of my ability, none of them were members of the Communist Party in leadership because the Communist Party was trying to organize a coalition, together with non-Communists, to run a ticket to dispose of the people then in office.

Mr. DOYLE. In other words, the Communist Party cell, consisting of membership within Local 802, was trying to form a coalition with the non-Communists to get out of office the officers of Local 802 because they were not Communists?

Mr. CHERLIN. That is an oversimplification, but I could go along with that.

Mr. DOYLE. All right. I notice this, that you said in 1943 you had a leave of absence. That was from the Communist Party?

Mr. CHERLIN. Yes. What it amounts to was I took a job that meant traveling for approximately several months.

Mr. DOYLE. You did say that when you joined the United States Army, your membership in the Communist Party terminated.

Mr. CHERLIN. That is right.

Mr. DOYLE. What made it terminate when you joined the United States Army? I have heard of Communists who did not terminate their Communist Party membership when they took on the uniform of the United States Army. Why did you?

Mr. CHERLIN. The termination was one of procedure. We were told that, going into the United States Army, we officially terminated our connection with the party. This was not something of my choice at that particular time; but this was the procedure that we were following within the party, or the party group that I had contact with. A person going into service, actually severed relationship with the Communist Party.

Mr. DOYLE. You stated that in 1948, or thereabouts, you discovered that there was what I wrote down here as "a mass attack against everything the United States Government was standing for." I heard you mention the Marshall plan. What did you refer to there?

Mr. CHERLIN. The post-World War II period when the question of rehabilitation of wartorn Europe came to the forefront, and the Marshall plan came up as a means of helping these wartorn countries to

rehabilitate themselves, the Communist Party said that this was a medium for undermining these countries' attempts to achieve democratic peoples-front governments; and thereby the Communist Party took the position of being against the Marshall plan and any kind of rehabilitative efforts that we would direct toward these wartorn countries.

I felt at this particular time that the most important thing was helping these people, get food and clothing and shelter to them, and that politics should be secondary to this primary consideration.

Mr. DOYLE. Mr. Chairman, I think in connection with the testimony of this witness, I just want to read a reference to a statement by the President of the United States. I read here a brief in the Supreme Court of the United States, October term, 1956, by the American Bar Association. It is an amicus curiae brief in the case of Watkins versus the United States of America, respondent. I read on pages 11 and 12 briefly:

"No clearer or more authoritative declaration could have been given than the message to the Joint Session of the Congress by President Eisenhower on January 5th, 1957, setting out in detail the ever-present danger to American institutions posed by the Soviet-inspired Communist Party. It is false to the point of absurdity to dignify this conspiratorial organization as a 'political party,' which its sympathizers and even some Courts are prone to do. President Eisenhower himself left no doubt as to the conviction of the United States Government that clear and present danger faces us from the Communist conspiracy.

"The President in portraying the crisis through which America has passed stated that the world has experienced 'instability which has been heightened and at times manipulated by International Communism.' He answered in this January 5, 1957, message the misguided zealots who would further temporize with the Soviet propagandists when he said:

" 'International Communism, of course, seeks to mask its purpose of domination by expressions of good will and by superficially attractive offers of political, economic, and military aid.' "

And then I wish to read just one brief paragraph from this same brief, on page 8 thereof. For the purpose of brevity, I will just read this statement quoted in the brief. It is substantiated by many court decisions here cited:

"If Congress has the power to inquire into the subject of Communism and the Communist Party, it has the power to identify the individuals who believe in Communism and those who belong to the party."

At this point, Mr. Chairman, I want to read one sentence from Public Law 601, under which this committee is operating here today. I read from the congressional declaration of the powers and duties of this committee. I read subdivisions (ii) and (iii) of section (2) on this committee's duties and powers:

the diffusion within the United States of subversive and un-American propaganda that is instigated from foriegn countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

In closing, I wish to say this to this young man. I know, Mr. Chairman, and other members of the committee will no doubt say the same thing or join with me, that I recognize it has not been an easy thing, or a comfortable thing, for this man to take the stand here today and identify these people who were known to him to be Communists. I know some people in this room would designate him

as a stool pigeon. Some of them smile at that, I notice. Well, in my book, it has come to be a showdown between the people that recognize their own Government as more important than anything else and those who do not.

I want to compliment this gentleman for taking a very difficult position—a very, very difficult position. It is not easy, it is not convenient, it is not comfortable. I do not know the gentleman, but I know he could not have done it unless he had come to the point where my book, it has come to be a showdown between the people who rec- he recognized the unrighteousness, the danger to our form of government and the American people by the international conspiracy. I want to compliment you, sir, on doing what you have done.

You, Mr. Chairman, have heard me say in closing very often that the work of this committee is not easy; it is not comfortable. It is difficult for us to have to go into these things. But our duty as American congressmen is to do it.

I have come to feel that the duty of any American citizen, knowing what he knows about the Communist conspiracy, its determination to conquer this Nation, if it can, by subversive infiltration and by force, is to throw the Communist garbage out of his experience and to come forth and help the security of his Nation by doing what this witness has done this morning.

Mr. MOULDER. Congressman Kearney, do you have any questions?

Mr. KEARNEY. The only question I would like to ask the witness is this: Have you previously testified before us?

Mr. CHERLIN. No; I haven't. This is the first time.

Mr. KEARNEY. This is the first time?

Mr. CHERLIN. Yes.

Mr. KEARNEY. Then I will forego the question that I was going to ask you because I was under the impression that in our last appearance here at the Maritime Building you did testify.

Mr. CHERLIN. No.

Mr. MOULDER. Congressman Frazier.

Mr. FRAZIER. No questions.

Mr. MOULDER. Congressman McIntosh.

Mr. MCINTOSH. No questions.

Mr. MOULDER. The witness is excused. I join with Mr. Doyle in expressing our appreciation for your appearance and cooperation before this committee.

Mr. ARENS. The next witness is Mr. John K. Ackley.

Come forward please.

Mr. MOULDER. You will be sworn as a witness, please.

Do you solemnly swear that the testimony you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ACKLEY. I do.

TESTIMONY OF JOHN KENNETH ACKLEY, ACCOMPANIED BY COUNSEL, MILDRED ROTH

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. ACKLEY. My name is John Kenneth Ackley. I live at No. 31 West 75th Street, New York City. I am employed as a registrar of the Metropolitan Music School.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. ACKLEY. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. ACKLEY. I am.

Mr. ARENS. Counsel, will you kindly identify yourself?

Miss ROTH. Mildred Roth, 401 Broadway, New York City.

Mr. ARENS. Mr. Ackley, are you now, or have you ever been, a member of the Communist Party?

Mr. ACKLEY. I am not now a member of the Communist Party.

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

Mr. ACKLEY. I decline to answer on the basis of my rights under the fifth amendment to the Constitution.

Mr. ARENS. Are you presently, this moment, under Communist Party discipine?

(The witness conferred with his counsel.)

Mr. ACKLEY. I decline to answer on the basis of my rights under the fifth amendment of the Constitution. In other words, I do not choose to be a witness against myself.

Mr. KEARNEY. Just a moment. You said—and you emphasized—that you are not now a member of the Communist Party.

Mr. ACKLEY. I did.

Mr. KEARNEY. If you are not a member of the Communist Party at the present time, how can you be under Communist discipline?

Mr. ACKLEY. The same answer, sir.

Mr. ARENS. Now may I ask you this: Did you resign technical membership in the Communist Party so that you could face the world and proclaim that you are not presently a member of the Communist Party?

Mr. ACKLEY. Again, sir, I decline to answer that question on the basis of my rights under the fifth amendment. I do not choose to be a witness against myself.

Mr. ARENS. Do you honestly feel, sir, that if you gave a truthful answer, while you were under oath, to that last principal question, you would be supplying information which might be used against you in a criminal proceeding?

Mr. ACKLEY. My answer is the same, for the same reason.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this record reflect an order and direction to this witness to answer the last outstanding question.

Mr. MOULDER. The witness is so directed. You are directed to answer in the spirit of advice, not in the spirit of threatening you, for the purpose of warning you of the possibility that you might be endangering yourself of being in contempt of Congress.

(The witness conferred with his counsel.)

Mr. ACKLEY. I honestly believe that any answer, other than I have given, to this question could lead to prosecution and persecution by this committee and the other arms of Government which it controls or influences.

Mr. KEARNEY. Mr. Chairman, I would like to ask the witness a question: Is that your answer or your attorney's?

Mr. ACKLEY. That is my answer.

Mr. KEARNEY. That statement that you have before you that you just read was not written by your attorney?

Mr. ACKLEY. I pulled that out of my pocket, sir.

Mr. KEARNEY. That is all I wanted to know.

Mr. ARENS. Back in 1941 were you employed in the public school system here in New York City?

Mr. ACKLEY. I decline to answer that question for the same reason.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered and directed to answer that question.

Mr. MOULDER. Without objection, the committee so orders and directs the witness.

Mr. ACKLEY. I decline to answer the question, sir, on the basis of my rights under the fifth amendment to the Constitution, and particularly, I do not choose to be a witness against myself.

Mr. ARENS. Do you honestly feel that if you told this committee truthfully whether or not back in 1941 you were in the public high school system, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. ACKLEY. Yes. I honestly feel and fear that it might tend to incriminate me.

Mr. MOULDER. Do you mean answering that question itself might tend to incriminate you, or that it might open up the door leading to other questions which might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. MOULDER. If it removes the veil, you thereby would be waiving your right to claim the privilege. Therefore, you refuse to answer because it might tend to lead to other questions which might tend to incriminate you?

Mr. ACKLEY. It might be a link or it might open the door, as you say, and would be a question that would tend to incriminate me.

Mr. ARENS. I lay before you a thermofax reproduction of the New York World Telegram of Saturday, June 7, 1941, and a photostatic reproduction of the Communist Daily Worker of April 24, 1941, with reference to your suspension from the New York school system.

Kindly look at those articles and tell us whether or not the facts recited there with reference to your suspension are true and correct?

(The documents were handed to the witness.)

(The witness conferred with his counsel.)

Mr. ACKLEY. Sir, I decline to answer the question on the basis of my right under the fifth amendment. I do not choose to be a witness against myself.

(Documents marked "Ackley Exhibit No. 1," and retained in committee files.)

Mr. ARENS. How long have you been registrar of the Metropolitan Music School?

Mr. ACKLEY. I have been registrar of the Metropolitan Music School since August 1946.

Mr. ARENS. Kindly tell us, if you please, the statistics with reference to the enrollment, let us say, in the aggregate over the course of the last 10 years in the Metropolitan Music School.

Mr. ACKLEY. I have never taken that sort of statistic. Our enrollment statistics are taken each semester, the fall and spring of each year. They are used by us only for guidance purposes, budget, and so forth; and I have never taken into account duplications from term to term or year to year.

Mr. ARENS. Duplications in the same person?

Mr. ACKLEY. In the same person.

Mr. ARENS. Miss Popper testified, if I am not mistaken in my recollection, that the enrollment was somewhere between 375 and 400 per semester. Is that substantially correct?

Mr. ACKLEY. That is the average; yes.

Mr. ARENS. Has the enrollment in each semester over the course of the last 10 years been substantially the same?

Mr. ACKLEY. There has been a variation within 50. It has reached a little over 400 a couple of times during the last 10-year period.

Mr. ARENS. What has been the minimum?

Mr. ACKLEY. I don't recall, but it has been in the neighborhood of 375.

Mr. ARENS. Tell us, if you please, in general appraisal, the age groups within the school. About how many do you have in the school in each of the various age groups?

Mr. ACKLEY. Not having any statistics in front of me, it is a difficult question to answer. We have children beginning at the preschool ages and——

Mr. ARENS. And about how many in that category?

Mr. ACKLEY. Probably 15 or 20 a semester.

Mr. ARENS. Now, proceed, if you will, and give us comparable information on each of the other age groups.

Mr. ACKLEY. Then we have preparatory departments where more specific training is given. Please understand, I am not a musician. I am a technical employee of the school. There are preparatory courses in the woodwind instrument recorder, in piano, and in what we call exploration in instruments where the children learn the difference, for instance, between a bassoon and a cello. Those classes are largely for 6-year-olds and 7-year-olds, before they have reached the readiness age.

Mr. ARENS. What is the number that are in that category?

Mr. ACKLEY. Twenty to thirty a semester.

Mr. ARENS. Give us comparable information on the next age grouping, please, sir.

Mr. ACKLEY. The next age group—I don't know. That probably runs into a hundred or so.

Mr. ARENS. What is the age limit there, the minimum and the maximum?

Mr. ACKLEY. There really is none.

Mr. ARENS. Are we now in the adult group?

Mr. ACKLEY. No. We are now in the field of instrumental study.

Mr. ARENS. And there would be about 100 in that category, do you say?

Mr. ACKLEY. At least a hundred.

Mr. ARENS. From there on, you do not have age groupings; is that correct?

Mr. ACKLEY. That is right.

Mr. ARENS. Do teachers of the Metropolitan Music School teach in the Neighborhood Music School and do teachers in the Neighborhood Music School teach in the Metropolitan Music School? In other words, is there an interchange of faculty between the two institutions?

(The witness conferred with his counsel.)

Mr. ACKLEY. There is no interchange, but I believe that some teachers teach in both institutions.

Mr. ARENS. And where is the Neighborhood Music School located, please sir?

Mr. ACKLEY. I should know the address. It has escaped me. It is in the Bronx.

Mr. ARENS. And did the Neighborhood Music School at one time have a legal connection with the Metropolitan Music School?

Mr. ACKLEY. Not that I know of.

Mr. ARENS. Was it at one time a branch, a subsidiary, of the Metropolitan Music School?

Mr. ACKLEY. I first heard that from you, sir, at the closed hearings.

Mr. ARENS. Has Paul Robeson ever, to your knowledge, been affiliated with the Metropolitan Music School?

Mr. ACKLEY. To my knowledge, Paul Robeson has never been affiliated with the Metropolitan Music School.

Mr. ARENS. Has he ever entertained at the Metropolitan Music School?

(The witness conferred with his counsel.)

Mr. ACKLEY. He has appeared in the building.

Mr. ARENS. And what occasioned his appearance there?

(The witness conferred with his counsel.)

Mr. ACKLEY. Some years ago, there was a function in connection with an observation of Negro History Week; and Mr. Robeson, as I recall, appeared at that meeting.

Mr. ARENS. Is, or was, Paul Robeson a member of the Metropolitan Music School?

(The witness conferred with his counsel.)

Mr. ACKLEY. He may have been. I don't know.

Mr. ARENS. I lay before you now for the purpose of refreshing your recollection the 20th Anniversary Almanac of the Metropolitan Music School, the Citizens' Committee for the Metropolitan Music School. I invite your attention specifically to page 6, on which the name of Paul Robeson appears as one of the members of the Citizens' Committee.

Would you kindly look at that exhibit and see if that refreshes your recollection?

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. ACKLEY. My answer is still the same, Mr. Counsel.

Mr. ARENS. You have no recollection?

Mr. ACKLEY. I have no recollection of it. I read here in print that he was an honorary chairman.

Mr. ARENS. Of the Citizens' Committee?

Mr. ACKLEY. Well, my recollection—in other words, my recollection does not coincide with that. I do not recall that to be the case.

(Document marked "Ackley Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Have you, in the course of your performance of official duties as registrar of the Metropolitan Music School, taken direction or orders from a person known by you to have been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. ACKLEY. I don't understand the question. What person?

Mr. ARENS. Any person, known by you to have been a member of the Communist Party. Have you—I will repeat the question. Perhaps the phraseology may have been a little puzzling to you. Have you, in the course of your official duties as registrar of the Metropolitan Music School, performed those duties in compliance with directions which you have received from a person or persons known by you to have been members of the Communist Party?

(The witness conferred with his counsel.)

Mr. ACKLEY. I decline to answer the question on the basis of my rights under the fifth amendment.

Mr. MOULDER. To clarify that question by Mr. Arens: Have you received directions or instructions from a person, in connection with your work in the Metropolitan Music School, who was a Communist and who was giving you such directions and instructions in the capacity of a Communist?

(The witness conferred with his counsel.)

Mr. MOULDER. The way the question was given, I am trying to clarify it to you, as to whether or not it is being dominated or supervised by Communist Party activity in any way whatsoever.

Mr. ACKLEY. Quite frankly, Mr. Chairman, the question is confusing. May I ask for a repetition of the question?

Mr. ARENS. The question is this, in its simplest form: You are now the registrar of the Metropolitan Music School and have been for many years; is that correct?

Mr. ACKLEY. Yes.

Mr. ARENS. And you have certain duties that you perform as registrar?

Mr. ACKLEY. Yes.

Mr. ARENS. Now, in the performance of those duties, have you accepted directives or orders from a person or persons whom you knew to be a member of the Communist Party?

Mr. MOULDER. Acting in the capacity of a Communist. I would like to add that to the question.

(The witness conferred with his counsel.)

Mr. ACKLEY. The 2 questions, the one put to me by counsel and one put to me by you, Mr. Chairman, seem to be 2 separate questions. Whose question am I to answer?

Mr. ARENS. Do you want to start over?

Mr. MOULDER. You declined to answer his question, claiming the privilege under the Constitution. Do you understand my question?

Mr. ACKLEY. Would you repeat it, please?

Mr. MOULDER. Have you ever received instructions from persons who are acting in the capacity as a Communist when giving you such instructions and supervision?

(The witness conferred with his counsel.)

Mr. ACKLEY. I wish I had time to go into how the school functions; but the things that I do in my capacity as registrar of the school are things which, for the most part, are routine.

Mr. MOULDER. I am trying to clarify and help you to this extent. I can understand the question propounded by counsel. Some person might have given you directions sometimes who was a Communist, and you might not have even known that he was a member of the Communist Party; and then someone would come along and say that you did receive instructions. Then, you would claim the fifth amendment under the Constitution. But my question is giving you an opportunity to give a very direct answer to it.

Mr. ACKLEY. In the first place, I don't need directives in order to fulfill my function to prepare statistics and enroll students.

Mr. ARENS. You previously invoked the fifth amendment with reference to any prior membership in the Communist Party on this record, but did not invoke the fifth on the question of present membership. You invoked the fifth with reference to the question of the Communist Party discipline. I should now like to ask you: Were you a member of the Communist Party 5 years ago?

Mr. ACKLEY. I decline to answer that question on the basis of my rights under the fifth amendment to the Constitution.

Mr. ARENS. Were you a member of the Communist Party 4 years ago?

Mr. ACKLEY. I decline to answer that question.

Mr. ARENS. Were you a member of the Communist Party 3 years ago?

(The witness conferred with his counsel.)

(At this point Representative James B. Frazier left the hearing room.)

Mr. ACKLEY. No.

Mr. ARENS. Have you been a member, a technical member, of the Communist Party any time since the enactment of the Internal Security Act in 1950?

(The witness conferred with his counsel.)

Mr. ACKLEY. I decline to answer that question on the basis of my rights under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. MOULDER. Any questions, Congressman Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Any questions, General Kearney?

Mr. KEARNEY. No questions.

Mr. MOULDER. Congressman McIntosh?

Mr. MCINTOSH. No questions.

Mr. MOULDER. That will be all, Mr. Ackley.

Call your next witness.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Wallingford Riegger.

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RIEGGER. I do.

TESTIMONY OF WALLINGFORD RIEGGER, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation?

Mr. RIEGGER. My name is Wallingford Riegger, and I reside at 506 West 113th Street, New York City.

Mr. ARENS. And your occupation, please, sir?

Mr. RIEGGER. Composer.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities? Are you appearing today——

Mr. RIEGGER. Yes, sir; correct.

Mr. ARENS. You are represented by counsel?

Mr. RIEGGER. Yes.

Mr. ARENS. Counsel will you kindly identify yourself?

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York 4, N. Y.

Mr. ARENS. Mr. Riegger, are you president emeritus of the Metropolitan Music School?

Mr. RIEGGER. I am. But now, if I may be permitted, Mr. Chairman, I should like to know the reason for this hearing.

Mr. KEARNEY. I think, Mr. Chairman, if the witness will answer the questions, he will soon find out.

(At this point Representative James B. Frazier entered the hearing room.)

Mr. MOULDER. The witness is, I am sure, fully informed as to the purposes of the hearing.

Mr. RIEGGER. Pardon me. I came late. I am sorry.

Mr. ARENS. Perhaps this question will help us, Mr. Witness: Are you now, or have you ever been, a member of the Communist Party? That will give us at least an inkling as to what the hearing is about.

Mr. RIEGGER. Well, with your permission, Mr. Chairman, I should like to state briefly my objections to the procedures of this committee, to its assumption, and to its assumption of authority.

Mr. KEARNEY. I would suggest, Mr. Chairman, that the witness answer Counsel's question. We are not interested in a speech.

Mr. MOULDER. Yes. You are directed to answer the question propounded by Counsel.

Mr. BOUDIN. I don't think it was clear from the witness' statement that he was raising a question as to jurisdiction of the committee and that he wishes to read a brief statement addressed to the jurisdiction of the committee. I would suggest that he be permitted to do that. This is not an argument and is not an answer. This is a statement which the witness wishes to read, raising objections to the committee's jurisdiction.

Mr. MOULDER. Let us see his statement.

Mr. RIEGGER. May I read it first?

Mr. MOULDER. May we first see the statement? Let us examine the statement.

Mr. RIEGGER. Am I not permitted to read it?

Mr. MOULDER. We do not know what is in the statement.

Mr. RIEGGER. This is a free country.

Mr. DOYLE. Your counsel knows that the rules require that any proposed statement be submitted to the committee before being asked to be read. We have not had a copy of that statement.

Mr. BOUDIN. Mr. Moulder, what Mr. Doyle is referring to, of course, is a statement by a witness—not to what the Supreme Court has referred to as a statement of objections. It is only that that the wit-

ness wishes. It will take 1 minute, if you will allow him to make his statement.

Mr. MOULDER. It will take only a second for him to hand it up here.

Mr. BOUDIN. I see no reason why you cannot look at it. Suppose you show it to the chairman. And then will you permit the witness to read it, Mr. Chairman?

(The document was handed to the committee.)

Mr. KEARNEY. Mr. Chairman, I object to the introduction of that statement or having it read by the witness. This is no court of law.

Mr. BOUDIN. I think, Mr. Moulder, you will agree that a witness always has a right to state an objection.

Mr. DOYLE. Mr. Boudin, you know the rules of this committee do not permit time for counsel to argue.

Mr. BOUDIN. I am not arguing.

Mr. DOYLE. You are taking time of the committee. I ask you to desist, please.

Mr. MOULDER. Please. Let us have order.

Mr. KEARNEY. Mr. Chairman, I move that the witness not be allowed to read that statement.

Mr. FRAZIER. I will second that.

Mr. BOUDIN. Mr. Chairman, I should like——

Mr. MOULDER. Wait a moment. I have not ruled on it yet. It has been moved and seconded that the witness should not be permitted to read the statement for the record.

Mr. KEARNEY. Let me explain my reasons. In this statement here, when you are asked questions by counsel, you have the privilege of stating everything that is in this statement in objections to the questions propounded to you by counsel. For that reason, I think it is a lot of waste of time.

Mr. MOULDER. It has been moved and seconded. Mr. Doyle, how do you vote?

Mr. DOYLE. Aye.

Mr. FRAZIER. Aye.

Mr. MCINTOSH. Aye.

Mr. KEARNEY. Aye.

Mr. MOULDER. A majority of the committee has so voted to deprive the witness of the privilege of reading this statement. I, for myself, would have no objection. That is my position on it. However, 4 of the 5 members of this committee have so ruled; and, therefore, the witness will not be permitted to read the statement.

Mr. ARENS. Mr. Chairman, there is a question outstanding on this record. So that the record will be clear, the question outstanding, Mr. Riegger, is: Are you now, or have you ever been, a member of the Communist Party?

Mr. RIEGGER. I respectfully decline to answer on the following grounds: The first amendment of the Constitution of the United States reads, in part, as follows:

> Congress shall make no law abridging the freedom of speech or of the press or of the right of the people peaceably to assemble.

The House Committee on Un-American Activities by its actions contravenes both the spirit and the letter of this amendment. The fact that Congress has legislated this committee into existence by no

means justifies the committee's unconstitutional procedures. As an American, I would fear the loss of my self-respect were I to submit to its interrogatories.

Mr. KEARNEY. I think you should be perfectly satisfied, Mr. Witness.

Mr. RIEGGER. Well, in effect, I am.

Mr. ARENS. Now, Mr. Chairman, I respectfully suggest that on this point——

Mr. MOULDER. That is what he intended to give in response to your first question. I saw no objection to him responding in that manner.

Mr. ARENS. On this issue of whether or not this man has ever been a member of the Communist Party, Mr. Chairman, I respectfully suggest that, in his presence, another witness be sworn. Mr. Lautner, would you kindly stand, please?

Mr. MOULDER. You do solemnly swear the testimony you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LAUTNER. Yes, sir.

TESTIMONY OF JOHN LAUTNER

Mr. ARENS. Identify yourself by name, address, and occupation.

Mr. LAUTNER. John Lautner. I am a Government consultant on communism, and I live in Youngstown, Ohio.

Mr. ARENS. Mr. Lautner, have you ever been a member of the Communist Party?

Mr. LAUTNER. Yes, sir.

Mr. ARENS. Please tell us the period of your membership in the Communist Party.

Mr. LAUTNER. From 1929 to 1950, with the exception of the period of time I was in the Armed Forces during the war.

Mr. ARENS. Tell us just the highlights of the posts which you held in the Communist Party.

Mr. LAUTNER. I was a Communist Party functionary from the year of 1930 all the way up to the time I left the Communist Party on the 17th of January 1950.

I was district organizer, section organizer, national bureau secretary of the Communist Party. The last posts that I held were head of the New York State Review Commission of the Communist Party and a member of the National Review Commission of the Communist Party.

Mr. ARENS. Mr. Lautner, during the course of your membership in the Communist Party, did you know as a Communist a person by the name of Wallingford Riegger?

Mr. LAUTNER. Yes, sir.

Mr. ARENS. Do you see in the courtroom now the person who was known by you to be a member of the Communist Party by the name of Wallingford Riegger?

Mr. LAUTNER. Yes, sir.

Mr. ARENS. Will you kindly point him out to the committee?

Mr. LAUTNER. He is in the witness seat.

Mr. RIEGGER. You are looking at me?

Mr. LAUTNER. Yes, sir.

TESTIMONY OF WALLINGFORD RIEGGER—Resumed

Mr. ARENS. Mr. Riegger, you have just heard the testimony of Mr. John Lautner, in which he identifies you as a member of the Communist Party; is that correct? You heard the testimony.

Mr. RIEGGER. I respectfully decline to answer for the reasons already stated.

Mr. ARENS. You just heard his testimony, first of all?

Mr. RIEGGER. I can't help it.

Mr. ARENS. I just ask you whether you heard his testimony.

Mr. RIEGGER. I am hard of hearing.

Mr. ARENS. Mr. Lautner, let us repeat it so there will be no question as to the hearing of this gentleman: Do you see in the hearing room now, the person known by you to have been a Communist by the name of Wallingford Riegger?

Mr. LAUTNER. Yes.

Mr. ARENS. Did you hear him, Mr. Riegger?

Mr. RIEGGER. I think I did.

Mr. BOUDIN. Mr. Chairman, may I ask the chairman a question on procedure? It is very unusual to have a witness interrupted by another witness coming in. Are we permitted to cross-examine Mr. Lautner?

Mr. ARENS. Mr. Chairman, I respectfully suggest——

Mr. MOULDER. Under the rules of the committee, you are prohibited.

Mr. BOUDIN. Under the rules of the committee I am not permitted to cross-examine Mr. Lautner?

Mr. KEARNEY. You have appeared before this committee on several occasions.

Mr. BOUDIN. I have never had a witness interrupt a client of mine the way he has done.

Mr. ARENS. Mr. Riegger, was Mr. Lautner lying or telling the truth when he just now swore that he knew you as a member of the Communist Party.

Mr. LAUTNER. Functionary.

Mr. ARENS. As a functionary of the Communist Party?

Mr. RIEGGER. I respectfully decline to answer on the basis of the fifth amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that Mr. Lautner be excused.

Mr. MOULDER. Can you give us information more specifically as to the time and place and under what circumstances and conditions you have made the statement about this witness and identifying him as a member of the Communist Party?

Mr. LAUTNER. Yes, sir; in 1933 I was made section organizer of the Communist Party on the West Side, a territory which was from 59th Street to 110th Street and from Central Park west to the Hudson River.

I functioned there as a section organizer from the fall of 1933 up to April 1936. All during my section leadership up there, Wallingford Riegger was a branch functionary in various capacities of one of the branches in my section of the Communist Party in New York. He was treasurer, branch organizer, and on the side he was also secretary of an organization called the Pan-American Composers Union. Whatever it was, I don't know. But in the course of those 3 years,

he was a member of that section. We met on numerous occasions, week in and week out.

Mr. MOULDER. What kind of meetings?

Mr. LAUTNER. Party meetings. Either functionary meetings or—in most instances at functionary meetings called by the section leadership.

Mr. DOYLE. You mean Communist Party functionary meetings?

Mr. LAUTNER. That is correct.

Mr. ARENS. How long have you been president emeritus of the Metropolitan Music School?

Mr. RIEGGER. I respectfully decline to answer that question and all succeeding questions on the basis of the first amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question for the reason that the present posture of the record is that he has asserted, while he was under oath, that he is presently president emeritus of the Metropolitan Music School. The door is open for the interrogation as to the length of his tenure as president emeritus of the Metropolitan Music School.

Mr. MOULDER. The witness is ordered and directed to answer the question; and, in so ordering and directing you to answer, we are not doing so in the spirit of threatening you or to coerce you, but for the purpose of advising you and informing you of the possible dangers of being in contempt of Congress and for the purpose of advising you that we do not accept your response to the question.

(The witness conferred with his counsel.)

Mr. RIEGGER. At the risk of being repetitious, I will just have to say that I still stand on my rights as guaranteed by the first amendment to the Constitution.

Mr. ARENS. Have you ever been an officer of the Pan-American Composers Union?

Mr. RIEGGER. The first amendment of the Constitution reads in part as follows——

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question.

Mr. RIEGGER. At the risk of boring my audience, I will again cite the first amendment for this and all——

Mr. MOULDER. You refuse to answer, claiming the privilege under the amendment, the first amendment to the Constitution?

Mr. RIEGGER. Correct. Yes.

Mr. ARENS. Tell us, if you please——

Mr. MOULDER. You are claiming the first amendment. Therefore, the committee again orders and directs you to answer for the same reasons which I previously stated.

Mr. RIEGGER. I do not like to consume the time of this committee here, but my answer is the same; and it will always be the same, no matter if you ask me whether I am in this room.

Mr. ARENS. Now, sir, please tell us, were you formerly president of the board of directors of the Metropolitan Music School?

Mr. RIEGGER. The answer is the same as I have indicated.

Mr. MOULDER. And you are again ordered and directed to answer.

Mr. RIEGGER. I again repeat.

Mr. ARENS. Where and when were you born?

Mr. RIEGGER. Well, the first amendment of the Constitution reads in part as follows:

Congress shall make no law abridging the freedom of speech, or the press, of the rights of the people peaceably to assemble.

The House Committee on Un-American Activities by its actions contravenes both the spirit and the letter of this amendment. The fact that Congress has legislated this committee into existence by no means justifies the committee's unconstitutional procedures. As an American, I would fear the loss of my self-respect to submit to its interrogatories.

Mr. MOULDER. You are advised by the committee that we do not accept that as a proper response to the question which was propounded to you as to where and when were you born. Therefore, you are again ordered and directed to answer the question propounded by Counsel as to where and when you were born.

Mr. RIEGGER. I am sorry that you don't regard that as adequate. I will simply repeat what I said before, if you wish me to read this all over again.

Mr. DOYLE. May I just observe this to you, Mr. Witness. You are not being smart when you are doing this. It is not being smart.

Mr. RIEGGER. I am simply asserting my rights.

Mr. DOYLE. It is not smart at all. I want to say, Mr. Chairman, that I think we are entitled to know whether or not this man is an American citizen. If he is, how did he come by it? Was he born in some foreign country? If he was, what country?

Mr. KEARNEY. Facetiously, Mr. Chairman, I think we are entitled to an answer to the question as to whether he was born or not.

Mr. DOYLE. Of course, under the first amendment, it might incriminate him, according to his pleading.

Mr. MOULDER. The witness has been given ample opportunities to respond to the question. Proceed, Mr. Arens.

Mr. ARENS. You identified yourself in an opening colloquy with me a little while ago, Mr. Riegger, as a musician or composer, as I recall. Is that right?

Mr. RIEGGER. Correct, yes.

Mr. ARENS. Give us, if you please, just the highlights of your career in the musician-composer field.

Mr. RIEGGER. This would be a wonderful chance for some publicity, but with great modesty——

Mr. KEARNEY. Mr. Chairman.

Mr. BOUDIN. Can the witness finish his answer?

Mr. MOULDER. Yes.

Mr. RIEGGER. I respectfully decline to answer on the grounds previously given.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer that question.

Mr. MOULDER. The witness is so ordered and directed to answer the question, and we again advise you of the possible dangers of being in contempt of Congress for your refusal to answer.

(The witness conferred with his counsel.)

Mr. ARENS. Mr. Chairman, what is the status of this record? I am a little confused.

Mr. MOULDER. He was consulting with counsel.

Mr. ARENS. Is there a question outstanding?

Mr. RIEGGER. It is simply this: That, in regard to the date and place of my birth, I will consent to answer, because it seems a bit ridiculous

not to. I was born in 1885 in Albany, Ga., of American parents.

Mr. ARENS. Now, give us, if you please, sir, a brief sketch of your education.

Mr. RIEGGER. I feel that that is infringing on my rights. I had an education, I can assure you. It seems to have been adequate. But I do not see as I am obliged to answer the details of it before this committee.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. MOULDER. We refuse to accept your response to the question. You are ordered and directed to answer.

Mr. RIEGGER. I will answer as before; that is, standing on my rights as guaranteed under the first amendment to the Constitution.

Mr. KEARNEY. Mr. Chairman, before counsel asks another question, I move that the committee adjourn until 1:45 and that you direct the witness to reappear at that time.

Mr. MOULDER. Without objection it is so ordered. The witness will reappear before the committee at 1:45 p. m.

(Whereupon, at 12:30 p. m., the committee recessed, to reconvene at 1:45 p. m. the same day.)

(Members present at the taking of the recess: Representatives Morgan M. Moulder, Clyde Doyle, James B. Frazier, Bernard W. Kearney, and Robert J. McIntosh.)

AFTERNOON SESSION, TUESDAY, APRIL 9, 1957

(Committee members present: Representatives Moulder, Doyle, Frazier, Kearney, and McIntosh.)

Mr. MOULDER. The subcommittee will be in order.

Mr. Riegger, will you resume the witness stand, please?

TESTIMONY OF WALLINGFORD RIEGGER—Resumed

Mr. MOULDER. Proceed, Mr. Arens.

Mr. ARENS. Mr. Riegger, are you an instructor at the Metropolitan Music School, in addition to your post as president emeritus?

(The witness conferred with his counsel.)

Mr. RIEGGER. I respectfully decline to answer for the reasons previously given; that is, that of the first amendment, and so on.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness now, on this record, be ordered and directed to answer that question.

Mr. MOULDER. The witness is so ordered and directed.

Mr. RIEGGER. I respectfully again decline for the same reason.

Mr. ARENS. Would you kindly tell us some of the highlights of your career in the field of music?

Mr. RIEGGER. Tempting though this may be, I still claim the protection of the first amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. MOULDER. You are ordered and directed by the committee to answer the question, Mr. Riegger.

Mr. RIEGGER. And I respectfully repeat my declining.

Mr. ARENS. Have you been the vice president of the American Composers Alliance?

Mr. RIEGGER. I respectfully decline to answer that question for the same reason.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer.

Mr. MOULDER. The witness is so ordered and directed to answer.

Mr. RIEGGER. I thought I made myself clear that, from now on, I decline to answer any further questions on the basis of the first amendment. I am sorry.

Mr. MOULDER. At this point in the proceeding, as suggested by Congressman Doyle, I wish to show that all members of the subcommittee are present.

Mr. ARENS. Have you been president, or an official, of the American Chapter of International Society for Contemporary Music?

Mr. RIEGGER. I should also like to decline, for the same reason, any answer to that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. MOULDER. The witness is requested to answer the question.

Mr. RIEGGER. My answer is the same as before.

Mr. ARENS. What was your gainful employment immediately prior to your present status with the Metropolitan Music School?

Mr. BOUDIN. Can we have the question repeated?

Mr. ARENS. Your gainful employment—what was your last gainful employment?

(The witness conferred with his counsel.)

Mr. RIEGGER. I respectfully decline to answer, as before.

Mr. MOULDER. The witness is ordered and directed to answer.

Mr. RIEGGER. I will have to repeat myself.

Mr. ARENS. Now, I lay before you, if you please, sir, a photostatic reproduction of the Communist Daily Worker of Wednesday, March 5, 1941, in which a number of people sign a statement in defense of the Communist Party, including, according to this document, Wallingford Riegger, New York City.

Would you kindly look at the document as it is displayed to you and tell us whether or not you are truthfully and accurately recorded there as one who signed that statement?

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. RIEGGER. I will admit that this is my name here, and I don't see why I should not have signed it. I think I would have signed a similar thing today, because it calls attention to the legality—

(The witness conferred with his counsel.)

Mr. RIEGGER. This is a petition addressed to Congress and to the President.

Mr. ARENS. Thank you, sir.

(Document marked "Riegger Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Now, I should like to invite your attention to still another exhibit.

Mr. BOUDIN. Mr. Moulder, could we have the question and answer repeated? I think there is some confusion in the answer.

Mr. MOULDER. Probably so.

(The witness conferred with his counsel.)

Mr. BOUDIN. Could I have a second?

Mr. RIEGGER. It was not just yesterday, you know.

(The witness conferred with his counsel.)

Mr. BOUDIN. Could we, if you don't mind, Mr. Moulder, have the question and answer repeated?

Mr. MOULDER. Yes.

(The question and answer were read by the reporter.)

Mr. BOUDIN. I think the witness wants to add to his answer or change his answer.

Mr. MOULDER. You have conferred with the witness?

Mr. BOUDIN. Yes.

Mr. RIEGGER. I should like to supplement that answer by saying that I decline to answer that question now, or any more particulars about it, on the grounds of the first amendment.

Mr. ARENS. Now, we display to you, if you please, sir, a thermofax reproduction of an article from the Communist Daily Worker, entitled, "Leading Artists, Educators Support Soviet Trial Verdict," with reference to the trial in Moscow of the so-called Trotskyite people who were tried and convicted and shot. This article refers to a statement issued in support of the verdict and trial of the Trotskyites in Soviet Russia. It bears the names of a number of signatories, including Wallingford Riegger.

Kindly look at that document and tell this committee while you are under oath, please, sir, if you caused your name to be used in connection with that statement.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. RIEGGER. I decline for the same reason as before; that is, on the grounds of the first amendment.

(Document marked "Riegger Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Mr. Chairman, I respectfully suggest, in view of the answer of the witness, he be ordered and directed to answer that question.

Mr. MOULDER. The witness is so ordered and directed.

Mr. RIEGGER. I again respectfully decline to answer for the reason before stated.

Mr. ARENS. Now, I lay before you a thermofax reproduction of an open letter which appeared in New Masses, December 1940. It is a letter defending Luiz Carlos Prestes, a leader of the Brazilian Communist movement. This is a letter addressed to the President of Brazil. It bears the names of a number of people, including that of Wallingford Riegger, musician, New York City.

Kindly look at this document, while you are under oath, and tell this committee whether or not you caused your name to be affixed to that open letter or permitted your name to be used in connection with that open letter.

Mr. RIEGGER. I decline to answer for the same reason as stated before.

(Document marked "Riegger Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that last principal question.

Mr. MOULDER. The witness is so ordered and directed.

Mr. RIEGGER. I respectfully decline, for the reasons given before.

Mr. ARENS. Have you been a member of, or a sponsor of, the National Council of American-Soviet Friendship?

Mr. RIEGGER. I respectfully decline to answer.

Mr. ARENS. I lay before you now, two documents in which you are identified as a sponsor, or in an official capacity with the National Council of American-Soviet Friendship. Kindly look at those documents and tell this committee while you are under oath whether you are truly and accurately described in your capacity there with the national council.

(A document was handed to the witness.)

Mr. RIEGGER. I again respectfully decline to answer for the reason given previously.

(Document marked "Riegger Exhibit No. 4," and retained in committee files.)

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that last outstanding question.

Mr. MOULDER. The witness is directed as requested by counsel.

Mr. DOYLE. Counsel, may I ask you this: I have in my hand the Guide to Subversive Organizations and Publications as revised by the House Committee on Un-American Activities, on January 2, 1957. I refer to page 61 thereof. I see here the National Council of American-Soviet Friendship (see also American-Soviet Science Society, Congress of American-Soviet Friendship) and I read as follows:

1. Cited as subversive and Communist.
   (*Attorney General Tom Clark, letters to Loyalty Review Board, released December 4, 1947, and September 21, 1948.*)
2. "In recent months, the Communist Party's principal front for all things Russian has been known as the National Council for American-Soviet Friendship."
   (*Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, p. 156.*)
3. Cited as specializing in pro-Soviet propaganda.
   (*Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.*)
4. Found to be a "Communist-front organization" and ordered to register as such with the Attorney General of the United States.
   (*Subversive Activities Control Board, Decision of February 7, 1956.*)

This apparently, then, is the same organization about which you are questioning this witness, is that correct?

Mr. ARENS. Yes.

Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. MOULDER. Any questions, Congressman Doyle?

Mr. DOYLE. No question.

Mr. MOULDER. Congressman Kearney?

Mr. KEARNEY. I have no question, Mr. Chairman, but I would like to make an observation as far as I am personally concerned. I think, in view of the witness' contemptuous disregard for this committee of Congress, that when a proper time comes, I am going to make a motion that he be cited for contempt.

Mr. MOULDER. Are there any questions, Congressman Frazier?

Mr. FRAZIER. No questions.

Mr. MOULDER. Have you any questions, Congressman McIntosh?

Mr. MCINTOSH. No questions.

Mr. MOULDER. The witness is excused. You may claim your witness fees from the clerk of the committee.

Mr. ARENS. The next witness, if you please, Mr. Chairman, is Robert Claiborne. Kindly come forward, Mr. Claiborne.

Mr. MOULDER. You will be sworn as a witness, Mr. Claiborne. Do you solemnly swear that the testimony you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CLAIBORNE. I do.

TESTIMONY OF ROBERT CLAIBORNE, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. ARENS. Kindly identify yourself by name, address, and occupation.

Mr. CLAIBORNE. Robert Claiborne, 58 Banks Street, New York City. My occupation is musician, teacher, and writer.

Mr. ARENS. Are you appearing today, Mr. Claiborne, in response to a subpena by the House Committee on Un-American Activities?

Mr. CLAIBORNE. I can assure you I am not here voluntarily. Yes, I am appearing by subpena.

Mr. ARENS. Have you counsel?

Mr. CLAIBORNE. Mr. Boudin.

Mr. ARENS. Mr. Boudin, will you identify yourself?

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York, N. Y.

Mr. ARENS. Mr. Claiborne, where are you employed?

Mr. CLAIBORNE. Before we go into that, would you introduce yourself, sir?

Mr. ARENS. Mr. Claiborne, where are you employed?

Mr. CLAIBORNE. Could you let me have your name, sir?

Mr. ARENS. Mr. Chairman, these theatricals that he is now undertaking to pull on the committee were pulled, as the chairman knows or some members of the committee know, when we were in executive session. I, therefore, now suggest that the witness be ordered and directed to answer the question without further tactics such as these.

Mr. DOYLE. May I say to the chairman that I remember that this gentleman asked the same smart question in executive session.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. BOUDIN. Let me say that I do not recall that question being asked, Mr. Doyle.

Mr. DOYLE. I do. I did not forget it. I noted it immediately at that time—a few weeks ago.

Mr. ARENS. Would you kindly answer the question? Where are you employed?

Mr. CLAIBORNE. Mr. Chairman, I am frankly in some doubt as to whether I can with safety answer this question. Would you advise me, sir? Does this committee consider the teaching of music an un-American activity?

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question that is outstanding.

Mr. CLAIBORNE. I was addressing the Chair, sir, not you.

Mr. MOULDER. Your response is not proper.

Mr. CLAIBORNE. I would like to know before I respond what the committee's views are on this subject.

Mr. MOULDER. The witness is directed to answer the question.

Mr. DOYLE. May I answer that? The witness knows very well this committee does not hold the teaching of music as an un-American activity. Now, go ahead.

Mr. CLAIBORNE. Well, I was curious.

Mr. ARENS. Kindly answer the question. Where are you employed?

Mr. CLAIBORNE. I am employed at the Metropolitan Music School.

Mr. ARENS. In what capacity?

Mr. CLAIBORNE. I am instructor in guitar and also head of the fretted instrument department.

Mr. ARENS. How long have you been connected in this capacity with the Metropolitan Music School?

Mr. CLAIBORNE. Do you mean as instructor?

Mr. ARENS. Yes.

Mr. CLAIBORNE. I think since 1946.

Mr. ARENS. How long have you been head of the fretted instruments department?

Mr. CLAIBORNE. I am not quite sure. I think it is a matter of 2 or 3 years, but it is not quite clear in my mind.

Mr. ARENS. Have you ever been a member of the board of directors of the Metropolitan Music School?

Mr. CLAIBORNE. Yes, I was at one time.

Mr. ARENS. Do you recall the approximate time of your service?

Mr. CLAIBORNE. I think it was from about 1948 until the spring of last year, when I was forced to resign by pressure of family duties.

Mr. ARENS. And what have you taught at the Metropolitan Music School? What courses?

Mr. CLAIBORNE. I have taught the guitar and a course in musical theory related to the guitar for students of the guitar.

Mr. BOUDIN. May I interrupt by asking the chairman a question? As indicated, the witness testified in executive session on this same general subject. It would seem to me desirable for him to have the executive session minutes here, if they are in the room, while he testifies.

Mr. ARENS. Mr. Chairman, I respectfully suggest that counsel now be admonished that his sole and exclusive prerogative in this proceeding is to advise his client as to his constitutional rights.

Mr. MOULDER. That is correct, and the request is refused. Let us proceed.

Mr. ARENS. Mr. Claiborne, have you ever been connected with the Citizens' Committee for the Metropolitan Music School?

Mr. CLAIBORNE. To the best of my recollection, I was a member of, or possibly an officer of, that organization. I could not give you the dates.

Mr. ARENS. Were you the publicity director of the Citizens' Committee for the Metropolitan Music School?

Mr. CLAIBORNE. Have you any printed material——

Mr. ARENS. Yes. Perhaps this would refresh your recollection. I have here the 20th Anniversary Almanac of the Metropolitan Music School; and I invite your attention specifically to page 6, in which your name appears, Bob Claiborne, publicity director, under the heading of the Citizens' Committee of the Metropolitan Music School.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. CLAIBORNE. That looks right. That looks right.

(Document previously identified as "Ackley Exhibit No. 2," retained in committee files.)

Mr. ARENS. Have you ever been identified or connected with the People's Songs, Inc.?

Mr. CLAIBORNE. What do you mean identified or connected?

Mr. ARENS. Have you ever been an officer or an incorporator or an official of People's Songs?

Mr. CLAIBORNE. I seem to recall that I was an incorporator of it, in a more or less formal capacity.

Mr. ARENS. Do you recall when that was, approximately?

Mr. CLAIBORNE. I should think it would have been in 1946.

Mr. ARENS. Were you on the editorial board of People's Songs?

Mr. CLAIBORNE. Do you mean a publication?

Mr. ARENS. Yes, sir.

Mr. CLAIBORNE. I may have been. I have no independent recollection of it.

Mr. ARENS. Perhaps this would refresh your recollection. I have here a thermofax reproduction of the masthead of People's Songs, in which the editorial board is listed, including one Bob Claiborne, whose name also appears as a member of the board of directors of People's Songs.

Kindly look at that document while it is being displayed to you and tell the committee while you are under oath whether or not that refreshes your recollection.

(A document was handed to the witness.)

Mr. CLAIBORNE. It isn't necessary. I am not disposed to deny it.

Mr. ARENS. Would you kindly tell us whether or not you will affirm it?

Mr. CLAIBORNE. I cannot independently recollect the truth of it. As I say, I see no reason to deny it. It was a perfectly legal organization, engaged in perfectly lawful activities, and I have no objection to letting the record stand, that you have stated I was a member of the editorial board. I don't deny that I was. I just can't say independently, of my own recollection, that that was the case.

Mr. ARENS. Thank you, sir.

(Document marked "Claiborne Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Now, do you recall authoring a song called The Goldern Red?

Mr. CLAIBORNE. You are not going to tell me this committee is going to investigate songs?

Mr. ARENS. Would you kindly answer the question? Do you recall authoring a song called The Gol-dern Red?

Mr. CLAIBORNE. Yes; certainly I recall.

Mr. ARENS. I should like——

Mr. CLAIBORNE. The song was directed, as a matter of fact, against investigations such as this—if I may anticipate your next question—as contrary to the Constitution.

Mr. ARENS. It was a song that was directed against the Committee on Un-American Activities, was it not?

Mr. CLAIBORNE. Among others.

Mr. ARENS. The song reads as follows:

I went up to my boss one day to ask him for a raise.
He wept and said he didn't have the dough.
Well, I knew for all his crying that that plutocrat was lying,
And that's just what I told the So-and-so.

And what d'ya think he said?
"Why, you're nothing but a gol-dern Red (straight from Russia).
You're nothing but a gol-dern Red.
Yes; and if the truth be told, you're receiving Moscow gold.
Yes; you're nothing but a gol-dern Red."

(Document marked "Claiborne Exhibit No. 2" and retained in committee files.)

Mr. ARENS. At this point I would like to ask you: Are you, Robert Claiborne, now, or have you ever been, a member of the Communist Party?

Mr. CLAIBORNE. Mr. Chairman, would you advise me on this: In answering this question, I would like to, for the record, attach certain qualifications to my answer. Is it your wish that I state my qualifications first and then answer the question, or answer the question first and then state the qualifications to it?

Mr. MOULDER. I am rather confused myself.

Mr. CLAIBORNE. Well, it is very simple. Do you want me to answer the question and then state the qualifications that I have to my answer? I want to attach certain qualifications to it, certain reservations, certain statements for the record, in relation to the answer. Or do you want me to state the reservations first and then give the answer?

Mr. MOULDER. You proceed to answer the question as you choose.

Mr. CLAIBORNE. O. K. Well, then, if you give me my choice, I will state first, before answering the question, that I object——

Mr. MOULDER. I see what you mean now. No. Answer the question and then give your reasons therefor.

Mr. CLAIBORNE. Very good. Very well. The answer to the question is that I have not, for a number of years, been a member of the Communist Party. Now, in connection with that, I would like to observe for the record that I object to this question. I object to any similar question of myself or of anyone on the matter of political beliefs or political affiliations, on the grounds that it is not within the purview of the lawful power of the Congress to investigate where it cannot legislate, as the Constitution says, on matters of speech, of association, of assembly, and so forth. So I would like the record to be quite clear that I am answering this question, not because I for one moment concede the authority of this committee to ask it or require me to answer, but merely because I choose to answer it.

Mr. MOULDER. That does not fully answer the question. Mr. Claiborne, the question was, Are you now, or have you ever been, a member of the Communist Party. Your response was that you have not been a member of the Communist Party for a number of years, and then you gave your reasons for making that statement.

Mr. CLAIBORNE. What is the procedure?

Mr. MOULDER. The question is pending. You partially answered the question. Have you ever been a member of the Communist Party?

Mr. CLAIBORNE. Very good. Now, on that subject, I decline to answer, and my reasons for doing so are as follows: First, the grounds

I have already stated, that the asking of such a question is outside of the constitutional powers of Congress; indeed, in my opinion, the existence of this committee is in violation of the constitutional powers of Congress. That is my first reason. My second reason is that this committee is attempting to deprive me of my constitutional liberties without due process of law. My third reason is a little bit more complicated. I would like it on record that, to the best of my knowledge and belief, I have committed no crime. Nonetheless, there is a possibility that a truthful answer to this question might result in my being indicted on some broad political charge.

I am quite certain that I would not be convicted on such a charge, but I am equally certain that winning an acquittal, which I would do and could do, would cost me several thousand dollars, which I do not have. I am, therefore, compelled to invoke my constitutional privilege not to be a witness against myself because I cannot afford to engage in litigation.

Mr. ARENS. Now, sir, the record reflects that you stated a moment ago that you have not been a member of the Communist Party for a number of years.

Mr. CLAIBORNE. That is correct.

Mr. ARENS. For how many years have you not been a member of the Communist Party?

Mr. CLAIBORNE. Well, I don't think I care to be—wait a minute. Yes, that question is correctly put. I thought for a minute it was a little bit loose. I would prefer not to be too precise about it. Let us say for not less than 3, and not more than 5, years.

Mr. ARENS. You have not been a member of the Communist Party for not less than 3, or more than 5, years, is that correct?

Mr. CLAIBORNE. That is correct.

Mr. ARENS. Did you resign, technically, membership in the Communist Party so that you could face the world and deny truthfully technical membership in the Communist Party?

Mr. CLAIBORNE. Mr. Counsel, you are forgetting that I have at no time said that I was a member. Therefore, questions about resigning are a little bit out of order, don't you think?

Mr. ARENS. Mr. Chairman, I respectfully suggest this record reflect an order and direction to the witness to answer the last outstanding question.

Mr. MOULDER. Yes; the witness is ordered and directed to answer the question. As I stated before, the direction is given to advise and inform you that the committee refuses to accept your response to the question and advises you of the possible danger of being in contempt of Congress.

(The witness conferred with his counsel.)

Mr. CLAIBORNE. Could I have the question again, please?

(The pending question was read by the reporter.)

Mr. CLAIBORNE. I seem to gather from this, Mr. Counsel—I believe your name is Arens, isn't it, sir?

Mr. MOULDER. That is correct.

Mr. CLAIBORNE. I seem to gather from this, Mr. Arens, that, according to your theory, there are two kinds of membership in the Communist Party, technical membership and nontechnical membership. I am frank to say that this is not in accordance with my understanding of the subject. I wish you would enlighten me.

Mr. ARENS. I am glad to have you make that observation. Now, tell us, what is the source of your understanding of the subject?

Mr. CLAIBORNE. I have done a good deal of reading and studying.

Mr. ARENS. Is there any other source of your information on the subject?

Mr. CLAIBORNE. What subject?

Mr. ARENS. The subject of membership in the Communist Party.

Mr. CLAIBORNE. Well, to the best of my belief, there is only one competent source on the qualifications and requirements of membership in the Communist Party and that is the Constitution.

Mr. ARENS. Do you base your conclusion or observation on personal experience in the Communist Party?

Mr. CLAIBORNE. Well, now, you know that is just another way of asking if I have ever been a member; and I have already refused to answer that, giving my ground in full. I am certainly not going to answer it under another guise.

Mr. ARENS. In view of that answer, Mr. Chairman, I respectfully suggest that he be ordered and directed to answer the question.

Mr. KEARNEY. Mr. Chairman, let me get this straight in my mind. With all the witness' evasions here, I am getting pretty well confused over his testimony. Did I understand you to say a minute ago, in response to the counsel's question, that you had not been a member of the Communist Party from either 3 to 5 years?

Mr. CLAIBORNE. Yes, that is correct.

Mr. KEARNEY. That is what I thought.

Mr. CLAIBORNE. Not less than 3 and not more than 5.

Mr. KEARNEY. Not less than 3 nor more than 5?

Mr. CLAIBORNE. Without any implications to the period before that, whether I was or was not. That I do not affirm and do not deny.

Mr. KEARNEY. Well, you want to eat your cake and have it, too?

Mr. CLAIBORNE. No, sir. I made a statement that I had not been a member of the Communist Party within a particular period of time. As to a particular period prior to that, I decline to answer.

Mr. ARENS. You deny technical membership in the Communist Party so that you could face the world and deny membership in the Communist Party?

Mr. CLAIBORNE. What do you mean "technical membership"? It seems to me that you are either a member or you are not.

Mr. ARENS. Did you resign membership in the Communist Party? We will start there.

Mr. CLAIBORNE. Well, to answer that, I would obviously have to state, to admit what I have refused to admit, that I was a member. Therefore, I certainly can't answer that.

Mr. ARENS. Mr. Chairman, I certainly suggest, in view of this response, that the witness be ordered and directed to answer the question.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. CLAIBORNE. I refuse to on the same grounds that I essentially refused to answer a moment ago.

Mr. ARENS. Now, I have another——

Mr. BOUDIN. May I ask if the record is clear as to the reasons for the witness' refusal?

Mr. ARENS. Yes, we understand that.

Mr. BOUDIN. I certainly did not want it to interfere with your examination, Mr. Arens.

Mr. ARENS. We appreciate that. We have here a song, "It's My Union," words and music written by Bob Claiborne. Do you recall writing that song, "It's My Union."?

Mr. CLAIBORNE. What happened to the other song, by the way? We were on that and somehow we got off it.

Mr. ARENS. Mr. Chairman, I now respectfully suggest and request that the witness be ordered and directed to answer that question.

Mr. CLAIBORNE. I certainly have no reason to conceal that, Mr. Chairman. I am very proud to have written that song.

As a matter of fact, it was the official Labor Day song in San Francisco in 1946 or 1947, I am told.

(Document marked "Claiborne Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Was that written in connection with the work of the Mine, Mill and Smelter Workers Union?

Mr. CLAIBORNE. I believe that it was. I am trying to remember the exact circumstances. I think that actually it was written on commission from them. It is a fine union, one of the oldest in this country and a very strong union. I was a member of it at one time.

Mr. ARENS. Had it been expelled from the CIO as a Communist-controlled union as of the time you wrote the song for it, or on commission from it?

Mr. CLAIBORNE. Do you have any dates on when that expulsion took place?

Mr. ARENS. I have the date here of your song. It is copyrighted in 1947. I was wondering if you could recall whether or not that was before or after the expulsion of the International Union of Mine, Mill and Smelter Workers.

Mr. CLAIBORNE. Don't you know when the expulsion took place?

Mr. ARENS. It was in 1947.

Mr. CLAIBORNE. They are both in 1947. I really don't have any recollection one way or the other.

Mr. BOUDIN. Mr. Chairman, the expulsion referred to took place in 1948 or 1950 of various unions from the CIO. I don't want Mr. Arens to be misled.

Mr. ARENS. We have it here in the record. I can check it.

Was the commission to you to write this song, "It's My Union," a commission directed to you by any person known to you to have been a member of the Communist Party?

Mr. CLAIBORNE. The commission, as I recall, was directed to me by officers of the union.

Mr. ARENS. Who were they? Do you recall?

Mr. CLAIBORNE. Lord, it is a long time ago.

Mr. ARENS. Was Maurice Travis one of the officers who commissioned you to write this song?

Mr. CLAIBORNE. As I recall, this was a matter that was handled by letter; and I couldn't truthfully tell you now who signed the letter. This is a matter of 10 years ago. It was not a continuing contract over the years. I am not even sure I ever met Mr. Travis, let alone whether he signed the letter. I think it may have been. This is purely a very loose opinion. It may have been Gran [Graham] Dolan who was, I believe, at that time, educational director of the union.

Mr. ARENS. Do you know whether Mr. Dolan is a Communist or has been a Communist?

Mr. CLAIBORNE. I haven't seen Mr. Dolan—I think I met him in 1947.

Mr. ARENS. Now, answer the question. Do you know whether Mr. Dolan is or has been a Communist?

Mr. CLAIBORNE. No, I have no notion.

Mr. ARENS. Did you change your position with reference to the International Union of Mine, Mill and Smelter Workers, concerning which organization you wrote this laudatory song, after you learned that it had been ejected from the CIO because the CIO found that it was controlled by the Communist conspiracy?

Mr. CLAIBORNE. Just a moment. Your question contains a perhaps natural, but not quite correct, assumption. The song was written not specifically in praise of the Mine, Mill and Smelter Workers, but in praise of any union which is democratically controlled by its members as opposed, let us say, to a union such as the one Mr. Dave Beck is connected with. That sentiment in favor of democratic membership control of unions is one that I remain in favor of absolutely.

Mr. ARENS. Yes. Now, a little while ago, you were lauding the International Union of Mine, Mill and Smelter Workers, were you not?

Mr. CLAIBORNE. From my observation which—understand, I am not a specialist, but I try to keep up to date—from my observation, it is a union which has fought very hard for better conditions for its members, many of whom have hard and very dangerous jobs. It is a union which has, I understand, even brought a measure of democracy to some of the company towns out in our great Mountain States, where the towns used to be entirely under the domination of mining companies.

Mr. ARENS. Did you know that Maurice Travis, the head of that organization or the principal moving force of the organization, has been repeatedly identified under oath as a member of the international Communist conspiracy?

Mr. CLAIBORNE. I may have read something of that sort. I don't really recall. I will tell you truthfully, Mr. Counsel, that I don't really care. Mr. Travis, from my observation, is doing a fine job for his members; the members elect him, and he is the man they want. I say in this country, thank God, people are still free in some cases to elect people whom they want to represent them.

Mr. ARENS. Now, I would like to ask you, if you please, about a fighting songfest, which, according to the Communist Daily Worker, was held at a Manhattan theater here——

Mr. CLAIBORNE. Here in New York?

Mr. ARENS. Yes, sir; under the auspices of the Music Section of the Communist Party, and one of the leading lights in this fighting songfest, according to the Communist Daily Worker of April 13, 1949, page 7, is one Bob Claiborne.

Kindly look at this advertisement which will now be displayed to you and see if that, first of all, refreshes your recollection with reference to that fighting songfest.

(A document was handed to the witness.)

Mr. MOULDER. Let counsel examine the document, also.

Mr. BOUDIN. Thank you.

(The witness conferred with his counsel.)

Mr. CLAIBORNE. You don't mean the three prosecutors at Foley Square?

Mr. BOUDIN. What was the question, Mr. Arens?

Mr. ARENS. I think he knows.

Mr. CLAIBORNE. Do I recollect this?

Mr. ARENS. Yes. Were you the Robert Claiborne connected there as one of the leaders of this fighting songfest held under the auspices of the Communist Party at Manhattan Center on the date indicated on the Communist Daily Worker? I believe it is in 1949.

(The witness conferred with his counsel.)

Mr. CLAIBORNE. Frankly, Mr. Arens, at this time, I was appearing sometimes several times a week at various musical programs or something of the sort, singing; and I have no independent recollection of this thing. As a matter of fact, I am afraid you are mistaken.

It says here it is the Yugoslav-American Home, not Manhattan Center. That doesn't help matters, I am afraid. I just have no independent recollection of 1947, 1948, 1949, 1950, and 1951. I must have appeared at several hundred occasions where I sang.

Mr. ARENS. You have no independent recollection of it, is that correct?

Mr. CLAIBORNE. I have no independent recollection.

(Document marked "Claiborne Exhibit No. 4," and retained in Committee files.)

Mr. ARENS. Thank you. Now, I would like to come up a little more in the chronology of your life, and perhaps we can get to a time when you do have recollection.

I have here a photostatic copy of the Communist Daily Worker of Thursday, July 1, 1954, "Packed Rally Honors Ben Davis." He was former city councilman here, as you know, and repeatedly identified as a member of the national committee of the Communist conspiratorial apparatus. According to this Communist Daily Worker of 1954, in this packed rally honoring Ben Davis, there was a "cultural salute to Davis" by songs by a number of people including "Bob Claibourne."

Please look at this as it is displayed to you and see if that refreshes your recollection with reference to that occasion.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. CLAIBORNE. It doesn't seem to be clear, here, whether this refers to songs sung by or written by. It says songs by.

Mr. ARENS. Were you in attendance at that session?

(The witness conferred with his counsel.)

Mr. CLAIBORNE. I have only a very dim recollection of this thing. I will say, to the best of my recollection, it was not sponsored by the Communist Party. I think that is all I can say on the subject.

Mr. ARENS. Does your dim recollection include a recollection of your attendance or participation in that affair for Ben Davis?

Mr. CLAIBORNE. I have no clear picture of it in my mind. You have to understand that, when over a period of years, you have attended many, many meetings, musical events, and so forth, one tends to blur into another. It is conceivable that I might have been there. It is equally conceivable that they might have gotten my name from

somewhere else. I honestly don't know. Or it may have been that they just used songs which I had written but without my personal presence.

(Document marked "Claiborne Exhibit No. 5," and retained in committee files.)

Mr. ARENS. Perhaps you could help us on this next one, then.

Mr. MOULDER. How do you know it was not sponsored by the Communist Party?

Mr. CLAIBORNE. The story doesn't say so here. Let us put it this way, as I recollect my general feeling. In 1954, while I certainly would have appeared at an event sponsored by some nonpartisan organizations against the Smith Act which I regarded then, as I regard now, as a dangerous and unconstitutional and un-American piece of legislation——

Mr. KEARNEY. Mr. Chairman, I would suggest that the witness answer the question instead of making these continuing speeches. It is nothing but a stalling game. He has been that way ever since he has been on the stand.

Mr. CLAIBORNE. I am trying to answer the question, Mr. Kearney, if you will give me a chance. I am trying to give you my reasoning as to why I don't think it was sponsored by the Communist Party.

As I say, while I would have attended a rally protesting the Smith Act for the reasons that I have given, I do not think, as I recollect my thinking, my feelings at the time, that I would have cared to attend a rally sponsored by the Communist Party.

Mr. MOULDER. That is going on the assumption, then, that you did attend such a rally, the rally referred to by counsel?

Mr. CLAIBORNE. That is going on the assumption that I did attend. As I say, I haven't got any clear recollection. But assuming that it was not sponsored by the Communist Party, I would say it was possible that I did. Assuming that it was sponsored by the Communist Party, I should say it was quite likely that I did not.

Mr. MOULDER. Proceed with the next question.

Mr. ARENS. As a person who is on the faculty of the Metropolitan Music School, do you presently have information respecting people who are on the faculty of the Metropolitan Music School, who, to your certain knowledge, have been members of the Communist Party?

Mr. CLAIBORNE. Let me have that again, please.

Mr. MOULDER. Should the question be phrased as, do you have any such knowledge? Do you have any knowledge of any members of the faculty?

Mr. CLAIBORNE. I have no knowledge as to the political affiliations presently as to any members of the faculty.

Mr. ARENS. Take out the word "presently." Do you know people on the faculty who, to your certain knowledge, have been members of the Communist Party? By faculty, I mean faculty of the Metropolitan Music School.

Mr. CLAIBORNE. When you say "certain knowledge," precisely what does that mean?

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question.

Mr. CLAIBORNE. How can you be certain about a thing like that? I am getting to a point, Mr. Counsel. The only way that I think, from what I have heard, that one can be certain is if one was a member of

the Communist Party with them. Since you have already asked me whether I ever was a member and since I have already refused to answer, then I am going to refuse to answer the question, no matter how you dress it up.

Mr. MOULDER. For what reasons?

Mr. CLAIBORNE. For the reasons that I already refused to answer the question of "Have you ever been a member of the Communist Party?" It is the same reasons.

Mr. ARENS. Perhaps you can help us on the next exhibit. This is a photostatic reproduction of this Communist Daily Worker of May 1949 (May 4). I want to invite your attention specifically to this article about a review put on by the Communist cultural division [Music Section of the Cultural Division of the Communist Party]. It was given in the honor of the 12 indicted Communist party leaders.

Mr. CLAIBORNE. What was the date?

Mr. ARENS. 1949. I should like to read you an excerpt from this article:

> Now, Is The Time, a program of songs and topical satire. Auspices of the Music Section of the Cultural Division of the Communist Party. Script by Lee Hays. With Bob Claiborne, Betty Sanders——

and so forth.

Kindly look at that article as it is displayed to you and see if it refreshes your recollection with reference to your participation in the script, or in the production of the songs, for this cultural unit of the Communist Party in its commemoration of the indictment of the 12 Communist traitors.

(A document was handed to the witness.)

Mr. CLAIBORNE. Correction please. They were not, as you very well know, sir, convicted of treason. They were convicted of teaching, and conspiring to teach, the overthrow of the Government. The Constitution is very specific on the definition of treason.

Mr. KEARNEY. The verdict of the jury was specific.

Mr. CLAIBORNE. Yes, to advocate and teach the overthrow of the Government by force and violence. It was not convicting them of advocating, but conspiracy to advocate.

Well, I think I am going to refuse to answer this on the same grounds as I already gave.

Mr. ARENS. Is it the lack of recollection or is it something else? I want the record to be sure.

Mr. CLAIBORNE. No, this is the same grounds as I gave on the question of "Have you ever been a member of the Communist Party?"

(Document marked "Claiborne Exhibit No. 6," and retained in committee files.)

Mr. ARENS. Now, I would like to lay before you a photostatic reproduction of still another issue of the Communist Daily Worker, New York, April 1, 1949 (p. 5). It is a brief article. I will read most of it:

> ANTI-FRANCO SONGS AT PEACE CAUCUS
>
> A new series of anti-Franco songs will be premiered at the Joint Anti-Fascist Refugee Committee's Caucus for Peace in Manhattan Center, Monday evening. Pete Seeger, Joe Jaffe, Ernie Lieberman and Bob Claiborne of People's Artists will present the new songs which have been specially written for the occasion.

Kindly look at this exhibit as it is displayed to you, please, sir, and see if it refreshes your recollection with reference to the production by yourself of certain songs which were used on that occasion.

(A document was handed to the witness.)

Mr. CLAIBORNE. Excuse me. It does not say the songs were written by me. As a matter of fact, to the best of my recollection, they weren't. It merely says they will be presented by, and I am quite free to say that I was there—as I will always, I hope, be at any manifestation against Franco.

(Document marked "Claiborne Exhibit No. 7," and retained in committee files.)

Mr. ARENS. Have you been participating in any manifestations against Stalin?

Mr. CLAIBORNE. He is dead. Franco isn't.

Mr. ARENS. During his lifetime, did you participate in any manifestations against him?

Mr. CLAIBORNE. I don't know that anybody ever asked me.

Mr. ARENS. You didn't volunteer or initiate any such demonstration; did you?

Mr. CLAIBORNE. I haven't done much in the way of volunteering or initiating demonstrations, Mr. Arens. Where I have been asked, and where I agreed with the purpose of a manifestation or a demonstration, I have always tried to say where I stood, quite frankly.

Mr. ARENS. Then tell us frankly now, where you stand with referenc to Comrade Stalin.

Mr. CLAIBORNE. You are referring to him, I suppose, as your comrade because he certainly isn't mine. I told you I am not a member of the Communist Party. What else would you like to know?

Mr. ARENS. Have you ever been a member of the Communist Party and are you under Communist Party discipline? That is what I would like to know.

Mr. CLAIBORNE. When you say Communist Party discipline, that is an interesting phrase. I don't know that it has been legally defined. If you mean that the Communist Party can call me up and say, "Claiborne, we want you to do so and so," then the answer is certainly not.

Mr. FRAZIER. Mr. Chairman?

Mr. MOULDER. Congressman Frazier?

Mr. FRAZIER. I move that you direct the witness to answer the question.

Mr. MOULDER. The witness is ordered and directed to answer the question.

Mr. CLAIBORNE. Mr. Chairman, I find it impossible to answer the question further unless I can get a definition from the counsel as to what Communist Party discipline is.

Mr. FRAZIER. May I ask you if you have been a member of the Communist Party or have ever been a member of the Communist Party? You can answer that.

Mr. CLAIBORNE. I said 3 or 4 times, I am not a member.

Mr. FRAZIER. I said, have you ever been a member?

Mr. CLAIBORNE. I have refused 3 or 4 times to answer that, and I have given my grounds. The question has come up as to Communist Party discipline.

Mr. MOULDER. Maybe I can clarify it by asking are you, in any way, now under the direction or influence of the Communist Party?

Mr. CLAIBORNE. Well, as far as influence goes, I am under any number of influences. I read a great many publications. I listen to a great many people; and if I agree with them, you can say that I am influenced by them.

If you mean do I agree with the Communist Party 100 percent, no, I certainly do not. If you mean are they able to tell me what to do and I feel that I must do it, simply because they say it; if this is what you mean by Communist Party discipline, certainly not. As a matter of fact, I don't think there is anybody, except possibly my wife, that is in that position.

Mr. MOULDER. Are there any further questions?

Mr. ARENS. No further questions, Mr. Chairman.

Mr. MOULDER. Any question, Congressman Doyle?

Mr. DOYLE. I think, in view of the witness' claim of the first amendment privilege and his statement that he has read a great deal, I want to read from this brief of the American Bar Association in the case of Watkins versus the United States of America.

Mr. CLAIBORNE. How about the remarks of the California Bar Association relative to the conduct of the counsel of this committee?

Mr. DOYLE. That is right.

Mr. CLAIBORNE. I will exercise my rights of free speech, sir.

Mr. DOYLE. You are very smart. Let me read you the decision of the United States Supreme Court and see if you are as smart as the Court is.

(The witness conferred with his counsel.)

Mr. CLAIBORNE. I thought you said the brief of the American Bar Association. Which is this?

Mr. DOYLE. I am reading from a brief quoting the United States Supreme Court decision, as long as your counsel has called attention to it when I mentioned the bar association brief.

Mr. CLAIBORNE. I am sorry I interrupted you. I wanted to be clear as to what you were quoting from.

Mr. DOYLE. I am reading from page 6 in this brief in this case:

A most recent case, decided January 3, 1957, dealing with the similar issues to those involved in the Watkins case, in *Barenblatt* v. *United States*, No. 13,327, United States Court of Appeals for the District of Columbia Circuit. The opinion, written by Judge Bastian—

Counsel, will you please allow your witness to listen? If you want to consult with him, go ahead and do it, and then I will finish reading.

Mr. CLAIBORNE. The opinion written by Judge Bastian.

Mr. MOULDER. I see no point in arguing with the witness about a Supreme Court decision.

Mr. DOYLE. Are you through consulting now with your counsel and counsel with the witness? If you are, I will proceed.

Mr. CLAIBORNE. I am waiting for you to continue, sir.

Mr. DOYLE. I think it is important to listen. If this was a court, you would be in contempt of court.

The opinion, written by Judge Bastian for a unanimous Court, convincingly states the reasons for not unduly restricting the operations of Congressional Committees. Also the Court after reviewing the history of the Committee on Un-American Activities of the House of Representatives concluded that there is abundant reason to sustain its inquiries into Communist infiltration.

The Court stated—

And this is a quotation from the decision of the United States Supreme Court as listed here by the American Bar Association—

"Appellant next contends that the primary purpose of the subcommittee's inquiry was to 'expose' his beliefs and associations and that, therefore, the subcommittee exceeded the bounds of its investigative power. There can be no doubt that Congress has the power of inquiry and investigation when the inquiry or investigation is upon a subject concerning which Congress may legislate. The very resolution—

and I want to interpolate here the resolution the Supreme Court refers to is Public Law 601.

"The very resolution establishing the committee indicates that the subject under inquiry was one concerning which Congress could legislate. The fact that such an inquiry or investigation may reveal or 'expose' some facts embarrassing to someone is incidental and without effect upon the validity of the inquiry.

"Evidence was presented at the trial to show that the House Committee on Un-American Activities had been engaged in a continuing investigation into Communist methods of infiltration * * *."

The thing we are doing here, Mr. Chairman—and I want to call the attention of the record to this point—is that we are continuing our investigation as to the extent to which identified Communists in and about New York have infiltrated the Metropolitan School of Music or other music activities which we particularly inquire into. We are not inquiring as to music. Individually, I consider music is the universal language. But we are continuing our investigation into the extent to which Communists who have been identified have infiltrated much or little into the field of music as related particularly, today and in the next few days, to the Metropolitan School of Music.

I want the record to show that Supreme Court decision.

Mr. CLAIBORNE. Mr. Doyle, if I may comment on that——

Mr. MOULDER. May I say that the members of the committee may wish to ask other questions. I think that what Congressman Doyle has stated for the record is a very valuable addition to the record, but I see no point in addressing it to the witness for the purpose of arguing about decisions of the court. You are before us to give us facts and information you may have, and not to discuss the decision of the Court or anything to do with the Court.

Mr. MCINTOSH. Mr. Claiborne, you have refused to answer a number of questions. Referring back to your original statement in answer to the first question, that statement included the grounds of self-incrimination, did it?

Mr. CLAIBORNE. It included the fact that I could not expect to be convicted, but I could not take the chance of being indicted because it is too expensive.

Mr. MCINTOSH. Specifically, were you, in refusing to answer these questions, invoking the privilege extended to you under the fifth amendment of the Constitution?

Mr. CLAIBORNE. Yes; I think so.

Mr. MCINTOSH. To all of these questions that you have refused to answer, among all the other grounds, you are invoking the fifth amendment, are you not?

Mr. CLAIBORNE. I prefer my own wording.

Mr. MCINTOSH. You are assigning as a reason the ground of self-incrimination under the fifth amendment, are you not?

Mr. CLAIBORNE. So long as it is clearly understood that I do not concede myself to be guilty of any crime.

Mr. MCINTOSH. I am not belaboring the question, but I want to find out whether you are invoking the fifth amendment or are not.

Mr. CLAIBORNE. Yes.

Mr. BOUDIN. May I say that that was a quotation from the court of appeals. I don't want Congressman Doyle to refer to it as a Supreme Court decision.

Mr. CLAIBORNE. Mr. Moulder, I did not want to refer to that at all.

Mr. MOULDER. Are there any other questions of the witness? If not, the witness is excused.

Call your next witness, Mr. Arens.

Mr. ARENS. Mr. Sidney Finkelstein, kindly come forward.

Mr. MOULDER. Do you solemnly swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FINKELSTEIN. I do.

TESTIMONY OF SIDNEY FINKELSTEIN, ACCOMPANIED BY COUNSEL, MILDRED ROTH

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. FINKELSTEIN. Sidney Finkelstein, 522 Stratford Road, Brooklyn; occupation, author and writer.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. FINKELSTEIN. I am.

Mr. ARENS. You are represented by counsel?

Mr. FINKELSTEIN. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Miss ROTH. Mildred Roth, 401 Broadway, New York City.

Mr. ARENS. Mr. Finkelstein, are you a member of the board of directors of the Metropolitan Music School?

Mr. FINKELSTEIN. I am a member; yes.

Mr. ARENS. And how long have you occupied that post?

Mr. FINKELSTEIN. I believe my recollection is a little cloudy. I believe it is about a year and a half. I think it started in the fall of 1955.

Mr. ARENS. Do you also teach at the Metropolitan Music School?

Mr. FINKELSTEIN. No; I don't.

Mr. ARENS. Have you ever taught at the Metropolitan Music School?

Mr. FINKELSTEIN. Yes; I have taught there.

Mr. ARENS. You taught what subject?

Mr. FINKELSTEIN. Music appreciation.

Mr. ARENS. Over what period of time did you teach at the Metropolitan Music School?

Mr. FINKELSTEIN. There, again, my recollection is a little cloudy. I think it started in 1953.

Mr. ARENS. And when did it terminate?

Mr. FINKELSTEIN. It terminated in January of 1957, of this year.

Mr. ARENS. Where are you presently employed?

Mr. FINKELSTEIN. I am self-employed. I am an author and writer of books and so on, and I sell my writings or write books and collect royalties.

Mr. ARENS. What is the nature of your writings? What type of material do you compose?

Mr. FINKELSTEIN. They deal with the arts. Mostly about music, but a good deal about history of fine arts, literature, and so on.

Mr. ARENS. Where else have you taught besides at the Metropolitan Music School?

(Representative Moulder left the hearing room.)

Mr. FINKELSTEIN. I decline to answer that question on the basis of my—well, I decline for three reasons: One is that, observing the proceedings up to now, I believe that these proceedings are an attempt to smear a school without the slightest interest in what that school is teaching or doing. I think this is an un-American procedure, especially as it refers to a school. I think it is an interference with the search for truth, it intimidates the search of truth, which is essential to the operation of a school. So, on principle, I would not want to cooperate with such a procedure. My second reason is the fact that I think that this committee's operations are an invasion of the right of free speech guaranteed by the first amendment to the Constitution, where Congress is prohibited to legislate. My third reason is my rights not to be a witness against myself as guaranteed by the fifth amendment to the Constitution.

Mr. ARENS. I am interested in that phrase you used about the search for truth. I want to lay before you a couple of exhibits now and see if you can help us in our search for truth. Here is a thermofax reproduction of a bulletin of the Jefferson School of Social Science, in which we see "Marxism and Culture," one of the courses there being taught by Sidney Finkelstein, and underneath the announcement of the course the following:

> The role of culture in the class struggle today. How the great art of the past reflected and reacted upon society. How art today is related to the basic conflicts of our time. Socialist realism as the cultural expression of the working class versus abstractionism, formalism, subjectivism, and other decadent expressions of imperialism. A critical examination of the cultural scene in the U. S. and the main tasks of the labor-progressive movement.

Would you kindly look at this exhibit as it is laid before you, Mr. Finkelstein, and tell us, first of all, whether you are truthfully and accurately identified there as the instructor in culture and art for the working classes.

(Document handed to witness.)

(Witness conferred with his counsel.)

Mr. ARENS. Are you accurately and truthfully described in that exhibit that you have in your hand as an instructor at the Jefferson School of Social Science, an instructor in art and culture?

Mr. FINKELSTEIN. I decline to answer that question on the basis of my rights under the fifth amendment not to be a witness against myself.

(Document marked "Finkelstein Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Now, I want to display to you, if you please, sir, a thermofax reproduction of the Communist Daily Worker of January 15, 1956, page 7, in which an article appears by yourself, Sidney Finkelstein. In the article you say, "the search for truth has become a force helping shape world history," and you speak of science and scholarship being placed at the disposal of the working class in shaping the future and the like. Kindly look at that article and tell this committee, while you are under oath, whether or not you are accurately described there as the author of that article.

(Document handed to witness.)

(Witness conferred with his counsel.)

Mr. FINKELSTEIN. I decline to answer that question under the grounds I have given before. I could add, since you have mentioned "search for truth," I will be very glad to discuss all the problems and questions raised here in the deepest and most honest way under circumstances which permit a threshing out of——

Mr. KEARNEY. Mr. Chairman, I think the witness should be directed to answer the question.

Mr. DOYLE (presiding). The witness is directed to answer the question.

Mr. FINKELSTEIN. I decline to answer that question on the basis of my rights guaranteed by the fifth amendment to the Constitution.

(Document marked "Finkelstein Exhibit No. 2," and retained in committee files.)

Mr. ARENS. In view of your dedication to the truth, would you kindly tell us truthfully, are you now a member of the conspiratorial apparatus known as the Communist Party?

Mr. FINKELSTEIN. First, I would like to respectfully ask that it would save a little confusion in my mind if the counsel would separate factual names of things from adjectives which he applies to them. All——

Mr. ARENS. What adjective would you like to have disassociated from the noun "party" or "Communist Party"? What adjective in my question would you like to have disassociated there?

Mr. FINKELSTEIN. I would like to have anything mentioned by its proper name; and if the counsel adds an adjective which is not part of its name, I would like to have it so indicated.

Mr. ARENS. What part of this description of the Communist Party is it you take issue with?

Mr. FINKELSTEIN. I am not taking any issue with it at all. I do know there is a party called the Communist Party.

Mr. ARENS. How do you know that?

Mr. FINKELSTEIN. I have heard of it.

Mr. ARENS. Is that the sole source of your knowledge?

Mr. FINKELSTEIN. I decline to answer that question on the basis of my rights under the fifth amendment of the Constitution.

Mr. ARENS. The fact is you are now the cultural spokesman for the Communist conspiracy in the United States, is it not; and if it isn't, deny it while you are under oath.

Mr. FINKELSTEIN. I don't know of any organization called Communist conspiracy.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question or, if he chooses, to invoke his rights under the fifth amendment.

Miss ROTH. May we have the question repeated?

Mr. ARENS. Mr. Reporter, will you please repeat the question?

Mr. DOYLE. Read the question, Mr. Reporter.

(The reporter read from his notes as requested.)

Mr. FINKELSTEIN. I decline to answer that question under my rights as guaranteed by the fifth amendment.

Mr. KEARNEY. If you were not the cultural spokesman for the Communist Party in the United States, would you so state?

Mr. FINKELSTEIN. I would like to respectfully say, and I think I am——

Mr. KEARNEY. I would like to respectfully ask you to answer the question.

Mr. FINKELSTEIN. I object to any inferences that might be drawn——

Mr. KEARNEY. I asked you a very simple question. Mr. Chairman, I insist upon an answer.

Mr. DOYLE. We are not dealing with inferences. We are asking you about a question of fact. We are not asking you about an inference.

Mr. FINKELSTEIN. Could I hear the question again?

Mr. KEARNEY. It is a very simple question. I asked if you were not the cultural representative of the Communist Party in the United States, would you so state?

(The witness conferred with his counsel.)

Mr. FINKELSTEIN. I decline to answer that question for two reasons: The first reason is that to answer any definitive statement such as you asked would put me in the role of an informer, which I find repugnant and which I think the great part of the American people will find repugnant.

Mr. KEARNEY. I want to say to the witness——

Mr. FINKELSTEIN. My second reason is my rights guaranteed under the fifth amendment of the Constitution.

Mr. KEARNEY. I want to say to the witness that, in the years I have been on this committee, the statements that you have just made have a familiar ring. It is an old, old party answer.

Mr. DOYLE. May I ask a question. May I ask the witness this question: Are you a native-born American?

Mr. FINKELSTEIN. Yes, I am.

Mr. DOYLE. What State?

Mr. FINKELSTEIN. New York State.

Mr. DOYLE. Thank you.

Mr. ARENS. Now I display to you a photostatic reproduction of the Daily Worker, October 14, 1949, in which a letter appears, to the editor, "Answering Attack on Marxism——New York City." I should like to read at least excerpts from it:

> Editor, Daily Worker: I wonder how many readers have realized the full implications of the fact that a central part of the assault upon the 12 Communist Party leaders is the attempt to abolish from men's knowledge the writings of Marx, Engels, Lenin, Stalin and of the working-class leaders who have learned from them.
>
> It is, of course, as impossible to abolish these writings as it is to abolish the history of humanity itself, which they describe so profoundly and of which they are a part, or to abolish the very realities of life upon which these writings throw so clear a light.
>
> The point I want to make here is that one of the effective and important ways in which the Worker readers and their friends can show their indignation at

the above-mentioned assaults, is to register this week at the Jefferson School of Social Science, at Sixth Avenue and 16th Street, a school proudly dedicated to the mastery and use of the above science. An overwhelming registration NOW will show that the people know the worth of these profound teachings, their truth and importance, and demand that the purveyors of ignorance take their hands off.

There is not a walk of life or field of knowledge and culture upon which some course in the Jefferson School does not throw a new light—

and so forth. Signed by Sidney Finkelstein.

Kindly look at that document, if you please, sir, while you are under oath, and expound to this committee first of all if you are accurately described there as author of that letter and, secondly, tell us a little bit about this profound truth that you are defending in the Marxist terminology.

(The witness conferred with his counsel.)

Mr. FINKELSTEIN. With all respect, I am not trying to quibble, I hear two questions.

Mr. ARENS. We will take them one by one. I don't mean to confuse you. First of all, kindly help this committee in undertaking to develop facts to protect this great Nation against the conspiratorial apparatus, and kindly tell us are you the author, the Sidney Finkelstein identified in the Communist Daily Worker.

Mr. FINKELSTEIN. I decline to answer that question under the grounds guaranteed, or the rights guaranteed, by the fifth amendment to the Constitution.

(Document marked "Finkelstein Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Have you been one of the contributing editors to the Communist publication Masses and Mainstream?

Mr. FINKELSTEIN. I decline to answer that question for the same reason.

Mr. ARENS. And have you been one of the sponsors of the Civil Rights Congress call to defeat the efforts of the FBI and the House Committee on Un-American Activities and others to expose communism? I invite your attention specifically to this language in an exhibit I will show you in a moment:

The FBI has its paid informers everywhere, and almost any lodge, church, political meeting or labor organization may be victimized by these peeping toms.

Business enterprises, as well as private citizens and public officials are hailed before the House Committee on Un-American Activities and found guilty by association, or alleged association—

and the like.

Kindly look at this document as it is displayed to you and tell us whether or not you are accurately identified in your status there as one of the leaders of that enterprise.

(Document handed to witness.)

Mr. ARENS. Couldn't you help us on that, please, Mr. Finkelstein?

Mr. FINKELSTEIN. I am trying to see my——

(The witness conferred with his counsel.)

Mr. FINKELSTEIN. I see a name like mine on that list as a sponsor. I don't see this as sponsored by the Civil Rights Congress. It is a Call to a Bill of Rights Conference. I am a little cloudy about all of the details of this, but I believe I am the person who sponsored this, who was one of the long list of sponsors. From glancing over

this entire document—which goes much beyond, I may say, the rather one-sided excerpt you read—I am in agreement with what seems to be its main purpose.

(Document marked "Finkelstein Exhibit No. 4," and retained in committee files.)

Mr. ARENS. Your public service has extended beyond the shores of this Nation, has it not? I have here a photostatic reproduction of a document quoting from the Communist Daily Worker of April 7, 1948 (p. 13), in which a number of people, including Sidney Finkelstein, protest the jailing of a world-famous poet who happens to be one of the leading Communists in Chile. Look at that document and see if you can help us. Tell us first of all whether or not you lent your name to that.

(The witness conferred with his counsel.)

Mr. FINKELSTEIN. Sir, on this I have no independent recollection of this particular document, but I do know of Pablo Neruda as a very great poet.

(Document marked "Finkelstein Exhibit No. 5," and retained in committee fiiles.)

Mr. ARENS. Do you know whether or not he is a Communist?

Mr. FINKELSTEIN. That is a question. I don't know his politics. He is a very great poet.

Mr. KEARNEY. Do you call the Communist Party a political party?

(The witness conferred with his counsel.)

Mr. FINKELSTEIN. Congressman, if you are asking my opinion, in my opinion the Communist Party is a political party which has operated as such.

Mr. KEARNEY. You have not read, evidently, some of the writings of Mr. Foster, the head of the Communist Party in this country, have you?

(The witness conferred with his counsel.)

Miss ROTH. Is that a question, sir, to the witness?

Mr. KEARNEY. I said evidently the witness has not read some of the writings of Mr. Foster, the head of the Communist Party in this country.

Mr. FINKELSTEIN. I am a little confused, sir. Do you want me to answer that?

Mr. KEARNEY. That is what I asked you.

Miss ROTH. Is that a question of the witness, sir?

Mr. FINKELSTEIN. He said it is.

Miss ROTH. Are you asking the witness whether he did read them? I don't understand the Congressman's statement.

Mr. KEARNEY. That is what I am asking him.

Miss ROTH. All right.

(The witness conferred with his counsel.)

Mr. FINKELSTEIN. I decline to answer that question, sir.

Mr. KEARNEY. I expected that answer.

Mr. FINKELSTEIN. And under the grounds of the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. KEARNEY. There is one question I would like to ask. I have listened to this witness and several others here this afternoon, especially this one, in his desire of search for the truth, and his participa-

tion in many movements over the past few years. I would like to ask the witness this question: Have you protested publicly the massacre of the Hungarian people in the past few months?

(The witness conferred with his counsel.)

Mr. FINKELSTEIN. With all respect, Congressman——

Mr. KEARNEY. Just please answer the question.

Mr. FINKELSTEIN. Under the circumstances—I give my honest opinion on every country under the sun, such as I have. Under the circumstances of this hearing, I decline to answer that question on the grounds I have given before for declining to answer questions.

Mr. KEARNEY. I would suggest that you continue your search for the truth, but along the right direction.

Mr. FINKELSTEIN. I always have, and as a writer my writings would be worthless unless that was its main objective.

Mr. KEARNEY. That is all, Mr. Chairman.

Mr. MCINTOSH. I have no questions.

Mr. FRAZIER. I have no questions.

Mr. DOYLE. I have a question: How in the world could whether or not you protested the slaughter of the Hungarians by the Soviet Communist Party agents in Hungary, incriminate you in the United States?

Mr. FINKELSTEIN. Well, it opens up a door to my being questioned on my feelings and actions in regard to several other countries and the opinions of various groups about these countries and actions. So it is under that ground that I gave the answer I did.

Mr. DOYLE. I understand, yes. Well, I gave you an open door to show without going into anything else whether or not you had the guts and the patriotism to protest the murder of those Hungarians and you do not take it. I understand your attitude. Here is your attitude. I read here in this exhibit, and you said that is the way you felt today, the attack you make on the FBI in 1949. A few minutes ago you said you felt the same today:

> The FBI has its paid informers everywhere, and almost any lodge, church, political meeting, or labor organization may be victimized by these peeping toms.

That is the way you feel. Where in God's name would our Nation be if the FBI wasn't able to get patriotic American citizens to go into these organizations in which Commies, crooks, cheats, and traitors infiltrate? Would you tell me where our Nation would land if we did not have the FBI? And with subversives, some of which you know something about, I assume from your testimony.

Mr. FINKELSTEIN. The Nation might be reduced to the terrible procedure of having to jail people for crimes, only if it found that they actually committed them or found that they did something criminal, not just thinking.

Mr. DOYLE. Keep on talking and give me some more of your philosophy, please. I am trying to open up another door to you, so that you can show how you feel about this country and about its internal security. That is one reason I am asking this question. Go ahead giving us your philosophy, attacking the FBI and our internal-security agents. Go ahead. I understand how you feel. If it wasn't for the FBI, it wouldn't take the subversives in the Communist Party and other subversives and traitors long to take over the internal security of our Nation, and you know it. That is one reason you holler

against them. You ought to be ashamed of yourself for attacking the FBI.

Mr. FINKELSTEIN. Congressman, you are selecting one little sentence.

Mr. DOYLE. That is all right. You signed it.

Mr. FINKELSTEIN. It is from a statement which——

Mr. DOYLE. You signed it. Now, I have one thing more. Counsel asked you about the Jefferson School of Social Science, right here in New York. You didn't take time to bring out the rating of this Jefferson School of Social Science to which you pleaded your constitutional privilege. Here is what the Guide to Subversive Organizations and Publications, published as of January 2, 1957, has to say about it, about this school. I read on page 49:

1. Cited as an "adjunct to the Communist Party." * * *
2. "At the beginning of the present year, the old Communist Party Workers School and the School for Democracy were merged into the Jefferson School of Social Science." * * *
3. "Schools under patriotic and benevolent titles indoctrinate Communists and outsiders in the theory and practice of communism, train organizers and operatives, recruit new party members and sympathizers. * * *. Schools of this type have been * * * Jefferson School of Social Science, New York. * * *" Internal Security Subcommittee of the Senate Judiciary Committee. * * *

That is one reason that the FBI has to pay informers to get in behind these dark doors where subversives train people to advocate changing our form of government to a totalitarian form of government, as is in effect in Soviet Russia. You ought to be ashamed of yourself.

Mr. MOULDER. Are there any additional questions?

Mr. MCINTOSH. I have no questions.

Mr. DOYLE. Mr. Chairman, I cannot speak too strongly against these American-born citizens who get the blessings of our representative form of government and get prosperity here by training in our schools and colleges, and receive the opportunities we have, and then come out and condemn the FBI, the one great agency that is best able to protect our internal security against subversives and traitors, crooks, thieves, and bank robbers.

Mr. KEARNEY. I think, Mr. Chairman, if the gentleman from California will yield, let's not have the FBI take all the credit. I think the witness criticized this committee, too.

Mr. MOULDER. Are there any additional questions?

Mr. DOYLE. I wish we could get further after men who do this sort of thing subversively.

Mr. MOULDER. The witness is excused.

I wish to make this explanation: When I was referring to the decision which was read by our distinguished colleague from California, I was really explaining to the witness that it was not being propounded in the nature of a question but as an explanation which did not require an answer from him. I think it was a valuable contribution as far as law is concerned. It was given in explanation of a comment, and it was not a question. It was not necessary to go into an argument with a member of the committee concerning a decision of the court.

The subcommittee will now stand in recess for a period of 5 minutes.

(Members of the committee present at taking of recess: Representatives Moulder, Kearney, McIntosh, Frazier, and Doyle.)

(Brief recess.)

Mr. MOULDER. The subcommittee will be in order.

(Members of the committee present: Representatives Moulder, Doyle, Kearney, and McIntosh.)

Mr. MOULDER. Call your next witness.

Mr. ARENS. The next witness will be Mr. Henry Zlotnick, Mr. Chairman. Come forward, Mr. Zlotnick. Remain standing while the chairman administers an oath to you.

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ZLOTNICK. I do.

TESTIMONY OF HENRY ZLOTNICK (ZLOTNIK), ACCOMPANIED BY COUNSEL, HARRY SACHER

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. ZLOTNICK. My name is Henry Zlotnick. My residence is 932 Carroll Street, Brooklyn. I am a musician and a flute teacher.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. ZLOTNICK. Yes, sir.

Mr. ARENS. You are accompanied by counsel?

Mr. ZLOTNICK. Yes.

Mr. ARENS. Counsel, please identify yourself.

Mr. SACHER. I am Harry Sacher, 342 Madison Avenue, New York, N. Y.

Mr. ARENS. Where are you employed?

Mr. ZLOTNICK. Mostly self-employed, and I also teach for schools.

Mr. ARENS. For what schools?

Mr. ZLOTNICK. For the Metropolitan Music School and the Neighborhood Music School.

Mr. ARENS. How long have you taught at the Metropolitan Music School?

Mr. ZLOTNICK. I don't know exactly, but it is probably in the neighborhood of about 12 years.

Mr. ARENS. How long have you taught at the Neighborhood Music School?

Mr. ZLOTNICK. About 18 years.

Mr. ARENS. What did you teach?

Mr. ZLOTNICK. Flute.

Mr. ARENS. What?

Mr. ZLOTNICK. Flute.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. ZLOTNICK. I refuse to answer this question on the basis of the fifth amendment because I do not wish to be a witness against myself.

Mr. ARENS. Are you under Communist Party discipline?

Mr. ZLOTNICK. I refuse to answer on the basis of the same grounds.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that concludes the staff interrogation of this witness.

Mr. MOULDER. Are there any questions?

Mr. DOYLE. No questions.

Mr. MOULDER. Congressman Kearney?

Mr. KEARNEY. No questions.

Mr. McINTOSH. No questions, Mr. Chairman.

Mr. ARENS. Mr. Walter Raim, will you kindly come forward?

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give this committee will be the truth, the whole truth, and nothing but the truth?

Mr. RAIM. I do.

TESTIMONY OF WALTER RAIM (WALTER YUDOMIN), ACCOMPANIED BY COUNSEL, HARRY SACHER

Mr. ARENS. Kindly identify yourself, please.

Mr. RAIM. Walter Raim, 2130 Mulner avenue, student and music teacher.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. RAIM. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mr. RAIM. Yes, sir.

Mr. ARENS. Counsel, identify yourself, please.

Mr. SACHER. My name is Harry Sacher, 342 Madison Avenue, New York, N. Y.

Mr. ARENS. Where are you employed, Mr. Raim?

Mr. RAIM. I teach at the Metropolitan Music School.

Mr. ARENS. How long have you taught there?

Mr. RAIM. Since September 1956.

Mr. ARENS. What do you teach?

Mr. RAIM. Guitar and banjo.

Mr. ARENS. Do you teach any place else?

Mr. RAIM. Yes, sir.

Mr. ARENS. Where else do you teach?

Mr. RAIM. Neighborhood Music School.

Mr. ARENS. How long have you taught at the Neighborhood Music School?

Mr. RAIM. For 2 years.

Mr. ARENS. Have you ever used any name other than the name of Walter Raim, pursuant to which you were subpenaed here?

Mr. RAIM. Yes, sir.

Mr. ARENS. What other name?

Mr. RAIM. Yudomin.

Mr. ARENS. Y-u-d-o-m-i-n?

Mr. RAIM. Yes.

Mr. ARENS. Have you had your name legally changed to Raim?

Mr. RAIM. Yes, sir; as of this date.

Mr. ARENS. Where and when were you born?

Mr. RAIM. In the Bronx, 1935.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Mr. RAIM. I respectfully decline to answer that question sir, on grounds granted me by the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that concludes the staff interrogation of this witness.

Mr. MOULDER. Have you any questions, Mr. Doyle?

Mr. DOYLE. Mr. Chairman, I have no questions but may I say this: Young man, I draw no inferences. But if you are, or if you were a member of the Communist outfit, get out of that garbage and build toward your Nation's strength instead of weakness. Some boys a little bit older than you gave their lives that you might have a crack at continuing to live and raise your family in a strong, constitutional, representative form of government. Take advantage of it and build, instead of weakening.

Mr. MOULDER. Are there any other questions?

Mr. KEARNEY. No questions.

Mr. MCINTOSH. No questions.

Mr. ARENS. The next witness will be Mr. Max Pollikoff, P-o-l-l-i-k-o-f-f.

Mr. MOULDER. Will you be sworn. Do you solemnly swear that the testimony which you are about to give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. POLLIKOFF. I do.

TESTIMONY OF MAX POLLIKOFF, ACCOMPANIED BY COUNSEL, EPHRAIM LONDON

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. POLLIKOFF. My name is Max Pollikoff. I live at 25 West 68th Street. I am a violinist.

Mr. ARENS. You are appearing today in response to a subpena served upon you by the House Committee on Un-American Activities?

Mr. POLLIKOFF. Yes.

Mr. ARENS. You are represented by counsel?

Mr. POLLIKOFF. Yes.

Mr. ARENS. Will counsel kindly identify himself?

Mr. LONDON. I am Ephraim London, 150 Broadway.

Mr. ARENS. Mr. Pollikoff, are you a sponsor of the Metropolitan Music School?

Mr. POLLIKOFF. Yes.

Mr. ARENS. How long have you been a sponsor of the Metropolitan Music School?

Mr. POLLIKOFF. I wouldn't exactly know the date I gave my name.

Mr. ARENS. What is your best recollection, or your best judgment, your best approximation?

Mr. POLLIKOFF. It would have been about 6 or 7 years ago.

Mr. ARENS. Have you continuously been a sponsor since then?

Mr. POLLIKOFF. Yes, my name has been on, yes.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Mr. POLLIKOFF. I am not a member of the Communist Party.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Mr. POLLIKOFF. Well, excuse me.

(The witness conferred with his counsel.)

Mr. POLLIKOFF. There seems to be two questions there.

Mr. ARENS. Let's try question No. 2. Have you ever been a member of the Communist Party?

Mr. POLLIKOFF. I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party 1 year ago?

Mr. POLLIKOFF. Well, I would say I would answer everything——

(The witness conferred with his counsel.)

Mr. POLLIKOFF. May I have that question again?

Mr. ARENS. Were you a member of the Communist Party a year ago?

Mr. POLLIKOFF. The answer is "No."

Mr. ARENS. Were you a member of the Communist Party 5 years ago?

Mr. POLLIKOFF. I decline to answer that.

Mr. ARENS. Were you a member of the Communist Party 4 years ago?

Mr. POLLIKOFF. I would decline to answer that.

Mr. ARENS. Were you a member of the Communist Party 3 years ago?

Mr. POLLIKOFF. I would decline to answer that.

Mr. ARENS. Were you a member of the Communist Party 2 years ago?

Mr. POLLIKOFF. I would decline to answer that.

Mr. ARENS. Did you resign technical membership in the Communist Party for the purpose of being able to testify, or appear and swear, that you were not technically a member of the Communist Party?

Mr. POLLIKOFF. I decline to answer that.

Mr. ARENS. Are you under Communist Party discipline?

Mr. POLLIKOFF. Definitely not.

Mr. ARENS. Were you under Communist Party discipline at any time during the course of the last year?

Mr. POLLIKOFF. Definitely not.

Mr. ARENS. Were you under Communist Party discipline at any time in the last 2 years?

(The witness conferred with his counsel.)

Mr. POLLIKOFF. I decline to answer that.

Mr. ARENS. Now, I would like to display to you, if you please, sir, an article appearing in the Communist Worker as far back as 1943 (July 4, p. 7), in which a number of people join in a statement, according to the headline, scoring "anti-Soviet propaganda," including one Max Pollikoff, concert and radio violinist. Please look at that document and tell this committee whether or not you have a recollection of joining in that enterprise.

(Document handed to witness.)

(Witness conferred with his counsel.)

Mr. POLLIKOFF. I will decline to answer this.

Mr. ARENS. Why?

Mr. POLLIKOFF. On the grounds it may incriminate me.

(Document marked "Pollikoff Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Where are you employed, in addition to the connection that you have there with the Metropolitan Music School?

Mr. POLLIKOFF. You didn't ask me whether I was connected with the music school; you asked me if I was a sponsor.

Mr. ARENS. Where are you employed?

Mr. POLLIKOFF. I don't teach. Is that what you mean, besides——

Mr. ARENS. I understand. You are a sponsor of the Metropolitan Music School. Where are you employed?

Mr. POLLIKOFF. I am a free-lance violinist.

Mr. ARENS. Where are you presently working?

Mr. POLLIKOFF. I work for everybody. In other words, everybody that calls. Concerts or radio.

Mr. ARENS. Are you presently engaged in your vocation as a violinist?

Mr. POLLIKOFF. Yes.

Mr. ARENS. Where are you presently playing the violin?

Mr. POLLIKOFF. Today I wouldn't be playing anywhere; or tomorrow I would be playing, say, for a radio station or a studio.

Mr. ARENS. Do you have a contract with NBC or CBS or Symphony of the Air?

Mr. POLLIKOFF. Not at all.

Mr. ARENS. What was the last time you were on radio?

Mr. POLLIKOFF. Well, the last time was, I guess, Monday night.

Mr. ARENS. Where did you play Monday night?

Mr. POLLIKOFF. That was the Telephone Hour.

Mr. ARENS. Where did you play on the Telephone Hour?

Mr. POLLIKOFF. Just as one of the violinists of the orchestra.

Mr. ARENS. Have you ever signed a statement, under oath, for prospective employers respecting the subject of any membership by yourself in the Communist Party?

(The witness conferred with his counsel.)

Mr. POLLIKOFF. No.

Mr. ARENS. Have you ever been interrogated on that subject?

Mr. POLLIKOFF. No.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. MOULDER. Congressman Doyle, have you any questions?

Mr. DOYLE. I noticed, Witness, when counsel asked you if you were under Communist Party discipline at any time within the last year, your reply was, "Definitely not." Do you remember so answering?

Mr. POLLIKOFF. Yes.

Mr. DOYLE. While I know that a legal point is we are not supposed to draw any inferences from your use of the constitutional privilege, I want to say to you that I compliment you on the fact that, apparently, you haven't been a member of the Communist Party at any time during the last year. Whether or not you were before that, I don't know; but at any rate, you are not now, and you haven't been within the last year. That is true, isn't it.

Mr. POLLIKOFF. That is what I say.

Mr. DOYLE. I want to congratulate you on getting out of it, or of not being in it, to be fairer to you.

Mr. MOULDER. Congressman Kearney, do you have a question?

Mr. KEARNEY. No.

Mr. MOULDER. Congressman McIntosh?

Mr. MCINTOSH. No questions, Mr. Chairman.

Mr. MOULDER. That is all.

Mr. ARENS. The next witness will be Maurine Holbert.

Kindly come forward.

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss HOLBERT. I do.

TESTIMONY OF MAURINE HOLBERT (MAURINE HOLBERT KENNEDY), ACCOMPANIED BY COUNSEL, ISIDORE NEEDLEMAN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss HOLBERT. Maurine Holbert, 51 West 11th Street, actress, teacher.

Mr. ARENS. You are appearing today, ma'am, in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Miss HOLBERT. That is true.

Mr. ARENS. You are represented by counsel?

Miss HOLBERT. That is true.

Mr. NEEDLEMAN. Isidore Needleman, 165 Broadway, New York 6.

Mr. ARENS. Where are you employed?

Miss HOLBERT. I am an actress, which means free-lancing, of course; and I also teach at the Metropolitan Music School.

Mr. ARENS. What course do you teach there?

Miss HOLBERT. I teach creative dramatics for children.

Mr. ARENS. How long have you been teaching there?

Miss HOLBERT. I would say 2 years.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Miss HOLBERT. I decline to answer this question under the fifth amendment.

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

Miss HOLBERT. I decline to answer this question on the fifth amendment.

Mr. ARENS. Where have you recently appeared in the course of your dramatic performances? I understood you to say, in addition to being an instructor at the Metropolitan Music School, you are an actress.

Miss HOLBERT. I played in an off-Broadway theater.

Mr. ARENS. What was the name of the presentation?

Miss HOLBERT. I refuse to answer that under the fifth amendment because I loathe this committee. Their main purpose is to blacklist people, to destroy their livelihood, and to destroy and hurt every institution whose name is mentioned in this court.

Mr. KEARNEY. That is a pretty speech, but it is not true.

Miss HOLBERT. Thank you.

Mr. ARENS. I respectfully suggest that the witness be ordered and directed to answer the last outstanding question.

Miss HOLBERT. I refuse to answer it on the fifth amendment.

Mr. MOULDER. Have the record show that prior to that statement she was ordered and directed to answer.

Mr. ARENS. Have you appeared in The Doll House?

(The witness conferred with her counsel.)

Miss HOLBERT. Yes; I played in The Doll House.

Mr. ARENS. When did you play in that presentation?

Miss HOLBERT. Last spring.

Mr. ARENS. Have you played in The Male Animal?

Mill HOLBERT. I have.

Mr. ARENS. Kindly tell us where you played in The Male Animal?

(The witness conferred with her counsel.)

Miss HOLBERT. In summer stock.

Mr. ARENS. Where, ma'am?

Miss HOLBERT. In Nantucket.

Mr. ARENS. And did you play in Joan of Lorraine?

Miss HOLBERT. That is right, Joan of Lorraine.

Mr. ARENS. Where did you play that?

Miss HOLBERT. In stock.

Mr. MOULDER. What do you mean by that?

Miss HOLBERT. In summer stock, a summer theater in Connecticut.

Mr. ARENS. Can you tell us what is AFTRA?

Miss HOLBERT. Yes. AFTRA is the union that represents the radio and television performers.

(Representative Frazier entered the hearing room.)

Mr. ARENS. Have you been active, or identified, in the Harlem Unity Theatre?

Miss HOLBERT. I decline to answer this question on the fifth amendment.

Mr. ARENS. I lay befor you, if you please, a thermofax reproduction of the Communist Daily Worker of New York, Friday, September 2, 1949, with reference to certain productions and activities by the Harlem Unity Theatre, in which your name appears as a director of certain of the presentations for the Harlem Unity Theatre. Kindly look at that document and if you will be good enough to, while you are under oath, verify the authenticity of that information.

(Document handed to witness.)

(Witness conferred with her counsel.)

Miss HOLBERT. It is highly possible. I don't remember it, but it is highly possible.

(Document marked "Holbert Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Do you know a person by the name of Paul Robeson?

Miss HOLBERT. This is obviously a question to trick me. May I consult my counsel?

(The witness conferred with her counsel.)

Miss HOLBERT. Do you mean the great singer, Paul Robeson?

Mr. ARENS. Yes, ma'am.

Miss HOLBERT. Naturally.

Mr. ARENS. Have you worked with him in the Harlem Unity Theatre?

(The witness conferred with her counsel.)

Miss HOLBERT. No; I didn't work with him. I have never worked with him. I have never had the pleasure of working with him.

Mr. ARENS. Do you know him in any capacity, other than the capacity as a great singer?

Miss HOLBERT. I only know him as a very great singer.

Mr. ARENS. Have you ever served in a Communist Party meeting with him?

Miss HOLBERT. I decline to answer on the fifth amendment.

Mr. ARENS. What are the ages of the students that you instruct at the Metropolitan Music School?

Miss HOLBERT. From 6 to 16, I would say.

Mr. ARENS. And about how many students do you instruct there?

Miss HOLBERT. I would say 25, roughly.

Mr. ARENS. Is that 25 per week or 25 a month or day?

Miss HOLBERT. I teach them once a week.

Mr. ARENS. Have you ever taught at the Jefferson School of Social Science?

Miss HOLBERT. I decline to answer on the fifth amendment.

Mr. KEARNEY. Is that the Communist-controlled school in the city of New York?

Mr. ARENS. Yes, sir. It has been cited.

Have you ever used any name other than the name pursuant to which you are appearing today, Maurine Holbert?

Miss HOLBERT. I have not.

Mr. ARENS. Is that a married name or a maiden name?

Miss HOLBERT. That is the name that my mother gave me.

Mr. ARENS. Have you ever had any other name?

Miss HOLBERT. I was married once.

Mr. ARENS. What was your married name?

Miss HOLBERT. Kennedy.

Mr. ARENS. Where were you born?

Miss HOLBERT. I was born and brought up in Texas, and I might add that I have never been out of the country. So whatever I am, whatever I believe, America has made me.

Mr. ARENS. Give us, if you please, a brief thumbnail sketch of your education.

Miss HOLBERT. I was born on a farm in Texas. My father was a country school teacher. I went to a small Texas country school until I finished grammar school. Then I rode horseback 12 miles to go to high school in a small town.

Mr. MOULDER. Where was this?

Miss HOLBERT. In Mount Vernon, Tex. From there I went to East Texas State Teachers College and then took graduate work at Southern Methodist University. I went to Southwestern School of the Theater.

Mr. ARENS. How long have you been engaged as a professional actress? Ever since you completed your formal education?

Miss HOLBERT. Yes.

Mr. ARENS. When did you complete your formal education?

Miss HOLBERT. Oh, dear——

Mr. ARENS. Your best recollection.

(The witness conferred with her counsel.)

Miss HOLBERT. My formal education? It was a very embarrassing question, you know. It is very unfair to ask an actress that. I would say roughly 15 years.

Mr. ARENS. Mr. Chairman, I respectfully suggest that would conclude the staff interrogation of this witness.

Mr. MOULDER. Any questions, Congressman Doyle?

Mr. DOYLE. Only this: I want to congratulate the witness on her professional achievements and hope the time will come, before very long, when she can fairly say that she is not now a member of the Communist Party and does not feel obligated to plead the constitutional privilege. By that I mean I am not drawing any inferences, but I think the time has come when every patriotic American citizen ought to be so far removed from Communist Party membership or any subversive activity that they can honestly say that they are not now a member.

Miss HOLBERT. You see, Mr. Doyle, I disagree with this. I feel that it is tremendously important that people understand and use the fifth amendment. I feel that my ancestors fought very long and hard to give me that privilege.

Mr. DOYLE. I don't criticize——

Miss HOLBERT. All right. I would just like to make this point. It exists to protect me from such committees as I have seen the way that you have functioned today.

Mr. DOYLE. I don't criticize——

Miss HOLBERT. I use it for that, and I know and you know that it does not imply guilt, but it can be used by the innocent, too.

Mr. DOYLE. I don't criticize you for using it when you feel obligated to conscientiously use it and do it in good faith. But I do say again, in all respect, that I hope the time will come soon when there will be nothing in your experience as of that date which will make it necessary for you to plead the fifth amendment.

Miss HOLBERT. But I tell you, Mr. Doyle, as long as there is a blacklist in my profession, which is brought about by such investigations as this, I assure you that I will use the fifth amendment, not only to protect myself, but my profession as well. I feel that in any moment in history when there is not freedom of expression for an artist, that you are stopping the most potent voice of the people; and I feel that such a committee intimidates people and does this.

Mr. DOYLE. There is freedom of expression for every person in America, but they have to do it in accordance with law.

Miss HOLBERT. That is right, with a certain opinion that is laid down. I don't believe spreading ideas is dangerous. I believe the suppression of ideas is dangerous.

Mr. DOYLE. It certainly is. But not the suppression of the Communist idea——

Miss HOLBERT. The suppression of any idea, in my opinion, is dangerous and is against the spirit and against the very principles that your ancestors and my ancestors fought to achieve in this country; and I assure you that I am not going to betray them.

Mr. DOYLE. The Communist idea in this country would destroy the FBI, according to a previous exhibit in this hearing.

Miss HOLBERT. I have faith in the American people that they will not be destroyed by any ideology that does not meet their needs. I have faith in the American people because I am one of them.

Mr. DOYLE. Well, I have the same faith.

Miss HOLBERT. I don't think you have the same faith, or you wouldn't be holding hearings like this.

Mr. DOYLE. I am going after subversive communism or any other form of subversion wherever it exists, whether it is in the musical area or any place else.

Miss HOLBERT. How do you play Bach or Beethoven subversively? I would like to know.

Mr. DOYLE. I would like to know.

Miss HOLBERT. Even the stool pigeon admitted that no politics was taught in Metropolitan School, and yet you go on persecuting the Metropolitan School. As far as I know, it has contributed only good to culture in this country.

(Representative Kearney left the hearing room.)

Mr. DOYLE. Anybody who helps the FBI uncover cheats, crooks, or traitors is a stool pigeon in the language of Communists.

Miss HOLBERT. In Texas, it is one stage lower than a cattle rustler.

Mr. DOYLE. That is right. I understand why some of you people call the FBI stool pigeons. We are perfectly familiar with the FBI being called a bunch of stool pigeons by subversives and identified Communists.

Miss HOLBERT. Here you are presuming that because one says stool pigeon—stool pigeon is a stool pigeon in any language. It is a pretty universal language and there is a pretty universal feeling about it.

Mr. DOYLE. In my book, a patriotic citizen who helps the internal security of his nation by working with the FBI and telling the truth is not a stool pigeon, but rendering a community service. The trouble is that the Communists and those associated with them, like some of the people in this room, call them stool pigeons.

Miss HOLBERT. Why is this man paid to do it, if this is a patrotic duty?

Mr. DOYLE. That is the familiar language.

Miss HOLBERT. You cost me time and money and precious energy to come down here and defend me against you and then give me $9 a day for my expenses. I don't understand this kind of behavior.

Mr. DOYLE. I will renew my invitation. I hope that the time will come before long when you will think enough of the internal security of your Nation not to call the FBI stool pigeons.

Mr. MOULDER. Are there any other questions?

Mr. MCINTOSH. No questions.

Mr. MOULDER. Are you complaining about the witness fee of $9? If we paid you more money, would you testify?

Miss HOLBERT. I certainly would not. It is just mighty puny retribution for all the pain and expense and losing of time that you inflict upon us to come here and defend ourselves against you. I think it is horrible.

(Representative Kearney returned to the hearing room.)

Mr. NEEDLEMAN. I thought there were no more questions and I got up. I am sorry.

Mr. MOULDER. You are excused, and you may receive your $9.

Call the next witness.

Mr. ARENS. John F. Mehegan. Come forward, please.

Mr. MOULDER. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MEHEGAN. I do.

TESTIMONY OF JOHN F. MEHEGAN, ACCOMPANIED BY COUNSEL, CHARLES E. GOLDBERG

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. MEHEGAN. John Mehegan, 925 West End Avenue, New York City, piano teacher.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. MEHEGAN. That is true.

Mr. ARENS. You are represented by counsel?

Mr. MEHEGAN. Yes.

Mr. ARENS. Counsel, please identify yourself.

Mr. GOLDBERG. Charles F. Goldberg, 230 Park Avenue, New York City.

Mr. ARENS. Where are you employed, Mr. Mehegan?

Mr. MEHEGAN. Metropolitan Music School.

Mr. ARENS. In what capacity?

Mr. MEHEGAN. I am head of the jazz department.

Mr. ARENS. For how long have you been employed at the Metropolitan Music School?

Mr. MEHEGAN. Twelve years.

Mr. ARENS. How many students do you have?

Mr. MEHEGAN. Per week?

Mr. ARENS. Yes.

Mr. MEHEGAN. It fluctuates, but it is about 8 to 9.

Mr. ARENS. What are the age groups?

Mr. MEHEGAN. Roughly from 15 to 20.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Mr. MEHEGAN. I am not a member of the Communist Party.

Mr. ARENS. Please answer the question.

Mr. MEHEGAN. As to the past, I decline to answer on the basis of my rights under the first amendment and my privilege under the fifth.

Mr. ARENS. Were you a member of the Communist Party at any time since you were served with your subpena to appear before the Committee on Un-American Activities?

Mr. MEHEGAN. No, sir.

Mr. ARENS. Were you a member of the Communist Party at any time in the course of the year 1957, the current year?

Mr. MEHEGAN. I decline to answer.

Mr. ARENS. Were you a member of the Communist Party at any time during January of 1957?

(The witness conferred with his counsel.)

Mr. MEHEGAN. I will repeat, I am not now a member of the Communist Party. As to the past, I decline to answer on the previous grounds stated.

Mr. ARENS. Were you a member of the Communist Party 1 month ago?

(The witness conferred with his counsel.)

Mr. MEHEGAN. I decline to answer.

Mr. ARENS. Were you a member of the Communist Party 2 weeks ago?

Mr. MEHEGAN. I decline to answer. Well, no, wait a minute. That may be in contradiction to the answer to your previous question about since the summons or the subpena was issued.

Mr. ARENS. Then let's get the fact. Were you a member of the Communist Party 1 month ago?

Mr. MEHEGAN. I was not a member of the Communist Party 2 weeks ago. I don't know the date of the subpena.

Mr. GOLDBERG. You were not a member of the Communist Party when you last testified at the executive session, which was February 8?

Mr. MEHEGAN. I was not a member of the Communist Party on February 8.

Mr. ARENS. You were not a member of the Communist Party on February 8, 1957, is that correct?

Mr. MEHEGAN. That is correct.

Mr. ARENS. Were you a member of the Communist Party on February 7, 1957?

Mr. MEHEGAN. I decline to answer.

Mr. ARENS. February 7, 1957, was 1 day prior to the time that you appeared before this committee in executive session, is that correct?

Mr. MEHEGAN. That is true.

Mr. ARENS. Did you resign technical membership in the Communist Party the very day before you were to appear before this committee in executive session, so that you could face the world and then say while you were under oath that you were not then a member of the Communist Party?

Mr. MEHEGAN. I decline to answer on the same grounds.

Mr. ARENS. Are you presently under Communist Party discipline?

Mr. MEHEGAN. I am not.

Mr. ARENS. Have you been under Communist Party discipline at any time since you were served with a subpena to appear before this committee?

Mr. MEHEGAN. I have not been.

Mr. ARENS. Were you under Communist Party discipline at any time within a week prior to the time you were served with your subpena to appear before this committee?

Mr. MEHEGAN. I decline to answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. MOULDER. Do you have any questions, Mr. Doyle?

Mr. DOYLE. No, but I want to compliment the young man for getting out of the Communist Party, whenever he did.

I want to urge you to put the long life ahead of you to more vigorous, patriotic efforts to try to make up for whatever happened previously. I am not assuming or inferring anything, but your country needs you.

Mr. MOULDER. Mr. Frazier?

Mr. FRAZIER. I have no questions.

Mr. MOULDER. Mr. Kearney?

Mr. KEARNEY. No questions.

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

Mr. ARENS. The next witness, Mr. Chairman, will be Mr. Harry Smyles.

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SMYLES. I do.

TESTIMONY OF HARRY M. SMYLES, ACCOMPANIED BY COUNSEL, MILDRED ROTH

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SMYLES. My name is Harry Smyles. I am a musician. I live at 57 West 122d Street, New York City.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. SMYLES. That is right.

Mr. ARENS. You are represented by counsel?

Mr. SMYLES. I am. Counsel?

Mr. ARENS. Will counsel please identify herself.

Miss ROTH. Mildred Roth, 401 Broadway, New York, N. Y.

Mr. ARENS. Mr. Smyles, where are you employed?

Mr. SMYLES. I am employed at the Metropolitan Music School. At present, I am on leave as I am playing a show.

Mr. ARENS. What show are you playing?

Mr. SMYLES. New Girl in Town.

Mr. ARENS. Where is that?

Mr. SMYLES. In New Haven at present.

Mr. ARENS. What do you play?

Mr. SMYLES. I play oboe and English horn.

Mr. ARENS. Then you are employed presently, is that right?

Mr. SMYLES. That is right.

Mr. ARENS. How long have you been an instructor at the Metropolitan Music School?

Mr. SMYLES. This is going on my fourth year.

Mr. ARENS. What do you teach?

Mr. SMYLES. I teach recorder and oboe.

Mr. ARENS. How many students do you have?

Mr. SMYLES. It is a matter of record at the school. I am not sure. I have classes of varying sizes.

Mr. ARENS. What is your best appraisal or judgment on the size?

Mr. SMYLES. The average class is about four students.

Mr. ARENS. What are the age groups?

Mr. SMYLES. Anywhere from 6 to about 10 years.

Mr. ARENS. Did you, in the recent past, since the executive session of this committee, have occasion to be on an NBC–TV nationwide broadcast?

Mr. SMYLES. Yes, I appeared on NBC.

Mr. ARENS. On what program did you appear on NBC?

Mr. SMYLES. On Today show.

Mr. ARENS. Who sponsored that show or who was the MC?

Mr. SMYLES. It is the Dave Garroway show, but Dave Garroway wasn't present when I appeared.

Mr. ARENS. Who was present? Who was the leading light of that particular production?

Mr. SMYLES. I have forgotten his name, frankly.

Mr. ARENS. Were you interviewed then with respect to your then prospective appearance before the House Un-American Activities Committee?

Mr. SMYLES. To my great surprise, I was.

Mr. ARENS. You appeared before this committee in executive session in February, did you not?

Mr. SMYLES. That is right.

Mr. ARENS. Your TV appearance was after your appearance in executive session?

Mr. SMYLES. That is right.

Mr. ARENS. And that was in anticipation of your present appearance, was it not?

Mr. SMYLES. Anticipation?

Mr. ARENS. Yes.

Mr. SMYLES. I don't know what you mean.

Mr. ARENS. Did you have conversation in the interview, on the nationwide interview, with respect to your appearance that is scheduled for now?

Mr. SMYLES. It was a complete surprise to me that they asked me the question.

Mr. ARENS. Did they ask you whether or not you would answer all questions before this committee?

Mr. SMYLES. I was asked the question.

Mr. ARENS. And what did you reply?

(The witness conferred with his counsel.)

Mr. SMYLES. I was asked if I would answer questions put to me by the committee, and I said that I would.

Mr. ARENS. You told them you would answer all questions before this committee, did you not?

Mr. SMYLES. May I qualify that?

Mr. ARENS. Surely.

Mr. SMYLES. I would like to add that I meant all proper questions, all questions which I consider proper.

Mr. ARENS. You didn't say that when you were interviewed on nationwide television, did you?

Mr. SMYLES. That wasn't the purpose of the television show.

Mr. ARENS. Just answer the question. You didn't say that, when you were asked whether you were going to answer questions before this committee, on this nationwide television program, did you?

Mr. SMYLES. I don't think the word "all" was used. I am not sure, but I think I said I would answer questions put to me——

Mr. ARENS. I will read you an exact transcript of your answers and see if, while you are under oath, you will not confirm it.

Q. Do you have any plans right now, that you think of your forthcoming appearance before the House Un-American Activities Committee for resorting to the first or fifth amendments if asked some provocative question?

A. Well, I think I'll be able to answer all the questions that the committee asks me.

Is that a true and correct reproduction of the words used in the course of that interview on the nationwide television show?

(The witness conferred with his counsel.)

Mr. SMYLES. I don't recall that that was the question, that the question was put to me in exactly the words that you used.

Mr. ARENS. Did you tell the interrogator in this nationwide show that you were going to answer all questions before the House Committee on Un-American Activities?

Mr. SMYLES. As I stated before, to the best of my knowledge, to the best of my recollection, I said that I would answer questions put to me by the committee.

Mr. ARENS. Then answer this question: Are you now, or have you ever been, a member of the Communist Party?

Mr. SMYLES. I decline to answer that question under my rights under the fifth amendment of the Constitution not to be a witness against myself.

Mr. KEARNEY. Mr. Counsel, may I remind counsel of the committee that at the time the witness was on the air he was not under oath. He is under oath today.

Mr. ARENS. Did you say to the interrogator on the nationwide television program that you had been subpenaed before this committee but you did not understand why; you had no idea why this committee would want to talk to you? Is that the essence of what you said to the interrogator on the nationwide television program?

Mr. SMYLES. I think during the first hour he said "Do you have any idea why you were subpenaed," and I said that I didn't have any idea because I didn't feel that playing music—I didn't see where playing music could be subversive in any way.

Mr. ARENS. This interrogation was after you had been subpenaed before this committee in executive session, was it not?

Mr. SMYLES. Yes.

Mr. ARENS. And you did derive some little idea in the executive session what this committee was interrogating you about, did you not?

Mr. SMYLES. Is this an interrogation?

Mr. ARENS. Yes, sir. I am asking you that question.

(The witness conferred with his counsel.)

Mr. SMYLES. You are trying to get from me that I understood in the executive session—could I have the question?

(The reporter read from his notes as requested.)

Mr. SMYLES. Yes, I did. But I still don't see any connection between the questions that were asked me and my profession as a musician.

Mr. ARENS. In the executive session, you were interrogated as to whether or not you were a member of the Communist Party, were you not?

Mr. SMYLES. You asked me the same questions you just asked me.

Mr. ARENS. And you knew that as of the time you were on the nationwide television and interrogated on the Dave Garroway show, isn't that correct?

Mr. SMYLES. I wasn't being interrogated. I was being interviewed.

Mr. ARENS. You knew, as of the time of that interview, that when you were before this committee in executive session you were interrogated with reference to whether or not you had ever been a member of the Communist Party, isn't that correct?

(The witness conferred with his counsel.)

Mr. SMYLES. Yes, I knew that.

Mr. ARENS. And yet you told them you had no idea why you were subpenaed before this committee, that you were just a musician?

Mr. SMYLES. Because I was on that particular show as a musician. I felt it was irrelevant to that particular appearance.

Mr. ARENS. Did you have occasion to be interviewed by a representative of Life magazine in the course of the last several weeks?

Mr. SMYLES. What do you mean, the last several weeks?

Mr. ARENS. Have you been interviewed by a representative of Life magazine in the recent past?

Mr. SMYLES. Yes, I have.

Mr. ARENS. Did you permit your photograph to be taken for an article by Life magazine?

Mr. SMYLES. Photographs were taken, yes.

Mr. ARENS. And did you tell them of employment problems that you were having?

Mr. SMYLES. I did.

Mr. ARENS. And did you tell them in effect that you had been discriminated against in employment because of "accused leftwing activity"?

(The witness conferred with his counsel.)

Mr. SMYLES. You asked me a couple of questions, I think, there.

Mr. ARENS. I just asked you a question as to whether or not you had been interviewed, and then I asked you whether or not you told the interviewer of Life magazine that you had been discriminated against in employment because you had been accused of leftwing activity.

Mr SMYLES. No, I didn't tell the Life magazine reporter that.

Mr. ARENS. What did you tell him?

Mr. SMYLES. Our discussion concerned discrimination generally in the classical field against Negroes. That means symphony orchestras.

Mr. ARENS. Did you read the article as it appeared in Life magazine with reference to yourself?

Mr. SMYLES. Yes, I did.

Mr. ARENS. Did you remonstrate with the Life magazine that you were misquoted or that there was a misinterpretation of your own status, when the Life magazine says that you were discriminated against because of accused leftwing activity?

(The witness conferred with his counsel.)

Mr. SMYLES. Would you repeat what you said about what the Life magazine article said, please?

Mr. ARENS. Mr. Reporter, please read the item back to him. I think he understands it.

(The reporter read from his notes as requested.)

(The witness conferred with his counsel.)

Mr. SMYLES. I would have to see the article, because I don't think——

Mr. ARENS. You have seen the article, have you not?

Mr. SMYLES. I have seen it, but I have not looked at it in some time. I don't think it said that.

Mr. ARENS. I will read it to you.

Yet Smyles has never found a symphony that would hire him.

I am breaking into the context of the article because it is so long.

He has strongly and vocally attacked such exclusion and has, in turn, been accused of leftwing activity. This is not what keeps him out—

and so forth.

Kindly look at this article with your photographs (Life magazine, March 11, 1957) and tell this committee whether or not you informed Life magazine writers that you had been accused of leftwing activity.

(The witness conferred with his counsel.)

Mr. SMYLES. I didn't say this to the Life magazine people.

Mr. ARENS. They misquoted you or misinterpreted you, is that right?

Mr. SMYLES. I didn't say that I had been kept out——

Mr. ARENS. We have your answer on the record. We want to get on here.

(Document marked "Smyles Exhibit No. 1," and retained in committee files.)

Miss ROTH. May I consult with the witness?

Mr. ARENS. Surely, you may consult with him all you care to, Ma'am, within reason.

Miss ROTH. You had a question on the record.

Mr. ARENS. You may consult with your client any time you wish to, within reason.

Miss ROTH. I am right now, and I think I am being very reasonable in time.

Mr. ARENS. You go right ahead.

(The witness conferred with her counsel.)

Mr. SMYLES. I never said that anything to do with leftwing activities kept me out.

Mr. ARENS. Did you tell the Life correspondent that you had been a member of the conspiratorial apparatus known as the Communist Party?

(The witness conferred with his counsel.)

Mr. SMYLES. I will have to decline to answer that on the basis of my rights under the fifth amendment.

Mr. ARENS. You didn't suggest to the Life correspondent that your activities in the Communist conspiracy might have had some bearing upon your employment difficulties, did you?

Mr. SMYLES. You are inferring——

(The witness conferred with his counsel.)

Mr. SMYLES. The article says "This is not what keeps him out."

Mr. ARENS. Answer that question. You didn't tell the Life magazine man whether or not you had been a member of the Communist Party, did you?

Mr. SMYLES. No.

Mr. ARENS. Sir?

(The witness conferred with his counsel.)

Mr. SMYLES. No.

Mr. ARENS. Don't you think that might have a little pertinency as to whether or not you are having employment difficulty?

(The witness conferred with his counsel.)

Mr. SMYLES. I told the Life magazine reporter what the article says, that this is not——

Mr. ARENS. Did he interview——

Miss ROTH. May the witness complete his answer?

Mr. SMYLES. That this is not what has kept me or any other Negro out of it.

Mr. ARENS. Did he interview you after the executive session in which you appeared before this committee?

Mr. SMYLES. Did the reporter interview me?

Mr. ARENS. Yes.

Mr. SMYLES. I had various meetings with the reporter, countless meetings.

Mr. ARENS. Did you have any meetings with him after you appeared before this committee in executive session?

Mr. SMYLES. Could you tell me the date of the article? Then I probably could answer.

Mr. MOULDER. March 11, 1957.

(The witness conferred with his counsel.)

Mr. SMYLES. I probably did.

Mr. ARENS. And did you at any time, in these interviews with this Life reporter after you had been in executive session before this committee, ever tell him that you had been in executive session before this committee?

Mr. SMYLES. I don't remember if I did or not.

Mr. ARENS. If you had told him that, you would have read it, would you not?

(The witness conferred with his counsel.)

Mr. SMYLES. I told him that I was under subpena. I remember that, but I don't remember if I told him I had been in executive session.

Mr. MOULDER. May I inquire? Did you at any time tell him that you had never been a member of the Communist Party?

Mr. SMYLES. I decline to answer that on the basis of the fifth amendment.

Mr. KEARNEY. May I ask a question, Mr. Chairman? I have not fully read the article in Life, but do I understand from it that you figure you have been discriminated against?

Mr. SMYLES. If you haven't read the article, Congressman, the article was about discrimination in the North. It seems that Life magazine had done a previous article on discrimination in the South. This article was to show the many subtle ways in which discrimination still exists in the North.

Mr. KEARNEY. That is what I am getting at, that you feel you have been discriminated against.

Mr. SMYLES. I and all other Negro musicians who aspire to the classical field.

Mr. KEARNEY. Did you ever take your question of discrimination up with the Anti-Discrimination Committee of the State of New York?

Mr. SMYLES. No; I haven't. I have taken it to the Local 802, our union, on many occasions.

Mr. KEARNEY. That is the place where they take all of these questions, isn't it, if I understand the New York State law?

Mr. SMYLES. I don't know this organization that you speak of. Is that SCAD?

Mr. KEARNEY. It is a New York State organization.

Mr. SMYLES. I take it where I am a member, before Local 802, the board of Local 802.

Mr. KEARNEY. Do they take it before the State organization?

Mr. SMYLES. They may, in a specific case, if there is a specific case.

Mr. KEARNEY. Do you know if they took your case before it?

Mr. SMYLES. They haven't.

Mr. ARENS. Do you occupy an office in Local 802?

Mr. SMYLES. I do not.

Mr. ARENS. Have you ever occupied an office in Local 802?

Mr. SMYLES. No; I have not.

Mr. ARENS. Have you ever served in the United States Army?

Mr. SMYLES. Yes.

Mr. ARENS. When?

Mr. SMYLES. 1942 to 1946.

Mr. ARENS. During the course of your service in the United States Army were you ever, during that period of time, a member of the Communist Party?

Mr. SMYLES. I decline to answer that under the fifth amendment.

Mr. ARENS. Where did you serve in the United States Army?

Mr. SMYLES. Two and a half years in Georgia and a year in France.

Mr. ARENS. In what capacity?

Mr. SMYLES. I started out as a buck sergeant in the Quartermaster Corps and I ended up in the Quartermaster Corps.

Mr. ARENS. In what status?

Mr. SMYLES. Master sergeant.

Mr. ARENS. Are you a composer of music, too?

Mr. SMYLES. No; I am not.

Mr. ARENS. I would like to lay before you now a thermofax reproduction of the Communist Daily Worker of February 23, 1954, with reference to a concert, music by Negro composers, from symphonic nuances to jazz improvisations; participating artists, naming a number, include Harry Smyles; all under the auspices of the New York Council of Arts, Sciences, and Professions. See if that refreshes your recollection with reference to your appearance at that function.

(Document handed to witness.)

(Witness conferred with his counsel.)

Mr. SMYLES. Yes; this was a job that I played at.

(Document marked "Smyles Exhibit No. 2," and retained in committee files.)

* * * * * * *

Mr. ARENS. Were you a Communist when you played there?

Mr. SMYLES. I decline to answer that question under the fifth amendment of the Constitution.

Mr. ARENS. Have you ever taught at the Jefferson School of Social Science?

(The witness conferred with his counsel.)

Mr. SMYLES. No; I have not.

Mr. ARENS. Have you ever appeared there in a professional capacity?

Mr. SMYLES. No; I have not.

Mr. ARENS. Have you ever appeared under the auspices of the Division of Jewish Studies of the Jefferson School of Social Science?

Mr. SMYLES. Not to the best of my reproduction.

Mr. ARENS. I lay before you now a thermofax reproduction of a leaflet showing an appearance by yourself at Town Hall, 8:30 p. m., Division of Jewish Studies of the Jefferson School of Social Science.

Harry Smyles, oboist. Kindly look at that document and tell us, if you please, sir, if that refreshes your recollection with reference to your appearance on that occasion.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. SMYLES. As an oboist I have appeared many places. I have no recollection of this. This is quite some time ago.

(Document marked "Smyles Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Did you play with the Cleveland Philharmonic Symphony?

Mr. SMYLES. Yes, I did.

Mr. ARENS. Who engaged you for that production?

Mr. SMYLES. It was a regular symphony orchestra.

Mr. ARENS. Yes, but who engaged you?

Mr. SMYLES. The conductor.

Mr. ARENS. Who was he?

Mr. MOULDER. Do we have any evidence that that person was a Communist or active in the Communist Party?

Mr. ARENS. I don't know who he is yet.

Mr. SMYLES. He is the head of the music department at Western Reserve University, Cleveland, Ohio, Dr. F. Carl Grossman.

Mr. ARENS. At any time was the subject of Communist Party membership a subject of conversation as a prerequisite to your obtaining employment in that organization?

(The witness conferred with his counsel.)

Mr. SMYLES. No.

Mr. ARENS. Were you a member of the Communist Party at the time you were appearing with the Cleveland Philharmonic Symphony?

Mr. SMYLES. I decline to answer that question on the basis of the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. MOULDER. Are there any questions?

Mr. DOYLE. No questions.

Mr. FRAZIER. No questions.

Mr. KEARNEY. I have a question. You are a member of Local 802?

Mr. SMYLES. That is right.

Mr. KEARNEY. From the questions previously asked you, I would suggest this: That you go to your office of Local 802, if you feel you have been discriminated against, because that is the reason that law is on the statute books of the State of New York, to prevent such cases.

Mr. SMYLES. I have been before the board many times. I have been before the union many times.

Mr. KEARNEY. On this question?

Mr. SMYLES. Yes.

Mr. KEARNEY. Did you ever get a report from them as to what happened, or whether they did anything or not for you?

Mr. SMYLES. Once a year, they give a Negro his three-week program in which they employ an orchestra of Negro musicians and white musicians, which is broadcast to Europe by the State Department. Last year we gave a very wonderful concert.

Mr. KEARNEY. No, I mean on your particular case, whether your officers went before the State commission or not.

Mr. SMYLES. There hasn't been any specific instance.

Mr. KEARNEY. There hasn't been any specific instance.

Mr. SMYLES. That is all.

Mr. MOULDER. Are there any other questions?

Mr. MCINTOSH. No questions.

Mr. MOULDER. I want to ask a question or two to clarify some of your testimony previously given.

As I understand from the beginning, on this program of March 11 for the NBC–TV, counsel asked you several questions about it, and this question was asked you:

> Well, now, do you plan to answer all the questions the committee will put to you, or are you going to take refuge behind the first or fifth amendments when you go before the committee?

Your answer was:

> Frankly, at the present time I really don't know what my position is going to be.

Is that correct?

Mr. SMYLES. That was correct.

Mr. ARENS. May I clarify that? The interview I was asking him about was the second interview. The interview from which the chairman is now reading is the informal first interview. I was reading from the interview which went out across this Nation which is at the bottom of the page.

Mr. MOULDER. I just wanted to ask the witness if this was true and correct.

What is your present attitude now about the Communist Party? What was your response to the question when you were asked if you were a member?

Mr. SMYLES. I decline to answer that under the fifth amendment.

Mr. MOULDER. You decline to answer it as to your present affiliation as to whether or not you are?

Mr. SMYLES. You are inferring. I haven't said anything about affiliation.

Mr. MOULDER. I am not inferring anything. I understood you to have said you were not now. I have forgotten the previous part of your testimony. You said you were not now, but declined to answer as to the other.

Mr. SMYLES. I decline to answer under the fifth amendment.

Mr. MOULDER. I want to clarify this. This witness is claiming discrimination. As I understand the theme of counsel's questions, it is discrimination because you are Negro. That is, from this article in Life magazine. It appears that there may be some other causes why you may have been handicapped in your musical career. That is because of your——

Mr. SMYLES. You take this as though I am the only Negro. There are many Negroes. For instance, in all of the symphony orchestras of this country, as of now none of the major symphony orchestras in this country employ a Negro musician.

Mr. MOULDER. You served in the Armed Forces?

Mr. SMYLES. I was in the Armed Forces when there was no integration. I was in a Jim Crow part of the Armed Forces.

Mr. MOULDER. And you received an honorable discharge?

Mr. SMYLES. I did, sir.

Mr. MOULDER. You served your country faithfully and patriotically as a member of the armed services?

Mr. SMYLES. I did.

Mr. MOULDER. I want to ask you this question: In the event of a war between our country and the Soviet Union, would you still fight on the side of your country, just as you did before?

Mr. SMYLES. If this country was attacked by any other country, I would fight for my wife, my children, my home.

Mr. MOULDER. My point is this: In the event our country was embroiled, or became involved, in a war with Russia, would you fight to defend your country?

Mr. SMYLES. I am not a soldier, I am a musician; but if I was drafted, as I was drafted before, I would serve as I did before.

Mr. KEARNEY. I move, Mr. Chairman, that we adjourn until 10 o'clock tomorrow morning.

Mr. MOULDER. The committee will now recess. The subpenas of the witnesses who have not testified today will continue, and they will appear here tomorrow morning at 10 o'clock.

(Whereupon, at 4:35 p. m. Tuesday, April 9, the committee was recessed, to reconvene at 10 a. m. Wednesday, April 10, 1957.)

INVESTIGATION OF COMMUNISM IN THE METROPOLITAN MUSIC SCHOOL, INC., AND RELATED FIELDS—PART 1

WEDNESDAY, APRIL 10, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
New York, N. Y.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met at 10:10 a. m., pursuant to recess, in room 35, United States courthouse, Foley Square, New York, N. Y., Hon. Clyde Doyle presiding.

Committee members present: Representatives Clyde Doyle of California, James B. Frazier, Jr., of Tennessee, Bernard W. Kearney of New York, and Robert J. McIntosh of Michigan.

Staff members present: Richard Arens, director; Dolores Scotti, investigator; Frank Bonora, acting clerk.

(Present at the opening of the hearing: Representatives Clyde Doyle, James B. Frazier, Jr., Bernard W. Kearney, and Robert J. McIntosh.)

Mr. DOYLE. The subcommittee will be in order. Mr. Arens, will you call your first witness?

Mr. ARENS. Mr. David Walter, please come forward.

Mr. DOYLE. May the record show that the committee reconvened this morning at 10:10, the subcommittee members present being Mr. Frazier, Mr. Kearney, Mr. McIntosh, and myself. Mr. Moulder is not present at the moment.

We will proceed.

Mr. ARENS. Miss Thelma Pyle, please come forward.

The counsel to David Walter, Mr. Chairman, made a special request that he be taken very early this morning because of other commitments. I have called him, but he is not here. We will proceed with this witness and try to work him in as we can.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss PYLE. I do.

TESTIMONY OF THELMA PYLE, ACCOMPANIED BY COUNSEL, MILDRED ROTH

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss PYLE. My name is Thelma Pyle. I live at 549 Riverside Drive. I am a piano teacher.

Mr. ARENS. Where are you employed, Miss Pyle?

Miss PYLE. I teach privately and at the Metropolitan Music School.

Mr. ARENS. Are you on the board of directors of the Metropolitan Music School?

Miss PYLE. Yes. I was elected by the faculty to serve.

Mr. ARENS. How long have you been on the board of directors of the Metropolitan Music School?

Miss PYLE. To the best of my recollection, it is 4 or 6 years. I am not sure.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Miss PYLE. Yes.

Mr. ARENS. And you are represented by counsel?

Miss PYLE. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Miss ROTH. Mildred Roth, 401 Broadway, New York City.

Mr. ARENS. Miss Pyle, do you know a person by the name of Leonard Cherlin?

(The witness conferred with her counsel.)

Mr. ARENS. He spells his name C-h-e-r-l-i-n.

(The witness conferred with her counsel.)

Miss PYLE. I decline to answer on the basis of my rights under the fifth amendment.

Mr. ARENS. Miss Pyle, yesterday Mr. Leonard Cherlin took an oath before this committee and testified that while he was a member of the Communist Party he knew you as a Communist. Was he lying or was he telling the truth?

Miss PYLE. I decline to answer on the basis of my rights under the fifth amendment.

Mr. ARENS. Are you now, this moment, a member of the Communist Party?

Miss PYLE. I decline to answer on the same basis.

Mr. ARENS. Where were you employed immediately prior to your employment with the Metropolitan Music School?

(The witness conferred with her counsel.)

Miss PYLE. I think perhaps I have to explain. I teach there only 1 day a week. The rest of my teaching is private, as I explained to you. I have also taught at another school, the Academy of Mount St. Ursula.

Mr. ARENS. Where is that, please?

Miss PYLE. That is in the Bronx.

Mr. ARENS. Over what period of time did you teach there?

Miss PYLE. I taught there for approximately 10 years.

Mr. ARENS. Would you tell us the dates, roughly speaking?

Miss PYLE. I think it was 2 years ago that I resigned because of the growth of my private teaching.

Mr. ARENS. Were you a member of the Communist Party while you were engaged in teaching at Mount St. Ursula?

Miss PYLE. I decline to answer under my rights under the fifth amendment.

Mr. ARENS. Was your disassociation from Mount St. Ursula Academy wholly and completely voluntary, or was it a forced disassociation?

Miss PYLE. It was wholly voluntary.

Mr. ARENS. Mr. Chairman, I respectfully suggest that concludes the staff interrogation of this witness.

Mr. DOYLE. Mr. Frazier?

Mr. FRAZIER. No questions.

Mr. DOYLE. Mr. Kearney?

Mr. KEARNEY. I have no questions.

Mr. DOYLE. Mr. McIntosh?

Mr. MCINTOSH. I have no questions.

Mr. DOYLE. I have no questions. The witness is excused.

Call your next witness.

Mr. ARENS. Lucy Brown, please come forward.

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

Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss BROWN. I do.

TESTIMONY OF LUCY BROWN (LUCY BROWN WALLACH), ACCOMPANIED BY COUNSEL, ISIDORE G. NEEDLEMAN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss BROWN. Lucy Brown, 100 West 91st Street, musician.

Mr. ARENS. You are appearing today, Miss Brown, in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Miss BROWN. Yes.

Mr. ARENS. And you are represented by counsel?

Miss BROWN. I am.

Mr. ARENS. Counsel, will you kindly identify yourself?

Mr. NEEDLEMAN. Isidore G. Needleman, 165 Broadway, New York 6, N. Y.

Mr. ARENS. Is your name "Miss" Brown or "Mrs." Brown?

Miss BROWN. My professional name is Miss Lucy Brown.

Mr. ARENS. Do you have a nonprofessional name or a name that is not in a professional category?

Miss BROWN. I would like to consult my lawyer.

(The witness conferred with her counsel.)

Miss BROWN. I am married, and my married name is Lucy Wallach.

Mr. ARENS. Where are you employed?

Miss BROWN. I am a free-lance musician.

Mr. ARENS. What instrument do you play?

Miss BROWN. I play the piano.

Mr. ARENS. Do you also instruct?

Miss BROWN. Yes; privately.

Mr. ARENS. Do you have any connection with the Metropolitan Music School?

Miss BROWN. I would like to consult my counsel on this.

(The witness conferred with her counsel.)

Miss BROWN. For some length of time, I was a sponsor of the school.

Mr. ARENS. Over what period of time were you a sponsor of the Metropolitan Music School?

Miss BROWN. I honestly do not remember.

Mr. ARENS. What is your best recollection as to the approximate time, the approximate period?

Miss BROWN. Well, I think I must have been approached some time in the 1940's, and I have never made any request to have the sponsorship changed. But I don't even know at this point whether I am still publicly listed as a sponsor.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Miss BROWN. I decline to answer under the fifth amendment.

Mr. ARENS. Have you ever taught any place, at any institution?

Miss BROWN. I would like to consult counsel on this.

(The witness conferred with her counsel.)

Miss BROWN. I taught for a brief period in a music school on 5th Avenue and 9th Street. I believe the name was the School for Contemporary Music. I was substituting.

Mr. ARENS. And have you ever taught at the Metropolitan Music School?

Miss BROWN. No.

Mr. ARENS. Have you ever taught at the Jefferson School of Social Science?

Miss BROWN. I would like to consult counsel.

(The witness conferred with her counsel.)

Miss BROWN. I decline under the fifth amendment.

Mr. ARENS. Have you been one of the sponsors of the "Save the Rosenbergs" committee?

Miss BROWN. I would like to consult my counsel on that, please.

(The witness conferred with her counsel.)

Miss BROWN. I don't remember whether I was actually——

Mr. ARENS. May I display to you now, if you please, a thermofax reproduction of an article which appeared in the Communist Daily Worker—the date is on here—in which your name appears as one of the sponsors in the musician category of the "Save the Rosenbergs" enterprise.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Mr. ARENS. Does that refresh your recollection?

Miss BROWN. Yes, it does, and I would like to say that I am proud to identify myself among the people who were on that committee.

(Document marked "Brown Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Are you a member of the National Council of the Arts, Sciences, and Professions?

Miss BROWN. I would like to consult my counsel on that.

(The witness conferred with her counsel.)

Miss BROWN. I decline under the fifth amendment.

Mr. ARENS. I display to you now a thermofax reproduction of a page from the Communist Daily Worker of August 7, 1950, in which you are listed as one of the signers of a statement issued by the National Council of the Arts, Sciences, and Professions.

Kindly look at that document and tell this committee whether or not that refreshes your recollection and whether or not that article accurately describes you.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss BROWN. I decline under the fifth amendment.

(Document marked "Brown Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Who is V. J. Jerome?

Miss BROWN. I decline under the fifth amendment.

Mr. ARENS. You were one of the champions of V. J. Jerome when he was being tried here in Foley Square back in 1952; were you not?

Miss BROWN. I would like to consult counsel.

(The witness conferred with her counsel.)

Miss BROWN. I decline under the fifth amendment.

Mr. ARENS. I display to you now a thermofax reproduction of the letter from the Committee To Defend V. J. Jerome for intellectual and cultural freedom [dated April 14, 1952], in which your name appears as one of the artists who are listed here as champions of the Culture Fights Back Rally tribute to V. J. Jerome.

Kindly look at that document and tell this committee whether or not you can verify its authenticity.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss BROWN. I decline under the fifth amendment.

(Document marked "Brown Exhibit No. 3," and retained in committee files.)

Mr. ARENS. What have you done in the course of the last few years toward promotion of peace in the world? Have you been one of the promoters of peace?

Miss BROWN. I would like to consult counsel, please.

(The witness conferred with her counsel.)

Miss BROWN. I have been too busy in the last few years, if that is the nature of the question, to concern myself.

Mr. ARENS. I would just like to invite your attention to a thermofax reproduction of the Communist Daily Worker of March 15, 1951, in which you are listed as one of the sponsors of the American Peace Crusade.

Would you kindly look at this document which is now being displayed to you and see if that refreshes your recollection?

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss BROWN. I decline under the fifth amendment.

(Document marked "Brown Exhibit No. 4," and retained in committee files.)

Mr. ARENS. Were you in the recent past, or the last few years, on the committee of the Metropolitan Music School which awards scholarships to students?

Miss BROWN. I would like to consult my attorney.

(The witness conferred with her counsel.)

Miss BROWN. Yes; I was.

Mr. ARENS. How long did you serve on the scholarship award committee of the Metropolitan Music School? Do you recall?

Miss BROWN. For one session.

Mr. ARENS. And did you vote to make awards to students?

Miss BROWN. I did.

Mr. ARENS. While you were operating in that capacity, were you also a member of the Communist Party at that time?

Miss BROWN. I decline to answer under the fifth amendment.

Mr. ARENS. Have you been a member of the Civil Rights Congress, or have you been active in the affairs of the Civil Rights Congress?

Miss BROWN. I would like to consult my attorney.

(The witness conferred with her counsel.)

Miss BROWN. I decline to answer under the fifth amendment.

Mr. ARENS. I want to display to you now a thermofax reproduction of an article in the Communist Daily Worker [June 6, 1949, p. 2], in which, according to the article, a number of notables are blasting or branding Judge Medina's jailing of the 11 Communist leaders, under the auspices—at least the article says the blasting is being done under the auspices—of the Civil Rights Congress, and it bears the signatures of a number of persons, including Lucy Brown.

Kindly look at that document that is being displayed to you and see if that refreshes your recollection with reference to your participation in that enterprise.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss BROWN. I decline to answer under the fifth amendment.

(Document marked 'Brown Exhibit No. 5," and retained in committee files.)

Mr. ARENS. Are you a Marxist?

Miss BROWN. I would like to consult counsel, please.

(The witness conferred with her counsel.)

Miss BROWN. I don't wish to discuss my politics with this committee.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. DOYLE. You are ordered and directed to answer the question, Witness.

Miss BROWN. I decline to answer under the fifth amendment.

Mr. ARENS. I display a copy of the March 12, 1953, Communist Daily Worker in which a number of people—according to the article, 400—had a dinner here in New York City, on the right to learn Marxism, and a number of people are characterized as leading Marxists.

In the concert which accompanied the affair, or the entertainment of the affair, Miss Lucy Brown is listed as one of the participants and one of the artists who entertained at the affair.

Kindly look at that and see if that refreshes your recollection.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss BROWN. I decline to answer under the fifth amendment.

(Document marked "Brown Exhibit No. 6" and retained in committee files.)

Mr. DOYLE. Counsel, may I ask a question?

Will you make a statement briefly as to the connection of Marxism with Soviet Communism? Why is that question pertinent, as long as the witness answered that she did not care to discuss political affiliations?

Mr. ARENS. The pertinency is that the Jefferson School of Social Science has long been one of the nests of Communist activity in the United States.

Emanating from that has been the theoretical ideological basis upon which the Communist conspiracy in this country has been operating, that the Communist dynamics stem from the ideology of Marxism. It is to communism what the Bible is to Christianity, I should say.

The Jefferson School of Social Science, in this particular instance, was the institution in which this affair was held. Also, in the dialectics of communism, Communists frequently allude to themselves not as Communists but as Marxists; and they also allude to themselves in such terminology as "Socialists," "Progressives," and the like. They will masquerade behind that. It is for that reason that the question, in my opinion, is pertinent to this inquiry.

Mr. DOYLE. Thank you.

Mr. ARENS. Have you entertained at chapter meetings of the National Lawyers Guild?

Miss BROWN. I would like to consult counsel.

(The witness conferred with her counsel.)

Miss BROWN. I appeared under their auspices as an artist.

Mr. ARENS. Have you been connected with People's Artists, Inc.?

Miss BROWN. I would like to consult counsel.

(The witness conferred with her counsel.)

Miss BROWN. I decline to answer under the fifth amendment.

Mr. ARENS. I lay before you now a thermofax reproduction of the Communist Daily Worker of October 6, 1949, bearing an article, "People's Artists Organize New Kind of Music Series."

According to the article, Paul Robeson entertained at this Peekskill concert under the auspices of People's Artists, Inc.; and one of the participants in their programs is listed here as Lucy Brown, concert pianist.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss BROWN. I decline to answer under the fifth amendment.

(Document marked "Brown Exhibit No. 7," and retained in committee files.)

Mr. ARENS. Have you been one of the sponsors of the American Women for Peace? Do you recall your sponsorship of that enterprise back in 1950?

Miss BROWN. I would like to consult my counsel.

(The witness conferred with her counsel.)

Miss BROWN. I decline under the fifth amendment.

Mr. ARENS. I display to you now, if you please, a thermofax reproduction of a bulletin issued by that organization, in which you are listed as one of the sponsors—one of about a dozen sponsors—of that organization.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Mr. ARENS. I ask you whether or not that accurately and truthfully describes your status in connection with that organization?

(The witness conferred with her counsel.)

Miss BROWN. I decline under the fifth amendment.

(Document marked "Brown Exhibit No. 8," and retained in committee files.)

Mr. ARENS. Who were the Warsaw Ghetto Fighters?

Miss BROWN. I would like to consult with counsel.

(The witness conferred with her counsel.)

Miss BROWN. I don't know to what you refer. If you have a document to show me to refresh my recollection, I——

Mr. ARENS. Yes, I would be glad to refresh your recollection. I have here a handbill, entitled "A Tribute to the Warsaw Ghetto Fighters," back in 1952, in which a number of people, outstanding speakers and artists, are paying tribute to the Ghetto Fighters in Warsaw. This was presented by Jewish Life.

Kindly look at this document and see if it refreshes your recollection with reference to identification or connection with that enterprise.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss BROWN. I remember now what this refers to, and I would like to say that I was very proud to be associated with an affair which was dedicated to the Jewish fighters that fought the Nazis.

(Document marked "Brown Exhibit No. 9," and retained in committee files.)

Mr. ARENS. That was in what year, please?

Miss BROWN. I don't remember any more. You will have to bring it back to me.

Mr. ARENS. Well, the document will speak for itself.

Who is Harry Bridges?

Miss BROWN. I would like to consult counsel.

(The witness conferred with her counsel.)

Miss BROWN. As I recall, Harry Bridges is a trade union leader on the west coast.

Mr. ARENS. Do you know anything else about him?

Miss BROWN. Yes. I know that he was many times threatened with deportation.

Mr. ARENS. Do you know him personally?

Miss BROWN. I would like to consult counsel.

(The witness conferred with her counsel.)

Miss BROWN. I never met him.

Mr. ARENS. Do you know whether or not he is a Communist?

Miss BROWN. I would like to consult counsel.

(The witness conferred with her counsel.)

Miss BROWN. I don't know.

Mr. ARENS. You were a sponsor of a Citizens' Victory Committee for Harry Bridges, were you not?

Miss BROWN. I was.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Have you any questions, Mr. Frazier?

Mr. FRAZIER. No questions.

Mr. DOYLE. Mr. Kearney?

Mr. KEARNEY. I have no questions.

Mr. DOYLE. Mr. McIntosh?

Mr. MCINTOSH. I have no questions.

Mr. DOYLE. Mr. Counsel, you have identified this witness as having had some connection with several organizations. I think it pertinent, therefore, that the record show what some of these organizations are, according to the Guide to Subversive Organizations and Publications,

published as of January 2, 1957, by the Committee on Un-American Activities, House of Representatives.

Mr. NEEDLEMAN. Is the witness excused, Mr. Chairman?

Mr. DOYLE. Not quite yet. I may want to ask her a question.

The American Peace Crusade, for instance, on page 13 of this booklet, was organized in January 1951, with national headquarters at 1186 Broadway, New York, and—

1. Cited as an organization which "the Communists established" as "a new instrument for their 'peace' offensive in the United States," and which was heralded by the Daily Worker "with the usual bold headlines reserved for projects in line with the Communist objectives."

2. "As part of Soviet psychological warfare against the United States, Communist fronts seek to paralyze America's will to resist Communist aggression by idealizing Russia's aims and methods, discrediting the United States, spreading defeatism and demoralization * * * specializing in this field * * * have been such organizations as the American Peace Crusade."

And the American Peace Crusade (during Stalin-Hitler pact) on page 14, is:

Cited as "a Communist front later merged into the American Peace Mobilization," and as the "California section of the American Peace Mobilization."

Now, as to the American Women for Peace, in the same book that I have referred to, on page 18:

1. Cited as "an advance wave to establish a beachhead for other leftwing organizations scheduled to descend on Washington in observance of a Communist-declared 'Peace Week'."

Referring to the same book, on page 25 thereof, as to the Civil Rights Congress:

1. Cited as subversive and Communist (Attorney General Tom Clark).

2. Cited as an organization formed at a Congress on Civil Rights held in Detroit in April 1946 as a merger of two other Communist-front organizations. (International Labor Defense and the National Federation of Constitutional Liberties); it was "dedicated not to the broader issues of civil liberties, but specifically to the defense of individual Communists and the Communist Party" and "controlled by individuals who are either members of the Communist Party or openly loyal to it."

3. "To defend the cases of Communist lawbreakers, fronts have been devised making special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations is the Civil Rights Congress. When the Communist Party itself is under fire these fronts offer a bulwark of protection."

Referring to the National Council of Arts, Sciences, and Professions, on pages 61 and 62 of this same booklet:

1. Cited as a Communist front. (Committee on Un-American Activities, House Report 1954 * * *.)

2. Cited as a Communist front which is "used to appeal to special occupational groups * * *." (Internal Security Subcommittee of the Senate Judiciary Committee).

I thought it was pertinent, in view of the questions and answers of the witness, that the record have this chronological record at this point in the record.

Thank you, Witness.

If there is nothing further, you are excused.

Mr. ARENS. Mildred Hagler, kindly come forward.

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

Miss HAGLER. I do.

TESTIMONY OF MILDRED HAGLER, ACCOMPANIED BY COUNSEL, ISIDORE G. NEEDLEMAN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss HAGLER. Mildred Hagler, 334 East 94th Street.

Mr. KEARNEY. Will the witness speak up? I cannot hear her.

Miss HAGLER. 334 East 94th Street, New York 28. I am a typist.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Miss HAGLER. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Miss HAGLER. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. NEEDLEMAN. Isidore Needleman, 165 Broadway, New York 6, N. Y.

Mr. ARENS. Is your name "Miss" Hagler?

Miss HAGLER. Yes, sir.

Mr. ARENS. Do you know a person by the name of Leonard Cherlin?

(The witness conferred with her counsel.)

Miss HAGLER. I respectfully decline under the fifth amendment of the Constitution.

Mr. ARENS. Do you honestly feel, Miss Hagler, that if you told this committee truthfully whether or not you know a person by the name of Leonard Cherlin, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Miss HAGLER. Yes.

Mr. ARENS. Mr. Cherlin yesterday took an oath before this committee, laid his liberty on the line—if he lied, he will be subject to criminal prosecution for perjury—and while he was under oath, he said that while he was a member of the Communist Party he knew you as a Communist. Was Mr. Cherlin lying to this committee or was he telling the truth?

(The witness conferred with her counsel.)

Miss HAGLER. I respectfully decline under the fifth amendment.

Mr. ARENS. Do you know a person by the name of Thelma Pyle?

(The witness conferred with her counsel.)

Miss HAGLER. I respectfully decline under the fifth amendment.

Mr. ARENS. What was the name of the lady who just preceded you to the witness stand? Do you know her?

(The witness conferred with her counsel.)

Miss HAGLER. I respectfully decline.

Mr. ARENS. Where are you employed?

Mr. NEEDLEMAN. I would like to have the record show that when she declines, it is on the same ground. She didn't finish the answer.

Mr. ARENS. I beg your pardon. Finish your answer, if you please.

Miss HAGLER. I respectfully decline under the fifth amendment.

Mr. ARENS. Where are you employed?

Miss HAGLER. I am not employed at present.

Mr. ARENS. Where were you last employed?

Miss HAGLER. I am a free-lance typist, and I was last employed by I. G. Needleman.

Mr. ARENS. Who is I. G. Needleman?

Miss HAGLER. My counsel. I typed something for him.

Mr. ARENS. Have you ever been employed or associated in any capacity with the Metropolitan Music School?

(The witness conferred with her counsel.)

Miss HAGLER. I was employed by the Metropolitan Music School as a typist and secretary.

Mr. ARENS. Over what period of time?

Miss HAGLER. I don't remember exactly. It was roughly about 4 years.

Mr. ARENS. When did the employment begin, roughly speaking?

(The witness conferred with her counsel.)

Miss HAGLER. Around 1949.

Mr. ARENS. For 4 years beginning in 1949?

Miss HAGLER. Yes, more or less. Approximately that.

Mr. ARENS. For whom were you a secretary?

Miss HAGLER. I was secretary for the Metropolitan Music School.

Mr. ARENS. Who was it gave you dictation? Who dictated the letters to you?

(The witness conferred with her counsel.)

Miss HAGLER. Well, actually I didn't take any dictation per se.

Mr. ARENS. What were your duties?

Miss HAGLER. I made the payroll, I typed things up. It did not necessarily include dictation.

Mr. ARENS. Did you keep the books for the Metropolitan Music School, the financial records?

Miss HAGLER. No.

Mr. ARENS. Those were kept by the treasurer, I take it?

Miss HAGLER. No doubt.

Mr. ARENS. Where were you employed immediately prior to your employment with the Metropolitan Music School?

Miss HAGLER. I don't recall.

Mr. ARENS. Was your employment with the Metropolitan Music School facilitated, or obtained for you, by any person known by you to have been a Communist?

(The witness conferred with her counsel.)

Miss HAGLER. Certainly not.

Mr. ARENS. Who hired you as secretary at the Metropolitan Music School?

Miss. HAGLER. I don't recall.

Mr. ARENS. Were you employed by Lilly Popper?

(The witness conferred with her counsel.)

Miss HAGLER. I don't recall if I was directly hired by Miss Popper.

Mr. ARENS. Did you know Miss Popper prior to the time that you became an employee of the Metropolitan Music School?

(The witness conferred with her counsel.)

Miss HAGLER. No.

Mr. ARENS. Do you recall the circumstances concerning your employment, how you happened to know there was a Metropolitan Music School at which you might find a job?

Miss HAGLER. No; I don't recall.

Mr. ARENS. What precipitated your disassociation from the Metropolitan Music School?

(The witness conferred with her counsel.)

Miss HAGLER. Well, I finally decided that I had to have full-time work.

Mr. ARENS. And then where did you work?

(The witness conferred with her counsel.)

Miss HAGLER. I respectfully decline to answer that under the fifth amendment.

Mr. ARENS. How long was your employment in the job that you assumed immediately after your disassociation from the Metropolitan Music School?

(The witness conferred with her counsel.)

Miss HAGLER. I don't recall.

Mr. ARENS. Was it a matter of a year?

Miss HAGLER. Yes.

Mr. ARENS. Was it a matter of more than a year?

Miss HAGLER. It could be. I don't recall.

Mr. ARENS. Where was the geographical location of your employment?

(The witness conferred with her counsel.)

Miss HAGLER. It was in the midtown area; Manhattan.

Mr. ARENS. Was it for a Communist organization?

Miss HAGLER. I decline to answer on the fifth amendment.

Mr. ARENS. I couldn't hear you, ma'am.

Miss HAGLER. I beg your pardon. I respectfully decline under the fifth amendment.

Mr. ARENS. When did this employment begin? In what year?

(The witness conferred with her counsel.)

Miss HAGLER. Some time in 1953.

Mr. ARENS. When did it terminate?

(The witness conferred with her counsel.)

Miss HAGLER. 1955 or 1954.

Mr. ARENS. Do you honestly feel that if you told this committee truthfully where you were employed, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Miss HAGLER. Yes, sir.

Mr. ARENS. What was your next employment?

(The witness conferred with her counsel.)

Miss HAGLER. After that I was employed at the Terminal Letter Co.

Mr. ARENS. For how long?

Miss HAGLER. Roughly a year and a half.

Mr. ARENS. And your next employment, if you please?

(The witness conferred with her counsel.)

Miss HAGLER. That was Morse Associates.

Mr. ARENS. Just a word about the organization. What is the nature of the work?

Miss HAGLER. It is similar to a letter shop.

Mr. ARENS. How long did that employment last?

Miss HAGLER. That was about a month and a half.

Mr. ARENS. And then your next employment?

(The witness conferred with her counsel.)

Miss HAGLER. I didn't work again after that. I decided to go to school.

Mr. ARENS. Where did you go to school?

Miss HAGLER. In midtown; Manhattan.

Mr. ARENS. What is the name of the institution you attended?

Miss HAGLER. Ralph Coxhead.

Mr. ARENS. What is the nature of the organization?

Miss HAGLER. It is a new kind of office machine.

Mr. ARENS. How long did you attend this institution, this school?

(The witness conferred with her counsel.)

Miss HAGLER. I have been there about a week.

Mr. ARENS. Then your next activity? What did you do after you concluded your week's service in the school?

Miss HAGLER. This brings me up to date.

Mr. ARENS. Have you ever been a member of the teachers' union?

(The witness conferred with her counsel.)

Miss HAGLER. Yes.

Mr. ARENS. Do you have knowledge as to the number of members of the faculty of the Metropolitan Music School who are or have been members of the teachers' union?

(The witness conferred with her counsel.)

Miss HAGLER. Mr. Arens, please, I have been away from the Metropolitan Music School since about June 1953.

Mr. ARENS. When you were connected with the Metropolitan Music School in June 1953, were you a member of the teachers' union?

Miss HAGLER. At that time, yes.

Mr. ARENS. Did the other teachers belong to the teachers' union, the other instructors at the Metropolitan Music School?

(The witness conferred with her counsel.)

Miss HAGLER. Yes; I believe so.

Mr. ARENS. Have you ever instructed, yourself?

Miss HAGLER. Yes.

Mr. ARENS. Where did you teach?

(The witness conferred with her counsel.)

Miss HAGLER. I instructed at the Metropolitan Music School.

Mr. ARENS. Did that period of instruction coincide with your tenure there as secretary?

Miss HAGLER. To the best of my recollection, yes.

Mr. ARENS. Where else have you instructed?

Miss HAGLER. Well, my teaching has been very, very, very limited.

Mr. ARENS. Did you teach at the New York Band & Instrument Co.?

(The witness conferred with her counsel.)

Miss HAGLER. Yes.

Mr. ARENS. When?

Miss HAGLER. I dont' remember.

Mr. ARENS. How long ago was it? Was it 10 years ago?

Miss HAGLER. I would think so.

Mr. ARENS. Are you now, this minute, a Communist?

Miss HAGLER. I respectfully decline to answer this under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Have you any questions, Mr. Frazier?

Mr. FRAZIER. No questions.

Mr. DOYLE. Mr. Kearney?

Mr. KEARNEY. No questions.

Mr. DOYLE. Mr. McIntosh?

Mr. MCINTOSH. I have no questions.

Mr. DOYLE. I do not have any questions; but while the witness is here, I want to call to the attention of the committee and the record a brief paragraph appearing in the New York Times this morning. I read it into the record at this time because yesterday some of the witnesses claimed that this committee was exceeding its jurisdiction in the questions we were asking of witnesses as to whom they knew as Communists, and so forth, not being pertinent. I read this news item:

NEWSMAN GUILTY IN CONTEMPT CASE

WASHINGTON, April 9.—Alden Whitman, a copy editor * * * was convicted today of contempt of Congress. Judge Edward M. Curran, who heard the case without a jury in Federal district court, found Mr. Whitman guilty on all 19 counts of an indictment returned last November 26. Mr. Whitman refused at a Senate Internal Security Subcommittee hearing on January 6, 1956, to name persons he had known as Communists during the time he was a member of the Communist Party. He testified that he had been a party member from 1935 to 1948 in Bridgeport, Conn., and Buffalo and New York. * * *

Judge Curran permitted Mr. Whitman to tell why he had refused to answer the subcommittee's questions. He said that to have answered would have cast him in the role of an informer and would have been repugnant to his self-respect. * * *

Judge Curran held that a congressional inquiry as to the number of Communists and who they were, and the growth and extent of the Communist movement in this country, was pertinent to a valid legislative purpose.

The questions asked Mr. Whitman [by the committee] he held were relevant to that purpose.

I have not read the full text of the article, and for purposes of brevity I ask that only the portion I have read go into the record.

(At this point Representatives Robert J. McIntosh and Bernard W. Kearney left the hearing room.)

Mr. DOYLE. We will have a recess for 5 minutes at this point.

(A short recess was taken. Committee members present: Representatives Clyde Doyle and James B. Frazier, Jr.)

(At the expiration of the recess, the subcommittee reconvened with the following members present: Representatives Clyde Doyle, James B. Frazier, Jr., Bernard W. Kearney, and Robert J. McIntosh.)

Mr. DOYLE. The subcommittee will please reconvene.

Let the record show that Messrs. Frazier, Kearney, McIntosh, and Doyle are present. Therefore, we will proceed.

Mr. ARENS. Mr. Frank Schwartz, kindly come forward.

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

Mr. SCHWARTZ. I do.

TESTIMONY OF FRANK SCHWARTZ, ACCOMPANIED BY COUNSEL, FRANK SCHEINER

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SCHWARTZ. My name is Frank Schwartz. My address is 21–25 34th Avenue, Long Island City, N. Y. As to my occupation, I respectfully decline to answer. In declining to answer——

Mr. ARENS. Excuse me just a moment. Are you reading from a statement?

Mr. SCHWARTZ. I am.

Mr. ARENS. Who prepared the statement?

Mr. SCHWARTZ. I did.

Mr. ARENS. Thank you.

Mr. SCHWARTZ. As to my occupation, I respectfully decline to answer. In declining to answer, I stand on each and every right and privilege I have under the Constitution of the United States, including my rights under the first and fifth amendments, and my right not to be required to be a witness against myself.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. SCHWARTZ. I am.

Mr. ARENS. You are represented by counsel?

Mr. SCHWARTZ. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. SCHEINER. Frank Scheiner, 401 Broadway, New York City, N. Y.

Mr. ARENS. Do you honestly apprehend, sir, that if you told this committee truthfully what your occupation is, you would be giving information that could be used against you in a criminal proceeding?

Mr. SCHWARTZ. I stand on my previous answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered and directed to answer the last outstanding principal question.

Mr. DOYLE. You are ordered and directed to answer the last question, Mr. Witness. We cannot accept the answer you gave.

Mr. SCHWARTZ. I respectfully decline to answer. In declining to answer, I stand on each and every right I have under the Constitution of the United States, including my rights under the first and fifth amendments, and my right not to be a witness against myself.

Mr. ARENS. So that we may be absolutely without question thoroughly fair, the question which is outstanding on this record is for the purpose of developing facts as to whether or not your invocation of the fifth amendment is in good faith. If you do not honestly apprehend that the answer to the preceding principal question would give information which might be used against you in a criminal proceeding, you have no right to invoke the fifth amendment. Therefore, I now repeat the question, so there will be no question about it on this record.

Do you honestly fear, sir, that if you told this committee what your occupation is, you would be supplying information which might, directly or indirectly, give facts which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I stand on my previous answer.

Mr. ARENS. Now, Mr. Chairman, so there can be no question about the status of this record, I respectfully suggest that the record again reflect an order and direction to the witness to answer this question.

Mr. DOYLE. I again order and direct you to answer that question. I wish to state this, that our committee counsel is not undertaking to act as legal counsel for any witness; but we believe that our committee counsel, in making that statement, meant it to be, as he stated, to be fully frank and fully fair. We do not undertake to do anything which deliberately puts any person in contempt. Therefore, our counsel is

going out of his way to give the benefit, to the extent to which it is accepted and received, of the position we take. But we say to every witness, "You rely on your own counsel." Our committee counsel is not in a position to legally advise you. He can give you the best information, and you can take it or leave it. We do not want anyone left in a position where they are in contempt without knowing that that is the position.

What is your answer to the question?

Mr. SCHWARTZ. I would like to consult my counsel again.

(The witness conferred with his counsel.)

Mr. SCHWARTZ. Would you repeat the question directly to me again, please?

Mr. ARENS. Do you honestly fear, sir, that if you told this committee what your occupation is, where you are employed, you would be supplying information which might, directly or indirectly, give facts which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. Yes, I do.

Mr. ARENS. Are you an instructor at the Metropolitan Music School?

Mr. SCHWARTZ. I would like consult my counsel.

(The witness conferred with his counsel.)

Mr. SCHWARTZ. No, I am not.

Mr. ARENS. Have you ever been an instructor at the Metropolitan Music School?

Mr. SCHWARTZ. About 17 years ago, for a period of 3 or 4 weeks, I had 2 pupils, to the best of my recollection.

Mr. ARENS. I would like to have you help us, then.

We have here the catalog of the 1956–57 Metropolitan Music School. On page 4 of this catalog we have listed here the bassoon, and the instructor listed for the bassoon is Frank Schwartz.

Kindly look at that catalog, if you please, and tell us if you can help us to account how your name happens to appear in the 1956–57 catalog as the instructor in bassoon if you have not instructed there for the many years which you referred to a moment ago.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. SCHWARTZ. In answer to this question, I must say that I have never given a lesson on bassoon at the Metropolitan Music School at any time; that I have had no contact whatever with the Metropolitan Music School for many, many years; and that any contact, when it did exist, lasted for a period of several weeks.

I told you I had 2 pupils at that time, and I don't think I gave them more than 5 or 6 lessons all told between the 2 pupils.

(Document marked "Schwartz Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Have you ever remonstrated with the officials of the Metropolitan Music School or requested them to cause your name to be removed from the faculty list?

Mr. SCHWARTZ. I might have at some period in the past, but not in a very, very serious way. In other words, I might not have done it as strongly as I could have.

Mr. ARENS. Now, I display to you the 1955–56 catalog of the Metropolitan Music School, on page 4 of which your name likewise appears as the instructor in the bassoon.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. SCHWARTZ. What is your question, please?

Mr. ARENS. Did you have knowledge that your name was listed as an instructor during the period covered by the catalog which is now being displayed to you?

Mr. SCHWARTZ. I did not.

(Document marked "Schwartz Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Now that you know that your name is listed as an instructor, and has been listed for some time as an instructor, in the Metropolitan Music School, do you propose to cause your name to be removed, to take such steps as you can to cause it to be removed?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I haven't had an opportunity to think about it. I will have to think about it first.

Mr. ARENS. Are you engaged in the musical profession?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I have already refused to answer that question.

Mr. ARENS. No you haven't. You just said you wouldn't tell us your specific occupation. Are you a musician?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I decline to answer that question for the reasons I have already given.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question because, as the chairman has said in the opening statement, just being a musician, as such, certainly isn't subversive.

Mr. DOYLE. You are directed and ordered to answer the question.

Mr. ARENS. Are you a musician?

Mr. SCHWARTZ. I decline to answer for the reasons previously given.

Mr. ARENS. The record, does it not, Mr. Chairman, shows an order?

Mr. DOYLE. I think it does.

Mr. SCHEINER. Isn't it a fact that the purpose of this investigation is to inquire into subversion and communism amongst musicians? Isn't that the stated purpose of this investigation?

Mr. DOYLE. It is one of the purposes, yes, so stated—the effect of Communist infiltration in the field of music, with special reference to that infiltration into the Metropolitan Music School faculty, if any.

Mr. ARENS. How long have you enjoyed your present occupation or been engaged in your present occupation?

Mr. SCHWARTZ. I decline to answer that question for reasons previously given.

Mr. ARENS. What was your occupation immediately prior to your present occupation?

Mr. SCHWARTZ. I decline to answer for the reasons previously given.

Mr. ARENS. How long have you been engaged in your present occupation?

Mr. SCHWARTZ. I decline to answer for the reasons previously given.

Mr. ARENS. How long were you engaged in the occupation immediately preceding your present occupation?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I have never given any indication as to whether I have had another occupation or any occupation, so I decline to answer that question for the same reasons.

Mr. ARENS. Where and when were you born?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I was born right here in New York City in 1913.

Mr. ARENS. Where did you go to school?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I will answer that question to the extent that it has nothing to do with music. I had the usual elementary school education, the details of which escape me for the moment. I suppose I could easily find out. I went to Brooklyn Technical High School. Then I went to Cooper Union Institute of Engineering.

Mr. ARENS. When did you complete your courses at Cooper Union Institute of Engineering?

Mr. SCHWARTZ. I think possibly 1931 was the end of that phase of my education.

Mr. ARENS. Did you receive a degree there?

Mr. SCHWARTZ. No, I did not.

Mr. ARENS. Have you attended any other institutions or schools?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I must decline to answer that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. DOYLE. You are directed and ordered to answer the question, Witness.

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I decline to answer that question for the reasons already given.

Mr. ARENS. When did you complete your formal education?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. Excuse me. I am a little confused by the question. Would you explain just what you mean by "formal education" in this sense? Do you mean continuing a course of study to the point where you acquire your degree or graduate, or do you mean something else?

Mr. ARENS. When did you complete the study which you did engage in, looking toward a complete education?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I never did complete such an education.

Mr. ARENS. What study did you take, other than the study which you have thus far revealed to the committee?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. It seems to me your questions are pointing in the direction of whether or not I have had a musical education. Isn't that right? If that is so, I must again decline to answer for the reasons previously given, because I have already declined to indicate what my occupation is.

Mr. ARENS. Do you know a person by the name of Leonard Cherlin?

Mr. SCHWARTZ. I decline to answer that question for reasons previously given.

Mr. ARENS. Leonard Cherlin yesterday, before this committee, took an oath; and while he was under oath, he testified that when he was a member of the Communist Party he knew you as a Communist.

Now, while you are under oath, tell this committee was Mr. Cherlin lying or was he telling the truth?

Mr. SCHWARTZ. I decline to answer that question for the reasons previously given.

Mr. ARENS. What is your position with reference to the cultural exchange program between the United States and the Soviet Union?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I am afraid you will have to clarify that for me. I don't quite understand the gist of the question.

Mr. ARENS. Have you taken any position publicly on the cultural exchange programs?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I decline to answer that question for reasons previously given.

Mr. ARENS. I have here a public declaration by a number of people protesting the sending of a ballet to Franco Spain. That appeared in the Communist Daily Worker. The date of this Daily Worker is April 8, 1952.

It bears, according to the article, the signatures of a number of people, including Frank Schwartz. Kindly look at this document, as it is displayed to you, and tell this committee whether or not that refreshes your recollection with reference to your position of sending the ballet to Spain.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I decline to answer that question for reasons previously given.

(Document marked "Schwartz Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Did you ever live at 1268 New York Avenue, Brooklyn?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I decline to answer that question for reasons already given.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. DOYLE. You are directed to answer the question, Mr. Witness. I believe it is manifest that, for the purpose of identification, as well as for other reasons, the question is pertinent.

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I stand on my previous answer. I decline to answer for reasons already given.

Mr. ARENS. What was your first employment after you had completed the formal education which you did receive?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I decline to answer that question for reasons already given.

Mr. ARENS. What was the succeeding employment after your first employment?

Mr. SCHWARTZ. I decline to answer that question for reasons already given.

Mr. ARENS. Have you been engaged in any employment during your adulthood concerning which you can tell this committee without giving information that might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I decline to answer that question for reasons already given.

Mr. DOYLE. Counsel, did I not hear the witness volunteer that about 17 years ago he had taught 2 or 3 or 4 students at the Metropolitan Music School?

Mr. ARENS. Yes, sir, and I intend to pursue that in just a few minutes.

Mr. DOYLE. I thought that was an occupation.

Mr. SCHEINER. Am I right that Mr. Arens was asking about some previous employment and that you are constantly trying to get this witness either to waive, or be entrapped into answering, the question that he has indicated to you that he doesn't want to answer, and he has a right not to answer?

Mr. ARENS. We are not intending to entrap him.

Mr. SCHEINER. You certainly are. He has made it clear to you that there is a line on which he will not answer. I think that is entrapment.

Mr. ARENS. Counsel ought to be advised that your sole and exclusive right is to advise your client.

Mr. SCHEINER. I am advising you what my advice is to my client.

Mr. DOYLE. We do not want to know what your advice to your client is. That is your professional secret. We are not interested. If we had been trying to entrap your witness, Mr. Counsel, we would not have gone out of our way to inform him what we believe the law would be. So please confine your remarks to your own client hereafter.

Mr. ARENS. Now, Mr. Witness, you told us a little while ago that you had taught for a brief period at the Metropolitan Music School; is that correct?

Mr. SCHWARTZ. Yes.

Mr. ARENS. What course did you teach?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I taught no courses. I had two private pupils.

Mr. ARENS. What did you teach the two private pupils?

Mr. SCHWARTZ. This I must decline to answer for reasons previously given.

Mr. ARENS. Did you teach them some musical instrument?

Mr. SCHWARTZ. I must decline to answer that for reasons previously given.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question.

Mr. DOYLE. I order and direct you to answer that question, Mr. Witness. You have already answered it in part. I think the record will show you gave not more than 2 or 3 lessons on the bassoon.

Mr. SCHWARTZ. I am sorry. May we read the record on that?

(The witness conferred with his counsel.)

Mr. DOYLE. I may be in error, but at any rate I think the record will show that you testified that you had not more than 2 or 3 students in your class.

Mr. SCHWARTZ. May I repeat what I said?

Mr. DOYLE. Yes, if you think you can.

(The witness conferred with his counsel.)

Mr. SCHWARTZ. Better still, may I request that that answer may be read from the record?

Mr. ARENS. It will be too difficult to read it back now. Many, many pages have gone by.

You have told us, have you not, that you taught these students privately, via the Metropolitan Music School?

Mr. SCHWARTZ. Yes, I did. I didn't say 2 or 3; I said 2.

Mr. ARENS. You didn't teach them mathematics, did you?

Mr. SCHWARTZ. I must decline to answer that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question.

Mr. DOYLE. You are ordered and directed to answer the question, Mr. Witness.

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I must decline to answer this question for the reasons previously given.

Mr. ARENS. Where was the physical place of the instruction? Was it at the Metropolitan Music School?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I think it was, but I am not certain.

Mr. ARENS. Were you paid by the Metropolitan Music School for your instruction of these students?

Mr. SCHWARTZ. I was.

Mr. ARENS. And who solicited you to instruct the students?

Mr. SCHWARTZ. I can't remember that.

Mr. ARENS. Was it Miss Lilly Popper?

Mr. SCHWARTZ. I can't remember that.

Mr. ARENS. You know Lilly Popper, do you not?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I shall decline to answer that question for reasons previously given, and I must indicate that I will continue to decline to answer any question having to do with people in the sense that I have already explained. Shall I read it again?

(The witness conferred with his counsel.)

Mr. ARENS. So this record may be perfectly clear, because I think this witness is under a misapprehension here—Are you a musician?

(The witness conferred with his counsel.)

Mr. SCHWARTZ. I decline to answer that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question. I think this is a repetition, but I want the record to be absolutely clear.

Mr. DOYLE. Let us have the record clear. I direct and order you to answer the question.

Mr. SCHWARTZ. We have gone over that ground before; haven't we?

Mr. ARENS. I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. SCHWARTZ. I must stand on my previous answer.

Mr. DOYLE. Mr. Frazier, any questions?

Mr. FRAZIER. Mr. Schwartz, are you now a member of the Communist Party?

Mr. SCHWARTZ. I must decline to answer that question for the reasons previously given.

Mr. FRAZIER. Were you ever a member of the Communist Party?

Mr. SCHWARTZ. I repeat my answer. I decline to answer for reasons previously given.

Mr. DOYLE. Mr. Kearney?

Mr. KEARNEY. No questions.

Mr. DOYLE. Mr. McIntosh?

Mr. MCINTOSH. I have no questions.

Mr. DOYLE. I wish to state this for the benefit of counsel and the witness. We take the position that this committee of Congress, under court decisions and under Public Law 601, is under an obligation to go into the field to see the extent of Communist subversion or Communist infiltration in any area, even including music.

We are not investigating music here, as you well know, and have no intention so to do. But we do feel that under the law, Public Law 601, under which we are operating, and as directed by Congress, we are under an obligation to investigate the infiltration of subversive communism, even though it is on the part of musicians, in the field of music, or any other field.

I just want to make that statement for the record again, so that there will be no misapprehension.

Mr. KEARNEY. According to the witness' testimony, Mr. Chairman, we do not know whether he is a musician or not.

Mr. DOYLE. At least he was 17 years ago for a few minutes, when he taught and was paid by the Metropolitan Music School for those 2 students.

Are there any other questions? If not, the witness is excused at this time.

Mr. SCHWARTZ. Before I step down, Mr. Chairman——

Mr. ARENS. Mr. Chairman, I respectfully suggest the next witness will be Mr. David Walter.

Mr. SCHWARTZ. May I address a question to the chairman?

Mr. ARENS. Mr. Walter, will you please come forward?

Mr. DOYLE. No. The witness is excused.

Mr. ARENS. Mr. Walter, please come forward and be sworn.

Mr. SCHEINER. May the record show that the witness had a request to make of the chairman, but he has not been given an opportunity?

Mr. ARENS. Kindly raise your hand while the chairman administers the oath, please.

Mr. SCHWARTZ. May I submit this to you in written form?

Mr. DOYLE. Without any assurance that it will be filed. We are not going to file anything in the record that we have not had time to consider. I do not see why you could not make your statement when you were on the stand.

Mr. SCHWARTZ. This has to do with the transcript of the testimony. I would like to have an opportunity to present——

Mr. FRAZIER. You read it time and again; did you not?

Mr. SCHWARTZ. No; I did not.

Mr. DOYLE. Hand it to our counsel, then, if it is something involving the transcript.

Mr. SCHEINER. You can offer this as——

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WALTER. I do.

TESTIMONY OF DAVID WALTER, ACCOMPANIED BY COUNSEL, OSMOND K. FRAENKEL

Mr. ARENS. Kindly identify yourself by name, address, and occupation.

Mr. WALTER. David Walter, 21–35 34th Avenue, Long Island City, N. Y.

Mr. ARENS. And your occupation?

Mr. WALTER. I am a musician.

Mr. ARENS. You are appearing today, Mr. Walter, in response to a subpena served upon you by the House Committee on Un-American Activities?

Mr. WALTER. Yes; I am, sir.

Mr. ARENS. You are represented by counsel?

Mr. WALTER. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. FRAENKEL. Osmond K. Fraenkel, 120 Broadway, New York 25.

Mr. ARENS. Where are you employed?

Mr. WALTER. I am a free-lance musician, and am employed in very many places.

Mr. ARENS. Give us, if you please, a thumbnail sketch of the principal employments you have had over the course of the last year or two.

Mr. WALTER. My principal area of employment has been with the Symphony of the Air, which was the former NBC Toscanini orchestra. I have also worked in television as a musician, in individual concerts in New York of various types, recordings. This is the general area of my employment.

Mr. ARENS. Have you ever been connected with the Metropolitan Music School?

Mr. WALTER. Yes, sir; I have.

Mr. ARENS. In what capacity?

Mr. WALTER. It is difficult to state. I understand, Mr. Arens, that you have a record that I was listed as an instructor. I never instructed for the Metropolitan Music School to my knowledge.

Mr. ARENS. Then what was your capacity in which you were identified?

Mr. WALTER. I think a proper designation would have been, possibly, as I have been listening to previous questioning, as sponsor, perhaps.

Mr. ARENS. I would like to invite your attention to the bulletin of the Metropolitan Music School of 1956–57, in which the name David Walter appears as a member of the faculty, double bass. Kindly look at that and see if that refreshes your recollection.

(The document was handed to the witness.)

Mr. WALTER. Yes; I see this.

Mr. ARENS. Is that the first time you were aware of the listing of yourself as a member of the faculty over the 1956–57 period?

Mr. WALTER. Well, to my knowledge, yes. I mean, somebody may have mentioned it to me, but this is the first time that I knew for a fact that it is here.

(Document previously designated "Schwartz Exhibit No. 1," retained in committee files.)

Mr. ARENS. Are you now, or have you ever been, a Communist?

Mr. WALTER. Mr. Chairman, may I be given a few moments to answer this question, which I will, fully? I think you understand why.

If you recall, in our meeting in Washington, I discussed this and did answer it finally. So all I ask is the indulgence of the committee for a moment.

In answer to the first question, I am not now a Communist. In the executive session which took place on the 19th of February, I believe it was, in Washington, I explained that I had reasons for wishing to decline for various constitutional grounds, to answer the question at all but that, in the official capacity I had in relation to an organization I was connected with, there had been an indication to me on the part of some of our people there that I should keep an absolutely—let me correct that, if I may—that I should respond to—I was given a note—all proper and improper questions of the committee of all sorts.

Mr. ARENS. You are not suggesting the committee asked you to respond, are you?

Mr. WALTER. No, I am saying some members of the organization submitted a note to me.

Mr. DOYLE. That is your own organization?

Mr. WALTER. The organization with which I was connected in an official capacity. It said the board requests its chairman to answer all proper questions and even improper questions.

I decided out of respect for their opinion in the matter, because certainly I am not infallible, that I would answer all questions concerning this organization, the life of which commenced with its incorporation in August of 1954, and its planning which began in June of 1954.

I will answer your question, Mr. Arens, that since June of 1954, I have not been a Communist, nor am I one now. I also had at that time explained, and I will put in the record now, that I will answer no questions for the period before June of 1954 because of the rights I have under the first and fifth amendments of the Constitution.

Mr. DOYLE. May I ask this one question? This may clarify it for all of the committee. I think the paper to which you just referred as having come to you from your organization instructed you to answer all questions, proper and improper.

Mr. WALTER. Yes, concerning the organization.

Mr. DOYLE. Concerning the organization.

Mr. WALTER. This was not an official document, sir. This was purely a note jotted by somebody.

Mr. ARENS. I hope you are not under the apprehension that this committee is now launching an investigation of the Symphony of the Air. We are here to interrogate you as an individual.

Mr. WALTER. Have you read my subpena?

Mr. ARENS. I beg your pardon?

(The witness conferred with his counsel.)

Mr. WALTER. I am sorry. You say you are not launching an investigation into—I am sorry; I missed it.

Mr. ARENS. The implication of your instruction from the Symphony of the Air is that we proposed now to interrogate you and others concerning details of the Symphony of the Air.

Mr. WALTER. No, I am sorry. This note was given me at the time I appeared before General Kearney and Mr. Doyle and yourself

in Washington. This is not of recent vintage. It goes back a few months. I just thought you would be interested to know.

Mr. ARENS. Do you know people today, this moment, connected with the Metropolitan Music School or with the Symphony of the Air who, at any time, have been known by you to be Communists?

(The witness conferred with his counsel.)

Mr. WALTER. As to any period after June of 1954, I have no such knowledge.

Mr. ARENS. I didn't ask you that question.

Mr. WALTER. Would you repeat it, sir? I did lose it.

Mr. ARENS. Do you know the name of any person presently connected with the Metropolitan Music School or with the Symphony of the Air who has, at any time, been known by you to have been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. WALTER. Of my knowledge—I am sorry. May I consult?

Mr. DOYLE. Yes, indeed.

(The witness conferred with his counsel.)

Mr. WALTER. I decline to answer that question under the first and fifth amendments of the Constitution.

Mr. ARENS. What is your present status with the Symphony of the Air?

Mr. WALTER. I am the principal bass and playing member of the orchestra.

Mr. ARENS. Have you ever held an office or post within the Symphony of the Air such as a board member or an official in a directive capacity?

Mr. WALTER. Yes, sir; I have.

Mr. ARENS. What post have you held, and when, please?

Mr. WALTER. I was a—is this the Symphony of the Air which we were not launching an investigation into?

Mr. ARENS. I was just asking you the question, sir, of whether or not you had ever been an official of the Symphony of the Air?

Mr. DOYLE. May I make this clear on the point our counsel is making, that we are talking about you, and not your organization. It is your function.

Mr. WALTER. Yes. You asked me what official function I had in relation to this organization?

Mr. ARENS. Yes, sir.

Mr. WALTER. I have been at one time, for a period of about 2 months, an alternate board member, and I have been for a period of——

Mr. ARENS. Excuse me. What year was that, please, sir? Was that in 1954?

Mr. WALTER. No, sir. It was in 1955, in possibly the month of February and part of March. I subsequently was elected by the membership a member of the board of directors and subsequently was elected chairman of the board by the board.

Mr. ARENS. How long did you serve as chairman of the board, roughly speaking?

Mr. WALTER. For a period of about 16 months.

Mr. ARENS. When did your period of service as chairman of the board of the Symphony of the Air terminate?

Mr. WALTER. I am not sure of the exact date. It was approximately February of this year.

Mr. ARENS. Were you at any time that you were a director or official of the Symphony of the Air a member of the Communist Party?

Mr. WALTER. No, sir; I wasn't.

Mr. ARENS. Did the Symphony of the Air take a trip to the Far East?

Mr. WALTER. Yes, sir; it did.

Mr. ARENS. Under whose auspices, did it take a trip to the Far East?

Mr. WALTER. I was not an official at that time, Mr. Arens, and my answer would only be a guess. I don't know firsthand.

Mr. ARENS. What is your best judgment?

Mr. WALTER. My best recollection is that various United States agencies were involved in the transportation, the sponsorship, et cetera, including American National Theater and Academy, the United States Information Service——

Mr. ARENS. Did you go on the trip?

Mr. WALTER. Yes, sir; I did.

Mr. ARENS. Were you a Communist when you went on the trip?

Mr. WALTER. No, sir; I wasn't.

Mr. ARENS. When did you go on the trip?

Mr. WALTER. We arrived in Tokyo on the 1st of May, I recall, of 1955. We returned approximately the beginning of July.

Mr. ARENS. Were there any persons on the trip who were known by you, at the time of the trip, to have been members of the Communist Party?

(The witness conferred with his counsel.)

Mr. WALTER. I must decline to answer for the reasons I have given before, the first and fifth amendments.

Mr. ARENS. When was this trip taken; what year?

Mr. WALTER. I will repeat; in 1955.

Mr. ARENS. Then after the Symphony of the Air returned to the United States, was it proposed that it take another trip to the Near East as distinct from the Far East?

Mr. WALTER. I am sorry. Proposed by whom, sir?

Mr. ARENS. By anybody.

Mr. WALTER. Many of the men in the orchestra have always proposed that we always take trips. Are you specifically referring to some individual or agency?

Mr. ARENS. Do you have information respecting any proposals that the Symphony of the Air take a trip to the Near East in 1956?

Mr. WALTER. Yes.

Mr. ARENS. Then give us that information, please, sir.

Mr. WALTER. At least two dozen of our men have constantly been urging that we return to Japan where we had—by way of the Near East—where we had a great success, as you, I believe, recall. It was also suggested by governmental agencies that we might be considered for a tour, and there was a period during which it seemed that such a tour was imminent.

Mr. ARENS. Then what happened to the imminency of this tour?

Mr. WALTER. It became nonimminent because of the fact that there were questions raised concerning the advisability of the tour and the difficulties of such a tour.

Mr. ARENS. Who raised those questions?

Mr. WALTER. If you will forgive me for not having a document here——

Mr. ARENS. May I ask you, did the chairman of a special committee or a subcommittee of the House of Representatives of the United States Congress raise any questions?

Mr. WALTER. Not about an imminent tour, that I recall.

Mr. ARENS. Were questions raised in the United States Congress in a subcommittee respecting the Symphony of the Air?

Mr. WALTER. Yes, sir.

Mr. ARENS. And what committee was that?

Mr. WALTER. It was a subcommittee of the House Appropriations Committee, as I recall.

Mr. ARENS. That was the Rooney committee, was it not: the so-called Rooney committee?

Mr. WALTER. I am not sure of the name.

Mr. ARENS. It was a subcommittee of the Appropriations Committee.

Did the question or issue of communism arise in the so-called Rooney committee with reference to the Symphony of the Air?

Mr. WALTER. No, sir; not in precisely that way.

Mr. ARENS. Then tell us in your own words how it arose.

Mr. FRAENKEL. May I be permitted to interject a remark here?

Mr. ARENS. Your sole and exclusive prerogative, Counsel, is to advise your witness.

Mr. FRAENKEL. I understand that, but——

Mr. ARENS. Mr. Witness, do you have information from any source respecting the issues that were precipitated in the Rooney subcommittee with reference to the Symphony of the Air? That is the outstanding question.

Mr. WALTER. I would like to speak to my counsel.

Mr. DOYLE. Go ahead. Take your time.

(The witness conferred with his counsel.)

Mr. WALTER. I am sorry, Mr. Arens; would you mind repeating it?

Mr. ARENS. Do you have information, and did you have information from any source, that in the so-called Rooney hearings the issue of communism was raised with reference to the Symphony of the Air?

Mr. WALTER. Well, I read about it in the newspapers, among other sources of information. Yes; I did have such.

Mr. ARENS. You have been sparring with me now on this thing for about 5 minutes.

Mr. WALTER. I am sorry, Mr. Arens, but I don't think that any answer I have given will show anything but respect for this committee.

Mr. ARENS. I didn't say you were disrespectful. I said you were sparring with me. Tell me, did you at any time during the Rooney hearings, or shortly thereafter, obtain information that certain members connected with the Symphony of the Air have been or are Communists?

Mr. WALTER. Yes; I did obtain such information.

Mr. ARENS. What happened from the standpoint of the Symphony of the Air trying to divest from the Symphony of the Air those people,

if any, who may have been Communists who were connected with the Symphony of the Air?

Mr. WALTER. If I understand your question, you are asking what the Symphony of the Air did to divest itself?

Mr. ARENS. Yes. Tell us in your own words what happened after the Symphony of the Air had its attention called to the essence of the Rooney hearings, in which a number of people were alleged to have been Communists. What did the Symphony of the Air do about it?

Mr. WALTER. We did generally two things. The first is, we sent a delegation—I was a member—to the officials of the State Department and asked them to give us the record. We asked the State Department to give us the record of the Rooney committee hearings, with names and all the other information that it had, so that we could take up this matter properly. It was denied us.

Mr. ARENS. What was the status you then occupied with the Symphony of the Air?

Mr. WALTER. I am sorry.

Mr. ARENS. What was the status you then occupied with the Symphony of the Air?

Mr. WALTER. I was chairman of the board.

Mr. ARENS. That was in what year?

Mr. WALTER. Specifically, it was in March of 1956.

Mr. ARENS. What happened, if anything, within the board of directors of the Symphony of the Air from the standpoint of a resolution to impose a loyalty oath upon the members of the Symphony of the Air, or to undertake to disassociate from the Symphony of the Air, Communists?

Was there any resolution proposed along that line?

Mr. WALTER. Well, there was a resolution submitted to the board by members of the organization.

Mr. ARENS. Who submitted the resolution?

Mr. WALTER. I don't have that information, but you have the records which you have subpenaed from our organization.

Mr. ARENS. There were a number of people who joined together in requesting the board to take action; is that not true?

Mr. WALTER. Yes. You have this record.

Mr. ARENS. What was the essence of this request?

Mr. WALTER. If I remember correctly, the request consisted of 4—3 or 4—requests. I would respectfully suggest that you——

Mr. ARENS. I should like to lay before you now, sir, and perhaps it will refresh your recollection, a photostatic reproduction of a message to the board of directors of the Symphony Foundation of America, from a number of people, in which it is requested, among other things, that an emergency membership meeting, where a loyalty oath must be presented for signature of the members, be called.

Kindly look at that photostatic reproduction of that document and tell us whether or not that refreshes your recollection with reference to the petition which was directed to the board of directors of the Symphony of the Air, while you were head of that organization.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. WALTER. What is the question—whether I remember this?

Mr. ARENS. Yes. Whether that is the document that was submitted. Is that a true and correct copy?

Mr. WALTER. Yes. I have seen this before, I believe.

(Document marked "Walter Exhibit No. 1," and retained in committee files.)

Mr. ARENS. What did the board do pursuant to that message there, that epistle from the several members?

Mr. WALTER. The board accepted this for presentation to the membership at its next membership meeting.

Mr. ARENS. Did the board call a meeting?

Mr. WALTER. Well, meetings are called automatically by the bylaws—the provisions for them.

Mr. ARENS. Was there a meeting set up for the purpose of having action taken pursuant to the request contained in this?

Mr. WALTER. No, sir. If you will see, it says something about a special meeting; but the date was in such proximity to our regular meeting that I believe, and I am not sure of it, we had the special and regular meeting at the same time.

Mr. ARENS. At the meeting of the membership to which you now allude, was the issue brought up as to how the Symphony of the Air might divest itself of any persons alleged to be Communists?

Mr. WALTER. There was an informal discussion due to the fact that there was no quorum. Many of these people and other people didn't attend in sufficient numbers, so there was no quorum. There was an informal discussion, but this specific resolution or suggestion never came up formally.

Mr. ARENS. Did you preside at the meeting?

Mr. WALTER. I did, sir; yes.

Mr. ARENS. In view of the fact that there wasn't a quorum, was another meeting called?

Mr. WALTER. Yes, sir. The following month's meeting also didn't have a quorum.

Mr. ARENS. We are still in 1956, are we?

Mr. WALTER. Yes, sir. We would be in about April or May.

Mr. ARENS. Did you preside at the second meeting?

Mr. WALTER. I suppose so; yes, sir.

Mr. ARENS. Was the matter brought up at the second meeting, as to the allegations of communism in the Symphony of the Air?

Mr. WALTER. I am only guessing, sir. I don't remember specifically that it was. I assume it was, because ordinarily the secretary or some other official would prepare a sort of agenda, and we would discuss it loosely.

Mr. ARENS. Did the board vote to submit this issue to the membership?

Mr. WALTER. Yes, sir. Well, I recollect so, but I am not positive.

Mr. ARENS. Was there a third meeting at which this issue was to be brought up? By "this issue" I mean the principal issue we are discussing of alleged Communists in the Symphony of the Air.

Mr. WALTER. I don't remember dates now, Mr. Arens, but I believe we are now into the summer; and during the summer we were, most of us, out of town.

Mr. ARENS. Was it ever brought up at a meeting in which there was a quorum present?

Mr. WALTER. As I related to you in Washington, I don't remember its being brought up; but I think that it was purely—and this is just speculation on my part and represents my own opinion about it—

purely oversight, purely a matter of a thing being tabled for 5 months and finally getting sort of lost under the table. But I don't believe there was any deliberate intent.

Mr. ARENS. At the two meetings at which quorums were not present, you presided; did you not?

Mr. WALTER. I believe I presided during all meetings in my incumbency.

Mr. ARENS. Did you speak for the resolution or did you speak against the resolution at those two meetings?

Mr. WALTER. The resolution did not come up in a formal manner. Since there was an informal discussion, I probably did not participate, but only chaired.

Mr. ARENS. At the very time that you had this meeting of the membership of the Symphony of the Air to discuss the question and take action on the question of alleged Communists in the Symphony of the Air, were there present in that very meeting people who, at any time, were known by you to have been members of the Communist Party?

(The witness conferred with his counsel.)

Mr. WALTER. I decline to answer under the first and fifth guaranties of the Constitution.

Mr. ARENS. And you were chairman of the meeting; is that correct?

Mr. WALTER. I was, sir; yes.

Mr. DOYLE. Mr. Counsel, may I interrupt there? As I understood it, Witness, you stated you were going to answer questions, whether proper or improper, subsequent to a certain date in 1954.

Mr. WALTER. May I reframe my answer, then?

Mr. DOYLE. I think that is what you stated twice. Is that correct?

Mr. WALTER. Yes, sir. May I amplify or clarify this answer?

Mr. DOYLE. Am I correct that you fixed a date in 1954, after which you would answer questions, whether they were proper or improper in your judgment?

Mr. WALTER. Yes, sir; concerning the foundation. But this question reaches to the matter of knowledge which precedes the date of the foundation, and consequently——

Mr. DOYLE. This question is directed to a question of fact, in 1956, 2 years after the date you fixed. It is a question of fact of what was done at that meeting in 1956 that we are questioning. This question is not prior to 1954. It is a question of your knowledge in 1956.

(The witness conferred with his counsel.)

Mr. DOYLE. Excuse me for interrupting.

Mr. ARENS. I think it helps very much, Mr. Chairman, to clear the record on that point. I am delighted that you did participate.

Mr. WALTER. I am sorry, sir.

Mr. ARENS. Would it help you if we go back over the essence of what we just covered?

Mr. FRAENKEL. May I just violate the rules of the committee for a moment? This is one of those most difficult situations where the witness is involved in something that would constitute a waiver of his privilege. As you know, there is nothing more difficult. I have tried to advise him how to formulate his answer.

Mr. ARENS. I should like to clear the record on several points.

Mr. FRAENKEL. If I could make one brief statement, I think it will

clear this. The witness has pleaded the fifth amendment with respect to his possible membership in the Communist Party prior to 1954. He, therefore, must consistently refuse to answer as to knowledge which he acquired prior to 1954, although that knowledge may have continued into 1956.

Mr. ARENS. Frankly, I agree with you.

Mr. FRAENKEL. He can, however, state whether or not he had any knowledge that in 1956 any person present was then a member of the Communist Party.

Mr. ARENS. How could he, if he disassociated himself, or if a fair implication would be that he disassociated himself from the Communist Party in 1954?

The thing on this record is that we want to be sure that he has an opportunity, if he wants to do so, to avail himself of the fifth amendment, as of the very time that he was in that meeting which he chaired. I would like to make this record clear on about three points.

No. 1, Mr. Walter, the request from the membership in March 1956 was that the board of directors call an emergency membership meeting to discuss this question of Communists in the Symphony of the Air; is that correct?

Mr. WALTER. No, sir; that is not correct. That was a request of a group of members, but not the membership.

Mr. ARENS. Of a group of members who submitted the petition. Twenty-two members submitted a petition.

Mr. WALTER. We have 92 in total.

Mr. ARENS. And 22 submitted a request that an emergency meeting be called; is that correct?

Mr. WALTER. That is correct.

Mr. ARENS. No. 2, the board then decided, did it not, to refer the issue to the membership?

Mr. WALTER. It did, sir.

Mr. ARENS. Not in an emergency, but in the next regular meeting?

Mr. WALTER. Yes, sir.

Mr. ARENS. You chaired the next regular meeting, did you not?

Mr. WALTER. I did.

Mr. ARENS. And you chaired the next succeeding meeting, did you not?

Mr. WALTER. To the best of my recollection, I did.

Mr. ARENS. At those 2 next succeeding meetings of the membership of the Symphony of the Air, were there people present in the room, at that instant, who were to vote on this issue who were known by you to have been, at any time, members of the Communist Party?

Mr. WALTER. I decline to answer that under my rights under the first and fifth amendments.

Mr. ARENS. You did not speak up for the resolution at any time, did you?

Mr. WALTER. I neither spoke up for it nor condemned it, sir.

Mr. ARENS. Was Elayne Jones connected at any time, to your knowledge, with the Symphony of the Air?

Mr. WALTER. In the most momentary capacity.

Mr. ARENS. Tell us about the momentary capacity.

Mr. WALTER. Our tympanist—his wife had died about a day before or 2 days before a concert. The procedure in that case was to

have, in case of emergencies, to have the personnel manager of the orchestra find the very best person available and hire them.

I understood, though I had never had firsthand knowledge of it, that Miss Jones was one of the outstanding tympanists; and she was hired by the personnel manager.

Mr. ARENS. To your certain knowledge, was Elayne Jones ever a member of the Communist Party?

Mr. WALTER. I decline to answer that for the reasons already given.

Mr. DOYLE. Counsel, I hesitate to interrupt again, but I do not want the record to show—and I do not want any possible understanding to be arrived at, directly or indirectly by counsel, or any assumption of the witness or witness' counsel—that this committee is accepting any limitation in our questions. In other words, this committee certainly must not, in any way, be considered as accepting this witness' offer to testify only subsequent to this date in April 1954.

Mr. ARENS. I believe he understands that, Mr. Chairman.

Mr. WALTER. I tried to amplify this, Mr. Chairman.

Mr. DOYLE. I want the record to be clear. I am sure I have no such intention, and I am sure no committee member has any such intention.

Mr. WALTER. Will you excuse me a moment?

(The witness conferred with his counsel.)

Mr. FRAENKEL. May I suggest this: That your questions be limited to the period after 1954?

Mr. ARENS. We have been over this before, Counsel.

Mr. FRAENKEL. I know we have.

Mr. ARENS. Mr. Witness, has Harry Smyles ever been connected with the Symphony of the Air?

Mr. WALTER. Not to my knowledge; no, sir.

Mr. ARENS. Do you know Harry Smyles?

Mr. WALTER. Well, yes, sir.

Mr. ARENS. Can you tell this committee whether or not, to your certain knowledge, Harry Smyles has ever been a member of the Communist Party?

Mr. WALTER. I will decline to answer that for the reasons given previously.

Mr. ARENS. Has Max Pollikoff ever been connected with the Symphony of the Air?

Mr. WALTER. If he has, it has been only in the most limited circumstances. I don't recall his playing with us, but he may have. We have, ordinarily, about 34 or 36 violinists, and people get lost.

Mr. ARENS. Can you tell this committee whether or not, to your certain knowledge, Max Pollikoff has ever been a member of the Communist Party?

Mr. WALTER. I shall decline to answer that for the same reasons given.

Mr. ARENS. Has Max Hollander ever been connected with the Symphony of the Air?

Mr. WALTER. Also in a limited capacity, I believe.

Mr. ARENS. He is a member, is he not?

Mr. WALTER. Yes, but I just explain to clarify this that the Symphony of the Air is a playing organization. It is the orchestra that was originally formed by the National Broadcasting Co. to be conducted by Arturo Toscanini; and when it left that capacity, it

subsequently became the Symphony of the Air. It is run by a foundation called the Symphony Foundation of America, the members of which are not in all cases players in the orchestra, you see.

Mr. ARENS. Now, can you tell this committee whether or not, to your certain knowledge, Max Hollander has ever been a member of the Communist Party?

Mr. WALTER. I will decline to answer that.

Mr. ARENS. Has Louis Graeler ever been connected with the Symphony of the Air?

Mr. WALTER. I decline to answer——

Mr. ARENS. No; I asked if he had been connected with the Symphony of the Air. You are anticipating me.

Mr. WALTER. Has Louis Graeler been a member of the Symphony of the Air?

Mr. ARENS. Been connected with it, and, if so, in what capacity?

Mr. WALTER. Yes; he is a violinist.

Mr. ARENS. To your knowledge, has Louis Graeler ever been a member of the Communist Party?

Mr. WALTER. I will decline to answer that.

Mr. ARENS. Was Louis Graeler ever present at some of these meetings where the question was supposed to be brought up to the membership about communism in the Symphony of the Air?

Mr. WALTER. I have no way of knowing. We didn't keep attendance records.

Mr. ARENS. Sterling Hunkins, has he been connected with the Symphony of the Air?

Mr. WALTER. I believe he played 2 or 3 times with us. I am not certain of that.

Mr. ARENS. To your certain knowledge, has Sterling Hunkins ever been a member of the Communist Party?

Mr. WALTER. I decline to answer for the reasons given.

Mr. ARENS. Elias Carmen, has he ever been connected with the Symphony of the Air?

Mr. WALTER. Yes, sir.

Mr. ARENS. In what capacity?

Mr. WALTER. He is the principal bassoonist and one of the greatest in the world.

Mr. ARENS. To your certain knowledge, has Elias Carmen ever been a member of the Communist Party?

Mr. WALTER. I must decline for the reasons I have given before.

Mr. ARENS. George Koukly, has he ever been connected with the Symphony of the Air?

Mr. WALTER. I believe he may have substituted at one time or another, perhaps no more than 2 times or 3 times, but I am not sure.

Mr. ARENS. To your certain knowledge, has George Koukly ever been a member of the Communist Party?

Mr. WALTER. I shall decline to answer that for the reasons given.

Mr. ARENS. David Freed, has he ever been connected with the Symphony of the Air?

Mr. WALTER. May I answer that in just a moment, and just give one sentence of clarification to the gentleman there?

Mr. ARENS. Surely.

Mr. WALTER. As you may know, we are like philharmonics—Philadelphia and Boston and the other three major orchestras in this

country—and are not set up on a year-round basis, but are what are called free-lance orchestras. Therefore, because of many of the commitments that some of our people have made for solo appearances, in previous periods, sometimes they couldn't appear at concerts; and so, in some periods, the incidents of substitutes would be more so than would be the case in some of these other orchestras. I just mention this for why you find substitutes in a symphony orchestra. Usually it was 2 or 3 or 4 times in a period of a year.

Mr. ARENS. And next is David Freed.

Mr. WALTER. I believe he played with us a few times. I don't recall how many.

Mr. ARENS. To your knowledge, was he ever a member of the Communist Party?

Mr. WALTER. I shall decline to answer that for the previous reasons.

Mr. ARENS. Benjamin Steinberg, was he ever a member of the Symphony of the Air or ever identified with it or connected with it?

Mr. WALTER. He was not a member, but I believe he did substitute at one time.

Mr. ARENS. Was he, to your certain knowledge, ever a Communist?

Mr. WALTER. I shall decline to answer for the reasons given.

Mr. ARENS. Tell the committee what you had to do with lining up these substitutes and with designating the people who did serve on the Symphony of the Air.

Mr. WALTER. I shall be happy to do so, sir. In my capacity as chairman of a cooperative organization, I found the pressures, both from circumstances and people, of such magnitude that I decided at the very first instance that I would have no part of the picture which we called our personnel picture. I, therefore, did not serve on the personnel committee nor attend personnel meetings. I did not recommend or hire people. I did not even participate in the discussion of what has come to be known as our master list, which contains the names of people who are members and available substitutes, except in the area recently where I recommended some bass players in case we had emergencies. That was in my capacity not as chairman, but as the principal bass player.

Mr. ARENS. Who is William Dorn?

Mr. WALTER. A musician, a drummer, a member, in the past, of the orchestra.

Mr. ARENS. Do you recall William Dorn—and I say immediately, Mr. Chairman, for the purpose of this record, that we have no information that reflects at all unfavorably upon this gentleman—do you recall that William Dorn submitted to the group of the Symphony of the Air a resolution:

Resolved, That "The Symphony of the Air" or its officers shall not suffer a known Communist, Nazist, or Fascist to be a member of our Orchestra. Registration in the Communist, Nazist or Fascist party or membership in Communist "Front" organizations shall be deemed sufficient cause for the explusion of any member—

And so forth.

Do you recall a resolution which Mr. William Dorn submitted to that effect to the Symphony of the Air?

Mr. WALTER. Yes, sir. I had an active part in making sure that got into that newsletter that you have there.

(Document marked "Walter Exhibit No. 2," and retained in committee file.)

Mr. ARENS. Did you support William Dorn's resolution?

Mr. WALTER. Will you excuse me a moment?

(The witness conferred with his counsel.)

Mr. WALTER. No, sir, I didn't support this resolution because it ran counter to all the philosophy, all the thinking that I had been trained in as a musician.

I had, as you know, I think, Mr. Arens, played for Mr. Toscanini as an individual and had been hired for the orchestra. No questions were asked me. I thought that the proper agencies to deal with the realms of membership in such organizations were, in most cases, best governmental agencies rather than individual committees set up within each individual organization.

I felt that it violated a whole precept that we have lived under as musicians, namely, that you are chosen to play artistically in America for your artistic integrity and artistic ability, rather than for any other consideration. I am happy to see that in almost every area in our field of music, and especially concert music, this has obtained. People of the greatest artistry, the Heifetzs, the Rubinsteins, and so on, have always won acclaim; and they have never been questioned as to their politics. We, in our orchestra, felt the same way about it.

Mr. ARENS. Would you engage, or would you take the same position with reference to, a person who was a known murderer?

Mr. WALTER. I would take a position that the courts should get after him, sir.

Mr. ARENS. Would you engage, or would you permit to be in your Symphony of the Air, a person who was a known psycopathic arsonist?

Mr. WALTER. I could only know such information on the basis of what they had done, sir.

Mr. ARENS. The resolution calls for the expulsion from the Symphony of the Air of persons who are known Communists. If a person had been identified in public session by witnesses under oath, or had been identified as a known Communist in a trial, such as the trial here at Foley Square of the 11 Communists, would you then have taken a position that they should not be engaged in the Symphony of the Air?

(At this point Representative Bernard W. Kearney left the hearing room.)

Mr. WALTER. I really haven't come very far from the puzzlement which struck me when I was asked the same question in Washington, Mr. Arens. The thinking is so completely foreign to me, when one asks a political question of a performing musician, that I don't know how to answer the question.

Mr. ARENS. If communism and the Communist Party is only a party of political activity, did you ever disassociate yourself from a political party?

Mr. WALTER. I don't understand the question.

Mr. ARENS. You take the position now that the Communist Party is a matter of politics, of political activity. Some of us feel it is a matter of a conspiratorial apparatus. But if you take the position that the Communist Party is only a political party—and that a Communist is only one who entertains certain political ideas—if you as-

sume that position, then tell us whether or not you are a member of the innocent political organization known as the Communist Party.

(At this point Representative James B. Frazier, Jr., left the hearing room.)

Mr. WALTER. Could we have the question back? It was a long one.

Mr. ARENS. You take the position here, apparently, that you would not support the resolution of Mr. Dorn to expel Communists, known Communists, from the Symphony of the Air because that is a matter of political belief; isn't that correct? That is the essence of your position?

(At this point, Representatives James B. Frazier, Jr., and Bernard W. Kearney returned to the hearing room.)

Mr. WALTER. I am a little tired, I guess. Did you ask me if that was my position?

Mr. ARENS. Yes. Is that your position?

Mr. WALTER. I am sorry, but you said of opposition to the resolution or of support for the resolution?

Mr. ARENS. Was that your position—that you could not support Mr. Dorn's resolution because a Communist is just a person with a political belief, political philosophy?

Mr. WALTER. No, sir. You are oversimplifying my position. My position is simply that we have never asked, and would have no knowledge of it and that if there were such knowledge, the matter would be taken out of our hands by courts or other agencies equipped to deal with this.

Mr. ARENS. Let's just probe that for a moment. Let us assume for the sake of clarification here that a particular individual is identified in the court, in a trial, as a Communist and is convicted as a Communist. Would you then advocate or oppose his membership in the Symphony of the Air?

(The witness conferred with his counsel.)

Mr. WALTER. Mr. Chairman, I don't know what the rules of procedure are concerning hypothetical questions, but I can't see this as a real situation.

Mr. ARENS. You opened the door. You said you could not support the Dorn resolution because you said that it went into a question of a man's politics. The Dorn resolution called for the expulsion of known Communists.

Mr. WALTER. You are equating that, Mr. Arens, to mean something on political parties, on which I am not an expert.

(The witness conferred with his counsel.)

Mr. ARENS. I think you understand what I mean.

Mr. DOYLE. May I suggest to the witness, too, because you used my name in connection with your answer a few minutes ago——

Mr. WALTER. With no disrespect, sir.

Mr. DOYLE. I know that. But I remember, as you do, and you called it to our attention here, that you were asked this same question a couple of months ago. I call that to your attention because today, a few minutes ago, you said that it was something that you had not thought about. You were asked the question a couple of months ago, the same question. Certainly you have thought about it in the last 2 months. At least I hope you have.

Mr. WALTER. May I state, Mr. Doyle, that I sent Congressman Walter a telegram asking if I could examine the testimony, and I have received no answer. I thought I had a right to see that. I am still in a state of puzzlement.

Mr. DOYLE. I would think after the executive session, when the questions were asked of you, even as a high-class musician, that you would certainly have thought about them in the interim.

Mr. FRAENKEL. May I again state, to get out of my proper function, that I think the committee is going far afield here.

Mr. DOYLE. Counsel, we cannot accept the premise that, because a man is a musician, he is excused from complying with Federal statutes. In other words, we cannot accept the theory of this witness that the musical field, in which he is engaged, has never yet, according to him, or at least he has never, accepted the responsibility because he is a musician. We cannot accept that premise, because if we accepted his premise, we would have no internal security.

Mr. FRAENKEL. The Federal statute does not say that a Communist may not play in an orchestra.

Mr. DOYLE. We know that.

Mr. ARENS. But this resolution was trying to get the Communists out of the orchestra; and that is the issue, Counsel, as you well know.

Now, Mr. Walter, you have said, in effect, have you not, that you opposed the Dorn resolution because it dealt with the question of a man's political belief, isn't that correct?

(The witness conferred with his counsel.)

Mr. WALTER. Yes, among other things. Yes. There were other parts to that resolution, if I recall.

Mr. ARENS. Would you, as chairman of the board of the Symphony of the Air, oppose the employment of a musician if that person had been identified as, and known by you to have been, a Communist?

Mr. WALTER. I have already answered that, Mr. Arens, when I indicated that, as chairman, I had nothing to do with hiring——

Mr. ARENS. I didn't ask you that question, and you are being evasive. Would you have opposed, or would you have favored, the employment of a Communist in the Symphony of the Air?

(The witness conferred with his counsel.)

Mr. WALTER. Excuse me, sir.

(The witness conferred with his counsel.)

Mr. WALTER. It is true the question never came up.

Mr. ARENS. All right. It did come up in the resolution. Did you, at the time the resolution was presented, favor the resolution which would have caused the expulsion of Communists, known Communists, from the Symphony of the Air?

Mr. FRAENKEL. The witness has twice said he didn't.

Mr. WALTER. Yes, sir. I have answered that, haven't I? I said I opposed the resolution, but I wanted the record to indicate that I thought it should be submitted to the members.

Mr. ARENS. Did you ever submit the resolution to the members?

Mr. WALTER. It is in writing. A copy of that went to every member.

Mr. ARENS. No, I say did you submit the resolution to the members for a vote when you were chairman of the meetings?

Mr. WALTER. As to that, I beg you to go to the minutes of the meetings, because I don't recall.

Mr. DOYLE. You stated that it was finally lost under the table.

Mr. WALTER. No, sir; that is not the same resolution.

Mr. ARENS. Did the membership ever vote on the question of expelling Communists from the Symphony of the Air?

Mr. WALTER. Not to my recollection, sir.

Mr. ARENS. What is your present position on communism?

(The witness conferred with his counsel.)

Mr. WALTER. Mr. Chairman, I looked through a copy of the Rules of Procedure which was given me, under which this committee operates; and at one point, it said the committee seeks factual testimony within the personal knowledge of the witness. By no stretch of my knowledge, can I think that my very inexpert opinion on political matters or even governmental or other such civic matters, can be——

Mr. ARENS. I am not asking you about governmental matters. I am asking you about a conspiracy called the Communist Party. I am asking you what is your present position on communism—do you favor it or oppose it?

Mr. WALTER. I shall offer no answer to that.

Mr. ARENS. The courts have repeatedly stated that the state of a man's mind is as much a fact as the state of his digestion.

Mr. FRAENKEL. That becomes true only in relation to certain acts which are not here in question.

Mr. ARENS. What is your present position on communism?

Mr. WALTER. The same answer as I just gave to the same question, sir.

Mr. ARENS. What was your position on communism as of the time you were chairman of the board of Symphony of the Air, and a number of people had been accused or had been alleged to have been Communists in that organization? What was your position then on communism? Were you opposed to it or were you for it?

Mr. WALTER. I must give the same answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

Mr. WALTER. And I appeal to the chairman, before he directs me to answer this, to educate me perhaps as to the meaning of the words in the procedure.

Mr. DOYLE. Certainly you, as a leader of a great musical organization—and I am talking to you now as an individual—you happened to be at that time the leader of a great musical organization in our Nation. We are investigating here you, as an individual, the extent to which you were a Communist; and you certainly were up to a certain time——

Mr. WALTER. How can you say that?

Mr. DOYLE. Just a minute. Well, I will withdraw that statement, because my memory is not clear on what I learned from this witness previously. For the present, I will withdraw that statement. But you were, at least, the leader of a great musical organization. We know that, as a matter of fact, some members of your organization were Communists. We certainly are pertinent in our question when

we ask you the extent to which communism was known to you to be existent in that orchestra, of which you were chairman.

Also, your position on communism is pertinent, we believe, because you were chairman of the organization. That may lead into the question of whether or not you were a Communist at that time. If you were, it is further evidence of the extent to which communism was infiltrating this great musical organization, if you were a Communist.

We have several members of your organization identified as Communists, as you know. I believe it is entirely pertinent. I instruct you to answer. It is right under the text of Public Law 601 where we are challenged to go into the extent to which subversive activities exist in any organization. We are not investigating your orchestra; we are investigating you, as to what you think, what you were.

(At this point Representative Bernard W. Kearney left the hearing room.)

Mr. WALTER. Mr. Chairman, to the extent that you said I should have been interested in subversive activities in my organization, not only weren't there any to my knowledge, but the record that was achieved for this country, both abroad and at home, was tremendous; and I offered to show it to you in Washington, and you seemed to be rather disinterested at that time. We have received commendations from every government in the world that the Government has friendship with.

Mr. DOYLE. I was not at all disinterested. But when the Rooney Appropriations Subcommittee turned you down on a second trip to the Far East and related that you were Communists——

Mr. WALTER. No, sir; that is not accurate.

Mr. DOYLE. Well, when the Rooney committee called your attention to the fact that it was believed that there were active Communists in your organization, of which you were chairman, you certainly then were challenged with being interested in whether or not you had active members in your orchestra as Communists.

(At this point Representative Bernard W. Kearney returned to the hearing room.)

Mr. WALTER. May I state for the record that the State Department, which ultimately covered the funds for our initial tour and which was going to help with the second tour, made the public statements—and also it exists in many letters sent to individuals—that no charges were made by them against the orchestra and that the reason for the cancellation of the second tour was threefold—the evidence of some friction within the orchestra, documented in the Rooney transcript; the evidence of war tensions in the Near East; and the evidence of difficulty in booking in India.

Mr. DOYLE. And yet you went down to Washington and asked the State Department to give you the list of the known Communists in your orchestra?

Mr. WALTER. Yes, sir; and we were refused because they said it wasn't pertinent. The reason for the cancellation of the tour had nothing to do with charges against the orchestra.

Mr. ARENS. William Dorn, who introduced this resolution to oust Communists from the Symphony of the Air, did he receive any employment with the Symphony of the Air after he introduced his resolution?

Mr. WALTER. I don't know the date of the resolution, sir.

Mr. ARENS. Irrespective of the date of the resolution, did he receive any employment with the Symphony of the Air after he proposed the resolution to throw the Reds out of the Symphony of the Air?

Mr. WALTER. If you could tell me the date, I could answer the question.

Mr. MCINTOSH. While you are looking the date up, could we pursue the answer to the question that the witness was directed to answer before this colloquy started as to his present feeling?

Mr. FRAENKEL. He refused to answer.

Mr. MCINTOSH. On what grounds?

Mr. FRAENKEL. The first amendment and irrelevance.

Mr. WALTER. I do not recall.

Mr. FRAENKEL. You were directed to answer the question as to what your present opinion about communism was.

Mr. WALTER. Yes, and I thought it was irrelevant, and I refused to answer it because of my lack of expert knowledge.

Mr. DOYLE. And I instructed you to answer the question. So that the record will be clear, I again instruct you to answer that question. So that you will have a clear understanding, I told you that I believed it was pertinent and relevant.

Mr. WALTER. Mr. Chairman, may I have the question repeated?

Mr. ARENS. What is your position on communism? Are you for it or against it?

(The witness conferred with his counsel.)

Mr. WALTER. What is the question?

Mr. ARENS. What is your present position on communism?

Mr. WALTER. I refuse to answer that question because I think it is irrelevant, and I think the first amendment of the Constitution protects me from answering that question.

Mr. ARENS. You are not invoking the fifth amendment on that question, is that correct?

Mr. FRAENKEL. That is right. He has denied present membership in the Communist Party.

Mr. ARENS. You are not invoking the fifth amendment?

Mr. WALTER. No, sir; I am not invoking the fifth amendment. I see no reason for it.

Mr. ARENS. What happened to William Dorn,[1] from the standpoint of further employment with the Symphony of the Air, when he introduced in August 1956, his resolution to throw the Communists out of the Symphony of the Air?

Mr. WALTER. Now, I know the date. Actually, the resolution was submitted some time before that; and he continued to be employed with the orchestra until the end of the summer that year. His employment was discontinued subsequently for matters which I could only discuss at the risk of professional repercussions to myself.

I must explain to the committee that musicians within the framework of our union are not allowed to discuss artistic opinions about other persons. However, it was the consensus of management officials and others that there should have been some artistic adjustment within our orchestra; and as a result of that, and for no other reason, Mr. Dorn's employment was discontinued.

Mr. DOYLE. How long had he been a member of the orchestra prior to the time you discontinued him?

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[1] See footnote, p. 744.

Mr. WALTER. From the inception, which was October of 1954. He had previously played for a few years, to my recollection, with the Toscanini Orchestra.

Mr. DOYLE. In other words, he was on the orchestra, active for 2 years, and shortly after he introduced this resolution, he was discontinued. It took you a long time to discover the need of some artistic adjustment.

Mr. WALTER. It was not discovered by us. It was discovered by many conductors and management officials that worked with us. If there were a trial procedure here, I could prove to you exactly what was the reason.

Mr. ARENS. Was Mr. Don Gillis at one time president of the orchestra?

Mr. WALTER. Yes, sir; he was.

Mr. ARENS. And did he in 1955, just before the orchestra departed for its tour, make a speech in which he condemned Communists and communism and said they ought to be thrown out of the orchestra?

Mr. WALTER. I don't recall that of my knowledge, sir.

Mr. ARENS. What happened to Don Gillis?

Mr. WALTER. Don was a dear friend of mine and a dear friend of the orchestra's. He served it nobly and very well, I thought. There was a situation which arose, which I learned afterward more about. It is the situation that exists when people who are not experts in the field—specifically in this field, musicians running a corporation and foundation—begin to get on each other's nerves, begin to interfere with each other; and there was a difficulty in assessing responsibility in administration, division of tasks, and so on. Mr. Gillis subsequently resigned at the end of the foreign tour. He had announced his resignation some months previously.

Mr. ARENS. Did he resign under pressure?

Mr. WALTER. None that I know of, sir; but I was not a member of the board at that time, and I don't know.

Mr. ARENS. Was there a person by the name of Valerie Tisliava who was a secretary in the administration of the Symphony of the Air?

Mr. WALTER. Yes.

Mr. ARENS. What was her position on communism in the Symphony of the Air?

Mr. WALTER. I honestly don't know, sir. I never discussed it with her.

Mr. ARENS. Did she ever suggest at various times that the Communists ought to be cleaned out of the Symphony of the Air?

Mr. WALTER. Not to me, sir.

Mr. ARENS. What happened to Valerie Tisliava?

Mr. WALTER. Miss Tisliava, to use a less than fancy word—Miss Tisliava left our employment in approximately June of 1956.

Mr. ARENS. Was that a forced departure?

Mr. WALTER. It was forced, but not because of any personal considerations, but because of our need for bookkeeping and secretarial ability. She was generally quite competent as a secretarial worker and was very efficient on the telephone and so on. We had a need, however, for more specialized abilities within the office. There was also a conflict of personalities, based on nothing more than that between her and 1 or 2 people in the office.

Mr. ARENS. Was Samuel Borodkin [1] identified in any capacity with the orchestra?

Mr. WALTER. Yes. He was, like Mr. Dorn, a drummer in the orchestra.

Mr. ARENS. Was he vigorously anti-Communist in his position within the orchestra?

Mr. WALTER. He may have been. I never discussed it with him.

Mr. ARENS. What happened to Mr. Borodkin?

Mr. WALTER. Mr. Borodkin suffered the same fate as Mr. Dorn,[1] namely, there were substantial—and I am under oath when I tell you this, and I know all these things to be true—there were substantial complaints in many areas of our activities as playing musicians, where there were complaints made about these people. I made no such complaints because I was not involved in the personnel or artistic directorship, but such complaints were made by conductors and by management officials, as a result of which these people were separated from the orchestra. These weren't the only two people, by the way, sir.

Mr. DOYLE. How many years had this last named gentleman played with the orchestra before he was let out after he protested against Communists in the orchestra?

Mr. FRAENKEL. The witness has already said that he didn't know whether this man protested about Communists.

Mr. DOYLE. How long had he played with the orchestra before he was let out? Let us put it that way.

Mr. WALTER. From shortly after—well, excuse me. I remember roughly it was probably about a year and a half. He was brought into membership at the suggestion of Mr. Gillis.

Mr. ARENS. And he played for Toscanini, too, did he not?

Mr. WALTER. As what we used to call an extra man. That is, not a regular man. Mr. Doyle, might you be interested to know how many other people were also discontinued for artistic reasons; how many retired?

Mr. DOYLE. I question that these people were dismissed for artistic reasons. I question it very much. You weren't able to get, and you didn't get together, a quorum of that orchestra to ever consider this matter. You stated that the quorum wasn't present for three meetings.

Mr. WALTER. That is not my fault, sir.

Mr. DOYLE. You say it is not your fault, but it was evidently a considered plan so that you could not have a legal quorum present.

Mr. WALTER. On the contrary, sir, the very people who signed the resolution did not show up to support it at the meeting.

Mr. DOYLE. I understand that, but it was an internal situation that was not good; and on the basis of this resolution, you should have considered it and should have had a qualified meeting and should have done something about it.

Mr. WALTER. I can say nothing more than that I agree with you.

Mr. DOYLE. Well, why do you not do it now? I invite you to. Go to it and do your job by your Nation. If you have a bunch of Commies in your orchestra, do not try to except musicians from being disciplined. They should be treated just like anybody else. If they are

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[1] Subsequent to the hearings, the committee received copies of letters addressed to Mr. Dorn and Mr. Borodkin by the Symphony of the Air refuting the testimony of Mr. David Walter concerning charges of their lack of artistic ability. (See pp. 760 (1), 760 (2), and 760 (3).

Communists, they ought to be revealed as such in our book. No matter who they are. Why do you not go ahead and see that there is a quorum meeting there, and consider this resolution?

Mr. WALTER. I personally have attended every meeting of this organization, sir.

Mr. DOYLE. Why do you not get enough members to do the same thing and take it up, instead of putting it under the table?

Mr. WALTER. I am not in a position to do it. I am not a member of the board, as you know.

Mr. DOYLE. Music is too important a feature in our national life to have very much of it in the hands of people who are disloyal to our form of government.

Mr. WALTER. Yes, sir. I wish that you would consider this document which states that we did an A–1 job for this Government, rather than the imputation that you make that there was anything wrong with the service to the Government.

Mr. DOYLE. I am not imputing that. I am saying, however, that I think the record shows that there was not due attention given to this Dorn resolution. That is what I am saying. I want you to know that we are deliberately cutting this examination of you short because you have an important professional engagement this afternoon.

Mr. WALTER. I appreciate that, and I want to thank the committee for that.

Mr. DOYLE. The committee will now recess and reconvene at 2 p. m. this afternoon.

Those witnesses under subpena who were not called this morning will report back to this room at that time.

(Whereupon, at 12:40 p. m. Wednesday, April 10, 1957, the subcommittee recessed, to reconvene at 2 p. m. the same day. Present at recess: Representatives Clyde Doyle, James B. Frazier, Jr., Bernard W. Kearney and Robert J. McIntosh.)

AFTERNOON SESSION—WEDNESDAY, APRIL 10, 1957

The subcommittee reconvened at 2 p. m., Hon. Clyde Doyle, presiding. Present at reconvening: Representatives Clyde Doyle, James B. Frazier, Jr., Bernard W. Kearney, and Robert J. McIntosh.

Mr. DOYLE. The committee will please come to order. Let the record show that Committee Members Frazier, Kearney, McIntosh, and Doyle are present, 4 of the 5 members of the subcommittee. A quorum is present and we will proceed.

Mr. ARENS. Elayne Jones, kindly come forward.

Mr. DOYLE. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss JONES. I do.

TESTIMONY OF ELAYNE JONES (KAUFMAN), ACCOMPANIED BY COUNSEL, MORTON FRIEDMAN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss JONES. Elayne Jones, 112–30 Farmers Boulevard, St. Albans, N. Y.

Mr. ARENS. You are appearing here today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Miss JONES. That is right.

Mr. ARENS. You are represented by counsel?

Miss JONES. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. FRIEDMAN. Morton Friedman, 16816 Liberty Avenue.

Mr. ARENS. Do you have a name other than the name Elayne Jones?

Miss JONES. I have. Elayne Kaufman.

Mr. ARENS. Will you keep your voice up, please?

Miss JONES. Yes. Elayne Kaufman.

Mr. ARENS. Where are you employed?

Miss JONES. I am unemployed at present.

Mr. ARENS. Where were you last employed?

Miss JONES. The last job I had was—do you want the date or just the job I had?

Mr. ARENS. Tell us just the job you had first, please.

Miss JONES. Well, I played City Center.

Mr. ARENS. What did you play at City Center?

Miss JONES. In the orchestra.

Mr. ARENS. What instrument did you play?

Miss JONES. Tympani.

Mr. ARENS. When was that; in the last year?

Miss JONES. No. It was about 2 or 3 weeks ago.

Mr. ARENS. You are a professional musician?

Miss JONES. I hope so. I consider myself so.

Mr. ARENS. Have you ever been connected with the Metropolitan Music School?

Miss JONES. I have.

Mr. ARENS. In what capacity?

Miss JONES. Well, sort of nebulous. I am supposed to be an instructor.

Mr. ARENS. Were you an instructor?

Miss JONES. I never had any students.

Mr. ARENS. Were you listed as a member of the faculty?

Miss JONES. Yes; I was.

Mr. ARENS. Over what period of time were you listed as a member of the faculty?

Miss JONES. I can't remember how long.

Mr. ARENS. Well, were you listed as long as 4 or 5 years?

Miss JONES. Probably.

Mr. ARENS. Are you presently listed as a member of the faculty?

Miss JONES. I think I am.

Mr. ARENS. For how long have you been listed as a member of the faculty? You say you are presently listed as a member.

Miss JONES. That is what I said. I can't remember how long.

Mr. ARENS. Were you listed as a member of the faculty as far back as 1950?

(The witness conferred with her counsel.)

Miss JONES. Well, if according to your records I have been listed, then I have been.

Mr. ARENS. Have you ever been connected with the Symphony of the Air?

Miss JONES. What do you mean by "connected"?

Mr. ARENS. In any capacity? Have you played on the Symphony of the Air? Have you been a member of the orchestra? Have you been working for them in any capacity?

Miss JONES. There is a difference. You can be a member or you can play. I played once for them.

Mr. ARENS. Are you on the personnel list of the Symphony of the Air?

Miss JONES. What do you mean by the "list"?

Mr. ARENS. The list of personnel approved to play on the orchestra.

Miss JONES. I don't know.

Mr. ARENS. When did you play for the Symphony of the Air?

Miss JONES. Last year. No. Yes; it was last year.

Mr. ARENS. Where did you play for the Symphony of the Air?

Miss JONES. At Carnegie Hall.

Mr. ARENS. Who engaged you to play at the Symphony of the Air?

Miss JONES. Philip Sklar, the late Philip Sklar.

Mr. ARENS. Have you played the New York City Opera Orchestra?

Miss JONES. Yes; I have.

Mr. ARENS. When was that?

Miss JONES. The last time I played there?

Mr. ARENS. Yes.

Miss JONES. It was just the job I did a couple of weeks ago.

Mr. ARENS. Over what course of time have you played the New York City Opera Orchestra?

Miss JONES. Since 1949.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Miss JONES. I decline to answer.

Mr. ARENS. Why?

(The witness conferred with her counsel.)

Miss JONES. I would like to read my statement, please.

I refuse to answer the question on the ground that it has no proper legislative purpose, nor has this entire investigation of musicians any proper legislative purpose. It is impossible for there to be anything un-American about various forms of music or in any way in which it is played or by whom it is played.

Furthermore, the question isn't proper in that it has no relevance to the subject matter under investigation. I refuse to answer the question on the further grounds that it violates my constitutional rights of freedom of association, of conscience, freedom of thought, and, furthermore, because no person may be required to be a witness against himself.

Mr. ARENS. Did you write that or did someone else write it?

Miss JONES. I wrote that with the help of my counsel.

Mr. ARENS. Are you now a Communist?

Miss JONES. I refuse to answer it on the same grounds I have just outlined to you.

Mr. ARENS. Are you connected, or have you been connected, in any capacity with Camp Unity?

Miss JONES. No, I am not, sir.

Mr. ARENS. Have you ever been on the social staff of Camp Unity?

(The witness conferred with her counsel.)

Miss JONES. I refuse to answer that question on the same grounds.

Mr. ARENS. We will display to you now, if you please, a thermofax reproduction of the Communist Daily Worker of June 15, 1951, in which your name appears in the publication as a member of the social staff of Camp Unity.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Mr. ARENS. Mr. Chairman, while the witness is examining the document, I respectfully suggest that the record at this point reflect the citation of Camp Unity contained in the Guide to Subversive Organizations by this committee.

Mr. DOYLE. Very well.

CAMP UNITY (WINGDALE, N. Y.)

1. Cited as a * * * "notorious Communist rendezvous" * * *. (*Committee on Un-American Activities, Annual Report for 1955, H. R. 1648, January 17, 1956, originally released January 11, 1956, pp. 9 and 10.*)

Mr. ARENS. Does that exhibit refresh your recollection with reference to your connection with Camp Unity?

Miss JONES. Yes; it does.

Mr. ARENS. You say, "Yes; it does"?

(The witness conferred with her counsel.)

Miss JONES. I don't understand.

Mr. ARENS. Does this exhibit prompt your recollection with reference to your connection with Camp Unity?

(The witness conferred with her counsel.)

Miss JONES. I refuse to answer that question on the same grounds as I stated before.

(Document marked "Jones Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Do you occasionally entertain under the auspices of the Jefferson School of Social Science?

(The witness conferred with her counsel.)

Miss JONES. I refuse to answer that question.

Mr. ARENS. We exhibit to you now a thermofax reproduction of a bulletin, the face sheet of a bulletin, of the Jefferson School of Social Science listing you as one of the entertainers on the program given on the evening of March 10, 1951.

Would you kindly look at that and see if that refreshes your recollection with reference to your connection with that activity or enterprise?

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss JONES. What would you like to know?

Mr. ARENS. Does this exhibit refresh your recollection with reference to your participation as an entertainer under the auspices of the Jefferson School of Social Science?

Miss JONES. I refuse to answer that question on the same grounds.

(Document previously identified as "Smyles Exhibit No. 3," retained in committee files.)

Mr. ARENS. Do you recall any connection you may have had with the New York Council of the Arts, Sciences, and Professions?

Miss JONES. No; I don't remember.

Mr. ARENS. We lay before you now a call to a conference under the auspices of the New York Council of the Arts, Sciences, and Professions on which your name appears as one of those sending out the call, Miss Elayne V. Jones.

Kindly look at this document, while it is displayed to you, and see if you can't help this committee as to whether or not it refreshes your recollection as to any connection you may have had with that organization.

(The document was handed to the witness.)

(The witness conferred with her counsel.)

Miss JONES. On that I refuse to answer on the same grounds.

(Document marked "Jones Exhibit No. 2" and retained in Committee files.)

Mr. ARENS. Have you been one of the sponsors of the National Committee to Secure Justice in the Rosenberg Case?

Miss JONES. Not that I know of, sir.

Mr. ARENS. Do you recall attending a rally of the National Committee to Secure Justice for the Rosenbergs in the fall of 1953?

Miss JONES. Where was that held at?

Mr. ARENS. In the Tri-Borough Stadium on Randall's Island.

Miss JONES. I don't recall.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. If there are no questions from members of the subcommittee, the witness is excused.

Call your next witness.

Mr. ARENS. Sam Morgenstern.

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

Mr. MORGENSTERN. Thank you.

TESTIMONY OF SAM MORGENSTERN, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. MORGENSTERN. Sam Morgenstern, 40 Horatio Street; musician.

Mr. ARENS. You are appearing today, Mr. Morgenstern, in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. MORGENSTERN. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mr. MORGENSTERN. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street.

Mr. ARENS. Where are you employed, Mr. Morgenstern?

Mr. MORGENSTERN. I am self-employed.

Mr. ARENS. Where?

Mr. MORGENSTERN. At my address.

Mr. ARENS. In what type of work?

Mr. MORGENSTERN. I coach singers for opera and concert.

Mr. ARENS. How long have you been engaged in that type of work?

Mr. MORGENSTERN. I can't recall. For quite a number of years.

Mr. ARENS. Have you ever been connected with the Metropolitan Music School?

Mr. MORGENSTERN. Yes.

Mr. ARENS. Over what period of time and in what capacity?

Mr. MORGENSTERN. I cannot recall what period of time it was, but I taught harmony, counterpoint, and some composition.

Mr. ARENS. Have you ever been on the board of directors of the Metropolitan Music School?

Mr. MORGENSTERN. I don't recall.

Mr. ARENS. Well, in 1946 weren't you on the faculty of the Metropolitan Music School?

Mr. MORGENSTERN. It is possible.

Mr. ARENS. I lay before you the bulletin of the Metropolitan Music School, a photostatic reproduction, for 1946–47, in which your name appears as a member of the faculty.

Kindly look at that and see if that refreshes your recollection.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. MORGENSTERN. I don't recall.

(Document marked "Morgenstern Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Are you currently a sponsor of the Metropolitan Music School?

Mr. MORGENSTERN. I wouldn't know. I haven't looked at the bulletins.

Mr. ARENS. May I invite your attention to the 1956–57 bulletin of the Metropolitan Music School, in which your name appears as a sponsor?

Kindly look at that, if you will, and tell this committee if it refreshes your recollection.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. MORGENSTERN. Presumably I am a sponsor, since my name is there.

(Document previously identified as "Schwartz Exhibit No. 1," retained in committee files.)

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Mr. MORGENSTERN. I am not a member of the Communist Party.

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

Mr. MORGENSTERN. I respectfully decline to answer on the grounds of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party 1 year ago?

Mr. MORGENSTERN. No.

Mr. ARENS. Were you a member of the Communist Party 5 years ago?

Mr. MORGENSTERN. No.

Mr. ARENS. Were you a member of the Communist Party any time within the last 10 years?

Mr. MORGENSTERN. I decline to answer on the grounds of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party 8 years ago?

(The witness conferred with his counsel.)

Mr. MORGENSTERN. I decline to answer that on the grounds of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party 7 years ago?

Mr. MORGENSTERN. I decline to answer on the grounds of the fifth amendment.

Mr. ARENS. Six years ago?

Mr. MORGENSTERN. I decline to answer on the grounds of the fifth amendment.

Mr. ARENS. Are you presently under Communist Party discipline?

Mr. MORGENSTERN. No.

Mr. ARENS. Did you ever live at 601 West 143d Street?

Mr. MORGENSTERN. No.

Mr. ARENS. When were you last in active status at the Metropolitan Music School?

Mr. MORGENSTERN. I cannot recall the year. It is quite some time ago. I don't recall.

Mr. ARENS. Have you ever requested that your name be disassociated or taken off of the register of the Metropolitan Music School, official roster?

Mr. MORGENSTERN. As I said, I wasn't aware that it was on any more, so consequently, I never thought about it.

Mr. ARENS. What is your position now with reference to communism? Are you opposed to it or are you not opposed to it?

(The witness conferred with his counsel.)

Mr. MORGENSTERN. I decline to answer that on the grounds of the first amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. BOUDIN. Mr. Chairman, perhaps the question should be repeated before you make your ruling. It referred not to activity, but to belief, if you will recall.

Mr. DOYLE. For the convenience of everyone, will the question please be read?

(The pending question was read by the reporter.)

Mr. DOYLE. What was your answer, Witness?

Mr. BOUDIN. The witness had not answered.

Mr. DOYLE. Just a minute. What was your answer, Witness?

(The witness conferred with his counsel.)

Mr. MORGENSTERN. My answer is I decline on the grounds of the first.

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

Mr. MORGENSTERN. I decline on the grounds of the fifth amendment.

Mr. ARENS. Have you written Hanns Eisler Songs?

Mr. MORGENSTERN. Pardon me, sir?

Mr. ARENS. Have you written a publication called Hanns Eisler Songs?

Mr. BOUDIN. I think the pronunciation——

Mr. ARENS. Counsel, no man has been before this committee as much as you; and no one is more familiar with the rules of this committee than you.

Do you know whether or not you have authored a publication called Hanns Eisler Songs?

(The witness conferred with his counsel.)

Mr. MORGENSTERN. I decline on the grounds of the first and fifth amendments.

Mr. ARENS. I lay before you now a photostatic reproduction of the Communist Daily Worker of Tuesday, November 11, 1947, with reference to a "Freedom of Assembly Rally" at Manhattan Center, here in New York City. Part of the program consists of "Hanns Eisler Songs rendered by Robert Penn and Sam Morgenstern."

Would you look at that exhibit and see if that refreshes your recollection with reference to this publication Hanns Eisler Songs?

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. MORGENSTERN. I decline to answer that on the grounds of the first and fifth amendments.

(Document marked "Morgenstern Exhibit No. 2," and retained in committee files.)

Mr. BOUDIN. Could it be understood, Mr. Chairman, that when the witness declines, it will be on those two grounds, so that he need not repeat it?

Mr. DOYLE. I think his answer is very brief. We will let him answer and make his claim to his constitutional privileges. He has been very brief in claiming them.

(The witness conferred with his counsel.)

Mr. ARENS. Were you one of the sponsors of the conference blasting the trial of the indicted Communist leaders in New York City in January 1949?

(The witness conferred with his counsel.)

Mr. MORGENSTERN. I decline to answer that on the grounds of the first and fifth amendments, sir.

Mr. ARENS. We lay before you now a photostatic reproduction of the Communist Daily Worker of January 31, 1949, in which your name appears as one of such sponsors.

Kindly look at that document and tell us whether or not it refreshes your recollection and also whether or not, to your certain knowledge, that gives an accurate reporting of the facts.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. MORGENSTERN. I decline to answer that on the grounds of the first and fifth amendments.

(Document marked "Morgenstern Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. Are there any questions from members of the subcommittee? If not, that will be all. Thank you. The witness is excused.

Mr. ARENS. Max Hollander, kindly come forward.

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

Mr. HOLLANDER. I do.

TESTIMONY OF MAX HOLLANDER, ACCOMPANIED BY COUNSEL, EPHRAIM LONDON

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. HOLLANDER. My name is Max Hollander. I am a musician. I live at 191–48 Foothill Avenue, Hollis, Long Island.

Mr. ARENS. You are appearing today, Mr. Hollander, in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. HOLLANDER. That is correct, sir.

Mr. ARENS. And you are represented by counsel?

Mr. HOLLANDER. Yes, sir.

Mr. ARENS. Counsel, will you kindly identify yourself?

Mr. LONDON. Ephraim London, 150 Broadway, New York City.

Mr. ARENS. Where are you employed, Mr. Hollander?

Mr. HOLLANDER. I am a free-lance musician. I work at various times at the various radio stations in New York, at various times at the recording studios, at various times at whatever other professional jobs may come to me over the telephone. I have no regular employment.

Mr. ARENS. What are some of the principal employments which you have had in the last several months?

Mr. HOLLANDER. I have worked for various recording companies, such as Decca, MGM. I have worked for Firestone, programing the orchestra, and things of that nature. It is impossible to go into all, because I have worked for so many.

Mr. ARENS. Have you been engaged by the Symphony of the Air?

Mr. HOLLANDER. I haven't. This is a long story. I am a charter member of the Symphony of the Air, but I have not played with the Symphony of the Air for some period prior to their oriental trip. Since then, I have not played with them.

Mr. ARENS. About when was that? Just your best appraisal or judgment.

Mr. HOLLANDER. As I remember, they were organized some time in 1954. I did not join them until about 9 months afterward. Then I was with them for a short period of probably—it is hard to say, but of all the hundreds of concerts they have done and hundreds of appearances, I may have had six, and only in the very first little period.

Mr. ARENS. Have you been connected with the Metropolitan Music School?

Mr. HOLLANDER. I have, sir.

Mr. ARENS. In what capacity?

Mr. HOLLANDER. I have been a sponsor.

Mr. ARENS. Are you presently a sponsor?

Mr. HOLLANDER. I am so listed.

Mr. ARENS. Are you now, or have you ever been, a member of the Communist Party?

Mr. HOLLANDER. I am not a member of the Communist Party.

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

Mr. HOLLANDER. I must decline on the basis of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party 1 year ago?

Mr. HOLLANDER. No, sir.

Mr. ARENS. Were you a member of the Communist Party 5 years ago?

Mr. HOLLANDER. I must decline on the basis of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party 4 years ago?

Mr. HOLLANDER. I must decline on the same basis.

Mr. ARENS. Were you a member of the Communist Party 3 years ago?

Mr. HOLLANDER. I must decline on the same basis.

Mr. ARENS. Two years ago?

Mr. HOLLANDER. I must decline on the same basis.

Mr. ARENS. Were you a member of the Communist Party a year and a half ago?

Mr. HOLLANDER. I must decline to answer on the same basis.

Mr. ARENS. Are you under Communist Party discipline?

Mr. HOLLANDER. No, sir.

Mr. ARENS. Were you under Communist Party discipline a year and a half ago?

Mr. HOLLANDER. I must decline to answer that on the basis of the fifth amendment.

Mr. ARENS. Have you appeared in the course of the last few years under the auspices of the New York Council of the Arts, Sciences, and Professions?

Mr. HOLLANDER. Not to my knowledge, sir.

Mr. ARENS. I lay before you now a thermofax reproduction of the Communist Daily Worker of November 12, 1954, in which a concert is announced featuring Max Hollander, violinist, as part of the program of the New York Council of the Arts, Sciences, and Professions, 153 West 64th Street.

Kindly look at that and see if that refreshes your recollection.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. HOLLANDER. This cannot refresh my recollection because I played no such concert.

(Document marked "Hollander Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Have you appeared, given concerts, under the auspices of the School of Jewish Studies in the course of the last few years?

Mr. HOLLANDER. I don't recall, sir.

Mr. ARENS. We display to you now a thermofax reproduction of an announcement in the Communist Daily Worker (March 30, 1948, p. 5), to the effect that there will be a concert at the School of Jewish Studies in which the artists listed include Max Hollander.

Look at that and see if that refreshes your recollection.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. HOLLANDER. It is possible, sir, but I don't remember. Being a violinist of certain stature, I have played concerts a great deal, and I, as a rule, have not asked where the job comes from. May I elaborate, if I may, sir?

Jobs, as a rule, come through the telephone, and have to go through the union somehow. One accepts a job and does not ask who is the employer, but one finds out who has hired him. In effect, that par-

ticular person acts as a contractor. I have no recollection of having played a concert for a Jewish school. I may have, sir.

(Document marked "Hollander Exhibit No. 2," and retained in committee files.)

Mr. ARENS. You know the School of Jewish Studies has been repeatedly cited as a Communist-controlled outfit; do you not?

Mr. HOLLANDER. I didn't know there was such a school.

Mr. ARENS. Do you know that the other institution, the Jefferson School of Social Science, is a Communist-controlled organization?

(The witness conferred with his counsel.)

Mr. HOLLANDER. I understand, up to this point, that it has been on the Attorney General's list.

Mr. ARENS. What union are you identified with? You spoke about the union.

Mr. HOLLANDER. I belong to Local 802.

Mr. ARENS. Do you know Earl Browder?

Mr. HOLLANDER. I know the name.

Mr. ARENS. Do you know him in any other capacity?

Mr. HOLLANDER. No, sir.

Mr. ARENS. Do you live in Queens?

Mr. HOLLANDER. I do, sir.

Mr. ARENS. You were at one time an ace recruiter for the Communist Party in Queens, were you not?

Mr. HOLLANDER. I must decline under the basis of the fifth amendment, sir.

Mr. ARENS. What is your present position on communism? Are you for it or against it?

Mr. HOLLANDER. I am against it, sir.

Mr. ARENS. How long have you maintained that position?

(The witness conferred with his counsel.)

Mr. HOLLANDER. I think I shall have to decline to answer that on the basis of my rights under the fifth amendment.

Mr. ARENS. If you are against communism, wouldn't you want to help a committee of the Congress undertaking to develop the factual information to help protect this country against the Communist menace?

Mr. HOLLANDER. I would help all committees to the extent that any personal principles and beliefs run parallel with the aims of the committee.

* * * * * * *

Mr. ARENS. Let me ask you this: If this committee, Mr. Hollander, should initiate proceedings to grant you an immunity of any possible criminal prosecution as a result of testimony which you would give before this committee on the subject of communism, would you accept that immunity and testify fully and freely and serve your Government by giving us such information as you may have on this subject?

(The witness conferred with his counsel.)

Mr. HOLLANDER. I believe that is a hypothetical question. I don't know how to answer such a hypothetical question. I am not prepared to answer that at present. I have tried to answer facts according to my rights and beliefs.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. DOYLE. I somehow have a feeling that you would like to help your Government through this committee or some other channel, even to the point of giving to the Government information that might help us legislate more effectively in this field.

I want to urge that you think of that suggestion seriously. Naturally, you will follow the advice of your distinguished counsel. I am not trying to embarrass you or him.

I did notice that you made it very clear that you had no Communist Party affiliations during the last 12 months. I notice you hesitated quite a little bit, quite a few seconds, when counsel asked if you were a member of the Communist Party 2 years ago, before you claimed your privilege.

May I ask you this: In the last 12 months, have you had any connection, directly or indirectly, with the Communist Party or Communist Party agents, or leaders, trying to induce you to join or keep any identification, if you ever had any, with the party?

Mr. HOLLANDER. Sir, your question, I believe, assumes that I would be in a position to know who might be Communist leaders, agents, or others.

Mr. DOYLE. Well, if you know.

Mr. HOLLANDER. But I definitely have not been in any way, manner, or form connected in either deed or thought with any Communist activities.

Mr. ARENS. Are there persons presently in the music entertainment field who are known by you to have been members of the Communist Party in the course of the last 2 or 3 years?

Mr. HOLLANDER. Sir, again I feel that your question——

Mr. ARENS. In other words, can you right now, this instant, tell this committee, with a moral certainty, the names of any persons in the last couple of years, in the entertainment industry who were Communists?

Mr. HOLLANDER. I haven't the slightest idea who might be a Communist today in the entertainment field.

Mr. ARENS. I didn't ask you that.

Mr. HOLLANDER. In the music field.

Mr. ARENS. I didn't ask you that. Can you right this instant tell the Committee on Un-American Activities the names of people, musicians, who, to your certain knowledge, in the course of the last 2 or 3 years, have been Communists?

Mr. HOLLANDER. I cannot, because the question assumes that I know such people; and I do not know such people.

Mr. DOYLE. I wish to say, before you are dismissed, I somehow feel you are being frank and trying to be helpful.

Mr. HOLLANDER. I am being perfectly frank, sir.

Mr. DOYLE. That is, as to your lack of knowledge within the last year. I want to compliment you for being in the position which I believe you are in, of being honest and frank under oath that you are not now a Communist and that you had no connection with it in the last year. I am not assuming or making the statement that you ever were a Communist, but I did notice that you fixed a deadline of a year. I want to compliment you on not being in the position where you have to plead the fifth amendment as of today.

The thing that amazes me is how any patriotic American can possibly come before this committee and be in a position where he or she has to plead the amendment as of today. Why can they not get out of that garbage and come as you have come and say, "I am not a member of the Communist Party today," but then fix a deadline as you have fixed.

The witness is dismissed.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Alan Booth.

Please come forward.

Mr. DOYLE. The witness will please raise his right hand.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BOOTH. I do.

TESTIMONY OF ALAN BOOTH, ACCOMPANIED BY COUNSEL, MILTON H. FRIEDMAN

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. BOOTH. Alan Booth, 1 West 126th Street, New York City; musician.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. BOOTH. I am.

Mr. ARENS. Are you represented by counsel?

Mr. BOOTH. Yes; I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. FRIEDMAN. Milton H. Friedman, 342 Madison Avenue, New York.

Mr. ARENS. Are you connected with the Metropolitan Music School?

Mr. BOOTH. I am.

Mr. ARENS. In what capacity?

Mr. BOOTH. Instructor of piano.

Mr. ARENS. Over what period of time have you been so connected?

Mr. BOOTH. I would say since 1954 or 1955. I am not sure of the date.

Mr. ARENS. How frequently do you instruct at the Metropolitan Music School?

Mr. BOOTH. Are you speaking in the present period or the past?

Mr. ARENS. Let's start with the present. How frequently do you presently instruct?

Mr. BOOTH. Every Saturday.

Mr. ARENS. What has been your past experience along that line?

Mr. BOOTH. I would say about that—maybe sometime in the past I might have had 2 days.

Mr. ARENS. Who engaged you to teach at the Metropolitan Music School?

Mr. BOOTH. I was called by the director of the school.

Mr. ARENS. Lilly Popper?

Mr. BOOTH. That is right.

Mr. ARENS. Had you known her in advance?

Mr. BOOTH. I had not.

Mr. ARENS. Where else have you taught?

Mr. BOOTH. In what period?

Mr. ARENS. In the course of your lifetime.

Mr. BOOTH. I have taught at the Mount Morris Music School in New York City. It is now nonexistent. I have taught in the Newark, N. J., public schools. I have taught also at the Dillard University, in New Orleans, La.

Mr. ARENS. Have you been the accompanist to Paul Robeson?

Mr. BOOTH. I certainly have.

Mr. ARENS. Over what period of time were you Paul Robeson's accompanist?

Mr. BOOTH. I would say from May 1953 up to the present.

Mr. ARENS. You are presently Paul Robeson's accompanist?

Mr. BOOTH. In theory. For the last year or so we haven't had any concerts, but I still am presently. I consider myself so.

Mr. ARENS. Have you ever been with Paul Robeson in any closed meetings of any kind, in which only a select group were admitted?

Mr. BOOTH. Are you speaking of a meeting or a concert or what? What do you mean?

Mr. ARENS. Have you ever been in a closed Communist Party meeting with Paul Robeson?

Mr. BOOTH. I decline to answer on the protection afforded me by the fifth amendment.

Mr. ARENS. Are you at the present time a Communist?

Mr. BOOTH. I decline to answer under the protection afforded me by the fifth amendment.

Mr. ARENS. Have you ever taught at the Jefferson School of Social Science?

Mr. BOOTH. I decline to answer under the protection afforded me by the fifth amendment.

Mr. ARENS. Have you ever given concerts under the auspices of the Jefferson School of Social Science?

Mr. BOOTH. I decline to answer under the protection afforded me by the fifth amendment.

Mr. ARENS. We lay before you now the Communist Daily Worker of February 26, 1953, in which your name appears as a pianist.

Mr. BOOTH. What newspaper is that?

Mr. ARENS. The Communist Daily Worker——

Mr. BOOTH. I know of no newspaper by that name.

Mr. ARENS. Of February 26, 1953. Do you know of a newspaper, the Daily Worker, without the "Communist" on it?

Mr. BOOTH. I certainly do.

Mr. ARENS. What has been the source of your knowledge about that newspaper?

Mr. BOOTH. It is on the newspaper stands.

Mr. ARENS. Is that the only place you have seen it?

Mr. BOOTH. That is right.

Mr. ARENS. Do you know whether or not it is the Communist publication?

Mr. BOOTH. I wouldn't know.

Mr. ARENS. This publication which I have in my hand—I am going to display it to you in just a moment—identifies the Negro pianist, Alan Booth, as a performer at a cultural program under the auspices of the Jefferson School [of Social Science].

Kindly look at that and see if you can help this Committee on Un-American Activities by verifying the authenticity of the factual information contained in that article.

(The document was handed to the witness.)

Mr. BOOTH. Might I say that your question asked me about being under the auspices of such-and-such a school. I declined to answer, so what is the point of this? I decline to answer under the protection afforded me by the fifth amendment.

Mr. ARENS. Do you decline to answer the question that is outstanding?

Mr. BOOTH. I do.

(Document marked "Booth Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Apparently, you do have a little more information about the Daily Worker than you first told us. We have here a copy of the Daily Worker of January 26, 1954, in which there was a celebration, the 30th anniversary of the Communist Daily Worker, and they launched what is quoted here as a "big birthday party." Among those who were there celebrating this big birthday party of the Daily Worker, according to this article, was Alan Booth, concert pianist.

Kindly look at this article and see if that refreshes your recollection with some other source of your knowledge of the publication which I have alluded to as the Communist Daily Worker.

(The document was handed to the witness.)

Mr. BOOTH. I decline to answer on the basis of the protection afforded me by the fifth amendment.

(Document marked "Booth Exhibit No. 2," and retained in committee files.)

(The witness conferred with his counsel.)

Mr. ARENS. Have you ever been abroad?

Mr. BOOTH. No; I haven't. What do you mean? Out of the continental United States?

Mr. ARENS. Yes.

Mr. BOOTH. I have been to Canada.

Mr. ARENS. Any other place?

Mr. BOOTH. That is all.

Mr. ARENS. You have entertained, of course, have you not, under the auspices of the National Council of the Arts, Sciences, and Professions?

Mr. BOOTH. I don't recollect. I might have.

Mr. ARENS. Let me display to you the Sunday Compass of October 29, 1950, in which your name appears as one of the entertainers. A series of concerts under the auspices of the New York Council of the Arts, Sciences, and Professions is shown.

See if that refreshes your recollection.

(The document was handed to the witness.)

Mr. BOOTH. That refreshes my recollection.

Mr. ARENS. Do you remember that occasion?

Mr. BOOTH. Yes.

(Document marked "Booth Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Did you know, at the time that you appeared there, that the National Council of the Arts, Sciences, and Professions had been found to be a Communist-controlled enterprise?

(The witness conferred with his counsel.)

Mr. BOOTH. No; I did not.

Mr. ARENS. What is the United Freedom Fund? Could you help us on that?

Mr. BOOTH. I don't think so. I think you might know more about it than I do.

Mr. ARENS. Do you recall, in the course of the recent past, entertaining, under the auspices of the United Freedom Fund, a birthday celebration and concert for Paul Robeson?

Mr. BOOTH. I recall entertaining for a birthday celebration of Paul Robeson. I don't recall what were the auspices. Is that the question?

Mr. ARENS. Perhaps this will help you to refresh your recollection. We lay before you an exhibit featuring that celebration, under the auspices of the United Freedom Fund, and the date, I believe, was in May 1950.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. BOOTH. It doesn't refresh my recollection.

(Document marked "Booth Exhibit No. 4," and retained in committee files.)

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the staff interrogation of this witness.

Mr. DOYLE. If there are no questions, you are excused. Thank you.

The committee will stand in recess until 10 o'clock tomorrow morning.

We have completed hearing all the witnesses subpenaed to appear today, so we are not inconveniencing any witnesses or any attorneys.

The committee will reconvene at 10 o'clock tomorrow morning in this room.

(Whereupon, at 2:50 p. m. Wednesday, April 10, 1957, the subcommittee recessed, to reconvene at 10 a. m. Thursday, April 11, 1957. Present at time of recess: Representatives Clyde Doyle, James B. Frazier, Jr., Bernard W. Kearney, and Robert J. McIntosh.)

SYMPHONY OF THE AIR

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CARNEGIE HALL • New York, N. Y. • Plaza 7-6290

August 23, 1956

Mr. William Horn
401 Thirteenth Avenue
Belmar, New Jersey

Dear Mr. Horn:

The Board of Directors of the Symphony Foundation of America has instructed me to inform you that it has amended the charges stated in our letter of August 7, 1956 to read:

> "The specific nature of the charge as stated in Section 5 of the By-laws, on the basis of which the Board has voted to expel you from the Symphony Foundation of America, is: 'for conduct prejudicial to the best interests of the Foundation.'"

You are hereby invited to appear before the Board on September 10, 1956 at 11:00 a.m., instead of the date previously given you, at the Symphony Foundation office to show cause why this action should not be carried out.

Sincerely,

Leon Frengut

Leon Frengut
Secretary
Symphony Foundation of America

LF/cb

Arturo Toscanini,
Conductor Emeritus

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August 7, 1956

Mr. Sam Borodkin
Hotel Wellington
55th St. & 7th Avenue.
New York, N.Y.

Dear Mr. Borodkin:

Your request for postponement of the hearing of the charges has been granted by the Board. The date of the meeting set aside for this hearing will be Wednesday, August 22nd at 10:30 A.M. in the office of the Symphony Foundation of America.

The specific nature of the charge, as stated in Section 5 of the By-Laws, is:

1. "Failure to maintain high artistic standards and musicianship hereby required for the musician-members of the Foundation."

2. ".... conduct prejudicial to the best interests of the Foundation".

It is the sincere wish of the Board that you make every effort to attend this meeting so that this matter may be resolved.

Sincerely yours,

Leon Frengut

Leon Frengut
Secretary
Symphony Foundation of America

LF:s jw

SYMPHONY OF THE AIR

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THE SYMPHONY FOUNDATION OF AMERICA, INC.
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August 23, 1956

Mr. Sam Borodkin
Hotel Wellington
Seventh Avenue and 55th Street
New York 19, N. Y.

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You are hereby invited to appear before the Board on September 10th at 11:00 a.m., instead of the date previously given you, to show cause why this action should not be carried out. The hearing will be held at the Symphony Foundation office.

Sincerely,

Leon Frengut

Leon Frengut
Secretary
Symphony Foundation of America

LF/cb