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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE  
NEW ENGLAND AREA—PART 1

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HEARINGS  
BEFORE THE  
COMMITTEE ON UN-AMERICAN ACTIVITIES  
HOUSE OF REPRESENTATIVES  
EIGHTY-FIFTH CONGRESS  
SECOND SESSION

MARCH 18, 1958

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

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31-3

UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1958

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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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RICHARD ARENS, *Staff Director*

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<sup>1</sup> Released by the committee and ordered to be printed.



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

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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

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Public hearings were held in Boston, Mass., March 18-21, 1958, during which the committee received valuable testimony concerning current Communist Party activities in the New England area.

Armando Penha, an undercover operative for the FBI from 1950 to the date of his appearance, testified extensively concerning the inner workings of the higher echelon of the Communist conspiracy. Mr. Penha had held the positions of section organizer for the Communist Party in the New Bedford area; chairman of the Bristol County, Mass., Communist Party; chairman of the Regional Section Organizers Committee; member of New England District Committee; member from New England of the National Textile Commission; and attended meetings of the New England District Metals Commission of the Communist Party.

Assessing the seriousness of the Communist Party today, Mr. Penha declared:

Based on my experiences, I feel—and I am sure that I am absolutely correct—that the Communist conspiracy, by and large today, is much stronger than it has ever been. \* \* \* The party has strengthened itself every time that it weeds out weaklings, those that they suspect, those who do not accept the party discipline, and as such it becomes stronger.

During the 8 years that he was in the Communist Party, Mr. Penha had known approximately 400 members of the party. Of this number, between 285 and 315 operated in the New England area. In the course of his testimony, Penha identified by name over 200 Communist Party members he had personally known, including top-flight functionaries of the National Committee of the Communist Party.

In connection with the current organizational structure of the party, he testified:

The Communist apparatus is established with the National Committee as being the top functionary body.

In the National Committee level, there are also various types of national groups. You have your National Executive Committee, you have National Commissions, various departments. In all I would say there are about 8 or 9. From there it drops down to the district level, New England being the District No. 1. New England encompasses the areas of Vermont, Maine, New Hampshire, Massachusetts.

From the district level, it drops down to county level if they exist. At times they do not. From there it drops down to section levels, known as cities and its suburban areas. From there it drops down to clubs or cells. These are small groups. They comprise membership in specific areas, par-

ticularly in organizations. From that it drops down to neighborhood groups or neighborhood clubs. From that it goes into individuals who, for one reason or another, should not be placed in clubs and/or cells.

Mr. Penha testified that the revenue of the Communist Party is derived from many and varied sources, including:

(a) Dues based on earnings.  
 (b) Assessments, also based on earnings.  
 (c) Financial "angels" who may or may not be actual party members, but who contribute to the party causes. Penha cited as an example one Maud D'haze, deceased, who left an estate of approximately \$20,000. This estate was not left to the Communist Party per se, but to the leaders of the Communist Party in the New England area, with the understanding that the money would be directed ultimately into the coffers of the Communist Party. Penha identified D'haze and all of the beneficiaries as members of the Communist Party. Two of the beneficiaries, Anne Burlak Timpson and Otis Archer Hood, both leaders of the Communist Party in New England, were called as witnesses and interrogated concerning the distribution of the D'haze estate. Both invoked their constitutional privileges against self-incrimination.

(d) Sale of various items. Penha cited as an example the sale of pen and pencil sets, 1,000 of which were sold by comrades within the New England district, with the proceeds directed into the party treasury.

(e) Solicitation of funds through front groups which are created, or infiltrated and controlled, by the party, but which bear no open association with the party. Such funds ultimately are lodged in the party treasury.

(f) From labor organizations controlled by the Communist Party. Cited as an example was the United Electrical, Radio & Machine Workers in the New Bedford area.

The National Textile Commission of the Communist Party, of which Mr. Penha was a member, was established by the National Committee of the Communist Party in 1955. The purpose of the Textile Commission was to direct further colonization and infiltration by the Communist Party into the textile industry, particularly in the South. The North was to contribute experienced colonizers and money. In connection with this endeavor, Mr. Penha took a trip to the South where he was in contact with top Communist Party leaders and colonizers, particularly in North Carolina, a center of the textile industry in the South. The technique of colonization, according to Mr. Penha, is being applied by the party in all types of major industry.

Mr. Penha who was in active contact with the Communist underground described the stringent security measures exercised in the underground operation. Some members completely divorced themselves from the open apparatus of the party and, in most instances, completely separated themselves from their families. They assumed false identities and used various devices to alter their physical appearance. They lived in the homes of trusted party members and all contact with the open apparatus was handled through couriers.

Mr. Penha furnished the committee a detailed summary of the Communist Party front groups which had formerly operated, or were currently operating, in the New England area. He identified a number

of members of the front groups as Communists. Some of the groups named as Communist fronts by Penha were the New England Citizens Concerned for Peace, the New Bedford Peace Committee, the New Bedford Committee to Fight Unemployment, the Progressive Party, the Labor Youth League, Save Our Sons Committee, and the American Committee for Protection of Foreign Born.

In 1952, while accompanying the New England district Communist organizer, Mike Russo, who was then operating in the background, Mr. Penha was present in a secret meeting with Jonathan and David Lubell, then students at Harvard University. The Lubells were Communist organizers among the students at various institutions of higher education in the Boston area. They turned over \$150 which they had collected in dues from the students at these institutions.

Another person who contributed materially to the committee's work in Boston was Mrs. Carol Foster of Nashua, N. H. Like Mr. Penha, Mrs. Foster had been an undercover operative for the FBI. She had been active in the party since 1947. Her principal area of activity was in the State of New Hampshire. She had held the office of secretary of the Nashua group of the Communist Party and was a member of the New Hampshire State Committee, which was a part of District 1 of the Communist Party, and encompassed most of New England.

Mrs. Foster confirmed Mr. Penha's testimony that the Communist Party posed a serious threat to our country today. She identified several score individuals as Communist Party members in the New England area.

Two of the persons she identified as members of the Communist Party were Rev. Albert D'Orlando and his wife, Polly. Mr. D'Orlando had been a minister of a church in Wilton, N. H., from approximately 1946 to 1950. Mrs. Foster testified that she was introduced to Mr. D'Orlando by the Communist Party chairman of New Hampshire, Mrs. Elba Chase Nelson. For a period of several years she collected the Communist Party dues of Mr. D'Orlando and his wife.

The Reverend Mr. D'Orlando, who now resides in New Orleans, La., appeared before the committee in executive session on March 14, 1958. When asked about his previous Communist Party membership, he invoked his constitutional privileges concerning the period prior to 1946. He denied membership subsequent to that date, but testified that he had contributed money to the Communist Party during the time he was a minister in Wilton, N. H.

Mrs. Foster also furnished valuable information concerning the operation of Communist-front groups, particularly the Progressive Party which, during its period of operation in New Hampshire, was completely controlled by the Communist Party.

Irving Fishman, Deputy Collector of Customs at the Port of New York, and his administrative assistant, Miss Eleanor Suske, testified about the importation and dissemination of Communist propaganda in the Boston area. Mr. Fishman stressed the need for amendments to the Foreign Agents Registration Act to require the labeling of foreign Communist propaganda prior to its importation. He stated that, based on a survey conducted by his office within a 2-month period immediately prior to the hearings, there were approximately 80,000 pieces of foreign Communist propaganda passing through the port of New York, destined for the New England area. None of this propa-

ganda was labeled in accordance with the provisions of the Foreign Agents Registration Act.

Additional testimony concerning propaganda on the domestic level was given by Mr. Penha, who testified that the Communist Party had secreted mimeographing machines in the homes of trusted Communist Party members. These machines were to be used to produce propaganda material in the event the party was forced to eliminate its open publications.

Hon. Louis C. Wyman, Attorney General of the State of New Hampshire, testified extensively concerning various sections of H. R. 9937 the omnibus security bill pending before the committee.

In addition to the persons indicated above who cooperated with the committee, 29 other persons were called as witnesses. These persons had been identified under oath as members of the Communist Party and, in most instances, were leaders of the Communist Party in the New England area. Their employment covered a variety of occupations and professions. Two of the witnesses, David M. Fein and Elias Snitzer, were professors at the Lowell Technological Institute. Mr. Fein denied current Communist Party membership, but invoked the privileges of the fifth amendment concerning prior membership. Mr. Snitzer likewise denied current Communist Party membership, but refused to give the committee any information when questioned concerning prior membership and activities in the Communist Party.

Douglas Perry, UE organizer in the New England area, who had been identified by Mr. Penha as a hard-core Communist Party member, invoked constitutional privileges against self-incrimination when asked concerning the validity of Penha's testimony.

Joseph Sherman and Benning Maskiewicz testified that they were not citizens of the United States and refused to state whether or not they were members of the Communist Party. Mr. Maskiewicz has been a resident of the United States for 46 years; Mr. Sherman for 36 years. The subcommittee recommended that both cases be referred to the Immigration and Naturalization Service for possible deportation.

Of the remaining witnesses, all invoked the fifth amendment, with the exception of three. Two of these admitted Communist Party membership, and the third refused to answer any questions but invoked the first amendment.

In concluding the hearings the chairman of the subcommittee stated in part as follows:

In the few days that we have been here, we believe we have had a fair sampling of several phases of Communist subversive operations, especially in this area.

What then has been accomplished, in our judgment, as a result of these hearings? These are some of the accomplishments:

In the first place, we have seen repetition here in the Boston, New England area, of a pattern of Communist activities and techniques which verifies and confirms the very same pattern of secret and habitually deceitful and subversive activities and tactics throughout our Nation.

We also have brought forth reliable evidence proving that there is in this highly sensitive and important industrial area a Communist Party activity which should be paid more atten-

tion by the public officials, both municipal and statewide, in cooperation with the Federal officials.

More specifically, there has been developed here new and convincing evidence regarding the existing loopholes in the Foreign Agents Registration Act, and other existing legislation, designed to identify and stem the flood of Communist propaganda that is daily reaching the shores of our Nation from Soviet Russia, and from other people, specifically doing it in cooperation with the Soviet Communist control of the Soviet Republic in this cold war.

And we wish to emphasize that this Communist subversive activity right here in the New England area and throughout our Nation is part of the cold war—it is not just merely propaganda—it is part of the cold war. There are no bullets being fired, but it is war nevertheless.

There has also been revealed further reliable factual Communist underground strategy and tactics penetrating entirely legitimate and loyal organizations, church groups, labor groups, youth groups, schools, lodges, and public offices.

There has also been revealed further definite information respecting efforts of the Communist conspiracy to penetrate certain vital industries by way of colonizing by Communists, many of whom hold high degrees in education, bachelors of science and engineers; and yet, fulfilling their Communist Party dedication, they take menial jobs, at far less salaries in sensitive industry in order to carry out Communist Party directives, than they could earn at the profession for which they are especially equipped and trained.

We will take back to Washington for consideration by the Congress all the factual material here gained in connection with our study and consideration for the enactment of legislation.

There is, however, a collateral result, which is very valuable and continuing, as a result of these hearings, which I believe will have a salutary and important effect on this entire geographical area. This should be a daily reminder for you folks who have the pleasure, privilege, and inspiration of living in this area, of the continuous Communist Party subversive threat, both day and night, not merely as a philosophical concept, but as a menacing dynamic force of intrigue and subversion, operating as part of the Soviet cold war against the American way of life, which was, in fact, born right here within a mile of this building.



# INVESTIGATION OF COMMUNIST ACTIVITIES IN THE NEW ENGLAND AREA—PART 1

TUESDAY, MARCH 18, 1958

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE  
COMMITTEE ON UN-AMERICAN ACTIVITIES,  
*Boston, Mass.*

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:09 a. m. in courtroom No. 3, the United States Courthouse and Post Office Building, Boston, Mass., Hon. Morgan M. Moulder (chairman of the subcommittee) presiding.

Committee members present: Representatives Morgan M. Moulder, of Missouri; Clyde Doyle, of California; Bernard W. Kearney, of New York; and Robert J. McIntosh, of Michigan (appearance as noted).

Staff members present: Richard Arens, staff director; George C. Williams and Frank Bonora, investigators.

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

Mr. MOULDER. The subcommittee will come to order.

Let the record show that pursuant to law and the rules of the Committee on Un-American Activities, Chairman Francis E. Walter has appointed a subcommittee for the purpose of conducting hearings here in Boston, Mass., composed of Representative Clyde Doyle, of California, who sits on my left, and Representative Bernard W. Kearney, of New York, who sits on my right.

Other members who will be present tomorrow are Representative Edwin E. Willis, of Louisiana, and Representative Robert J. McIntosh, of Michigan.

I am Representative Morgan M. Moulder, acting chairman of the subcommittee.

At this point there will be inserted in the record the resolution adopted on January 15, 1958, by the Committee on Un-American Activities authorizing the hearings.

Let there also be inserted in the record at this point the order appointing the subcommittee.

(The documents referred to follow:)

EXCERPT FROM THE MINUTES OF JANUARY 15, 1958

A motion was made by Mr. Scherer, seconded by Mr. Willis, and unanimously carried, approving and authorizing the holding of hearings in Boston, Mass., or at such other place as the chairman may designate, on such date or dates as the chairman may determine, and continuing from day to day, time to time, and place to place until the hearings are completed, and the conduct of investigations

deemed reasonably necessary by the staff in preparation therefor, relating to the following subjects and having the legislative purposes indicated:

1. The extent, character and objects of Communist infiltration and Communist Party propaganda activities in the textile and other basic industries, both within and without the Commonwealth of Massachusetts, the legislative purposes being:

(a) To obtain additional information for use by the committee in its consideration of section 16 of H. R. 9352, relating to the proposed amendment of section 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and wilfully becoming or remaining a member of the Communist Party with knowledge of the purposes or objectives thereof; and

(b) To obtain additional information, adding to the committee's overall knowledge on the subject so that Congress may be kept informed and thus prepared to enact remedial legislation in the national defense, and for internal security, when and if the exigencies of the situation require it.

2. Execution by administrative agencies concerned of laws requiring the listing of printing presses and machines capable of being used to produce or publish printed matter in the possession, custody, ownership, or control of the Communist Party or Communist fronts, the legislative purpose being to assist Congress in appraising the administration of title 50, United States Code, section 786 (6), and in developing such amendments to the Internal Security Act of 1950 as it may deem necessary.

3. Communist techniques and strategy in the raising of funds for the benefit of the Communist Party, the legislative purpose being to determine whether a recommendation should be made tightening the laws relating to tax exemption which labor unions enjoy, and for the additional reasons set forth in items 1 (a) and (b) of this resolution.

4. Entry and dissemination in the Commonwealth of Massachusetts of foreign Communist Party propaganda, the legislative purpose being to determine the necessity for, and advisability of, amendments to the Foreign Agents Registration Act designed more effectively to counteract the Communist schemes and devices now used in avoiding the prohibitions of the act.

5. The extent, character and objects of Communist Party underground activities within the Commonwealth of Massachusetts, the legislative purposes being set forth in items 1 (a) and (b) of this resolution.

6. Execution by administrative agencies concerned, of laws relating to deportation of aliens who are members of the Communist Party, the legislative purpose being to assist Congress in appraising the administration of section 241 (a) (6) of the Immigration and Nationality Act (66 Stat. 204-206), and in developing such amendments to that act as may be deemed necessary.

7. Any other matter within the jurisdiction of the committee which it, or any subcommittee thereof, appointed to conduct this hearing, may designate.

MARCH 12, 1958.

To: Mr. RICHARD ARENS, *Staff Director, House Committee on Un-American Activities:*

Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representative Morgan M. Moulder, as chairman, and Representatives Clyde Doyle, Edwin E. Willis, Bernard W. Kearney, and Robert J. McIntosh, as associate members, to conduct hearings in Boston, Mass., Tuesday through Friday, March 18, 19, 20, and 21, 1958, at 10 a. m., on subjects under investigation by the committee and take such testimony on said days or succeeding days, as it may deem necessary.

Please make this action a matter of committee record.

If any member indicates his inability to serve, please notify me.

Given under my hand this 12th day of March, 1958.

FRANCIS E. WALTER, *Chairman,*  
*Committee on Un-American Activities.*

Mr. MOULDER. The hearings, which begin today in Boston, are in furtherance of the powers and duties of the committee pursuant to the provisions of Public Law 601 of the 79th Congress, which not only establishes the broad jurisdiction of this committee, but mandates this committee, along with other standing committees of the Congress, to exercise continuous watchfulness of the execution by the administra-

tive agencies concerned of any laws, the subject matter of which is within the jurisdiction of the committee.

In response to this general mandate, the Committee on Un-American Activities is constantly checking factual information which will assist it in appraising the operation of such laws as the Internal Security Act of 1950, the Foreign Agents Registration Act, the Communist Control Act of 1954, and various criminal statutes pertaining to subversion.

We know that the strategy and tactics of the Communist conspiracy in the United States are constantly changing for the purpose of avoiding detection and in an attempt to beguile the American people and the Government respecting its true nature. To cope with these changes and to strengthen our security laws, a number of legislative proposals are pending before the committee.

The most recent and comprehensive proposal is in the form of an omnibus security bill, H. R. 9937, which Chairman Walter introduced, and which represents the most comprehensive effort ever made to deal with the many legislative problems in the field of internal security. It is the hope of the committee that factual information obtained at this hearing will be of assistance in the consideration and appraisal of the numerous provisions of this bill.

When investigating Communists and Communist activities, this committee frequently has been met with numerous false and unfounded charges respecting the nature of our work and our objective. Such charges will not dissuade us from our duty. We seek the facts and only the facts. Insofar as it is within the power of this committee, as a part of the United States Congress, we shall obtain the facts and we shall do so within the framework of carefully prescribed procedures of justice and fair play.

The work of this committee becomes more difficult with each passing year because more and more the functions of the Communist mechanism operate underground. It is essential and important to remember that the effectiveness of the Communist operation bears absolutely no relationship to the size of the Communist Party as a formal entity. The fanatic, compact hard-core elite which today constitutes the backbone of the Communist operation in this country is a greater menace than ever before.

They look for recessions and unemployment in every city so they have a tangible reception to their poisonous propaganda.

It must also be borne in mind that the Communist operation, both above and below the surface, is part of a worldwide conspiracy backed by all of the material, financial, and educational resources of the Soviet empire which is, and has been for some time, at war with the one nation which stands in the way of its world domination—the United States of America.

It is the standing rule of this committee that any person identified as a member of the Communist Party during the course of the committee hearings will be given an early opportunity to appear before the committee, if he desires, for the purpose of denying or explaining any testimony adversely affecting him. It is also the policy of the committee to accord any witness the privilege of being represented by counsel; but within the provisions of the rules of this committee, his sole and exclusive prerogative is to advise his client.

I would remind those present that a disturbance of any kind or an audible comment during the hearing will not be tolerated. This is a serious proceeding in which we are earnestly trying to discharge an important and arduous duty with the general objective of maintaining the security of this great Nation.

The rules of the House of Representatives prohibit the taking of pictures and broadcasting of any type during the course of the hearing, and we expect the photographers and broadcasters to cooperate and comply with this rule.

Are you ready to proceed, Mr. Counsel?

Mr. ARENS. Yes, sir. Are you ready for the first witness, Mr. Chairman?

Mr. MOULDER. Yes.

Mr. ARENS. Mr. Armando Penha, please come forward and 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 of the Committee on Un-American Activities will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PENHA. I do.

Mr. MOULDER. Please have a seat.

#### TESTIMONY OF ARMANDO PENHA

Mr. ARENS. Please identify yourself, sir, by name, residence, and occupation.

Mr. PENHA. My name is Armando Penha. I live at 22 Dover Street, Fairhaven, Mass. I am an inspector at Acushnet Process Co., at present on leave of absence.

Mr. ARENS. Mr. Penha, are you now, this moment, a member of the Communist Party?

Mr. PENHA. Yes, sir.

Mr. ARENS. Are you ideologically in sympathy with the Communist Party?

Mr. PENHA. Absolutely not, sir.

Mr. ARENS. When did you join the Communist Party?

Mr. PENHA. In the very early part of 1950.

Mr. ARENS. And during all that time you have been a member of the Communist Party at the behest of the Federal Bureau of Investigation; is that correct?

Mr. PENHA. That is correct, sir.

Mr. ARENS. You are here and now for the first time revealing public information which you have acquired as an undercover agent in the Communist Party; is that correct?

Mr. PENHA. That is correct, sir.

Mr. ARENS. Now, Mr. Penha, have you at any time since 1950 been in contact, directly or indirectly, with any agency of any State or of the Federal Government other than with the Federal Bureau of Investigation and with the House Committee on Un-American Activities?

Mr. PENHA. No, sir.

Mr. ARENS. You have over the course of the last several months been in close contact with the House Committee on Un-American Activities; is that correct?

Mr. PENHA. That is correct, sir.

Mr. ARENS. Please tell us the circumstances of your joining the Communist Party and precisely when you joined it.

Mr. PENHA. Yes, sir. Sometime in 1949, and I believe prior to that, I was under the impression, as an average American, that there was something that I could do in order to help our country maintain its freedom. At the time that Herbert Philbrick became known, I thought that there might be a possibility that I could offer my services to the Government.

At a later date another undercover agent, Matt Cvetic, was disclosed and more or less coincided with the fact that being an insurance salesman, which I believe was his occupation at one time, or connected with the insurance business, and where I was in the insurance business, I felt then that, in all humility, I could offer my services if the Federal Bureau of Investigation would accept me.

Mr. ARENS. Did you offer your services to the Federal Bureau of Investigation?

Mr. PENHA. Yes, I did.

Mr. ARENS. I will not at this time, Mr. Penha, dwell upon the details of your admission into the Communist Party. I would like right now, if you please, sir, for you to tell us just the posts or offices or positions which you have held within the Communist Party since you joined it in 1950.

Mr. PENHA. Yes, sir. Some of the positions and posts that I held in the Communist Party have been that of section organizer for the New Bedford area, that is, the head Communist for that area. And I have also been chairman of the Bristol County area for the Communist Party, which comprises the cities of New Bedford, Taunton, and Fall River and its surrounding towns.

I have also been chairman of the section organizers, Regional Section Organizers, I should say, Committee, which was a committee set up for the purpose of giving the opportunity, as the district leadership stated, to increase the knowledge and in the future to become district leaders.

Among other positions I have held was that of being a member of the New England District Committee, which is the ranking committee that controls the Communist apparatus in New England.

I have also been a member and delegate from New England for the Communist Party to the National Textile Commission in New York City.

Mr. ARENS. What position do you presently hold in the Communist Party?

Mr. PENHA. My positions at the present are, to the best of my knowledge, district committee member, National Textile Commission member, and section organizer for New Bedford.

Mr. ARENS. Now, Mr. Penha, what is the last service which you have—

Mr. PENHA. Mr. Director, may I just insert one correction there?

Mr. ARENS. If you please, sir.

Mr. PENHA. My name is rather unusual. I know that, but it is pronounced "Penya."

Mr. ARENS. We have in our associations with you, as you know, used another name; and that is the reason why, I explain now, I have difficulty actually addressing you by your right name. Isn't that correct?

Mr. PENHA. That is correct, sir.

Mr. ARENS. Tell us now on this public record what was the last service which you performed for the Communist Party, and when—prior to your appearance here just a few moments ago?

Mr. PENHA. Well, sir, the last service was performed this past week, about three days ago; and during most of the entire week, that service was as head of the party apparatus in New Bedford.

I was approached to give advice and obtain consultation from me in order to equip themselves as to how they should conduct themselves before this committee.

Mr. ARENS. Could you give us, without dwelling too long on it, just a word as to the technique and advice that you, as a leading Communist in this area, gave the other comrades as to how they were to conduct themselves before this Committee on Un-American Activities.

Mr. PENHA. Yes, sir. One of the phases of my consultations and advice given to the comrades was supplying them with copies of reports of previous hearings in other areas throughout the country, in order to acquaint the comrades as to the procedure, the line of questioning, and how a hostile witness answers in turn.

Mr. ARENS. May I insert this at this point, if you please, sir: The instructions which you have, in the course of the last several days, been giving the other comrades as to how they are to conduct themselves before this committee were given to you by other persons in the apparatus, isn't that correct?

Mr. PENHA. Yes.

Mr. ARENS. You were a conduit for transmission of that instruction?

Mr. PENHA. That is correct, sir.

Mr. ARENS. We will get into that more a little later.

Mr. KEARNEY. May I ask a question here, Mr. Chairman?

Mr. MOULDER. Mr. Kearney.

Mr. KEARNEY. Those persons to whom you gave such advice, were they all members of the party, or alleged members of the party, who were under subpoena to appear here?

Mr. PENHA. They were members of the Communist Party from the New Bedford area that were under subpoena, yes, sir.

Mr. KEARNEY. How many individuals were there, would you say?

Mr. PENHA. The ones that I contacted were three, sir, from the New Bedford area. I will correct that, sir, if I may? I stated that I contacted. I was first approached by one of them, and then a preliminary arrangement was made to contact the others.

Mr. ARENS. We expect in the course of the day to interrogate you on a number of items; and as we have told you and discussed with you privately, there are a number of items that we do not at this time want to go into with you in a public session because they necessitate considerable investigation.

Mr. PENHA. Yes, sir.

Mr. ARENS. I should like at this time, as a point of departure in our general interrogation of you, please, sir, to ask you on the basis of your background and experience, how serious is the Communist Party menace in this area now?

Mr. PENHA. Well, may I answer this way, sir?

In answer to your question as to how serious the Communist Party menace is in this area, I would like to answer on the basis of not only in this area but throughout the entire United States.

Mr. ARENS. Please do so.

Mr. PENHA. The reason for that is because of my experience and having been in various areas of the country, and I feel that I am better equipped to put it on a larger area than the New England area.

Based on my experiences, I feel—and I am sure that I am absolutely correct—that the Communist conspiracy, by and large today, is much stronger than it has ever been. The question of numbers, as to how many persons are members of the Communist Party, the party in some way or other seemingly likes to play that up—as to loss of membership and so forth and that it has weakened. Nevertheless, that is not true. The party has strengthened itself every time that it weeds out weaklings, those that they suspect, those who do not accept the party discipline, and as such it becomes stronger.

By and large, I would say, organizationally speaking, I do not know of any organization in the world that can equip itself and state that it has the qualifications of the Communist Party to operate organizationally.

Mr. ARENS. Is there a distinction that may justifiably be made between a Communist and a technical member of the Communist Party as such?

Mr. PENHA. Would you please repeat that?

Mr. ARENS. Are there Communists who are not technical members of the entity known as the Communist Party?

Mr. PENHA. Yes, sir; there are.

Mr. ARENS. Is the Communist Party a political party?

Mr. PENHA. The Communist Party is not a political party in the sense that we understand here in the United States the two existing political parties. It is a conspiracy. Its objective is to defeat these very political parties that exist, along with other aims.

Mr. ARENS. How far underground is the Communist Party as an entity now?

Mr. PENHA. Unfortunately, sir, it is very much underground. I would say it is deep freeze. They do use some members on the open scale for propaganda purposes.

Mr. ARENS. We will get into a number of items along that line a little later. I want to be sure that this record reflects your best judgment, based upon this intense experience, with reference to this concept of the activity of the Communist Party. I observed you used the word "deep freeze." You do not mean to imply that the party is dormant, do you?

Mr. PENHA. No, sir.

Mr. ARENS. The party is very active right now, is it not?

Mr. PENHA. That is absolutely correct.

Mr. ARENS. How does the party gain its strength? By what devices, by what techniques does it gain its potency?

Mr. PENHA. There are many ways. One of them I may stress at this point is by means of infiltration.

Mr. ARENS. What do you mean by infiltration? Give us just a word about that, sir.

Mr. PENHA. Well, sir, I will try to be brief on that, but it is extremely difficult after 8 years to put in a nutshell just what infiltration is. However, I would say that infiltration is a means which the party uses in order to place a trusted member into industry or an organization for the purpose of serving the party's interests. In doing so, this party member is in position to influence the mass workers of that particular organization. That is one of the aspects.

We have also mass agitation. By mass agitation, the party finds here that it gives them an experience which I am sure that our existing political parties would not care to use because they would not consider themselves political parties; and that is one way to agitate in a mass form. In this sense they do it on the basis of creating an issue. If that issue is one that can serve the people at that particular time, all well and good. However, as time goes on, if the party sees that that issue is not beneficial to the party—in other words, as a result of the party's putting its efforts into coordinating this issue and broadening it out to the extent that it adds its full impact, to the extent that the party feels that they have to gain control of this organization, they have to influence the masses involved in and around this organization, they will attempt also to influence any public officials, whether it is local, State or Federal level. And mainly it serves as a basis—and I think this is the strongest point that I can raise—for giving a comrade the experience of leading masses, knowing, how to handle situations, and above all it becomes a test for him as a leader—accepting party discipline and also in indicating to the party whether or not he has absorbed the organizational abilities that the party has attempted to convey to him.

Mr. ARENS. Is there any doubt in your mind, based upon your background and experience, but that the Communist apparatus in the United States represents foreign agents of the Soviet Union on American soil?

Mr. PENHA. There is no doubt at all, whatsoever in my mind.

If I may, sir, I have a book here that will further implement not my opinion but the experiences that I have had in the Communist Party. In the Communist Party you do not criticize Russia. This fallacy of the Khrushchev enunciation on Stalin, of criticizing Russia, or criticizing some of its leaders or Stalin, is just another one of its gimmicks. It is another method of Mr. Khrushchev hoping to attain the position and prestige of Mr. Stalin.

Now, I would like to just quote from a book that in the past the party has screened. It is Leninist works and Marxist works or something that is more or less general and it is Russian; it is not American. They may use parts of it, and so forth, which is not true. However, this book, *Toward Soviet America*—this book is published or, rather, written by Mr. Foster, an international leader in the Communist apparatus and national leader of the Communist Party. And I believe that in just reading a few lines here, it will indicate that my experiences and my belief that the Communist Party, U. S. A., is a tool of the Communist International bears out.

Mr. ARENS. Was that book given to you as part of your indoctrination as a Communist?

Mr. PENHA. This book was not, for one simple reason: They could not get it at the time and they in turn instructed me to see if I could get it elsewhere, which I was very fortunate in obtaining.

Mr. ARENS. We expect to develop this issue a little later on this afternoon. I would suggest that you might just summarize the quotations there unless they are rather brief.

Mr. PENHA. They are brief, sir.

Mr. ARENS. Kindly allude to them, please, sir.

Mr. DOYLE. May I inquire?

Mr. MOULDER. Mr. Doyle is recognized.

Mr. DOYLE. When and where was the book published?

Mr. PENHA. This book was published in the United States I believe in 1932.

Mr. DOYLE. Does it show in what city and by what publishing company?

Mr. PENHA. It says here, "Printed for International Publishers by Coward-McCann, Inc., New York."

Mr. DOYLE. Thank you.

Mr. MOULDER. Mr. Kearney?

Mr. KEARNEY. This is William Z. Foster you are talking about?

Mr. PENHA. Yes, sir.

Mr. KEARNEY. Wasn't he one of the 12 Communists who were indicted in the city of New York several years ago but was too ill to be tried?

Mr. PENHA. Well, sir, it is sort of a farce to say that he was too ill. It was true that he did have a heart ailment. However, he was not too sick to write many books, many articles, and take a very active part in leading the Communist conspiracy in this country.

Mr. KEARNEY. He is still well enough to be traveling around the country, preaching the doctrine of the Communist conspiracy today, isn't he?

Mr. PENHA. That is correct, sir. There again is one of the tactics of the Communist Party.

Mr. ARENS. While you are looking for that quotation, may I ask you this question: Is the objective of the Communist apparatus in the United States conversion of the masses to communism or is it, on the other hand, conquest?

Mr. PENHA. By and large the Communist Party knows—and I am speaking from experiences as resulted from top meetings that have been told to me—that the Communist Party will never at any given moment be able to convert the American public at large. They realize that. The only way is to make use of the tools that Lenin has handed down, mainly force and violence.

Mr. KEARNEY. Doesn't Foster in his writings advocate force and violence?

Mr. PENHA. Yes; he does, sir.

Mr. KEARNEY. Didn't he say, whether it is in your book or not, that when the time came in this country the Communist Party would be backed by the force of the Red Army?

Mr. PENHA. That is correct, sir. He also states in this book that courts, lawyers, all types of legal apparatus that we have in our democratic system today will be abolished completely.

Mr. KEARNEY. So, in other words, it is well for the American public to know today this is no game we are playing?

Mr. PENHA. The thing I have to say in regard to that, sir, is that unfortunately there is too much complacency in the American public.

It is only when the house is on fire that they seem to be worried about what is going on.

Mr. KEARNEY. Isn't Foster today the leader of the Soviet faction of the Communist Party in this country?

Mr. PENHA. Sir, that is a very good question. He very definitely is; and a result of it is the fact that John Gates, who had been in prison, who had suffered as a Communist for the Communist cause, when he came out he took advantage of the Khrushchev denunciation and, as a result of that, he felt that there might be a possibility of establishing communism as Tito did in Yugoslavia. However, Mr. Foster saw fit not only to win the battle as he did, but to weed Johnny Gates out to the extent of putting the Daily Worker out of business, so that at a later time it will come into business as a tool and under the discipline of Mr. Foster and the Communist Party.

Mr. KEARNEY. Would I be correct in bringing to the attention of the public of America this thought, that William Z. Foster is no more concerned with things representing America than, we will say for argument's sake, this committee is with what the Communist Party believes in and its philosophy?

Mr. PENHA. Would you repeat that, sir?

Mr. KEARNEY. In other words, let me put it this way:

Foster today, and for many years last past—ever since he joined the Communist Party, the Communist conspiracy, whatever you want to call it, with all his double talk—no more believes in things American and the American way of life than we do in the Communist philosophy.

Mr. PENHA. That is absolutely correct, sir, not only Mr. Foster, but I would say all Communists that are hard-core members. They are not Americans. They are Communists.

Mr. ARENS. Now, sir, would you kindly allude to the quotation to which you referred?

Mr. PENHA. Yes, sir. Thank you, sir. And I quote:

The Communist Party of the United States, in line with its program of class struggle, unites with the revolutionary workers of the world. It is the American section of the Communist International. The Communist International carries out a united revolutionary policy on a world scale with the necessary adaptations for the special conditions in the various countries. The Communist International is a disciplined world party; only such a party can defeat world imperialism. Its leading party, by virtue of its great revolutionary experience, is the Russian Communist Party.

I don't want to indulge any further because there is too much to go on.

Mr. DOYLE. On what page in the book is that, please?

Mr. PENHA. Pages 258 and 259, sir.

Mr. DOYLE. Thank you.

Mr. ARENS. We will in the course of the day have a great number of specific questions on various facets of the conspiratorial operations in this area known to you.

I should like to ask 2 or 3 more general questions before we proceed in the exploration of these many facets.

First is this: In the course of your experience in the Communist Party up to today, what percentage of the comrades in this area did you come to know in view of the security system that they had?

Mr. PENHA. I will say, if I understand your question correctly, sir, it is pertaining to the New England area?

Mr. ARENS. Yes, sir. In the New England area, about what percentage of the comrades in this area did you become acquainted with?

Mr. PENHA. Over a period of 8 years, I would say that I came in contact with approximately 60 to 65 percent of its membership. That, in terms of numbers—

Mr. MOULDER. May I interrupt to ask: Did you cover the witness' background, where he was born—

Mr. ARENS. We expect to get into that in just a few moments.

Mr. MOULDER. Thank you.

Mr. PENHA. I would like to put it this way, sir, if I may, sir: During the 8 years that I was in the party, to the best of my recollection, I have known approximately 400 Communists.

Mr. ARENS. In the New England area?

Mr. PENHA. In the New England area I would say it would be somewhere between 285 to 315.

Mr. ARENS. Now for the comrades whom you knew, what is your best judgment as to the percentage they represented of the total apparatus in the New England area?

Mr. PENHA. I would like to put it this way if I may, sir. Every section or practically every section in New England, and that section—by that I mean city and its surrounding areas—had a section committee along with a section organizer, who is the head. In the case of New Bedford, when I first joined the party and when I first became a member of the Section Committee, as I recall, I believe there were approximately 7 or 8 members in the section committee. That represents, I would say, very accurately, 10 members for each member in that committee; and that holds true for New England.

Mr. ARENS. Then is it true, if I interpret your testimony correctly, that for each person whom you know in the echelon within the Communist Party in which you circulated, there were approximately 10 other comrades in some other phase of the Communist Party apparatus?

Mr. PENHA. That is correct, sir.

Mr. MOULDER. For each member that you knew?

Mr. PENHA. Not for each member that I knew, because I did know many rank and file, too. I would say for each committee that I have known throughout the areas which I have known, I would say that for each 1 that I knew as a member of that committee there were 10 Communists that he represented, directly or indirectly.

Mr. DOYLE. May I ask how many committees you knew? You have stated that there were 7 or 8 members in each section in each city. But how many committees?

Mr. PENHA. May I correct that statement, sir?

Mr. DOYLE. Yes, sir.

Mr. PENHA. I stated when I first came into the party and I was first elevated in New Bedford to the Section Committee, there were either 7 or 8 members of that committee, I stated, in New Bedford. In some areas it does not apply, the same numbers.

Mr. DOYLE. Now, may I make my question clear? How many cities or sections, to your knowledge as of now, have city committees, section committees, in New England?

Mr. PENHA. Well, sir, I would say from my experiences and recollection, aside from New Bedford you also have Fall River; you have

Providence, R. I.; you have Springfield; you have Lawrence; and you have various committees throughout greater Boston, Dorchester, and Rochester and so forth in Boston.

Mr. DOYLE. Thank you very much.

Mr. MOULDER. May I suggest that the loudspeaking arrangement be turned lower or disconnected; we might hear the witness better without it than with it.

Mr. ARENS. Could you turn it down a little, please?

Now, sir, we have talked in general terms about the over-all apparatus. I have just 1 or 2 more questions and then I want to get into your own personal life, if you please, sir.

You told us about the potency of the Communist apparatus, something of the actual Communist agents at nerve centers in this society here in New England. Can you tell us the ratio, on the basis of your background and experience, of hard-core Communists to those who are under Communist discipline or who contribute to the work of the apparatus?

Mr. PENHA. Sir, that is a question well put. I think it is a very pertinent one. You will find that approximately 40 to 60 percent of its membership are secret members, hard-core members, that are infiltrated in various organizations, industry, fraternal organizations, and the like. This, of course, does not mean that this remaining portion are not hard core, but they are in other levels.

Mr. ARENS. Is there any way you could appraise for us, based upon your experience in the Communist Party, the numbers who are not actually within the apparatus consciously but who serve the work, purpose, and objective of the apparatus under the stimulus of the apparatus?

Mr. PENHA. Sir, may I ask you this: Do I assume—

Mr. MOULDER. May I interrupt, Mr. Arens? Would you also add: "And also for the purpose of what they refer to as following a just and righteous cause, in many instances"?

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

Mr. PENHA. That will be a loaded question. Sir, may I ask, first, I believe you are making reference to Communist sympathizers?

Mr. ARENS. Yes, sir.

Mr. PENHA. I would say this very strongly—and this does not apply only to New England—that for every member of the Communist Party there exists a minimum of 10 sympathizers who, in turn, can branch out and influence other people.

Mr. ARENS. Now, I should like, with this general series of questions, if you please, sir, to let the record now reflect something of your own personal background and experience and also a word about your own tribulations as a Christian gentleman within this Godless apparatus.

Mr. PENHA. Thank you, sir.

Mr. ARENS. Tell us where you were born, when, and a little of your educational background and the principal employments which you have had, a little about your family, and the like; and then we will proceed into the details of the conspiracy in this area.

Mr. PENHA. Yes, sir.

I was born in New Bedford, Mass., June 5, 1920. In 1932 I went, together with my parents, to Portugal, and I remained there until 1940. I came back to this country at that time. Shortly thereafter,

I was employed for the United States Government as a censor and translator for the Office of Censorship in New York City.

In 1942 I went into the service and, subsequently, after that, I was called into the military intelligence and became a member of it for approximately 32 months.

When I was discharged from the service, I was employed by the John Hancock Life Insurance Co. as an insurance salesman.

And may I add at this time that, as a result of becoming a member of the Communist Party, I was not only instructed but told that if I wanted to progress, if I was to become a good, hard-core Communist, I would have to leave such an employment and get into the industrial field. I did, at a sacrifice of approximately \$45 to \$50 a week. I first went to Simon Supply Co. as a salesclerk. Then I followed into Ace Cabinet and, subsequently, to Acushnet Process Co.

Insofar as my educational background is concerned, I believe it is just a typical average American; high school, business school, and a bachelor of laws degree.

Mr. ARENS. Now, sir, tell us just a word, if you please, about your family. Are you a family man?

Mr. PENHA. I am a family man; yes, sir. I would like to add at this point, if I may—and I hope that the gentlemen of the committee will bear with me in taking a few minutes in explaining this, because I think it is highly pertinent—and that is, when I decided to join the Communist Party after approaching the FBI, I reported this to my wife. I felt it was my duty; that, if I was to ever succeed, she would have to share in the outcome. She said, "Yes." And I would say that were it not for my wife, I don't think I would have ever succeeded in the party. She has gone through many strenuous and difficult tasks in the party, entertaining party leaders, secret members, having them stay in my home, watching the children, seeing that they would not say anything out of line, and many other things.

Mr. ARENS. And could I impose upon your personal life just to this extent, not from the standpoint of prying but from the standpoint of making the record clear: Did the participation by yourself in the Communist Party in any way interfere with your normal participation in your religious convictions and in your religious observances?

Mr. PENHA. It certainly did, sir. I first would like to point out that, whether anyone present is a Jew, Protestant, or Catholic, let him remind himself that the fact he can go to his own church or synagogue at any time is a great privilege. I didn't realize this until I got into the party. Sometimes I felt I may have had a headache or something, today I will not go to Mass. Once I was in the party I realized the very thing that I wanted, that I needed to be close to me, I did not have, I could not have.

As a result of that, in the 8 years, I believe, I have been inside of the church no more than 12 times, in various areas of the country, and this taking the best of measures.

However, I would like to point out at this time that although I do know the person I am going to speak about is a very humble person, if I may say so, and would not like to have me mention him, but he has been my inspiration, spiritual, as I could not be in church. Msgr. Walter Furlong, from Newton, has given me the greatest guidance and

assistance. Were it not for him I do not believe I could have carried the load I did.

Mr. DOYLE. May I ask why you did not go to church more than 12 times in 8 years? That is not quite clear to me. After you joined the party, why didn't you go? What did the party have to do with it, if anything? They didn't control where you went to church, did they?

Mr. PENHA. Sir, they controlled every movement of life. They are atheists by nature, and if you go to church they want to know why. They do have some members that they want to be in church in order to infiltrate the various organizations within the church, but, as a whole, the hard-core Communists don't believe in it, to start with. And if I was to go in there I wouldn't be here today, I am sure.

Mr. DOYLE. Well, I deliberately asked you that question so that the record would be more clear as to what the discipline of the Communist Party is so far as religion is concerned.

Mr. PENHA. It was very strong, sir.

Mr. ARENS. Mr. Chairman, I respectfully suggest that we might take a 5-minute recess.

Mr. MOULDER. The committee will recess for a period of 5 minutes. (Brief recess.)

Mr. MOULDER. The committee will be in order.

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

Mr. MOULDER. Mr. Arens, you may proceed with the interrogation of the witness.

Mr. ARENS. Now, sir, would you kindly tell us who actually recruited you into the Communist Party, where, and within what entity of the Communist Party?

Mr. PENHA. The person that recruited me into the Communist Party was Joseph Figueiredo. At that time he was a section organizer for the New Bedford area. I don't recall the rest of your question, sir.

Mr. ARENS. What section or what entity or unit or cell of the Communist Party did you first enter?

Mr. PENHA. Well, I first entered a group which the section organizer, Joseph Figueiredo, was attempting to establish, and that was a so-called anti-Fascist group. It was, in other words, a group that was trying to make a wedge into the minority group in New Bedford, the Portuguese-speaking people, who by and large, I would say 99 percent, are anti-Communist.

Mr. ARENS. Was this group, notwithstanding the fact that 99 percent were anti-Communist, was it controlled by the conspiracy?

Mr. PENHA. Sir, when I said 99 percent I meant the entire population of Portuguese extraction.

Mr. ARENS. I understand.

Mr. PENHA. I want you to understand that, sir.

Mr. ARENS. I understand. Was there an entity or organization that you entered?

Mr. PENHA. Yes, sir.

Mr. ARENS. What was the name of it?

Mr. PENHA. The organization that I entered—actually it was twofold. I entered one without being a member of it, attending some of its meetings and seeing some of its members, and this one was known as the Alliance Liberal Portuguese Club (ALP).

Mr. ARENS. Did you enter it at the behest of the Communist Party?

Mr. PENHA. I did not enter this club as a member. I entered this club in order to get acquainted with Communist sympathizers in there and to assist in the anti-Fascist action. The club that I entered—

Mr. MOULDER. Was it a discussion group, that which is sometimes referred to by the Communists as a discussion group?

Mr. PENHA. Yes, sir. I think, if you will permit me, sir, later on I can go into that.

Mr. MOULDER. Proceed.

Mr. PENHA. The club that I did enter as a member, as a written member, was the Portuguese Republican Club of New Bedford. To show you the power, the influence of the Communist Party, in relatively 2 months as a member I became its secretary.

Mr. ARENS. That was because you were pushed by trained Communists?

Mr. PENHA. Communist sympathizers in this club and ex-Communists.

Mr. ARENS. Would you kindly tell us the first cell or section of the Communist Party to which you were attached?

Mr. PENHA. I was attached to the Section Committee, I believe approximately in July or August of 1950.

Mr. ARENS. That was the New Bedford Section Committee?

Mr. PENHA. That is correct, sir.

Mr. ARENS. Now, please, tell us the name of each person who at any time, to your certain knowledge, was a member of the New Bedford Section Committee of the Communist Party; and I have admonished you, as you know, prior to your appearance today, that we do not want you to identify, or to suggest identification of, any person on this public record who is not to your certain knowledge, based upon attendance by you in closed party meetings with that person, a member of the Communist Party. You understand that?

Mr. PENHA. Yes, sir.

Mr. ARENS. All right, sir. Now, would you kindly tell us the name of each person known to a certainty by you, because of attendance by you in a closed Communist cell meeting with that person, as a member of the New Bedford Section Committee.

Mr. PENHA. Sir, if I may first, I would like to state this—

Mr. ARENS. Yes, sir.

Mr. PENHA. The persons that I have stated in my contacts with you—and which I hope it will bear out here—are persons that I definitely know as Communists, being a Communist leader, I absolutely would know them.

Mr. ARENS. Would you kindly, then, give us the name of each person in the New Bedford Section Committee known by you to be a comrade?

Mr. PENHA. In the New Bedford Section Committee?

Mr. ARENS. Would you excuse an interruption. I am sorry. After you have given us the name of the persons, give us just a word of characterization or description of that person, not physically, but from the standpoint of activity.

Mr. PENHA. Yes, sir.

I should start with Joseph Figueiredo.

Mr. ARENS. And a word about him, please, sir.

Mr. PENHA. His title was section organizer and chairman of the Section Committee. He was responsible for the entire Communist apparatus and its discipline among the members of the city.

Mr. ARENS. He is presently in California, is he not?

Mr. PENHA. That is correct, sir.

Mr. MOULDER. What period of time are you covering now, Mr. Arens?

Mr. ARENS. This is 1950, is it not?

Mr. PENHA. That is correct, sir.

Mr. ARENS. All right.

Mr. PENHA. The second member that I would like to bring to your attention, sir, is Eulalia Figueiredo.

Mr. ARENS. And a word about that person. Is that a man or woman, by the way?

Mr. PENHA. She is a woman. Presently she is in Poland. She was deported. She was the wife of Joseph Figueiredo. Her activities were concentrated more so on union organizations than front organizations.

The next person is Mary Figueirido, no relation whatsoever to the previously identified Figueiredos. At that time she was employed at the Fiske Mills in New Bedford. The Fiske Mills, of course, today are not operating. But she was at that time. She was a leading comrade and she exerted great influence not only among the stewards but the local leadership, and that was her primary task.

Mr. ARENS. What union was that?

Mr. PENHA. That was Mary Figueirido that I am talking about.

Mr. ARENS. What union?

Mr. PENHA. The TWUA, sir, CIO.

I may also say that she was an officer for several years, and the last time she was instructed not to become an officer because of a Taft-Hartley oath that she would have to undertake.

The next person, at that time her name was Joy Clark. Today she is Joy Clark Figueiredo. She has since married Joseph Figueiredo. She was in charge of press, literature, and dues.

Mr. ARENS. May I inquire whether or not you have information respecting any underground activities of Mary Figueirido?

Mr. PENHA. Yes, I have, sir.

Mr. ARENS. Give us a word of description on that and we will get into the underground operations a little later, but just a word, now, if you please, about Mary Figueirido's activity underground.

Mr. PENHA. Well, one of her key activities was, of course, in and around the mill local. She was very instrumental in guiding the CIO leadership during her time of leadership. Subsequently, after that, in the early fifties, she became more or less a part of servicing Communist Party sympathizers and members in their homes; and as such she was and could be used as a courier.

Mr. ARENS. Did she ever, to your knowledge, arrange housing facilities for members of the underground in transit to this area?

Mr. PENHA. Among other things that she did was infiltration of the Clube Alianca Liberal Portuguesa—

Mr. ARENS. I didn't get that.

Mr. PENHA. As an officer.

Mr. ARENS. She became an officer of—

Mr. KEARNEY. What was the name of the club?

Mr. PENHA. The Alliance Liberal Portuguese Club (ALP).

Another was arranging places of meeting; these were secret meetings for the underground members.

I may say that in each and every one I could go in quite detail if we had the time.

Mr. ARENS. After we have permitted you to identify people known by you as leading comrades in each of these several entities, we expect to get into the pattern of operation, the underground, and the like, so I will not ask you at this time to dwell upon that.

Mr. PENHA. Yes, sir.

Mr. ARENS. Now, if you please, sir, was there another person who was known by you to be a comrade in the New Bedford Section Committee?

Mr. PENHA. The other person was known as Nat Shelman, Nathaniel.

Mr. ARENS. And a word about him, please, sir.

Mr. PENHA. He was a colonizer sent in from the district into the New Bedford area.

Mr. ARENS. We expect to get into the subject of colonization perhaps this afternoon with you. Could you tell us now what you mean by colonization?

Mr. PENHA. What I mean by a colonizer is a person that is instructed by the party to infiltrate key and basic industries, labor unions, and organizations to serve the party's interests.

Mr. ARENS. And Nat Shelman was to your certain knowledge a Communist Party colonizer?

Mr. PENHA. Absolutely, sir.

Mr. ARENS. Do you have the name of another person who to your certain knowledge was in the New Bedford Section?

Mr. PENHA. The next person was Andie Shelman, his wife. She was also a colonizer.

Would you give me the number, please, that I have given to that point, so I won't repeat?

Mr. ARENS. I believe about a half dozen.

May I suggest to you the name of Dan Amado.

Mr. PENHA. Yes.

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

Mr. PENHA. Yes. Dan Amado was another member of the Section Committee, and the last one, of course, was myself.

Mr. ARENS. Can you give us a word of characterization or description of the activity of Dan Amado?

Mr. PENHA. Dan Amado was a worker in the Goodyear plant and as such he was to carry the party's policy into the plant and influence as many of the people as he possibly could. I would like also to say that he was very active in Negro affairs because of the fact that he is of Cape Verdean extraction.

Mr. ARENS. We are in the period of 1950, shortly after you joined the Communist Party; is that correct?

Mr. PENHA. That is correct.

Mr. ARENS. In the chronology of your career?

Mr. PENHA. Yes, sir.

Mr. ARENS. Were there other members who subsequently came into the New Bedford Section of the Communist Party?

Mr. PENHA. Yes, sir.

Mr. ARENS. Can you tell us who they were and a word of description or characterization of them from the standpoint of their activity?

Mr. PENHA. Yes, sir. The subsequent members of the Section Com-

mittee took place as a result of the State law passed in 1951 outlawing the Communist Party in Massachusetts.

In other words, some of the key members took off, they flew the coop, as the party would say. As a result of that, when I became section organizer, I had to bring in other people, among them Douglas Perry, union organizer for the UE. I would say, although I anticipate on the question of infiltration and colonization that we are going to speak about him later—I will say one thing now, that a union organizer; that is, a Communist, as the mandate of the party is, first, he is a Communist, and, secondly, union organizer.

Mr. ARENS. Continue.

Mr. PENHA. The next person, Olga Garczynski.

Mr. ARENS. And a word of characterization of her, please, sir.

Mr. PENHA. Olga Garczynski is presently working at a plant that was known as the National Silver Co. It has recently been purchased by another company. She has been in the National Silver Co. working from within to organize the plant for the UE as instructed by the party.

Mr. ARENS. Could you kindly give us another name, please, sir.

Mr. PENHA. Manuel Coito.

Mr. ARENS. And a word about him, please, sir.

Mr. PENHA. Manuel Coito was working at a textile plant in New Bedford. His influence cannot be minimized because of the fact that he knew and commanded a great deal of respect with the officers of that local. He was also very active in various organizations, particularly Portuguese clubs in the area.

Mr. ARENS. All right, sir. Is there another name?

Mr. PENHA. There is Roy Rogerson.

Mr. ARENS. And a word about him, please, sir.

Mr. PENHA. Roy Rogerson is employed at present and for many years at the Morse Drill & Machine Co.

Mr. KEARNEY. Where is that located?

Mr. PENHA. That is in New Bedford, sir.

He is considered one of the best hard-core members, along with Douglas Perry, in New England—not only in New Bedford. He has been very active in union matters relative to creating a greater wedge between management and the union, also in bringing about the party line that was his main task, and also running as a candidate for political office in order to bring about the party line in his campaign.

Mr. ARENS. Is there another name you should like to tell us about?

Mr. PENHA. I recall that Maud D'haze, who is now deceased, was also a member for a short time.

Mr. ARENS. In view of the fact she is deceased, I suggest that we will not probe further with reference to her.

May I suggest the name Arnold Schwartz?

Mr. PENHA. The next person is Arnold Schwartz.

Mr. ARENS. And a word about him, please, sir.

Mr. PENHA. Arnold Schwartz is originally from New York, I believe the Bronx. He is a colonizer. He was sent from the New York area into New England for the purpose of colonization. The district in turn sent him into New Bedford area, where he obtained employment at the Wamsutta Mills, a textile plant, as instructed by the party.

The next person is his wife, Rosaline Schwartz.

Mr. ARENS. And a word about her, please, sir.

Mr. PENHA. She in turn was also a colonizer. When she came into our area, she was, of course, married. They had originally come together from New York. She also obtained employment in New Bedford as instructed by the party for the purposes of colonization.

Mr. ARENS. Are there any other persons who, to your certain knowledge, were members at any time since 1950 in the New Bedford Section of the Communist Party?

Mr. PENHA. I would say that we did have, for example, acting members for a short period of time.

Mr. ARENS. What do you mean by an acting member?

Mr. PENHA. An acting member is one who is not elected to the committee, but is a responsible hard-core member that we need for various reasons.

Mr. ARENS. Now, these persons whom you have just named were in the leader echelon in the New Bedford Section; isn't that correct?

Mr. PENHA. They were elected to the Section Committee, New Bedford.

Mr. ARENS. And for each one of these persons there were a number of other comrades who were not quite in this high status within the apparatus?

Mr. PENHA. Very definitely so, sir.

Mr. MOULDER. May I interrupt to ask: You have used the phrase "instructed by the party." Would you explain that?

Mr. PENHA. Yes, sir.

When I say "instructed by the party," I make reference to the fact that when a section committee is holding a meeting, a district leader comes down and gives the party line, or policy, or instructions on each individual case. In other cases it may well be, as it happened in many instances, that the instructions were conveyed to me by a district leader because of the fact that I used to come into Boston very often.

Mr. ARENS. We expect in a little while, perhaps this afternoon, to interrogate you with respect to comrades within the New Bedford Section in the lower echelons. We are now interrogating you with reference to the leadership as you understand, do you not?

Mr. PENHA. That is correct, sir.

Mr. ARENS. I would like, if you please, sir, to skip over to the Fall River Section Committee, the leadership in that area, and ask you to kindly tell us the names of persons who to your certain knowledge were on the Fall River Section Committee.

Perhaps later we will interrogate you publicly with reference to the rank and file.

Mr. PENHA. James Rex.

Mr. ARENS. And a word of characterization about him, please, sir.

Mr. PENHA. He was a person that was considered a hard-core member and was considered more or less the mouthpiece of the party in that area.

When I say "the mouthpiece," it is a person that is used for the purposes of indicating to the public in that area that the party is legitimate and that it is operating in the open. He handled extensively literature, press, and dues.

The next one is Ernie Audette.

Mr. ARENS. Could you give us a word of characterization of Ernie Audette?

Mr. PENHA. Certainly, sir. Ernie Audette was used for mass agitation and propaganda, mainly.

Mr. ARENS. We will probe with you a little later as to what you mean by mass agitation and propaganda and some of the activities, but gives us, if you please, right now, just a thumbnail description of mass agitation and propaganda within the lingo of the conspiracy.

Mr. PENHA. Mass agitation and propaganda that is utilized basically in Communist fronts. If there is an issue that the party sees or can develop that will meet the immediate demands of the workers or the group of any particular organization, they are going to cultivate it. They have extraordinary organizational abilities to do it. However, as time goes on, if they see that there is nothing else coming from it, other than helping that immediate cause, then it is of no benefit to the party and they will drop it. If, however, it does help the party, then it provides a means whereas the party can bring its line into undermining and smearing our democratic system.

Mr. ARENS. Is there another person who to your certain knowledge was a member of the Fall River Section Committee?

Mr. PENHA. There was Alex—

Mr. ARENS. Was it Alex Sawchyn?

Mr. PENHA. That is correct, sir.

Mr. ARENS. Kindly give us a word of description of him, please.

Mr. PENHA. Alex was tied in with labor circles of the Fall River Section of the party, and it was his job to bring the party influence within the labor forces.

Mr. ARENS. Is there another name? May I suggest the name of Sam Appel?

Mr. PENHA. I believe I stated that one. Maybe I didn't.

Mr. ARENS. I am afraid you did not.

Mr. PENHA. I am sorry, sir.

Sam Appel was the key, the link, with the professional people of Fall River. By and large his responsibility lay on the basis of activity in Communist fronts; activities in the Progressive Party of Fall River, which he was responsible for; and more important to the party at times, it is very important, finances, of which he was able to obtain large sums.

Mr. ARENS. Did he make substantial contributions, or did he channel substantial funds to the Communist apparatus?

Mr. PENHA. I would say both, sir.

Mr. ARENS. Now, may I invite your attention to the Providence Section Committee, Providence, R. I., and ask you if you would kindly give us the name and a word of characterization of each person who, to your certain knowledge, was a member of that committee.

We will not at the moment get below the section committee level, if you please, sir.

Mr. MOULDER. And would you also add the period of time to which you are now referring?

Mr. ARENS. Yes, sir. Thank you, Mr. Chairman. What period of time were you connected with the Providence Section Committee?

Mr. PENHA. I would say approximately 1953, straight along the following years.

Mr. ARENS. All right, sir. Now, would you kindly proceed with your testimony?

Mr. PENHA. I would just like to bring to the attention of the chairman, which I am sure he realizes, that I am working strictly from memory, and it is a little difficult to ascertain exactly the dates. I will attempt to do my best.

Mr. MOULDER. We understand that. It is the approximate period of time that you are referring to.

Mr. PENHA. Thank you, sir. Thank you very kindly.

Mr. ARENS. Would you kindly proceed?

Mr. PENHA. I shall start first with Geoffrey White, as section organizer and chairman of the Providence Section Committee.

Mr. ARENS. He just recently moved to California, did he not?

Mr. PENHA. That is correct, sir. I am not in possession of information as to why he went there, but I have a pretty good opinion why.

Mr. ARENS. Could you tell us, was he in the underground?

Mr. PENHA. He was, yes, sir.

Mr. ARENS. We are having difficulty trying to locate him. That is the reason I asked.

Mr. PENHA. I would say this about Geoffrey White. I think in describing an individual such as Geoffrey White would more or less clear the picture as to what a colonizer is. Geoffrey White—

Mr. ARENS. Is there another person, please? Excuse me.

Mr. PENHA. Geoffrey White is an extremely brilliant individual. He is a Harvard graduate. He is an individual with vast experience in the Communist Party, who will follow the party line, and is a very hard-core disciplined Communist. He is also or was selected to be a colonizer twice, once in the Providence area, and the other time in the South.

Mr. ARENS. It is our information that Geoffrey White was one of those persons who, allegedly in the course of the last several months, has submitted what we might, with tongue in cheek, characterize as a resignation from the Communist Party. On the basis of your background, experience, and information of Geoffrey White, do you think he actually resigned from the apparatus, in addition to technical resignation from the party?

Mr. PENHA. Absolutely not, sir. In the first place, I knew Geoffrey White very well. I think I was one of the closest persons to him, other than the district organizer. Secondly, knowing that he was a hard-core Communist and knowing the techniques of the Communist Party, I am quite sure that his statement, made public, that he had resigned from the party was instructed by the party itself.

Mr. MOULDER. Where was this statement made?

Mr. PENHA. One of the places, I believe, was the Daily Worker.

Mr. MOULDER. You say he is now active in California?

Mr. PENHA. Well, he subsequently left for California. It is my assumption here that he has gone there as a colonizer. That is one of the techniques of the party, to break away certain elements and then use them at a later date. That is what they call putting them on ice.

Mr. MOULDER. Putting on what?

Mr. PENHA. Putting on ice.

Mr. ARENS. Or sleepers. They call that sleepers, don't they?

Mr. PENHA. Or sleepers. That is correct, sir.

Mr. ARENS. Will you kindly tell us whether or not there is another person known to you to be a member of the Providence, R. I., Section of the Communist Party apparatus?

Mr. PENHA. The next person is Ralph Lofsky.

Mr. ARENS. And a word about him, please, sir.

Mr. PENHA. Ralph Lofsky is the treasurer of the party. He handles the finances. But more important, he is the theoretician of the party in Rhode Island.

Mr. ARENS. Is there another person?

Mr. PENHA. The next person is Jerry DiBiase.

Mr. ARENS. And a word about him, please, sir.

Mr. PENHA. Jerry DiBiase, in order to bring some light into his identity, I think it is important again to speak of Geoffrey White. When Geoffrey White was working in the plant in Rhode Island as a colonizer, he recruited Jerry DiBiase, which is another of the assets of a colonizer. Jerry DiBiase has been trained in the party for the purpose of being utilized as a colonizer. He has also been very active in the Labor Youth League.

Mr. MOULDER. Where are they now?

Mr. PENHA. I beg your pardon, sir?

Mr. MOULDER. Where are they now and what are they doing at this time? Do you know of your personal knowledge?

Mr. PENHA. Are you referring to Jerry DiBiase, sir?

Mr. MOULDER. Yes.

Mr. PENHA. He may be right here in this room. I didn't look around sir. Do you mean reference where he has been working?

Mr. MOULDER. Yes.

Mr. PENHA. He has been in the Rhode Island section for some time.

Mr. ARENS. Mr. Chairman, may I advise the Chair that a subpoena has been served upon Jerry DiBiase for appearance during this series of hearings here in Boston.

Is there another name?

Mr. PENHA. The next person is Dorothy Friedman. Dorothy Friedman was responsible for the party front organizations and establishing meetings and lectures for the party unnoticingly, of course, to many sources, that is, public sources.

I may also point out at this time that during the time of the revolution in Guatemala, she went there supposedly on a visit. I don't know exactly what it was.

Mr. KEARNEY. That is a good time to go to any country, when there is a revolution going on.

Mr. PENHA. Especially a Communist, sir.

Mr. MOULDER. In addition to the suggestion made by Mr. Arens, that you give a brief identification of persons which you name, so that they may not be confused with persons who may in no way be related to the Communist Party, could you also tell us what your latest information or knowledge is concerning those persons as to what they are now doing and where they are now?

Mr. PENHA. Yes, sir.

Mr. ARENS. All right, sir. With that understanding would you kindly proceed to the next name of a person known by you to be a member of the Providence Section Committee.

Mr. PENHA. The next person is Dave Kolodoff. Dave Kolodoff was responsible for press and literature. I believe, to the best of my recol-

lection, he is employed in a liquor package store which is owned by his parents.

Mr. ARENS. Do you know what city?

Mr. PENHA. In Providence, R. I.

Mr. ARENS. All right, sir. Proceed then to the next name.

Mr. PENHA. I am sorry—the question is for the next name?

Mr. ARENS. If you please. May I suggest the name of Ann White?

Mr. PENHA. I am trying to think of the persons. I was wondering may I have a pad here so I could put down the names?

Mr. ARENS. Surely.

Mr. PENHA. I could put them down, and it would help me because I don't like to make a repetition.

(Paper handed to witness.)

Mr. PENHA. Thank you.

The next person is Ann White. She is the wife of Geoffrey White, She was—I would put, first, her occupation in order to establish the proper identity. She has been a housewife for a considerable length of time. She has been in charge of the Labor Youth League in Rhode Island. She was also selected for the purposes of being sent to the South as a colonizer.

Mr. ARENS. May I suggest the name John Hovan?

Mr. PENHA. Yes, sir. John Hovan was acting section organizer for a while, and also at different intervals he was a member of the Section Committee. He was employed for the same purposes of colonization in the Brown and Sharpe Manufacturing Company in Providence, among others. He has been in several other plants since then.

Mr. ARENS. May I suggest the name Frank Martin?

Mr. PENHA. Frank Martin was the first section organizer for Providence, that is, the first from the time that I became active in the party. He was an able theoretician and had excellent organization abilities. In 1955, I believe, at a district committee meeting, which as a member I was present, we voted to expel him at that time.

Mr. ARENS. Now, may I invite your attention to the Boston Section Committee of the Communist Party and ask you, first of all, to give us the date on which you were identified with the Boston Section Committee of the Communist Party.

Mr. PENHA. I believe the question referred to the committee as a whole and the meetings?

Mr. ARENS. Yes, if you please. We want to proceed in a few moments with identification of persons known to you to be on the Section Committee of Boston.

We do not intend, at least for the next several minutes, to get into anyone below the Section Committee in Boston.

Mr. PENHA. I believe in—approximately sometime in 1954 or '53—I am a little vague on the years.

Mr. ARENS. All right, sir.

Mr. PENHA. But I believe that would be the time. I would start off first with Margaret Hicks.

Mr. ARENS. And a word about her, please, sir.

Mr. PENHA. I know she was active in Negro affairs, being that she was a Negro in front organizations.

Ann Garfield.

Mr. ARENS. And a word about her, please, sir.

Mr. PENHA. Ann Garfield was active in Communist fronts, mainly. I don't think I have—

Mr. ARENS. May I suggest the name of Jerry Olrich?

Mr. PENHA. That is what I was going to ask. I don't think I covered him.

Mr. ARENS. Kindly give us a word about him, please, sir.

Mr. PENHA. He is a very able Marxist, a well indoctrinated, hard-core Marxist, and theoretician. Much of his advice is utilized because of his vast experience and prestige in the party.

Mr. ARENS. May I make the record clear here? The names which I have, from time to time, been prompting your memory with and suggesting are, in each and every instance, names which you have heretofore given us?

Mr. PENHA. That is absolutely correct.

Mr. ARENS. In private session, is that correct?

Mr. PENHA. That is absolutely correct, sir.

Mr. ARENS. Now, may I suggest the name of Edith Abber?

Mr. PENHA. Edith Abber was very active in various Communist fronts and particularly in issues that the party would raise, whether it be for peace, rent control, or what have you.

Mr. ARENS. And Anne Burlak Timpson.

Mr. PENHA. I want to just say one thing in addition to what I will continue on, but I have noticed in the press, not from this time but from the past, that Anne Burlak is known as the "Red Flame."

Mr. MOULDER. I did not understand that.

Mr. PENHA. She has been addressed in the newspaper, in the past I am referring to, as the "Red Flame." I would like to state at this time that in the party she was more than the Red Flame. I don't know how the newspapers arrive at that phrase of calling her that, but they were very accurate in describing this person.

Mr. ARENS. Would you kindly give us now, please, a word of characterization or description of her activities?

Mr. PENHA. Anne Burlak is a very ruthless, hard-core Communist. She spares no one in order to achieve further recognition from the top leadership. She is a past National Committee member of the Communist Party. She is, or rather she has been, a paid functionary by the National Committee.

Mr. ARENS. Incidentally, have you seen her in the court room here this morning?

Mr. PENHA. I haven't looked around to see. It is possible she may be. If you wish, I could look.

Mr. ARENS. No, I just wondered if you had seen her, because she is under subpoena.

Mr. PENHA. Yes, sir.

Mr. MOULDER. The committee will stand in recess until 1:30 p. m.

(Whereupon, at 11:50 a. m. March 18, 1958, the committee recessed to reconvene at 1:30 p. m. the same day.)

#### AFTERNOON SESSION, TUESDAY, MARCH 18, 1958

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

Mr. MOULDER. The committee will be in order.

Are you ready to proceed, Mr. Arens?

Mr. ARENS. Yes, if you please, Mr. Chairman.

#### TESTIMONY OF ARMANDO PENHA—Resumed

Mr. ARENS. I now invite your attention, if you please, sir, to the New England District Committee of the Communist Party and ask you to proceed, in like manner as this morning, to give us the name of each person who, to your certain knowledge, was a member of the New England District Committee of the Communist Party. First of all, please state the approximate time of your identification with that entity.

Mr. PENHA. I wish to state at this time, Mr. Arens, that the first election held in New England for the officers of the District Committee was held in 1955, prior to that it was either 1950 or 1951. This was the first permanent elected committee since that time.

There were 18 members on the District Committee. There were two alternates and there was one member-at-large.

As to the names, I shall start off with the easiest one—myself. Then there was Michael Russo, district organizer, then. He had come out in the open.

Sidney Lipshires, Daniel B. Schirmer.

Mr. ARENS. Was Sidney Lipshires district secretary?

Mr. PENHA. At that time he was; yes, sir.

Mr. ARENS. That is in 1955?

Mr. PENHA. That is November or December of 1955, sir.

Mr. ARENS. What position did Daniel B. Schirmer have?

Mr. PENHA. Daniel Boone Schirmer was party defense chairman for New England.

Mr. ARENS. What do you mean by defense chairman? What was his function?

Mr. PENHA. His function was to act to coordinate and to hand down directives from the National Committee of the Communist Party in relation to: Number 1, to form all types of attacks against committees such as this; Number 2 would be to raise funds in the possibility of any arrests; Number 3 would be propaganda in order to undermine and harass the Government, both State and Federal.

Mr. ARENS. All right, sir. Would you kindly proceed to the next name.

Mr. PENHA. Kitty Heck.

Mr. ARENS. And a word about her, please, sir.

Mr. PENHA. Kitty Heck, while in the underground, she was a product from another state, imported here for underground work, mainly to serve as a courier for the party and also to coordinate some of the work that was handed down by National Committee directives.

Mr. ARENS. All right, sir. Another name, please, sir.

Mr. PENHA. Geoffrey White, section organizer at the time, from Providence, R. I.

Mr. ARENS. You previously mentioned him.

Mr. PENHA. That is correct, sir.

Mr. ARENS. And gave us a word about him. All right, sir. Is there another name?

Mr. PENHA. The next one, Tony Passaretti, from Lawrence.

Mr. ARENS. Give us a word about him, please, sir.

Mr. PENHA. Tony Passaretti was a section organizer for Lawrence. His task was to implement the party line and carry out its policies in the Lawrence area.

Mr. ARENS. Another name, please, sir.

Mr. PENHA. I would like to add two names here and, at the same time, explain why I am referring to both of them rather than separately.

One is Joe Chase and the other one is Bill Harrison. Bill Harrison I know to be a writer. The important element here that I would like to raise is that at the time of the election of the District Committee members, these two Communists were not present. Their names were proposed, acted on, and elected. They were the only two that were not present at the meeting. I do not know who this Chase is.

Mr. ARENS. All right, sir. Do you have another name?

Mr. PENHA. Eddie Garfield.

Mr. ARENS. And a word about him, please, sir.

Mr. PENHA. Eddie Garfield is a former colonizer. He was also prominent in the plant which he colonized, as the editor of its paper in order to further bring out party propaganda.

Mr. ARENS. Did he ever serve on the Metals Commission of the party?

Mr. PENHA. He was also a member of the New England District Metals Commission.

Mr. ARENS. Give us just a word of description about that commission.

Mr. PENHA. The New England District Metals Commission is a group which has been formed, and is part of a national chain directed by the National Committee, for the purposes of coordinating directives issued by the National Committee relative to colonization, infiltration, agitation, propaganda, and many other items, particularly the sending of colonizers to other areas.

Mr. ARENS. Is there another name, please, sir?

Mr. PENHA. The next name would be Robert Goodwin.

Mr. ARENS. A word about him, please, sir.

Mr. PENHA. Robert Goodwin, a former colonizer, chairman of the New England District Metals Commission.

Mr. ARENS. Where was he located, in what city?

Mr. PENHA. He came from the Lynn area.

The next person, Nat Mills, Nathaniel Mills. Nat Mills had been previously a colonizer for the party in this area. Subsequently, he became head of the Massachusetts Committee for the Bill of Rights.

Mr. ARENS. From whence did he come?

Mr. PENHA. He was from the Lynn area.

Mr. ARENS. All right, sir. Is there another name?

Mr. PENHA. Margaret Hicks, from the Boston area. I have referred to her before, I believe.

Mr. ARENS. You have alluded to her before and given a word of description.

Mr. PENHA. That is right.

Mr. ARENS. Is there another name?

Mr. PENHA. Elba Chase, section organizer for New Hampshire.

Mr. ARENS. A word of description about her, please, sir.

Mr. PENHA. Well, she is a section organizer, and her responsibility is parallel to all section organizers, that is, to implement the party line, carry out its policies, and maintain party discipline in the area which they are responsible for.

Mr. ARENS. Is there another name, please, sir?

Mr. PENHA. There is also one that I recall now. I made reference a little while ago about two persons that were not present. I just recall there was another one that was nominated and elected by the name of Howard.

Mr. ARENS. Is that his first name or last name?

Mr. PENHA. I do not know, sir, because I don't know who he is.

Mr. ARENS. Was he from Springfield?

Mr. PENHA. He was to represent Springfield. His alternate was Paul Rosenkrants, I believe.

Elba Chase had an alternate in the person of Hugo DeGregory.

Mr. ARENS. A word about him, please, sir.

Mr. PENHA. Hugo DeGregory was a very active Communist, both in Massachusetts and New Hampshire. In effect he was the key man in New Hampshire, because of the fact that Elba Chase, being an elderly Communist, was not able to commute and contact the comrades as effectively as Hugo.

Mr. ARENS. Was Otis Hood on the New England District Committee in 1955?

Mr. PENHA. Otis Hood was also elected to the New England District Committee at that time.

Mr. ARENS. Is he here present today?

Mr. PENHA. I would have to check, sir.

Mr. ARENS. Could you look over your right shoulder and see if you see him present here in the hearing room?

Mr. PENHA. The gentleman is right there smiling at me.

Mr. KEARNEY. I didn't get the answer of the witness there.

Mr. PENHA. I said the gentleman is right there smiling at me in the front row.

Mr. KEARNEY. What is his name?

Mr. PENHA. Otis Hood.

Mr. KEARNEY. Is that the governor?

Mr. PENHA. Well, as far as the party theories go, when Socialism comes into the country that will be our next governor.

Mr. KEARNEY. That will be the day.

Mr. ARENS. Is there another name, please, sir? Excuse me. Would you want to characterize, give us a word of description of, the activities of Otis Hood?

Mr. PENHA. Yes. First, I would like to say, as all people present can see, that physically Otis Hood is a man of some stature. The same thing applies politically. He is ruthless. He is capable of anything and he will do anything in order to further his own personal aims, let alone the party's goal.

Mr. ARENS. What was his function as a member of the New England District Committee in 1955?

Mr. PENHA. He was assigned one or two areas which he was responsible for. At the moment I don't recall it.

Mr. ARENS. Did he have a little something to do with press and literature?

Mr. PENHA. He was for a time in charge for the entire state on press and literature. He was also responsible in coming down to Fall River from time to time.

Mr. ARENS. Is he a full-time functionary of the apparatus?

Mr. PENHA. I do not know, sir.

Mr. ARENS. Is there another name, please, sir?

May I suggest Edith Abber.

Mr. PENHA. Edith Abber.

Mr. ARENS. You have mentioned her.

Mr. PENHA. Yes.

Mr. ARENS. But was she a member of the New England District Committee?

Mr. PENHA. She was a member. She was elected at that time.

Mr. ARENS. Anne Burlak.

Mr. PENHA. That is a must with her.

Mr. ARENS. Tell us a word about her. You have heretofore characterized her for us. Give us a word of her activities.

Mr. PENHA. I believe I have.

Mr. ARENS. I am sure you have.

Mr. PENHA. But whatever I have done would not be sufficient to cover the entire field on that person.

Mr. ARENS. Well, take a half minute or so, if you please, then, and give us a little more characterization on this public record of Anne Burlak.

Mr. PENHA. Anne Burlak, from my experiences in meetings at which she has been present, has been one that will sort of sit on the side and when she finds the opportune time she takes out her whip—her whip is in her tongue; she is vicious, unscrupulous—and she will do anything that she feels that is deemed necessary.

I may add from my personal experience that she is a paid functionary from the National Committee and also a person that reports to the National Committee as to the activities, behavior, and function of other officials.

Mr. MOULDER. May I interrupt? For the purpose of clarification, you say she is ruthless, an aggressive person, who will do anything to obtain her objectives. What were those objectives and what are her purposes in conducting herself in the manner in which you have mentioned?

Mr. PENHA. Well, sir, they are twofold. One is her personal ambition to further herself within the party, both in stature and authority. The other is to intimidate and decrease the influence of any comrade at any given meeting that she feels in any given way is not following her line of thinking or does not agree with her. She will use any and all terms which I wouldn't dare use here.

Mr. MOULDER. Wait a minute. Enforcing the Communist Party discipline, is that what you are referring to when you say she is ruthless?

Mr. PENHA. That is absolutely correct, sir.

Mr. KEARNEY. Is she presently in the room?

Mr. PENHA. I would have to look around, sir.

Mr. KEARNEY. Take a look around.

Mr. PENHA. Yes. She is.

Mr. KEARNEY. For my own personal reason would you point her out, please?

Mr. PENHA. She is in the fourth row; she is, I believe, the third individual, that is smiling right at the present time.

Mr. MOULDER. Has she been subpoenaed as a witness, Mr. Arens?

Mr. ARENS. Yes.

Mr. KEARNEY. A rather modest person. I can't see her.

Mr. ARENS. Now may I suggest the name of Ann Garfield?

Mr. PENHA. Ann Garfield, the wife of Eddie Garfield, was also nominated and elected to the District Committee.

Mr. ARENS. May I suggest the name of Paul Rosenkrants?

Mr. PENHA. Paul Rosenkrants was elected, I believe, as I recall as an alternate for the New England District Committee.

Mr. ARENS. Now, may I invite your attention, if you please, sir, to the Massachusetts Board.

Mr. PENHA. Sir, if I may, I wish to name one other person.

Mr. ARENS. I beg your pardon?

Mr. PENHA. Pertaining to the committee.

Mr. ARENS. Please do so.

Mr. PENHA. That is the District Committee of the party.

John RUSSO. John Russo was the head of the Labor Youth League for New England. He was not a member of the District Committee. He was considered a member-at-large, that is, he was to attend certain meetings as directed by the district which would encompass his field of specialty in the Youth, and at the same time obtain directives pertaining to the Youth.

Mr. ARENS. May I invite your attention to the Massachusetts Board of the Communist Party and suggest that since those whom I understand you have identified as members of the Massachusetts Board in our consultations with you have all been characterized in this public session, you just allude to each individual who was a member of the Massachusetts Board of the Communist Party.

Mr. PENHA. Margaret Hicks. Robert Goodwin. Mike Russo.

Mr. ARENS. Edith Abber?

Mr. PENHA. Yes, Edith Abber.

Mr. ARENS. How about Sidney Lipshires?

Mr. PENHA. Sidney Lipshires is also a member of that Board.

Mr. ARENS. And how about Kitty Heck?

Mr. PENHA. And Kitty Heck was at the time.

Mr. ARENS. And what is the time of which you are speaking?

Mr. PENHA. This was November or December of 1955.

Mr. ARENS. Was Anne Burlak Timpson on that Board?

Mr. PENHA. I don't recall, sir.

Mr. ARENS. Now, give us a word of description of the Massachusetts Board. What is it or what was it?

Mr. PENHA. The Massachusetts State Board was enacted for the purpose of conducting the party activities throughout the various areas. It was to receive its directives from the secretariat of the district, which in turn received it from the National Committee.

Mr. ARENS. May I invite your attention to the New England District Secretariat. First of all, tell us what the New England District Secretariat is and then give us the name of each person who, to your certain knowledge, was a member of that entity.

Mr. PENHA. The members were Mike Russo, Sidney Lipshires, Daniel Boone Schirmer. And may I add at this time that the Secretariat consisted of full-time paid functionaries of the party. In addi-

tion to that, these Secretariat members were the ones most likely to, and certainly did, attend National Committee meetings or National Commission meetings.

Mr. ARENS. Now, if you please, sir, I should like to display to you each of four exhibits and invite your attention to the general subject matter of the organizational structure of the Communist Party, from the standpoint of the national organization, the district, section, individual groups, industrial and neighborhood units, and other entities within the organizational structure of the apparatus.

May I suggest that in view of your intimate familiarity with both the exhibits and with the structure, you might just proceed to first identify each of these exhibits which you have supplied to us and then proceed, at your own pace, to summarize this organizational structure.

And, Mr. Chairman, I respectfully suggest that the Chair order each of these exhibits as it is identified to be appropriately marked and included by reference in this record.

Mr. MOULDER. It is so ordered.

Do you wish to mark them now as exhibits so and so?

Mr. ARENS. Yes, if you please.

Mr. MOULDER. Before you give them to the witness you are ordered to do it.

Mr. ARENS. As he talks about them.

Would you kindly tell us what this exhibit is now which I lay before you which I have marked as "Penha Exhibit No. 1"?

Mr. PENHA. Sir, before I identify these exhibits, I would like to state that in order to make a full and complete report as to what they mean and for what purposes they were, it would take a great deal of time. I will attempt to cut the time element down and still maintain the substance of it.

Mr. ARENS. Would you kindly give us a word of identification first of all of each of these exhibits? The first exhibit I have marked Exhibit 1. Kindly give us a word of description of that so that it may be appropriately alluded to by reference in the record.

Mr. PENHA. Exhibit No. 1, entitled "Role of Left."

This was given to me by the then district organizer, Sidney Lipshires. The purpose of this—

Mr. ARENS. Excuse me. Could you kindly date it for us? Was that in approximately 1950?

Mr. PENHA. I believe this was approximately in the latter part of 1953, somewhere around that area, or 1954, possibly.

Mr. ARENS. All right, sir. Characterize it for us if you would, please, sir.

Mr. PENHA. The purpose of this was first of all, as stated to me by Sidney Lipshires, that this was the latest party directive handed down to the district by the National Committee. The reason for that was so that the district, first and foremost, should acquaint itself with the subject matters in order to take proper action within the given areas in the district.

Secondly, this was to be brought down to the various section levels; from there, there would be discussions, plans, and objectives related to the locals based on industrial clubs or cells, as they are known, in order to implement the party line in the "Role of Left."

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

Mr. ARENS. Would you kindly, in like manner, characterize for us the document which I have marked "Penha Exhibit No. 2"?

Mr. PENHA. Exhibit No. 2, entitled "Struggle Against White Chauvinism." This was used some time in the latter part of 1950, I believe—at that time, upon the instruction of the National Committee, which had its pressures from Comrade Pettis Perry, that the party was imbedded with too much white chauvinism.

Mr. MOULDER. I don't understand you. I did not understand the words.

Mr. ARENS. White chauvinism. I was about to ask him what the party means by white chauvinism. What is the factual situation which the party undertakes to cover with the term "white chauvinism"?

Mr. PENHA. On the surface this means something that actually in reality is not. It means, as the party would like it to be, that white people are chauvinistic against the Negro people, they discriminate against them and the party likes to be known as the champion and protector of Negro rights, which fortunately in our country the majority of the Negroes do not think for a minute is true. They also feel that this would have some impact not only within the party but with its sympathizers and with such masses as labor organizations and of the kind where the party had influence in. As such the district organizer at that time, known as Manny Blum—Emanuel Blum would be his correct name—went throughout the district with a leading comrade to make strict emphasis on this struggle against white chauvinism, to the extent of each section finding 1 or 2 party members which were proven already in the past to have been ideologically weak or not accepting party discipline to its fullest, and utilizing them as a target as being responsible for acts of white chauvinism and, therefore, expel them at that time.

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

Mr. ARENS. Now, may I invite your attention to the document which I have marked "Penha Exhibit No. 3" and ask you to kindly characterize this document.

Mr. PENHA. Exhibit No. 3, entitled "Two Speeches by Joseph Stalin."

Mr. ARENS. And the date, please, sir?

Mr. PENHA. This is dated March 1950. This was issued by the National Education Department of the Communist Party in New York City. The speeches concern united front activities and trade union activities.

Incidentally, this is the first time that the party has had these two articles translated into English; and from this, they hoped to be able to gain new techniques and methods in order to better acquaint themselves and work in these fields.

(Document marked "Penha Exhibit No. 3," retained in committee files.)

Mr. ARENS. Now, may I display to you a document which I have marked "Penha Exhibit No. 4" and ask you to kindly identify and characterize that document?

Mr. PENHA. Exhibit No. 4 has no title. It was submitted by the National Administrative Committee of the Communist Party, dated February 19, 1955. Various discussions and meetings and various ways and means to project the ideas proposed in this report were made first in the district, which was received from the National Committee. Then in turn it went down the line, the section committees, to the clubs, and individual members that were not in the clubs.

The purpose of this was basically to have a new approach on the general atmosphere insofar as peace went. In other words, let us speak about East-West trade, how many jobs it is going to create—however, our goal is recognition of Red China in the United Nations, and it goes further on—

Mr. MOULDER. You are reading now from Exhibit No. 4?

Mr. PENHA. That is correct, sir.

And it goes on about U. M. T. and the H Bomb, and West German rearmament and the same pattern follows as that related to China, as I stated.

Mr. ARENS. This was a directive from the high echelon of the apparatus to the lower levels, is that correct?

Mr. PENHA. That was given to me by Sidney Lipshires, who was then the district organizer, after he had recently attended a National Committee meeting in New York City, based on the same document. This was to go right down the line on the other Lefties.

(Document marked "Penha Exhibit No. 4" retained in Committee files.)

Mr. ARENS. Would you kindly take a few minutes and state briefly for this record the present organizational structure of the Communist apparatus in the United States?

Mr. MOULDER. Wait. Before going into that—As I understand, this last exhibit, No. 4, was given to you by whom?

Mr. PENHA. Sidney Lipshires.

Mr. MOULDER. And Exhibits Nos. 1, 2, 3, and 4 are admitted and made a part of the record of the committee.

Mr. PENHA. I could, if that is your desire, state who gave me 1, 2, and 3.

Mr. MOULDER. I think that would be a good idea.

Mr. ARENS. It might be helpful if you would do that, please, sir.

Mr. PENHA. No. 3 was given to me by Joseph Figueiredo, the then section organizer for New Bedford.

No. 1 was given to me by Sidney Lipshires, the then district organizer.

"Struggle Against White Chauvinism," No. 2, was given to me by Joseph Figueiredo.

Mr. MOULDER. If the counsel does not need these exhibits while proceeding with further interrogation of the witness, may the members of the committee see the exhibits?

Mr. ARENS. Surely.

If you would, kindly proceed at your own pace now to summarize for the committee on this public record the structural organization of Communist operations in the United States.

Mr. PENHA. Certainly, sir. It is all right now, sir?

Mr. ARENS. Proceed, if you please.

Mr. PENHA. The Communist apparatus is established with the National Committee as being the top functionary body.

In the National Committee level, there are also various types of national groups. You have your National Executive Committee, you have National Commissions, various departments. In all I would say there are about 8 or 9. From there it drops down to the district level, New England being the District No. 1. New England encompasses the areas of Vermont, Maine, New Hampshire, Massachusetts.

From the district level, it drops down to county level if they exist. At times they do not. From there it drops down to section levels, known as cities and its suburban areas. From there it drops down to clubs or cells. These are small groups. They comprise membership in specific areas, particularly in organizations. From that it drops down to neighborhood groups or neighborhood clubs. From that it goes into individuals who, for one reason or another, should not be placed in clubs and/or cells.

Mr. ARENS. Mr. Chairman, I propose to leave this subject matter in the interrogation of the witness to get on to another subject matter.

I wonder if any member of the committee has a question on this subject matter before we get on to the next subject matter?

Mr. DOYLE. I do, Mr. Chairman.

Mr. MOULDER. Mr. Doyle.

Mr. DOYLE. Mr. Witness, I call your attention to Exhibit 3. I don't have it before me. I have Exhibit 4 in my hands. But I think you mentioned that Exhibit 3 had to do with the subject matter of trade unions. I wonder if that is correct.

Mr. MOULDER. That is right.

Mr. DOYLE. Thank you, Mr. Chairman.

Mr. PENHA. Sir, I believe in order to expedite matters, if you will look at the cover of that exhibit—I believe that is the yellow covered one—on the first page underneath the yellow page—you will see the contents of both speeches.

Mr. DOYLE. I see that. It is true. I want to call your attention, for the purpose of brevity, to Exhibit 4. On page 5 is this language:

We want to emphasize again: the trade unions are the key to effecting a change in our country and fulfilling the perspectives for 1956. \* \* \* We urge that meetings of trade union forces be organized to work out specific proposals on the issues discussed in this letter.

May I ask you this: What is your experience as to whether or not the Communist Party here in the New England States has as one of its prime objectives the infiltration of trade unionism to the extent of trying to control it?

Mr. PENHA. There is no doubt whatsoever in my mind, sir.

Mr. DOYLE. I know the record shows that is true all over the United States.

Mr. PENHA. I am basing myself on experience which possibly, I believe, may come further in the questioning. I don't know, but I believe it will.

Mr. ARENS. We have an area of inquiry, Mr. Doyle, on that.

Mr. DOYLE. I wish to say that all the hearings which I attended as a member of this committee in these several years throughout the United States, I never heard a former Communist member testify on that subject but that he stated that a Communist in the trade union is a Communist before he is a trade unionist. In other words, he tries to make a tool out of trade unionism for the purpose of the Communist Party principles.

MR. PENHA. Sir, he does not try. He has to. That is part of party discipline.

MR. DOYLE. One thing more. What did you do with Exhibits 1, 2, 3, and 4 when they were delivered to you? How did you use them?

MR. PENHA. They were used in clubs for purpose of discussions and to project in that area of New Bedford certain objectives to be carried out.

MR. DOYLE. Were copies made of them or not?

MR. PENHA. Sir, in sections, a section organizer, being the top man, keeps these directives. He does not make copies. He may lend them to one or two given persons for a specific reason.

MR. DOYLE. I see. I thank you.

MR. KEARNEY. Will the gentleman yield there?

In other words, he doesn't trust the comrades?

MR. PENHA. In a nutshell, that is the truth.

MR. ARENS. Now, Mr. Chairman, I proposed to interrogate the witness respecting the general subject matter of Communist Party finances. And I am sure he appreciates the necessity for brevity and summary.

May I first of all ask you, in general what are the sources of revenue of the Communist Party operations in the United States?

MR. PENHA. They are many, sir. We can start with dues. Dues do produce a certain amount of money that is beneficial to the party, but it represents more than that. It represents a compulsion by the party member to again realize that he is under party discipline.

MR. ARENS. Give us a word, if you please, sir, about the amount of the dues and the nature of the assessments.

MR. PENHA. The dues may vary according to the occupation of a given Communist. As low as fifteen cents to as high as five dollars, in my area, a month. I know it goes higher than that in other areas.

MR. ARENS. And how is the amount determined, by what yardstick?

MR. PENHA. That is determined by the section organizer in conference with the district organizer.

MR. ARENS. Do you make a distinction between dues and assessments?

MR. PENHA. Absolutely, sir.

MR. ARENS. What is the nature of the difference?

MR. PENHA. The difference is that we have assessments in the Communist Party for one purpose only, and that is to bring into the minds of the party members that there is something very important to be done in this country. One of the angles that is used—and for that very fact assessments are utilized—is that one monthly dues payment is assessed to a Communist Party member, regardless of rank, to be sent to the South for purposes of infiltration.

MR. KEARNEY. May I interrupt, Mr. Chairman?

MR. MOULDER. Mr. Kearney.

MR. KEARNEY. Is it true that the so-called assessment was also based upon the individual's earnings?

MR. PENHA. That is absolutely true to a certain point, sir.

MR. KEARNEY. Let me make myself clearer if I can. During the so-called Hollywood hearings of several years ago, we were advised by one of the directors in Hollywood, when I questioned him about what he meant by assessment, that he was assessed five percent of his salary.

And I asked him "What was your salary," and he said "\$5,000 a week."

So evidently the Communist Party did rely principally upon the capitalistic system of the country in order to attain their so-called dues or assessments, because you can't get it from a poor devil who is out of work.

Mr. PENHA. The party bleeds its members just as it does its sympathizers and fellow travelers, no doubt about it. So what I wanted to clarify here, sir, on the question of dues, when I said that the section organizer, in conjunction with the district organizer, determines just what are the moneys to be received from each and every Communist, is that invariably the Communists themselves will cry they have tremendous expenses in many conceivable manners. So that, therefore, we take it on the basis of making an evaluation, do they own their home, does their wife work, and several phases of that, and then we say, "According to your salary you will pay so much. However, you are obliged to give a sustainer every month, which is over and above your dues."

Mr. ARENS. Now, may I ask you about Communist Party "angels" or "angels" who contribute to the Communist Party? Is that a popular terminology used in the party ranks?

Mr. PENHA. It is, and it is ironic that the party is the only group that is so ruthless and atheist and anti-God and still believes in angels.

Mr. ARENS. Can you tell us about any experiences you personally have had as a comrade in soliciting and procuring funds from "angels" for the party?

Mr. MOULDER. When you refer to "angels" you mean "financial angels," I assume.

Mr. PENHA. That is correct, sir. They use it to their advantage in using the terminology.

Mr. ARENS. Did you have any such experience and, if so, could you recount them on this record?

Mr. PENHA. Yes.

Mr. ARENS. Please do.

Mr. PENHA. We had "angels" in various forms and degrees. We had one, for example, in the form of Maud D'haze.

Mr. ARENS. Would you hesitate right there, please, sir.

I have in my hand the will of Maud D'haze which will be identified on this record a little later on.

Tell us first of all who was Maud D'haze.

Mr. PENHA. Maud D'haze was a devoted and hard-core Communist.

Mr. ARENS. Did she discuss with you, when you were a comrade, the making of her will?

Mr. PENHA. Yes, sir; she did.

Mr. ARENS. Tell us briefly about that incident.

Mr. PENHA. To start with, at several times she would have raised the question of leaving her moneys and estate to the party; that she had previous wills that were made out too openly; and that at this time, she felt the party would not be able to receive it. At the time that she prepared herself to make this will, she was sick in the hospital. I saw her, I met with her; and she had advised that I become part of the will, that is, to become one of the beneficiaries of the will. I refused at that time. I explained to her why. She accepted. However, she held me responsible to see that this money would get to the party.

Mr. ARENS. Tell me—you have before you a photostatic copy of the will—among the beneficiaries of the will are there persons who, to your certain knowledge, were members of the Communist Party?

Mr. PENHA. Well, sir; the will was bequeathed to party members only, those being Otis Hood, Anne Timpson, Mary Figueirido and Louis D. Kushaff, who was to retain the use of the home as long as he lived.

Mr. ARENS. When did the testator pass away?

Mr. PENHA. 1953, shortly after Mothers Day.

Mr. ARENS. And was the property distributed to these comrades?

Mr. PENHA. The property was entirely distributed to the comrades with the exception of a son of Maud by a previous marriage.

Mr. ARENS. What was the approximate total value of the estate?

Mr. PENHA. Cash in the bank, \$14,000; real estate, I believe, was in the neighborhood of \$5,000 or \$6,000.

Mr. ARENS. And was the real estate subsequently transferred by the recipient of the real estate via the will to some other persons do you know?

Mr. PENHA. Would you kindly phrase that again, sir.

Mr. ARENS. Did the beneficiary under the will who took the real estate subsequently deed the real estate away?

Mr. PENHA. Yes, sir.

Mr. ARENS. And to whom did he convey it?

Mr. PENHA. To the Communist Party in my own experience.

Mr. ARENS. I don't want to dwell on this particular item further at this time, but I should like to ask you if you have any other typical instances of the devices by which the Communist Party has enlarged its coffers.

Mr. PENHA. There are several, sir.

Mr. ARENS. You spoke a moment ago about the property going to the Communist Party. Upon the sale of the real estate, the proceeds of the property went to the Communist Party, is that correct?

Mr. PENHA. That is correct, sir.

Mr. ARENS. Was there any instance where you personally solicited funds from people of wealth who contributed money which found its way into the Communist Party coffers?

Mr. PENHA. Yes, sir.

Mr. ARENS. Tell us about one or two of these instances, please.

Mr. PENHA. In one instance Anne Burlak Timpson came to my home and instructed me to go to the home of a person whom she stated to be a Communist in the Cape. She also informed me that this comrade, a wealthy comrade, was giving a thousand-dollar-a-year sustainer to the New York Party. It was felt by Anne Burlak that it was only fair and just that this comrade should continue to give this sustainer, but also should give something to Massachusetts.

Mr. KEARNEY. Mr. Chairman.

Mr. MOULDER. Mr. Kearney is recognized. He wishes to ask a question.

Mr. KEARNEY. Just to go back, if you don't mind, on the questions pertaining to this will. I understood you to say the real property in this will was transferred to the Communist Party.

Mr. PENHA. When I stated to the Communist Party, I meant to its members, sir. It finally got into the party itself.

Mr. KEARNEY. Now, I understood you further to say, there was \$14,000 cash.

Mr. PENHA. That is correct, sir.

Mr. KEARNEY. Do you have any evidence of your own knowledge as to what became of the \$14,000 cash, as to whether it reached the Communist Party or not?

Mr. PENHA. I do, sir.

Mr. KEARNEY. Did it reach the Communist Party?

Mr. PENHA. Absolutely it did, sir. I would say that it will take me possibly half an hour to describe the details about it, but I took an active part in it.

Mr. DOYLE. May I ask one question in that connection?

Then I presume what must have happened substantially was that these four individuals, four beneficiaries, who received equal shares of the \$14,000 cash, less the cost of administration, although they received it as individuals, they turned it over to the Communist Party?

Mr. PENHA. They absolutely turned it over to the Communist Party, sir, because I was responsible in the New Bedford area for two of the recipients, being Mary Figueirido and Louis Dimitroff Kushaff.

Mr. DOYLE. They were not named as trustees in any way for the benefit of the Communist Party in the will, were they?

Mr. PENHA. The Communist Party was not mentioned as such.

Mr. DOYLE. Thank you.

Mr. ARENS. The executrix, Mary Figueirido was a Communist and is a Communist, is she not?

Mr. PENHA. That is absolutely correct, sir.

Mr. ARENS. Now may I invite your attention to another phase of Communist Party finances and ask you to what extent the Communists have made money for the party by selling items.

Mr. PENHA. There have been various methods. One of them I shall present at this time.

Mr. ARENS. You are now displaying to the committee a pen and pencil set?

Mr. PENHA. This is an Eversharp pen and pencil set. As you see, it has a label retailing for \$8.75. The district, according to Sidney Lipshires, the then district organizer, informed me that we had in the district 1,000 sets that we had obtained. We were to sell them not for \$8.75 but for \$5. In turn, each section would receive out of the \$5 for each set sold, \$1.50. Ironically, that would not stay in the section, but rather it would be credited to the quota for the section which was to be turned over to the district.

Mr. ARENS. Were those so sold in accordance with that plan?

Mr. PENHA. Yes, sir.

Mr. ARENS. May I ask you the extent to which the coffers of the conspiracy have been swollen via funds contributed to what are generally known as Communist Party fronts or other organizations controlled by the conspiracy?

Mr. PENHA. Would you repeat that question, please?

Mr. ARENS. Have the coffers of the conspiracy itself been swollen by money contributed into the coffers of the party via front groups, by way of front groups?

Mr. PENHA. Yes, sir.

Mr. ARENS. Give us just a word on that, please, sir, without consuming more than a minimum of time. We covered so much with you in many, many hours of private consultation that we have difficulty presenting the highlights in a brief public appearance.

Mr. PENHA. I would like to illustrate first the case of Eulalia Figueiredo. She was arrested. The party set forth a plan in order to obtain the maximum benefit out of it. This would be in terms of propaganda, publicity, and finances. Much of the money received for Eulalia's defense was turned in to the Communist Party and not for her defense. I personally received, from time to time, many sums which I had to turn in.

Mr. ARENS. Now, may I inquire, have organizations which have been Communist controlled and are Communist controlled, such as UE, actually paid expenses of the Communist Party, though perhaps not making direct financial contributions to the party?

Mr. PENHA. In the UE I would like to illustrate two points among others. Time does not permit more. One is, Douglas Perry as a Communist member in the New Bedford area and a UE field organizer was instructed to have a so-called bookshop in the UE local, which would have strong Left works but not openly party material, such as books of Foster, but nevertheless books on the case of the Rosenbergs, Carl Marzani's book, magazines such as the March of Labor, and others. Some of these, the local had agreed to, others they did not. Doug was the one that manipulated that phase of it.

Another way that Doug would handle funds would be that when we had meetings that took us out of town, whether it was my car or the one given by Sidney Lipshires, the payment of gas and oil would be taken by Doug as he could put it in expenses in the UE local as his own expenses.

Mr. MOULDER. May I intervene at this point? I wish to clear the record. On the face of the record, as far as your position is concerned, you say you received defense funds which you had to turn in. You mean that you had to turn it in where?

Mr. PENHA. I had to turn it in to my immediate superior, in this case being a district official.

Mr. MOULDER. For Communist Party purposes and not for the defense of the person for whom it was collected?

Mr. PENHA. They had nothing to do with the defense, as we were credited with our quota in the end of the year. Each section has a quota that they have to meet in order to bear the expenses of the district, and that was credited towards that quota.

Mr. MOULDER. I understood what you meant, but on the record, reading on the face of it, it might be misunderstood.

Mr. PENHA. I understand. Another phase relative to the UE is that of the Massachusetts Commission on Communism which had called UE on finances and some rank-and-file members before executive and public hearings. We were informed at a District Metals Commission meeting which was held somewhere in the suburbs of Boston—I don't recall exactly anymore now where, but I believe it was Revere—that one of the UE organizers, Charles Newell, had a period before the executive body. He had made a poor showing. Insofar as the party was concerned, he would have been a threat had he

appeared before a public hearing. It was then decided and acted upon on the orders of Sidney Lipshires, the district director, by instructing Douglas Perry and Alex Leith, a UE organizer and Communist member, to put the necessary pressure in the UE district in the form of having Charley Newell sent away, transferred, which he subsequently did. He went to California. In this respect the party had the advantage of not having him appear before a public hearing; and simultaneously on the question of funds, too, they held a party for him to which numerous people were invited, a sendoff party, from which again the party made some money.

The points I would like to stress here are two very important elements: 1. That here is a clear-cut indication, proof, call it what you may, of the Communist Party dominating a union; 2. That it is a fact that union paying members don't know what is going on with their dues. They are aiding and abetting the Communist conspiracy. It was their dues money that sent Charley Newell out of here.

Mr. ARENS. Now may I invite your attention to the general subject of the National Textile Commission and ask you to proceed, again in summary form, to give us the crucial facts with respect to that entity.

Mr. PENHA. Yes, sir.

Mr. ARENS. Mr. Chairman, may I suggest a few minutes' recess?

Mr. MOULDER. The committee will stand in recess for a period of five minutes.

(A brief recess was taken.)

Mr. MOULDER. The committee will be in order.

The Chair is pleased to announce that our colleague, Robert McIntosh of Michigan, a member of the committee, is present.

Mr. ARENS. Ready, Mr. Chairman?

Mr. MOULDER. Ready to proceed, Mr. Arens.

Mr. ARENS. Now may I invite your attention to the general subject of the National Textile Commission of the Communist Party, asking you to give us first identification of that organization, something of its functions and activities, particularly in the New England area, with special reference to your own participation in its work.

Mr. PENHA. Well, sir, before I commence on this subject, I would like to raise in my opinion a pertinent point—and that is not for the information of the committee, which I am well aware that you are acquainted with, but rather particularly to the press—and that is, in speaking about the National Textile Commission, the feeling is common that the textile industry as a whole in New England is a dying industry. The objectives in the program and the policies laid down by the National Committee in reference to the National Textile Commission bear out the importance of textiles.

Now, in reference to the members of the National Textile Commission—

Mr. ARENS. What is the National Textile Commission, first of all, please sir?

Mr. PENHA. The National Textile Commission is a top national organization organized by the National Committee of the Communist Party for the purposes of bringing about further colonization and infiltration in textiles, mainly to agitate the masses, create footholds in several areas, particularly the South; the sending of colonizers in order to reach the minds of the masses, as textiles in the South is a basic

and key industry. The party is very interested and makes extensive research and plans when it endeavors to get into any field.

Mr. ARENS. How potent is the work of the National Textile Commission? How effective from the standpoint of the Communist Party?

Mr. PENHA. It is very effective. That is why I illustrated the fact that the party does a great deal of research before it establishes any type of commission, department, or what have you, on a national level.

Mr. ARENS. Were you the New England delegate to one of the principal meetings of the Textile Commission in New York City?

Mr. PENHA. I attended the National Textile Commission meeting in New York City as a new England delegate. I was instructed by the district organizer, Sidney Lipshires.

Mr. ARENS. When?

Mr. PENHA. Approximately May or June of 1955. At the time that I went there, it was subject to the other members of the National Textile Commission to either accept or reject me as the delegate from New England. This was only a matter of more or less policy within the framework of the commission. Actually they knew they had to accept me.

Mr. ARENS. Was your attendance at this session an open attendance, or did you use certain secretive devices to arrive at the ultimate destination?

Mr. PENHA. Well, sir, I attended approximately 3 or 4 meetings in New York City.

Mr. ARENS. Give us a word about them, please, sir.

Mr. PENHA. I shall start with the first one.

I was given by Sidney Lipshires a note which instructed me where to go in New York City, the date, the time, the place, and the method of recognition. I was to memorize this and destroy it. I proceeded to New York City; and, as prearranged with the district organizer in New England, I had to take several security measures. Among those was that of not going to the place of meeting directly. I took various types of transportation units. In particular, I recall, I went in a subway, and this is the instruction given to me to follow. I entered the last section of the subway and at a designated point I got off, waited until the door was just about to close, and put some pressure on it to open it to get out. In this way I would be able to offset anyone that would be following me. At the same time I could have a clear view of the platform in the subway.

Following that I made various changes in subways, using the same method. I used taxis and buses. I lost many hours in reaching my point of destination. When I reached there I had with me a Popular Mechanics magazine. The person I was to meet would have the same. At that particular time and locale we were to be there. I don't recall the exact words that one was to say to the other, but they were in code form. Subsequent to that we assured ourselves that we were both the right parties, and then from there we proceeded to a secret home to have our first meeting of the National Textile Commission.

Mr. ARENS. Tell us who are now, to your certain knowledge, the key people of the National Textile Commission of the Communist conspiracy in the United States.

Mr. PENHA. I shall start with the coordinator. The coordinator was the person that would be in contact with the National Trade Com-

mission and the National Committee. It was here in these groups that he would receive his directives and carry them through. His name is Fred Handman. At the time he was residing in New York City. His code name—we all had code names at the meeting, strange as it seems, being a secret meeting of bona fide members, hard-core members, we still were not supposed to know each other. His code name was Tom. I beg your pardon. His code name was—

Mr. ARENS. His code name was Fred, was it not?

Mr. PENHA. Was Fred.

Mr. ARENS. But his true name was Robert, was it not?

Mr. PENHA. Yes. I am glad you made that correction.

Mr. ARENS. I want to get it straight on that.

Mr. PENHA. His true name was Robert Handman.

Mr. ARENS. And his code name was Fred, is that correct?

Mr. PENHA. That is correct.

Mr. ARENS. And he is head of the National Textile Commission and coordinated with the National Committee of the Communist Party, is that correct?

Mr. PENHA. That is correct.

Mr. ARENS. You knew him in these secret meetings as Fred, by his code name, is that correct?

Mr. PENHA. That is correct, sir.

Mr. ARENS. And you have since identified him as Robert Handman by certain security devices, including photographs, is that correct?

Mr. PENHA. That is correct. The intelligence agencies have provided me with proper methods with which I was able to recognize a person and identify him by his true name.

Mr. ARENS. And there is no question in your mind whatsoever, while you are under oath, that this person whom you knew as head of the National Textile Commission under the code name of Fred is in truth and fact Robert Handman?

Mr. PENHA. There is none whatsoever, sir.

Mr. ARENS. You will have an opportunity in another day or two to make further identification of him because he is under subpoena likewise.

Mr. PENHA. Yes.

Mr. ARENS. Now would you kindly proceed to give us another name.

Mr. PENHA. The next person, I believe his code name was Fred from New Jersey.

Mr. ARENS. Was that Sheldrick?

Mr. PENHA. I did not know his name, that is, his true name, until after, I believe, the third meeting we held. We came out together for just about 3 or 4 minutes, and at that time he showed me a card from the post office stating that his mail was going to be under surveillance for the next 30 days. He had obtained this from a friend in the Post Office Department.

Mr. ARENS. Is this George Sheldrick now?

Mr. PENHA. At that time when he showed me this, I noticed his name; and subsequently in my reports to the intelligence agency with which I was working, it was definitely established as being George Sheldrick from New Jersey.

Mr. ARENS. And was his code name Jack?

Mr. PENHA. I am quite sure it was Jack.

Mr. ARENS. All right, sir. Is there another person who, to your certain knowledge, is on the National Textile Commission of the Communist operation in the United States?

Mr. PENHA. There was another person representing the South, particularly the areas of North and South Carolina and Virginia. This person—I found his true identity to be William Evans.

Mr. ARENS. Was his code name Bill?

Mr. PENHA. Yes, his code name was Bill.

Mr. ARENS. And you ascertained to a moral certainty that Bill is Bill Evans, William Evans, by certain security devices which we will not discuss on a public record. Is that correct?

Mr. PENHA. No, sir. I would not say that in the case of Evans. I went down South to the Carolinas on a mission of the party, and at that time the person that was to assist me was Bill Evans, and that is how I found his true identity.

Mr. ARENS. He is the same person who served with you in New York City on the National Textile Commission of the Communist Party. Is that correct?

Mr. PENHA. All these persons were delegates from various areas, members of the National Textile Commission.

Mr. ARENS. But, specifically, Bill Evans was one of those persons. Is that correct?

Mr. PENHA. There is no doubt in my mind.

Mr. ARENS. Now tell us just a word about this trip.

Mr. PENHA. Incidentally, if I may?

Mr. ARENS. Excuse me. Yes, sir.

Mr. PENHA. While we are on identification, no one knew who I was at the time, too. I used the code name of Tom. And none of the other members in the commission were aware what my true name was or where I came from in New England.

Mr. ARENS. Now tell us about this trip that you made to the South, as a member of the National Textile Commission of Communist operation. First of all, where did you go?

Mr. PENHA. I went to North and South Carolina.

Mr. ARENS. What year, please, sir?

Mr. PENHA. This was approximately September of 1955.

Mr. ARENS. Who paid for your trip?

Mr. PENHA. The expenses were incurred by the Communist Party. I was given \$100 by the district organizer, Sidney Lipshires.

Mr. ARENS. What was the purpose of your trip?

Mr. PENHA. The purpose of the trip was, during one of the National Textile Commission meetings, it was felt that textiles in New England had a lot to contribute to the program that the National Textile Commission had for the South, the textile industry. As such, it was recommended at that meeting that I be delegated to go to the South for the purposes of making observations as to what were the conditions and what were areas into which colonizers could be sent, to see how the local areas were operating in the textile industries, to meet with colonizers that had been sent there in previous years, to give a full report on the organizational setup of the various sections that I went into.

Mr. ARENS. Now may I invite your attention to this operation in Durham, North Carolina? To your certain knowledge were Communist Party colonizers sent to that area?

Mr. PENHA. Yes, sir.

Mr. ARENS. Can you tell us the names of the principal colonizers who were sent there?

Mr. PENHA. One was Oscar Berland.

Mr. ARENS. Was he from New York?

Mr. PENHA. He is originally from New York State.

Mr. ARENS. To your certain knowledge is he a Communist Party colonizer?

Mr. PENHA. He is a Communist Party colonizer; yes.

Mr. ARENS. Is there another person?

Mr. PENHA. There is Marge Spurny.

Mr. ARENS. Where was she from originally?

Mr. PENHA. I believe she was originally from New Jersey. Incidentally she, I found later, was a cousin of Geoffrey White.

Mr. ARENS. Was she to your certain knowledge a Communist Party colonizer who was sent, pursuant to your recommendations, into the Southland?

Mr. PENHA. Not on my recommendations. She had already been in the South when I got there.

Mr. ARENS. I see. All right. Is there another name?

Mr. PENHA. There was a fellow by the name of William Robertson. He was from Virginia.

Mr. ARENS. Was he a Communist Party colonizer?

Mr. PENHA. Absolutely, sir.

Mr. ARENS. Where was he sent?

Mr. PENHA. He was sent, I believe, to Erwin Mills in Durham.

Mr. ARENS. North Carolina?

Mr. PENHA. Yes, sir; in North Carolina.

Mr. ARENS. Is there another name?

Mr. PENHA. Nat, Nathaniel Bond.

Mr. ARENS. Did he have an alias?

Mr. PENHA. Yes, he did.

Mr. ARENS. Was it Joe?

Mr. PENHA. His alias was Joe, that is absolutely correct. I would like just to make a little emphasis on why there was an alias with him. He was a Negro, and the party felt that it would be rather strange for white comrades to meet with Negroes; and in order to protect both the white comrades and the Negro, it was felt that code names should be established.

Mr. ARENS. Was he to your certain knowledge a Communist Party colonizer who was sent into Durham, North Carolina?

Mr. PENHA. From what I gathered while there, which I believe I reported when I came back, he is a native of one of the Southern States, but he was a colonizer.

Mr. ARENS. Is there another person? May I suggest the name of Ella Levine Matthews?

Mr. PENHA. There was a couple that came to Durham after I came back from various trips that I made—I believe on the weekend that I was there—a couple by the name of William Matthews and Ella Levine Matthews, a young couple sent as colonizers from New York.

Mr. ARENS. So this record may be clear, you have on some instances used the word "colonizers" rather than "Communist Party colonizers." When you used this word "colonizers" in each and every instance did you intend to encompass "Communist Party colonizers"?

Mr. PENHA. Absolutely, sir.

Mr. ARENS. Now, is there another person?

Mr. PENHA. In the Durham section?

Mr. ARENS. Yes, sir. May I suggest the name of Jerome Van Camp?

Mr. PENHA. Yes, sir.

Mr. ARENS. Give us a word about him, please, sir.

Mr. PENHA. Jerome Van Camp, I believe, was also a Southerner from some other segment of that area; and he had been sent into one of the major plants in Durham. I believe it was the Erwin Mills.

Mr. ARENS. Is there another name, please, sir? Mary Robertson—may I suggest her name?

Mr. PENHA. Mary Robertson, the wife of William Robertson.

Mr. ARENS. And a word about her, please, sir.

Mr. PENHA. She was a colonizer. At the time I arrived there, she was in a different type of occupation because of the fact that like a few others, as a result of this committee having been there and done an excellent job, they found themselves outside of their working base.

Mr. ARENS. When you say "this committee," you are alluding to the House Committee on Un-American Activities?

Mr. PENHA. That is correct, sir. As a result, she was working as a technician in the Duke University or Duke Hospital, within the campus of Duke University. Presently, or to my last information I received, she has been living in Chicago.

Mr. ARENS. Now may I invite your attention to—

Mr. PENHA. I just would like to raise one thing before going into other names of other areas. These people that I mention—I think it is very important at this time to state that these are not just plain rank-and-file Communists. These are experts, hard-core Communists, very zealous, and adherents to party discipline at all times, and they are equipped by and large with college degrees, starting from bachelors to masters, most everyone.

Mr. ARENS. Of course when they get into the area they take menial jobs, do they not, and fail to reveal, or hide the college education they have had. Is that not true?

Mr. PENHA. This is not only happening in the South but also in the North. Their occupational and educational background is completely omitted. Fictitious backgrounds are established because they feel they would never get a job if they put down their true background. Any sane employer would say, "Why should you become a cleaner or what-have-you when you have a bachelor's or master's degree?"

Mr. ARENS. Now may I invite your attention to the Winston-Salem area and ask you, on the basis of your background and experience and operation as a member of the National Textile Commission, to tell us the names of persons who, to your certain knowledge, in the last two or three years have been Communist Party colonizers in the Winston-Salem, North Carolina, vicinity.

Mr. PENHA. Warren Williams who is also the section organizer for Winston-Salem area.

Mr. ARENS. What plant is he working in there, do you know?

Mr. PENHA. I don't recall at the present. I did know.

Mr. ARENS. Is there another name? How about his wife? Is Rebecca Williams his wife?

Mr. PENHA. Rebecca Williams. Yes; his wife.

Mr. ARENS. Is she likewise a colonizer?

Mr. PENHA. I would not classify her as a colonizer.

Mr. ARENS. Do you know her as a comrade?

Mr. PENHA. I know her as a leading comrade in the area.

Mr. ARENS. George Van Camp?

Mr. PENHA. I was just going to bring up George Van Camp, another colonizer. It is strange—

Mr. ARENS. These are all in the Winston-Salem area now?

Mr. PENHA. These are all Winston-Salem. It is rather strange for the average person to know of this, but it is nothing new or strange in the party, that George Van Camp, again a college graduate, pursued his studies in a college which I don't recall the name of in the religious life. So, therefore, I want to establish the point of how the party operates. I mean that is the important thing. Here is a man that spent several years and on paper it meant one thing, but in practice it was another.

Mr. ARENS. Betty Van Camp?

Mr. PENHA. Betty Van Camp, wife of George Van Camp, she is a member of the Section Committee of Winston-Salem.

Mr. ARENS. Was she likewise a colonizer in the Winston-Salem area?

Mr. PENHA. I don't recall.

Mr. ARENS. Did you know her as a comrade?

Mr. PENHA. I had secret meetings with her, too.

Mr. ARENS. As a comrade?

Mr. PENHA. As a member of the Communist Party. I would like to point out here that the people that I am referring to during my trip in the South were all Communists; because of the very fact that my mission was a secret mission, no one was supposed to know. I was only supposed to meet hard-core Communists, trusted members.

Mr. ARENS. Karl Korstad?

Mr. PENHA. Karl Korstad was in charge of the High Point Industrial Commission, which is, I believe, some 25 miles from Winston-Salem.

Mr. ARENS. Ruth Van Camp?

Mr. PENHA. Ruth Van Camp today is Ruth Van Camp Evans. She has married Bill Evans, whom we have reported. I would like to just illustrate a point here again of party finances. When I arrived there and after being through several areas and I landed in Winston-Salem, that day or the previous day Ruth Van Camp arrived from Florida. She had been sent to Florida by the State apparatus of the North Carolina Party for the purposes of establishing residence and obtaining a divorce in order to marry Bill Evans. The party felt that both of them could do a much more effective job if they were married. The matter of finances didn't mean anything in this case.

Mr. ARENS. How about the matter of morals? Did it mean anything?

Mr. PENHA. I raised the question that, as far as I knew, since she had been divorced relatively a very, very short time that if she did get married in Florida, and then they came back to Carolina to function, they would be subject to the laws of Carolina, and they would not be considered married. They were willing to take that risk. The party policy was the main thing they had to carry out.

Mr. ARENS. Frances Korstad?

Mr. PENHA. Frances Korstad is the wife of Karl. She is also a member of the High Point Industrial Commission.

Mr. ARENS. In North Carolina?

Mr. PENHA. In North Carolina. I may add that Karl Korstad is considered one of the most able theoreticians of that area in North Carolina.

Mr. ARENS. Eugene Feldman?

Mr. PENHA. Eugene Feldman is a colonizer who came from Alabama to Carolina. However, his native place was not Alabama either. It was some other state in the Union. Incidentally, he used to teach Sunday School in the synagogue in the area there at the same time.

Mr. ARENS. Now I should like to leave the National Textile Commission as a subject and invite your attention specifically to the subject of Communist Party underground operations. May I ask, first of all, who are now, to your certain knowledge, the leaders of the Communist Party underground in this area?

Mr. Chairman, I respectfully suggest, in view of the fact that we have approximately 6 other witnesses who were subpoenaed to appear today and this witness has such a tremendous amount of information, that we, if it meets with the approval of the committee, suspend with this witness at this time in order to get along with our very heavy schedule. In the next several days while we are here we can resume with this witness. He can be available at the committee's pleasure, and then we will be able to get into other subjects with him.

Mr. DOYLE. The witness is under subpoena.

Mr. ARENS. I remember suggesting that there be a record entry made that he is under continued subpoena. Yes, sir.

Mr. MOULDER. The record will show the witness is under subpoena, and the subpoena will continue in full force and effect. Having conferred with my colleagues on the committee, we have decided that you will be temporarily excused, Mr. Penha, as a witness, subject to recall at any time during the course of the hearings here. We would suggest that you remain in the hearing room to hear testimony of other witnesses who are now about to be called.

The record will also show that, in accordance and pursuant to laws and the rules of the Committee on Un-American Activities, Chairman Francis E. Walter has appointed a subcommittee for purposes of conducting hearings here in Boston, composed of Representative Clyde Doyle, of California; Representative Edwin E. Willis, of Louisiana; Representative Bernard W. Kearney, of New York; Representative Robert J. McIntosh, of Michigan; and myself, Morgan M. Moulder, as chairman of this subcommittee. At this time Mr. Doyle, of California, Mr. Kearney, of New York, and Mr. McIntosh, of Michigan, are present, and I, as chairman of the subcommittee, am present, thereby constituting a quorum of the committee.

We wish to commend you, Mr. Penha, for the service which you have rendered to your country and your cooperation with this committee, for the great work that you have performed in preserving our American way of life and in our fight to protect our security and American way of life from the Godless slavery of communism. We realize the sacrifice, the personal sacrifice, and the hard work you have performed as a loyal American citizen, in giving us the informa-

tion which you have given to us to enable us, as members of Congress, to enact legislation for the protection and security of our great Nation.

We are deeply grateful to you for your great service to our country, to the Congress, and to this committee. Thank you very much.

Mr. PENHA. Thank you, sir.

Mr. MOULDER. You will be recalled for testimony which we expect to hear from you during this week.

Mr. PENHA. Thank you.

Mr. MOULDER. Thank you very much.

Mr. DOYLE. I suggest, Mr. Chairman, that we emphasize that this witness is being continued under subpoena from the United States Congress with the full force and benefit of all the Federal departments of law enforcement and protection behind it.

Mr. MOULDER. That is true.

Mr. PENHA. Thank you. It is a comfort.

Mr. MOULDER. Thank you. We think you are a very fine, loyal American citizen, and we appreciate what you have done. You are excused temporarily as a witness, Mr. Penha.

As I have stated a quorum of the committee is present; and I observe that we have an Irishman from California, Mr. Doyle, on my left and another Irishman, Mr. Kearney, of New York, on my right and a Scotsman, Mr. McIntosh, on my left on the other end.

Mr. MOULDER. Call the next witness.

Mr. ARENS. Mr. Chairman, the next witness is Ralph Lofsky.

Kindly come forward and 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 the Committee on Un-American Activities will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LOFSKY. I do, Mr. Chairman.

#### TESTIMONY OF RALPH C. LOFSKY<sup>1</sup>

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

Mr. LOFSKY. May I ask a question first?

Mr. ARENS. If you please, sir.

Mr. LOFSKY. I think I understood the chairman correctly at the beginning of the hearings saying that no pictures would be taken.

Mr. MOULDER. The witness is correct, and photographers and those who may be taking pictures will desist and refrain from taking photographs of the witness while he is testifying, or at any time during the course of his testimony before this committee.

Mr. LOFSKY. Thank you, sir.

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

Mr. LOFSKY. My name is Ralph Lofsky.

Mr. ARENS. Would you kindly keep your voice up, sir?

Mr. LOFSKY. I am sorry. My name is Ralph Lofsky. I live in Providence, Rhode Island, and I operate a small jewelry factory in Rhode Island.

<sup>1</sup> Voucher for witness fee signed Ralph "C." Lofsky.

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

Mr. LOFSKY. That is correct, sir.

Mr. ARENS. You do not have counsel?

Mr. LOFSKY. No, sir, I do not.

Mr. ARENS. You understand you have the privilege of counsel under the rules of this committee?

Mr. LOFSKY. I understand that, sir.

Mr. ARENS. Mr. Lofsky, how long have you been a resident of Providence, Rhode Island?

Mr. LOFSKY. All my life, sir. Well, there were a few short interruptions.

Mr. ARENS. I beg your pardon?

Mr. LOFSKY. There were two periods in which I wasn't a resident. But essentially all my life.

Mr. ARENS. Mr. Lofsky, we have subpoenaed you here before this committee because it is our understanding that you have information which you could contribute to the fund of knowledge of this committee so that it can legislate, or recommend legislation, with reference to the Communist operation in the United States. Particularly we understand you have information respecting finances and financial operations of the Communist Party. Do you have information, sir, respecting financing of the Communist Party in the New England area?

Mr. LOFSKY. I must respectfully decline that question, on the basis of my privilege of self-incrimination.

Mr. ARENS. Do you honestly apprehend, sir, that if you told this committee truthfully such information as you possess respecting financing of the Communist Party in the New England area, you would be supplying information which might be used against you in a criminal proceeding?

Mr. LOFSKY. Sir, may I say this: I am not an attorney. I don't mean to be humorous, but the reason primarily that I don't have an attorney is that I didn't have, and didn't care to borrow, the money to bring an attorney from around here.

Mr. ARENS. Just answer this question: Do you honestly fear criminal prosecution if you told us truthfully?

Mr. LOFSKY. I don't know. I have been advised that unless I plead self-incrimination, sir, that there is a possibility of that; and not being an attorney, I think that that is my right under the Constitution, and I wish to recognize it, sir.

Mr. ARENS. Do you know a person by the name of Armando Penha, the gentleman who just preceded you on the witness stand?

Mr. LOFSKY. I decline to answer that on the same grounds, sir.

Mr. ARENS. This gentleman this morning took an oath and, while he was testifying before this committee, he said that while he was an undercover operator in the Communist Party in this area he knew you as a Communist; he knew you as a section committee member of the Communist operation in Providence, R. I., in charge of dues and finances and the like. We want to give you an opportunity now, while you are under oath, to deny such an assertion respecting yourself. Do you care to avail yourself of that privilege?

Mr. LOFSKY. Again, sir, very respectfully I would decline to answer that question on the same grounds.

Mr. ARENS. Was Mr. Penha in error when he identified you as a member of the Communist Party?

Mr. LOFSKY. Sir, again I decline to answer; and, if I may, I would say this: Again I am not an attorney. I think, though, if I had the opportunity in a courtroom under equal court and American justice procedures, that I would be on certain grounds to answer many of these questions. I am only doing this in protection to myself, sir, which I understand is the only recourse that I have at this time.

Mr. ARENS. Are you now a member of the Communist Party—now, this minute?

Mr. LOFSKY. Is it permissible to ask the committee a question, a legal question, I mean?

Mr. ARENS. Kindly answer that question. Are you now a member of the Communist Party?

Mr. LOFSKY. Well, sir, if I can't ask the question, I will have to decline to answer that question, too, on the same grounds.

Mr. MOULDER. I don't understand the witness.

Mr. LOFSKY. I wanted to ask the question. I don't know whether it is according to—

Mr. MOULDER. After you have responded to counsel's question.

Mr. LOFSKY. I wanted to ask the chairman a question. I don't know whether that is permitted or not, sir.

Mr. MOULDER. Do you understand the question that has been asked?

Mr. LOFSKY. Yes, I do. But I did want to ask a question. However, I think—

Mr. MOULDER. You are directed to respond to the question.

Mr. LOFSKY. I decline, sir, on the basis that it might be self-incriminating.

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

Mr. KEARNEY. Mr. Chairman, may I ask a question here?

Do I understand you decline to answer questions put to you by counsel as to whether you are a member of the Communist Party at this time? Is that correct?

Mr. LOFSKY. That is correct, sir. I did.

Mr. KEARNEY. All right then my question to you is: If you are not a member of the Communist Party at this time, would you so state to this committee?

Mr. LOFSKY. Sir, I am at a disadvantage at this point.

Mr. KEARNEY. I know you are not a lawyer.

Mr. LOFSKY. If I had legal advice, I might be able to answer that question.

Mr. KEARNEY. I heard that 2 or 3 times. That is a simple question.

Mr. LOFSKY. If I had legal advice, I might be able to answer that question. Not having legal advice, I think for my own protection—

Mr. KEARNEY. Is there anything so—

Mr. LOFSKY. That is the question I wanted to ask the committee. I don't know whether the committee would be or not—

Mr. KEARNEY. Why don't you ask the chairman now?

Mr. LOFSKY. The question I wanted to ask the committee is a legal question that I have no knowledge of, Mr. Chairman, and that is the

question of waiving of immunity. Now I don't know in answering some questions whether or not I might be waiving my immunity, in other words, waiving the right to further plead on the basis of self-incrimination. And it is only because of my ignorance of the law at this point that I feel that it is a much safer procedure for me to—

Mr. MOULDER. As I understand, you have not answered any questions yet.

Mr. LOFSKY. I mean on some questions, for instance, which the counsel or the chairman may ask of me, I might be able to answer those questions if I knew that I would not be waiving my immunity and my Federal immunity in doing so. If I don't know that, sir, then I am pleading self-incrimination.

Mr. MOULDER. Do you mean there are some questions you would like to answer?

Mr. LOFSKY. No. I say there might be.

Mr. MOULDER. Then, the rule which you are referring to, would not, I think—I cannot see why it would—offer any solution to your problem if you refuse to answer any question.

Mr. LOFSKY. I am not sure, Mr. Chairman. That is why I respectfully decline to answer.

Mr. DOYLE. Mr. Chairman—

Mr. KEARNEY. I just want to finish this.

Mr. DOYLE. Go ahead.

Mr. KEARNEY. The question that I asked you—if you were not a member of the Communist Party at the present time, would you so state in view of your previous answers?

Mr. LOFSKY. I think in reply to that question, if I was sure of the grounds of immunity, I would have an answer for it, sir.

Mr. KEARNEY. I did not get that.

Mr. LOFSKY. I am not at all sure. I think it is very simple. I am appearing before this committee by myself. I don't want the committee to think that I am being disrespectful because I intend no disrespect. However, I am not sure of my constitutional grounds. I do know—at least I think I know—that in pleading self-incrimination I have a right to do that, and I am not sure in answering to some questions which might be put to me, including possibly yours, Mr. Kearney, is it—that if I answered this question, that I might not be waiving my further right to plead on the fifth amendment? I don't know the answer to that, Mr. Chairman. I very frankly say so.

Mr. KEARNEY. I might state to the witness at this time—and I think the chairman will concur in my views—that any time you are in doubt as to what your constitutional rights are, appeal to the Chair, and he certainly will tell you what they are. It is not our purpose to persecute a witness coming before this committee. All we are trying to seek is the truth, with your cooperation, if you feel like giving it to us. If you feel like taking refuge behind the first, fifth, or some of the other amendments that you might have in mind, the amendments to the Constitution—if you feel your answers might place you in the position of self-incrimination, you certainly have the right to refuse to answer the questions.

Mr. LOFSKY. It is on the basis of that right that I have taken that position.

Mr. DOYLE. Witness, you have been in the courtroom here all day, have you not?

Mr. LOFSKY. Yes, sir.

Mr. DOYLE. I thought I saw you back there.

Mr. LOFSKY. Yes, sir. I was under subpoena to appear at 10 o'clock this morning.

Mr. DOYLE. Of course, you heard all the witness stated, did you not?

Mr. LOFSKY. Yes, I did.

Mr. DOYLE. Was there anything he said about you that was not true? We always give a witness as prompt an opportunity as we can to deny any statement. You heard every statement he made. Now, what statement did he make about you that was not true?

Mr. LOFSKY. Well, Mr. Chairman, again I would prefer not to answer that on the basis that it may be incriminating.

Mr. DOYLE. Yes. I heard you just a minute ago. You may not have intended to say it. But I heard you say, "I have been advised that I might waive my constitutional rights."

Mr. LOFSKY. Not legally, sir. Not by—

Mr. DOYLE. But you consulted with legal counsel before you came here a little bit at least, did you not?

Mr. LOFSKY. Yes, I have.

Mr. DOYLE. Sure you have. You came here fully advised about your legal rights, did you not?

Mr. LOFSKY. Well—

Mr. DOYLE. You went to your lawyer and conferred with him about appearing here, did you not, and what your constitutional rights would be?

Mr. LOFSKY. Yes, sir.

Mr. DOYLE. So when you come here and say you do not know what your constitutional rights are, that is false, is it not, because you have had legal advice?

Mr. LOFSKY. No, sir. I know my Constitutional—I think I know that my constitutional rights permit me to plead the fifth amendment.

Mr. DOYLE. Yes, they do.

Mr. LOFSKY. And at times the first amendment.

Mr. DOYLE. Yes.

Mr. LOFSKY. And beyond that I am not a lawyer and don't know the technicality of it.

Mr. DOYLE. We could not object to that. The thing I noticed is you making believe here you have not had legal advice.

Mr. LOFSKY. No, sir.

Mr. DOYLE. And now you say you have.

Mr. LOFSKY. I did consult my attorney. I said I didn't bring him down here. Obviously I didn't. And I didn't bring him down for a personal reason.

Mr. DOYLE. I could tell from your answers that you had legal advice and that you knew fully what your constitutional rights were. And when you asked our distinguished chairman the question you did, you did it to make a front appearance.

Mr. LOFSKY. No, sir.

Mr. DOYLE. As though you did not know what your rights were.

Mr. LOFSKY. No, sir, I haven't—

Mr. DOYLE. All the time you did know before you came in this room.

Mr. LOFSKY. I am sorry, sir, that is not the case.

Mr. DOYLE. We are wise as to what you folks do.

Mr. ARENS. Since you received your subpoena to appear before this committee, have you conferred with reference to your appearance before this committee, with any person known by you to be a member of the Communist Party?

Mr. LOFSKY. I would decline to answer that question.

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

Mr. McINTOSH. Mr. Witness, you suggest, at least I take it from your testimony, that you might be willing to cooperate with this committee if you were a little more certain of some of the implications of your answers as to a waiver of your constitutional rights.

Mr. LOFSKY. No. I didn't mean to leave that impression, sir. All I said was that some questions which could be put to me, and I think were about to be put to me—that perhaps some questions might have been assuming something that wasn't so. Yet I could have answered if I knew exactly what my legal rights were. Since I don't, I prefer not to.

Mr. McINTOSH. Mr. Witness, we will be here a few days. Would it help this situation if we continued you under subpoena, perhaps referred you to the bar association, legal aid committee or something, to review this question, and then bring you back to the stand?

Mr. LOFSKY. No, sir, I don't think so, sir.

Mr. McINTOSH. That would not help?

Mr. LOFSKY. I don't think so.

Mr. KEARNEY. In other words, Mr. Witness, then regardless of all your talk about you are not present with any attorney, whether you received assistance from the legal aid portion of the bar association or any other attorney, your answers would still be the same, would they not?

Mr. LOFSKY. Sir, I feel that since I already have been sworn in as a witness and am appearing here, that there would be nothing to be served so far as I am concerned in—

Mr. KEARNEY. Nothing to be served upon further questioning you upon the part of the committee. That is all.

Mr. MOULDER. May I inquire of you—you made some statement about immunity—if this committee takes proper steps to assure you of immunity from prosecution as a result of any answers which you may give to questions concerning Communist Party activities, would you then cooperate with the committee and answer those questions?

Mr. LOFSKY. Sir, I can't answer that question.

Mr. MOULDER. All right.

Mr. LOFSKY. I am not a legal person. I don't know the answer.

Mr. MOULDER. The witness is excused.

Mr. ARENS. Mr. Chairman, I respectfully suggest our next witness, who was and is under subpoena to appear before this committee, is Mary Figueirido. Her counsel presented me this morning with a doctor's certificate to the effect that Mrs. Figueirido is ill and being admitted to the hospital. I, therefore, respectfully suggest, Mr. Chairman, that there be a record entry that she be excused from appearance before the committee now but be continued for an indefinite

period under the subpoena, pending a situation where she might regain her health.

Mr. MOULDER. Request of able counsel is approved, and it is so ordered.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Sam Appel.

Kindly come forward if you please, sir, and remain standing while the chairman administers the oath.

Mr. APPEL. Mr. Chairman, please, I understood no pictures are to be taken.

Mr. MOULDER. No pictures will be taken.

Will you hold up your right hand and be sworn.

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

Mr. APPEL. I do, sir.

### TESTIMONY OF SAMUEL APPEL, ACCOMPANIED BY COUNSEL, GERALD A. BERLIN

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

Mr. APPEL. My name is Samuel Appel. I live in Fall River, Mass., and I work in a dye house.

I submitted a statement this morning to the counsel, which I would like now to read to you please, sir.

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

Mr. APPEL. That is correct, sir.

Mr. ARENS. You are represented by counsel?

Mr. APPEL. I am, sir.

Mr. ARENS. Counsel, kindly identify yourself on this record.

Mr. BERLIN. Gerald A. Berlin, with offices in Boston.

Mr. ARENS. Now, Mr. Appel, with reference to the statement which you submitted, the rules of this committee provide any statement to be submitted by a witness shall be submitted 24 hours in advance before consideration by the committee. I now have the statement in my hand, which I shall submit to the committee for its consideration, deliberation, and to determine whether or not it shall incorporate the statement in this record by reference.

While the committee is doing that, Mr. Appel, kindly tell us where and when you were born.

Mr. APPEL. I was born August 21, 1907, in Poland.

Mr. ARENS. And when did you come to the United States?

Mr. APPEL. 1909.

Mr. ARENS. Are you now a citizen of the United States.

Mr. APPEL. Yes, sir; I am.

Mr. ARENS. Are you a naturalized citizen?

Mr. APPEL. Derivative naturalization.

Mr. ARENS. Give us please, sir, a word about your education.

Mr. APPEL. High school education and a bachelor of arts degree.

Mr. ARENS. From what university?

Mr. APPEL. Ohio State University.

Mr. ARENS. And was that in 1940?

Mr. APPEL. No, sir; in 1930.

Mr. ARENS. 1930. Then tell us, if you please, sir, the principal employments you have had since you concluded your formal education.

Mr. APPEL. I have been a textile worker, shoe worker, and organizer for shoe workers' union for many years, and now working in a dye house.

Mr. ARENS. In what capacity were you an organizer; for what group were you an organizer for the shoe workers industry?

Mr. APPEL. I was an organizer for the United Shoe Workers of America, CIO.

Mr. ARENS. Where were you employed as a representative of that entity, that organization?

Mr. APPEL. In the Boston area, primarily.

Mr. ARENS. Over what period of time, please, sir?

Mr. APPEL. Oh, about 10, 15 years, I guess, 10 or 12 years, something like that—maybe more.

Mr. ARENS. How long have you lived in the Fall River area?

Mr. APPEL. About 8 years, sir.

Mr. ARENS. And during that period of time have you always been engaged in your present occupation?

Mr. APPEL. Yes, sir.

Mr. ARENS. For what firms or organizations do you work?

Mr. APPEL. I work for Spindle City Dye Works, sir.

Mr. ARENS. Specifically, what do you do there, sir?

Mr. APPEL. I work on production.

Mr. ARENS. What do you produce?

Mr. APPEL. We do dyeing of yarns and things of that sort, and I help in the scheduling of work. I do preparation of the work, and so forth.

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

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

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

Mr. APPEL. Just one moment, sir.

(The witness conferred with his counsel.)

Mr. APPEL. I was a member of the Communist Party, but I want to make it quite clear now that I am not now; and I will be glad to answer any questions this committee may ask me about my past membership, concerning myself; but I will not answer any questions concerning any of my associates or any people I knew at that time.

Mr. ARENS. Over what period of time were you a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. APPEL. The precise time is not too clear in my mind. However, I think it was around the 1930's; and I left the early part of the 1950's, about 1951, 1952—something like that. I am not too clear of the dates.

Mr. ARENS. During the course of your membership in the Communist Party did you know a person by the name of Armando Penha?

Mr. APPEL. Just one moment.

(The witness conferred with his counsel.)

Mr. APPEL. What is the pertinency of that question, sir?

Mr. ARENS. The purpose of the question, among other things, is to confirm the testimony of a witness who testified under oath before this committee this morning, that while he was a member of the Communist Party, he knew you as a Communist. We expect also to explore with you factual information, during the course of your testimony, which will be helpful to this committee in consideration of a number of legislative recommendations that are pending before this committee to undertake to strengthen this Nation against the Communist conspiracy.

Now, answer the question.

Mr. APPEL. I vaguely remember Mr. Penha—very faintly and vaguely.

Mr. ARENS. Did you break from the Communist Party in 1951?

Mr. APPEL. I didn't actually break; I just dropped out.

Mr. ARENS. Are you completely, irrevocably, out of the Communist operations now?

Mr. APPEL. I am, sir.

Mr. ARENS. Kindly tell us what post you held in the Communist Party during the period of some 20 years in which you were a member of the Communist Party.

Mr. APPEL. What relevancy does this have in this hearing now, sir?

Mr. ARENS. Considerable relevancy now, sir, in respect that this committee has under consideration a great number of proposals to strengthen this Nation against the penetration and operation of the Communist conspiracy in the United States. If you, as an individual, have been in the Communist conspiracy for 20 years, as you have just testified, you undoubtedly have an accumulation of information, factual material, which, if you will supply it to your Government, will be helpful to this committee in its appraisal of this legislation, for the purpose of recommending to the United States Congress changes in each of numerous enactments on the statute books, to enable your Government better to cope with this conspiracy.

Now, will you kindly answer the question?

Mr. MOULDER. May I say, and add to your statement, Mr. Arens: Recommendations with particular reference to the omnibus security bill introduced by the chairman of this committee, Mr. Walter, H. R. 9937, and also in connection with amendments under consideration by the committee in connection with the Internal Security Act, the Foreign Agents Registration Act, the Communist Control Act of 1954.

(The witness conferred with his counsel.)

Mr. APPEL. Before I answer that statement, sir, will my statement here that I presented to you be a part of the record?

Mr. ARENS. It has been submitted by myself, sir, to the committee for its consideration and determination as to whether or not it wants to order that statement to be a part of the record.

Mr. APPEL. I would like to put that statement in the record before I proceed with the further questioning.

Mr. ARENS. Would you kindly answer the question which is outstanding, namely, to tell this committee the positions or posts which you have held in the course of your 20 years' membership in the Communist Party?

(The witness conferred with his counsel.)

Mr. APPEL. I didn't hold any positions of any outstanding nature of any kind. I was primarily concerned during those years with being an organizer for a union. My job consisted primarily of organizing shoe workers, and my role in the Communist Party was very, very limited—actually to just about membership—and so I held no outstanding posts or any positions that I can recall.

Mr. ARENS. Tell us, first of all then, please, sir, the first entity of the Communist Party with which you were identified in the course of your career in the party.

Mr. APPEL. I don't quite follow.

Mr. ARENS. To what cell, section, branch, unit, fraction of the Communist Party were you first attached?

Mr. APPEL. I was a member of Shoe Workers Group, the Shoe Workers Fraction.

Mr. ARENS. Where?

Mr. APPEL. In the Boston area.

Mr. ARENS. And when did you first become connected with that?

Mr. APPEL. In the early 1930's; the exact date I am not quite sure about.

Mr. ARENS. How many members were there in that fraction?

Mr. APPEL. At that time it varied, but at one time it may have been as high as 15 or 20 people.

Mr. ARENS. How long did you maintain an identification or affiliation with that fraction?

Mr. APPEL. About 1936-37, something like that.

Mr. ARENS. Then I take it for about 7 years you were identified with that particular fraction; is that correct?

Mr. APPEL. Possibly—I am not quite sure of the years, at the time, or anything of that sort. It has been a long time.

Mr. ARENS. During this period of time from 1930 to 1937, or thereabouts, were you connected with, attached to, or affiliated with, any other entity of the Communist Party?

Mr. APPEL. Not that I can recall, sir.

Mr. ARENS. Tell us, please, sir, the functions you performed on behalf of the Communist Party as a member of this shoe fraction.

Mr. APPEL. I performed no particular function. I was a member of the group and paid dues. We met, discussed questions about the industry, how to further the industry, the organization of the industry, and things to that effect. That is about—it has been such a long time, but that is about the effect of it.

Mr. ARENS. In addition to discussing what to do with the industry, what was done by the fraction or members of the fraction within the industry to further the Communist cause?

Mr. APPEL. It was no particular discussion about furthering the Communist cause, per se. What we were primarily concerned about was to organize the shoe workers and to see if we can improve some of the wages and conditions that existed at that time.

Mr. ARENS. What efforts were made to organize the shoe workers?

Mr. APPEL. Circulars were distributed by the union and by the Communists, to urge the members of the open shops to join the union, and assistance was given at times; at the beginning, before the union was even formed, the meeting hall was supplied us, at the time, to help us organize a union.

Mr. ARENS. Were the United Shoe Workers at this time controlled by the Communist Party?

Mr. APPEL. No, sir; they were not.

Mr. ARENS. Did it occupy or control any key posts in the United Shoe Workers?

Mr. APPEL. The Communist Party, as such, did not occupy. I was chairman of the local union myself for a couple of years.

Mr. ARENS. Were you then a Communist?

Mr. APPEL. I was a member of the Communist Party at that time.

Mr. MOULDER. I want to interrupt to clarify. There was then a legitimate labor union organization functioning in connection with the shoe factories?

Mr. APPEL. Well, at that particular—at one time there wasn't. Afterwards, there was a labor union. At the beginning there was no union there at all. In other words, in the 1930's—the early 1930's—at first there was no organization. Then an organization came into being, a union came into being.

Mr. ARENS. Were you a comrade, a Communist, at the same time you were head of this local?

Mr. APPEL. Yes, sir; I was a member of the Communist Party.

Mr. ARENS. Were you taking instructions from the Communist Party concerning your activities within the local?

Mr. APPEL. I don't recall receiving any specific instructions, sir.

Mr. ARENS. Who, to your certain knowledge, were Communists or comrades who were members of this shoe fraction of the Communist Party during the period of your connection with it?

Mr. APPEL. Just one moment, sir.

(The witness conferred with his counsel.)

Mr. APPEL. What would be the pertinency of this question, particularly to the subject matter under investigation today?

Mr. ARENS. The purpose of the inquiry would be this, sir, namely, that if you tell us the names of people who were members of this fraction of the Communist Party in the shoe industry, if we do not have information from them or about them, they will be subpoenaed before this committee, perhaps first in executive session, at which time we will undertake to elicit from them information which will add to the fund of knowledge of this committee, upon which it can base legislative recommendations undertaking to protect the Nation, under whose flag you have protection, against the operation of the Communist conspiracy.

Now, would you kindly answer the question: Who, to your certain knowledge, are persons known by you at any time to have been comrades within this shoe fraction of the Communist Party?

Mr. APPEL. On this question, sir, I must respectfully decline to answer on the ground that it is a violation of the first amendment to the Constitution, which upholds my right of freedom of speech, freedom of assembly, and freedom of free association, and was upheld by the United States Supreme Court under the Watkins decision, sir. I cannot answer that question under those circumstances.

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

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

Mr. APPEL. I still respectfully decline to answer, on the grounds just stated.

Mr. ARENS. So the record may be perfectly clear, Mr. Chairman: Witness, in response to the question and the admonition and direction of the chairman, you are not invoking those provisions of the fifth amendment which give you a privilege not to incriminate yourself?

(The witness conferred with his counsel.)

Mr. APPEL. No; I refuse to answer on the grounds of the first amendment to the Constitution, and also on the matter that this inquiry is not pertinent to the situation at the present time.

Mr. ARENS. Now, so we may have still a parallel question to the last principal question: Are there any persons who, as late as 1951, when you broke from the Communist Party, were known by you to have been members of the shoe fraction of the Communist Party in this vicinity.

Mr. APPEL. I don't quite understand that at all.

Mr. ARENS. I will state it in another form.

So that there may be a question parallel to the last outstanding principal question: Are there persons known to you to be Communists as late as 1951, who were, to your knowledge, members of this shoe fraction of the Communist Party?

Mr. APPEL. I again must refuse to answer on the grounds that I have indicated, sir; and as a matter of conscience, I will not name any people that I may have known.

Mr. ARENS. May I explain to you the pertinency of this last question, which is parallel to the principal question; and then I shall respectfully request the chairman to direct you to answer.

There is pending before the Committee on Un-American Activities a number of legislative proposals and suggestions, in addition to actual bills. Among those are provisions which would preclude certification by the National Labor Relations Board as a bargaining agency of any organization or unit which is controlled by the Communist Party. If you can tell us the names of persons who, to your certain knowledge, have been in the past members of the shoe fraction of the Communist Party in this area, we will undertake to subpoena them before the committee, in order to elicit from them the extent to which the Communist Party has penetrated this particular industry, with the end in view of developing factual material which will enable the committee to recommend legislation on this vital issue.

I respectfully suggest, Mr. Chairman, with that explanation of pertinency to the witness, that he be ordered and directed to answer the question.

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

Mr. APPEL. I know no one since 1951, sir.

Mr. ARENS. Do you know anyone since 1950?

Mr. APPEL. I don't remember anybody, sir.

Mr. ARENS. What is the last period in which you did know someone?

Mr. APPEL. I can't quite recall; and if I did recall, I again would have to refer to my previous answer, sir.

Mr. ARENS. Do you recall anyone in the course of the last 5 years?

Mr. APPEL. I do not. I don't remember anybody since then.

Mr. ARENS. Do you recall anyone in the 1940's?

Mr. APPEL. I must decline to answer that, sir, on the same grounds I stated before.

Mr. ARENS. Are you now completely, irrevocably, out of the Communist Party?

Mr. APPEL. I am, sir; definitely.

Mr. ARENS. Are you under Communist Party discipline?

Mr. APPEL. I am not under Communist Party discipline.

Mr. ARENS. Are you against the Communist Party principles?

Mr. APPEL. I am opposed to their principles.

Mr. ARENS. Are you opposed to the function of the Communist Party?

Mr. APPEL. I am opposed to the function of the Communist Party.

Mr. ARENS. Do you regard the Communist Party as a threat to this Nation?

Mr. APPEL. I don't regard them as anything, sir.

Mr. ARENS. Do you regard them as a threat to this Nation?

Mr. APPEL. I haven't regarded them as a threat. I don't think they are, personally.

Mr. ARENS. Why did you disassociate yourself, then, from the Communist Party?

Mr. APPEL. I didn't think the program was proper. I disagreed with the program and I didn't think it was a right thing to the United States, and I dropped out.

Mr. ARENS. How long did it take you to arrive at that particular judgment, you having been in the Communist Party twenty-some years?

Mr. APPEL. It took me a number of years to think about these things, sir. But I definitely reached that conclusion in the early 1950's.

Mr. ARENS. What is it, specifically, that you have against the Communist Party, or that you protest within yourself against the Communist operations?

Mr. APPEL. I don't believe that when I dropped out, my thinking was—I left the labor movement as such, and I didn't think that I could any further associate with the Communists and the labor movement, as such. I just simply dropped out, feeling that that was enough for me. That was my general reaction, sir.

Mr. ARENS. Is there something about the Communist operation in this country, specifically, that caused you to develop an abhorrence of it?

Mr. APPEL. I wasn't too much aware of the operation itself, sir. I mean, I didn't participate too much in their operation, and wasn't too much aware of what they consider an operation; but I personally felt that I had to get out. I couldn't go along with some of the policies and programs at that time, which I still don't recall what they were. I just dropped everything completely.

Mr. ARENS. Do you want now, as a citizen of this country, to do what you can to counter, block, stop the operations of the Communist conspiracy in the United States?

Mr. APPEL. Just one moment, sir.

(The witness conferred with his counsel.)

Mr. APPEL. Sir, if I knew of any specific crimes that were being committed by any one person or any group of persons—

Mr. ARENS. I didn't ask you that question.

Mr. APPEL. I would inform the proper agencies. Otherwise, I don't think that I can answer any further questions relative to the people.

Mr. ARENS. Have you submitted any information respecting the operation of the Communist Party to the Federal Bureau of Investigation?

Mr. APPEL. I have not, sir.

Mr. ARENS. Have you contacted any intelligence agency or security agency of the State or Federal Government respecting any information which you may possess regarding the Communist Party?

(The witness conferred with his counsel.)

Mr. APPEL. I gave all the information that I had available about myself to the State Commission against Communism.

Mr. ARENS. Have you told the State Commission against Communism about Communist operations within this area that you knew about?

Mr. APPEL. Whatever they asked, I answered all their questions, sir. I don't recall the questions.

Mr. ARENS. You told the names of the persons who, to your certain knowledge, were in the operation?

Mr. APPEL. I did not mention any names, sir.

Mr. ARENS. What was the next affiliation which you had with an entity of the Communist conspiracy in this country? You told us from 1930 to 1937 you were in the shoe fraction.

Mr. APPEL. I had no other affiliation except general membership, sir.

Mr. ARENS. Where did you maintain your membership?

Mr. APPEL. In the Boston area. I mean, I didn't belong to any group or any particular unit or any particular branch of the Communist Party.

Mr. ARENS. To whom did you pay your dues?

Mr. APPEL. To the secretary of the Communist Party at the time, sir.

Mr. ARENS. Who was that person?

Mr. APPEL. Again I must respectfully decline to answer that question, sir; since it involves association, it involves people; and I cannot answer that under the first amendment and under the Watkins Supreme Court decision.

Mr. ARENS. How long had you known that person to whom you paid your dues?

Mr. APPEL. I don't recall that.

Mr. ARENS. What is the latest you knew that person to be a member of the Communist Party, the latest in chronology of your life?

Mr. APPEL. I don't remember.

Mr. ARENS. Did you know that person to be a member of the Communist Party as late as 1950?

Mr. APPEL. I don't see the relevancy of that, sir.

Mr. ARENS. The relevancy of it is this: If you tell us the name of that person to whom you paid your dues, since one of the items of interest to this committee is Communist Party finances, we would subpoena that person before us with the hope that we might be able to elicit from that person certain information respecting the financing of this conspiratorial operation against this Government.

Kindly tell us, if you please, sir, the name of the person to whom you paid your dues when you were a member of the Communist Party as late as 1951.

(The witness conferred with his counsel.)

Mr. APPEL. Again, sir, I will have to respectfully decline to answer that question on the ground that I don't believe that it is pertinent. I don't think it conforms with the first amendment to the Constitution, which gives me a right of free association. I will not become an informer for this committee or for anyone else, sir; and I, therefore, respectfully decline, to answer that question.

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

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

I may say to you it is not in the spirit of threat, but for the purpose of fully advising you of the possible dangers you might be placing yourself in, in refusing to answer. You may be guilty of contempt of Congress.

Mr. APPEL. I still maintain my position, sir.

Mr. ARENS. Have you ever paid any money to Armando Penha?

Mr. APPEL. Not that I recall, sir. I don't remember giving him any money. His statement this morning, as far as I was concerned, is absolutely incorrect, sir.

Mr. ARENS. Did you ever secretly maintain a mimeograph machine in your home?

Mr. APPEL. No, sir.

Mr. ARENS. Did you ever maintain a mimeograph machine in your home?

Mr. APPEL. I have a typewriter. I may have had a mimeograph. I don't remember.

Mr. ARENS. Was that mimeograph used for Communist Party functions?

Mr. APPEL. No, sir.

Mr. ARENS. Did you turn over to Penha a mimeograph machine?

Mr. APPEL. I don't recall, sir.

Mr. ARENS. Were you in the underground?

Mr. APPEL. No, sir.

Mr. ARENS. What groups, if any, did you penetrate, while you were a member of the Communist Party, on behalf of the Communist Party?

Mr. APPEL. I didn't penetrate any groups, sir, as far as I know, on behalf of anybody, sir.

Mr. ARENS. Were you as a comrade, a member, or active in the Progressive Party operations in this area?

Mr. APPEL. I was a member of the Progressive Party on my own behalf, sir. I believed in its principles and I joined the Progressive Party on my own behalf.

Mr. ARENS. Was that simultaneously with your membership in the Communist Party?

Mr. APPEL. I was a member of the Communist Party at the time I was a member of the Progressive Party, sir.

Mr. ARENS. Did you ever work with the International Workers Order?

Mr. APPEL. I didn't work, sir; I was a member of the International Workers Order.

Mr. ARENS. Were you a member of the International Workers Order simultaneously with your membership in the Communist Party?

Mr. APPEL. I was a member of the International Workers Order, paid my dues there for benefits, and that is all, sir. I did not take any active part in it, sir.

Mr. ARENS. Were you ever a member of the so-called Jewish Section of the Communist Party in Fall River?

Mr. APPEL. No, sir; I was not, sir.

Mr. ARENS. Is there or was there such a section?

Mr. APPEL. Not that I know of, sir.

Mr. ARENS. Were you ever a member of the Civil Rights Congress?

Mr. APPEL. I may have been, but I don't recall, sir.

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

Mr. MOULDER. Mr. Doyle?

Mr. DOYLE. Mr. Appel?

Mr. APPEL. Yes, sir.

Mr. DOYLE. You were present in the court room all day, were you not?

Mr. APPEL. Yes, sir.

Mr. DOYLE. I am sure I saw you on the second row on the left—

Mr. APPEL. That is right, sir.

Mr. DOYLE.—all day. And I think just a minute ago when our director here asked you if you heard Mr. Penha's statement this morning—

Mr. APPEL. Yes, sir.

Mr. DOYLE. I will ask you if you did hear it.

Mr. APPEL. I recall hearing his statement, sir.

Mr. DOYLE. I think I heard you say just a minute ago, referring to his statement, and I wrote it down: "His statement this morning was absolutely correct, as far as I am concerned."

Mr. APPEL. No—"incorrect."

Mr. DOYLE. Oh, incorrect. What part of his statement was incorrect?

Mr. APPEL. He made—well, his general statement about me that—if I recall, he said something to the effect that I was a "link" to professional people, and I was a channel for money and things to that effect, and that is not true, sir. I deny that statement.

Mr. DOYLE. Is there anything he said about you that was true?

Mr. APPEL. That is all he said about me, sir. Oh, he also said I was a member of some section committee in Fall River. I was not a member of any section committee in Fall River, sir.

Mr. DOYLE. Everything he said about you was false; is that correct?

Mr. APPEL. As far as I can recall, the statement he made, as far as I remember, was incorrect, sir, to my best knowledge.

Mr. DOYLE. By using the term "incorrect" do you mean that it was false?

Mr. APPEL. I said "incorrect," sir.

Mr. DOYLE. Well, do you say it was false and untrue?

Mr. APPEL. Just one moment, sir.

(The witness conferred with his counsel.)

Mr. APPEL. Let me put it this way, sir: I don't know whether Mr. Penha deliberately made a misstatement or not, sir; but the facts as he enunciated them were not true, as far as I was concerned, sir.

Mr. DOYLE. All right. You heard all his statement. What else in the statement he made about the Communist Party in this area, as far as you know, was not true?

Mr. APPEL. He made a lot of statements, sir, and it would be—I didn't take any notes on his statements, so I can't directly answer your question, sir.

Mr. DOYLE. I noticed you were very attentive to what was going on; and when the press stepped over to try to take your picture, you hid your face. You were quite aware of what was going on.

Mr. APPEL. Correct, sir.

Mr. DOYLE. And that is all right. So you heard the full statement that Penha made, didn't you?

Mr. APPEL. I heard a statement, sir; yes, sir.

Mr. DOYLE. Is there any part of that statement about the Communist Party operations in this area which, to your knowledge, was not true?

Mr. APPEL. Mr. Doyle, sir, he made—

Mr. DOYLE. During the 20 years that you were a member of the Communist Party?

Mr. APPEL. Just one moment, sir.

(The witness conferred with his counsel.)

Mr. APPEL. Mr. Doyle, sir, Mr. Penha made a lot of statements, primarily over a period of time after I dropped out of membership of the Communist Party, sir. I am not familiar with the functioning or the activities of the Communist Party after I dropped out. But if the chairman will give me a copy of the transcript, possibly I can go over the material and point out where he was—at the part of time I was there—whether he was correct or incorrect.

Mr. DOYLE. You stated a few minutes ago, in answer to Mr. Arens' question—and I wrote it down: "I was primarily concerned with being an organizer for a union, during those years. I was concerned primarily with membership." Do you remember stating that?

Mr. APPEL. Membership in the union; that was my—

Mr. DOYLE. In the union.

Mr. APPEL. That is in—

Mr. DOYLE. You were a UE organizer, weren't you?

Mr. APPEL. No; I was not; I was a member of the United Shoe Workers of America.

Mr. DOYLE. Were you ever a UE organizer?

Mr. APPEL. No; I was not, sir.

Mr. DOYLE. Did the membership of the United Shoe Workers union know that you were a member of the Communist Party while you were chairman of the local union?

Mr. APPEL. Many of them did know, sir.

Mr. DOYLE. Did you ever announce it publicly?

Mr. APPEL. I made no public statements about it, sir. When the person asked me the question, I didn't deny it at the time, sir.

Mr. DOYLE. How many members of the union—and I will not ask you their names; but I will tell you in frankness, that as far as I am concerned, I will not ask you the names but I will ask general ques-

tions—How many members of this union of which you were chairman or president were members of the Communist Party at the same time you were?

Mr. APPEL. It is hard to assess that, sir, because the membership of the union fluctuated, and the membership in the Communist Party at the time fluctuated also, sir.

Mr. DOYLE. Approximately what percent?

Mr. APPEL. What percentage?

Mr. DOYLE. Yes.

Mr. APPEL. Oh, very few, a very small percentage, sir. My local union—at one time, the local union had a membership of 2,000, and possibly there may have been 15 or 20 members of the Communist Party in that local union at that time.

Mr. DOYLE. When your local union had a few thousand members in it, were you a member of the Communist Party while you were president?

Mr. APPEL. Yes, sir; I was.

Mr. DOYLE. At the same time, when you had 1,000 members or more. Now, I presume that the Communist Party members in the union held caucuses; didn't they? You held secret caucuses for planned work?

Mr. APPEL. We held meetings, yes, sir; a long time ago. A long time ago, sir.

Mr. DOYLE. Yes, of course. But you held caucuses and no one else was present except the Communists who were members of the union; isn't that true?

Mr. APPEL. Yes, sometimes we did. It is true.

Mr. DOYLE. It is true all over the country. In other words, your Communist Party members of this union—in which there were a thousand or more members, and only 15 of them were Communists—were holding secret meetings to decide ways and means to take control and keep control of the union policy; isn't that true?

Mr. APPEL. I don't—to be honest with you, sir, I am trying to be very honest, because it has been a long time ago—

Mr. DOYLE. Yes. But you have a pretty good memory.

Mr. APPEL. No.

Mr. DOYLE. You are a very able gentleman. You have a perfectly good memory in my book.

Mr. APPEL. Sir, can you remember back 25 and 30 years ago, and 20 years ago under certain circumstances?

Mr. DOYLE. Yes, I can, on most important events.

Mr. APPEL. It is very difficult for me, sir, to remember all incidents and particularities.

Mr. DOYLE. But you have testified when Mr. Arens was asking about having meetings.

Mr. APPEL. Yes, we did have meetings.

Mr. DOYLE. And I have had experience enough over this country in these things to know that the Communist Party members also hold secret meetings to determine how they can control organized labor; and yours is another case, apparently, of exactly the same thing.

Mr. APPEL. Let me put it this way—

Mr. DOYLE. You held secret caucuses as Communists, didn't you, to determine who would be elected as officers of the union?

Mr. APPEL. On occasion we did; yes, sir.

Mr. DOYLE. You remember that?

Mr. APPEL. That is right, sir.

Mr. DOYLE. In fact, at no time after you became chairman of the union and a member of the Communist Party, did you give up, as chairman of the union, trying to control the union for the Communist Party policies, did you?

Mr. APPEL. I did not try to control the union, sir.

Mr. DOYLE. Why did you hold secret meetings, then, to determine who the officers would be?

Mr. APPEL. It wasn't the question only of officers at the time. We held meetings to see how we could better organize the union. The union was not fully organized. We were trying to see what we could do to better organize the union at the time, sir.

Mr. DOYLE. Why didn't you call in nonunion members or non-Communist members of the union at these secret caucuses?

Mr. APPEL. We did, sir. We had meetings of nonunion and union and non-Communist members.

Mr. DOYLE. But you had secret caucuses of the Communist members.

Mr. APPEL. We did, sir, at times; yes, sir.

Mr. DOYLE. Now, I want to ask you again, to make sure that the record speaks clearly: You heard the preliminary statement by our distinguished subcommittee chairman read this morning, didn't you?

Mr. APPEL. Yes, sir; I did.

Mr. DOYLE. So that, at that time, you heard a perfectly clear statement of what pertinent information we were going to ask for; isn't that true?

Mr. APPEL. I couldn't quite understand the statement, sir. He read it, and I tried to follow it, but it is very vague in my mind.

Mr. DOYLE. Thank you.

Mr. ARENS. If the chairman please, I should like to direct one question to Armando Penha, sitting to my right, with reference to this mimeograph machine, so the record may be clear on that.

Mr. MOULDER. Very well. Proceed.

#### TESTIMONY OF ARMANDO PENHA—Resumed

Mr. ARENS. Mr. Penha, you are still under oath.

Do you have information respecting a mimeograph machine which you procured from the witness who is in the principal witness chair now, Mr. Appel?

Mr. PENHA. Yes, sir.

Mr. ARENS. Kindly give us briefly the facts on that, sir.

Mr. PENHA. Some time in 1951, I believe about the middle of 1951, Sam got in touch with me. He was quite nervous because of the fact that the State law outlawing Communist Party in 1951 had taken effect in February, and it seemed that it was getting on his nerves, and he wanted at this time to dispose of any incriminating evidence. He had in his possession at that time a Communist Party mimeograph machine, which was placed there in hiding. He wanted me to take it away from there, and I went up there. I took it, and that was, of course, reported to the intelligence agencies at the time, and the location of it.

Mr. ARENS. Where is it now, by the way?

Mr. PENHA. It is in my home.

#### TESTIMONY OF SAMUEL APPEL—Resumed

Mr. ARENS. Mr. Appel, does the statement now made by Mr. Penha refresh your recollection with reference to the facts in connection with this mimeograph machine?

Mr. APPEL. I am trying to remember that, sir. It is vague. There is a vague recollection in my mind. It may be possibly true, but I am not too sure. It is a long time ago, and I really can't visualize it. It may be so, but I am not quite sure.

Mr. ARENS. Did the enactment of this State law have anything to do with your conclusion that you had better disassociate yourself from the Communist Party?

Mr. APPEL. No; that wasn't the primary factor. I was just plain disgust—I just gave up. That is all there is to it.

Mr. MOULDER. You can remember whether or not you had a mimeograph machine?

Mr. APPEL. I am trying to recall that. There is a vague recollection in my mind. Maybe it is so, but I am not quite sure about it. As a matter of fact, I wouldn't have recognized Mr. Penha.

Mr. PENHA. Mr. Chairman—

Mr. MOULDER. That was only 7 years ago.

Mr. APPEL. Seven years ago.

Mr. MOULDER. You surely recall whether or not you had a mimeograph machine in your home.

Mr. APPEL. I don't place that—I don't remember. Honestly, I am not quite sure. It may be so but I am not—

Mr. PENHA. Mr. Chairman?

Mr. MOULDER. Mr. Penha, do you wish to add some additional statement?

Mr. PENHA. I would like to assist ex-comrade Sam on this point, to refresh him where the mimeograph machine was. It was in his cellar, about middleways against the wall, covered with some old blankets. Maybe that would refresh his memory.

Mr. MOULDER. All right. You have heard that statement. Is that—

Mr. APPEL. I heard the statement. It is still the same. I may have had—I can't quite place it exactly—it may have been true. I can't place it exactly.

Mr. DOYLE. I have one more question.

Mr. Appel, I heard you state, and I wrote it down when you said it—you said "I found out it was not good for the United States." That was at the time you withdrew from the Communist Party. You said it was not good for the United States.

Mr. APPEL. I think I may have said that, sir.

Mr. DOYLE. I am quite sure you made that statement, almost word for word.

Now, what did you find out was not good for the United States? I am not asking you for names of people. I am asking you what you discovered in the Communist outfit, after being in it 27 years, that was not good for the United States.

Mr. APPEL. I think your number of years is a little bit incorrect.

Mr. DOYLE. How many years was it, if I am wrong?

Mr. APPEL. About 20 years.

Mr. DOYLE. 20 instead of 27.

Mr. APPEL. Right.

Mr. DOYLE. That isn't chickenfeed.

Mr. APPEL. As far as the Communist Party, I felt at this time when I dropped out that it was not in accordance with the wishes of the American people, that the people were not accepting communism; and I felt then that I didn't think that I should remain a member of an organization that was not in keeping with the American tradition at the time.

Mr. MOULDER. All right. Thank you.

Mr. Kearney?

Mr. KEARNEY. You, Mr. "Apple," stated during your testimony, as I recollect, that the statement of Mr. Penha was false; is that correct?

Mr. APPEL. I said I think Mr. Penha's statement was mistaken, I didn't say quite—

Mr. KEARNEY. Mr. Penha identified you as a member of the Communist Party; did he not?

Mr. APPEL. Yes; he did, sir. I didn't deny it, sir.

Mr. KEARNEY. Was that part of it false?

Mr. APPEL. No, sir.

Mr. KEARNEY. I have been looking over your statement that you handed to counsel this morning.

Mr. APPEL. Yes, sir.

Mr. KEARNEY. And did I understand you hold a B. A. from Ohio State University?

Mr. APPEL. A what, sir? I didn't hear you, sir.

Mr. KEARNEY. A degree of B. A.

Mr. APPEL. That is right, sir.

Mr. KEARNEY. Do you believe, or did you believe, that the Communist conspiracy in this country, call it the Communist Party, was a political party?

Mr. APPEL. When I was a member, I did believe that, sir.

Mr. KEARNEY. Well, how can you reconcile that thought then, Mr. Apple?

Mr. APPEL. "Appel," sir.

Mr. KEARNEY. Appel, pardon me.

Did you object to taking any directives from the Soviet Union?

Mr. APPEL. I took no directives from the Soviet Union, sir.

Mr. KEARNEY. As a member of the party, the party was directed by directives from the Soviet Union; was it not?

Mr. APPEL. I didn't know about that, sir. I was not aware of that, sir.

Mr. KEARNEY. Did you ever find it out, after your 20 years in the party?

Mr. APPEL. I didn't find that out, sir, personally; no, sir.

Mr. KEARNEY. So that you remained a member of the Communist Party for 20 years and still didn't know what its objectives were?

Mr. APPEL. I did not know, as you stated the objectives. I didn't know they stated those objectives. To me that wasn't the objective. That wasn't my objective.

Mr. KEARNEY. Did you ever hear of one William Z. Foster?

Mr. APPEL. I heard the name, sir.

Mr. KEARNEY. Do you know who he was, Mr. Appel?

Mr. APPEL. Chairman of the Communist Party at one time, sir, I believe.

Mr. KEARNEY. Did you ever read any of his writings?

Mr. APPEL. Not particularly. I read a statement of his occasionally. I never read his book or anything of that sort.

Mr. KEARNEY. Did you ever read the statement that I made this morning, that Foster said, "when the revolution came——"

Mr. APPEL. I did not read that statement.

Mr. KEARNEY. That is one statement you did not read?

Mr. APPEL. No, sir; I did not.

Mr. KEARNEY. That has a tremendous bearing upon the American way of life, has it not, a statement like that?

Mr. APPEL. Yes, sir. I disagree wholeheartedly with a statement of that kind, sir.

Mr. KEARNEY. Did you write this statement that was given to counsel this morning?

Mr. APPEL. What was that, sir?

Mr. KEARNEY. Did you write this statement yourself?

Mr. APPEL. That was with the assistance of counsel, sir.

Mr. KEARNEY. I will tell you frankly the reason why I asked. In looking it over, it has so many of the usual phrases characteristic of previous statements that I have seen in hundreds of hearings that to me it is a typical statement of the Communist Party.

Mr. APPEL. This statement, sir, was prepared with counsel. I had very little legal phraseology—it is very raw and new to me, sir.

Mr. MOULDER. Are there any other questions?

Mr. McINTOSH. Did you ever have any disagreements with party policy, as it went pretty well around and around the barn during the 20-year period, with regard to our foreign relations?

Mr. APPEL. I didn't participate, sir, in any policymaking, and I didn't participate too much in policy discussions. I just went along, and that was all, sir.

Mr. McINTOSH. Did you ever have any difficulty in adjusting your own thinking to some of the abrupt changes of policy of the American Communist Party, in concurrence with the Russians?

Mr. APPEL. Well, there were—for instance, the time of the Soviet-Nazi Pact, I couldn't quite follow that and understand that, and said so; but that was about it, sir.

Mr. McINTOSH. Didn't that move you to disassociate yourself?

Mr. APPEL. Leave? No; I just stayed on, sir.

Mr. McINTOSH. I have another question. You testified initially that the witness sitting here who has been on the stand most of the day was incorrect—I believe that was the precise phrase you used—in regards to several things he said about you personally, concerning the section at Fall River, and your function, which you said was not your function, and the mimeograph machine matter.

Now, do I understand in this recent exchange that you are not quite as prepared to challenge the correctness of this statement with regard to the mimeograph machine?

Mr. APPEL. I am not prepared to challenge that statement on the mimeograph because I have a vague recollection, but not a firm recol-

lection. On the other things, I am very definitely challenging his statement, sir.

Mr. McINTOSH. You did have a basement in the house?

Mr. APPEL. What is that, sir?

Mr. McINTOSH. Did you have a basement in the house?

Mr. APPEL. I certainly have a basement in the house.

Mr. McINTOSH. Then without the necessity of studying this record, you paid close attention to this witness' statement. I refer again to the principal witness today. Are there any other inaccuracies, falsities, incorrect statements with regard to his entire testimony that you would like to point out to this committee at this time, based on your knowledge of party functioning in this general area?

Mr. APPEL. Mr. Penha testified from, primarily from the period 1950-51 up. I dropped out of all activity about 1950. I am not familiar with any of the things that went on after that, sir.

Mr. McINTOSH. His testimony covered a little greater scope than that period of time. I ask for a direct answer, if you would:

Is there any inaccuracy, falsehood, or incorrectness that you care to point out at this time with regard to the testimony of this man who testified most of the day?

Mr. APPEL. I don't know, sir—I don't know, I don't recall. As I said, his testimony was primarily after 1951.

Mr. McINTOSH. Is your answer yes or no?

Mr. APPEL. My answer is "No" because I don't know.

Mr. MOULDER. May I inquire: You do know the witness, Mr. Penha, don't you?

Mr. APPEL. As I said, I recognize him very vaguely today, sir.

Mr. MOULDER. Do you ever recall his being in your home?

Mr. APPEL. I have a vague recollection of him being in my home, sir.

Mr. MOULDER. What was the occasion of his visit to your home?

Mr. APPEL. I don't remember, sir. I really don't remember.

Mr. MOULDER. You remember his being in the home but you do not recall the reason?

Mr. APPEL. I remember him vaguely, but I don't remember what he was doing there or what he wanted.

Mr. MOULDER. What other reason would he have for being there except in connection with the mimeograph machine?

Mr. APPEL. Sir, this mimeograph thing was also a complete surprise because I didn't recall that at all. I vaguely remember him being in my home once, and that is all I can recall of him being there. I don't know what he was there for. I don't remember what he was there for.

Mr. MOULDER. The witness is excused.

Mr. BERLIN. Mr. Counsel—

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Otis Hood.

Mr. APPEL. May I put this in the record, please?

Mr. BERLIN. May we mark this for identification?

Mr. ARENS. We will handle that.

Mr. APPEL. May I put that in the record?

Mr. BERLIN. May I mark the statement for identification in the event, Mr. Chairman, you do not decide to enter it in the record? I should like the statement to be marked for identification.

Mr. MOULDER. Yes; it will be marked as "Appel Exhibit No. 1," offered by this witness.

Mr. BERLIN. All right; with the request that it be entered in the file.

Mr. MOULDER. It is filed.

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

Mr. ARENS. The next witness, if you please, Mr. Chairman, is Mr. Otis Hood. Kindly come forward and remain standing while the chairman administers the 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?

Mr. HOOD. I do.

Mr. ARENS. Have a seat, please.

Mr. HOOD. May I stand, if you don't mind?

Mr. MOULDER. You may be seated.

Mr. HOOD. What?

Mr. MOULDER. You may be seated.

Mr. HOOD. You prefer that I be seated?

Mr. MOULDER. Yes.

Mr. HOOD. I would rather stand up, but if you insist, I will sit.

#### TESTIMONY OF OTIS ARCHER HOOD

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

Mr. HOOD. My name is Otis Archer Hood. I live at 33 Fayston Street, Roxbury, and I am a commercial sculptor.

Mr. ARENS. Mr. Hood, we do not propose in this interrogation, to interrogate you with reference to a number of items which have been the subject of public testimony before a number of forums. We have only one or two questions we want to pose to you.

First, I should ask: You are appearing today in response to a subpoena which was served upon you?

Mr. HOOD. That is correct.

Mr. ARENS. And you are not represented by counsel?

Mr. HOOD. I am not.

Mr. ARENS. You know you have the privilege of counsel?

Mr. HOOD. I know.

Mr. ARENS. Mr. Hood, this morning there was testimony with reference to yourself being a beneficiary of a will which was drawn by Maud D'haze. Did you know that lady?

Mr. HOOD. I will decline to answer that question under the first amendment; that my knowledge and my association with other people is protected by the first amendment of the United States Constitution, and I cannot be compelled to talk about my associations, my affiliations, and so forth.

Mr. ARENS. Mr. Chairman, I respectfully suggest now 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 in connection with that request, may I say that this direction is not given in the spirit of threats or coercion, but for the purpose of advising and informing you of the possible danger of your being guilty of contempt of Congress.

Mr. ARENS. May I further explain, if you please, Mr. Chairman, the pertinency, by saying we have testimony to the effect that this lady, who is now deceased, made a will of which you were one of the beneficiaries—you, among others—and certain of that money was channeled to the Communist Party. Now, would you kindly answer the question?

Mr. HOOD. I will decline to answer the question because I think that it might open up a whole line of questions. Somewhere along the line might be questions which I would refuse to answer on the grounds of the fifth amendment, which protects me from being compelled to be a witness against myself. Therefore, I will refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Were you a beneficiary of the will of Maud D'haze?

Mr. HOOD. I will refuse to answer this question under the same grounds.

Mr. MOULDER. May I ask the witness: You have been present in the hearing room during all of this day?

Mr. HOOD. Yes. It has been a very boring experience.

Mr. MOULDER. You heard the testimony of the other witnesses and heard the statement made by counsel concerning our interest in the operation of the Communist Party, as to its financial assistance and how it receives financial assistance and also our interest and desire to pass legislation which has been mentioned by counsel. All of that you have heard.

Mr. HOOD. I have heard.

Mr. MOULDER. And thoroughly understood; is that correct?

Mr. HOOD. That is right.

Mr. MOULDER. Again, after that statement then, the Chair does order and direct the witness to answer the question.

Mr. HOOD. You are ordering me again to answer the question?

Mr. MOULDER. Yes.

Mr. HOOD. I will decline to answer on the grounds of the fifth amendment to the United States Constitution.

Mr. ARENS. Just so the record can be brought up to date are you now, on March 18, 1958, a member of the Communist Party?

Mr. HOOD. That would be a very difficult question to answer truthfully under the circumstances. I heard the Communist Party described here this morning in words and form of description that I could not recognize the existence of any such organization. Certainly I was never connected with any such organization that I would recognize by that description.

Mr. ARENS. Did you know the man who made the description, Mr. Penha?

Mr. HOOD. That I will have to refuse to answer, also.

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

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

Mr. DOYLE. No questions.

Mr. MOULDER. Mr. Kearney?

Mr. KEARNEY. Just a couple, Mr. Hood. Your voice dropped there a little.

Mr. HOOD. Maybe I got away from the mike.

Mr. KEARNEY. I think I heard you right—I understood you to say, in answer to a question, “Yes, and these hearings were very boring”?

Mr. HOOD. Yes, sir; to me they were very boring.

Mr. KEARNEY. As boring as running for Governor of the State of Massachusetts?

Mr. HOOD. What is that?

Mr. KEARNEY. Was it as boring to you as running for Governor of the State of Massachusetts?

Mr. HOOD. I will decline to answer that question, sir.

Mr. KEARNEY. That is all.

Mr. MOULDER. Mr. McIntosh, have you any questions?

Mr. McINTOSH. I have no questions.

Mr. MOULDER. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, is Anne Burlak Timpson.

Kindly come forward and remain standing while the chairman administers an oath.

Mr. MOULDER. Hold up your right hand and be sworn.

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

Mrs. TIMPSON. I do.

#### TESTIMONY OF ANNE BURLAK TIMPSON, ACCOMPANIED BY COUNSEL, WILLIAM P. HOMANS, JR.

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

Mrs. TIMPSON. Is this drinkable? Is that water for us? Is that for me? Is that water drinkable?

Mr. HOMANS. The witness wanted to know if she may drink the water? Has it been used by someone else?

Mrs. TIMPSON. May I have a drink? This is a fresh glass of water? Thank you, sir.

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

Mrs. TIMPSON. My name is Anne Burlak Timpson. I live at 11 Wabeno Street, in Roxbury, Massachusetts. Primarily I am a homemaker.

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

Mrs. TIMPSON. That is right, sir.

Mr. ARENS. And you are represented by counsel?

Mrs. TIMPSON. Yes, sir; I am.

Mr. ARENS. Counsel kindly identify yourself.

Mr. HOMANS. My name is William P. Homans, Jr. I have offices at 1 Court Street, Boston.

Mr. ARENS. You said primarily you were a homemaker. Do you have another activity that is less than that which is primary in which you are engaged?

Mrs. TIMPSON. I have a part-time clerical job.

Mr. ARENS. Where are you employed?

Mrs. TIMPSON. I would like you to explain to me what pertinency that has to your hearing.

Mr. ARENS. I will be delighted to do so.

This Committee on Un-American Activities is undertaking to marshal facts on which it can legislate or recommend legislation to protect this country against the Communist conspiracy. You have been identified repeatedly—publicly and privately—as a member of that conspiracy. If you will tell us now where you have been employed that information, added to other information that we have, will help this committee in the task in which we are engaged.

Now, would you kindly answer the question?

(The witness conferred with her counsel.)

Mrs. TIMPSON. Mr. Chairman, I refuse to answer that question because it has no pertinency at all to this hearing.

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

Mr. MOULDER. The witness is so ordered and directed. As I stated to the other witnesses while you were here in the hearing room, the direction is not given in a spirit of threat or coercion, but to advise and inform you of the possible dangers of your being guilty of contempt of Congress.

Mrs. TIMPSON. Mr. Chairman, there have been many people fired from their jobs as a result of hearings just like this. Is it pertinent to the work of your committee to add another person to the list of the unemployed in this country?

Mr. MOULDER. That is not responsive to the question. You are again directed to answer the question.

Mrs. TIMPSON. I will stand on my constitutional rights of the first amendment, and refuse to answer that question.

Mr. ARENS. We have just two other matters we want to pursue with you. We don't want to go into matters that have already been gone into. We want to go into matters which are pertinent to the general area of this inquiry.

Where were you born?

Mrs. TIMPSON. In the United States, sir, in Pennsylvania.

Mr. ARENS. Now, please tell us, have you ever applied for a United States passport as a citizen of the United States?

(The witness conferred with her counsel.)

Mrs. TIMPSON. Do you want me to answer now?

Mr. ARENS. Yes, please.

Mrs. TIMPSON. Yes, I have traveled abroad.

Mr. ARENS. When?

Mrs. TIMPSON. And I have applied—naturally, have had to have a passport.

Mr. ARENS. Yes. Kindly tell us when you traveled abroad.

Mrs. TIMPSON. 1931, and again in 1935, I think.

Mr. ARENS. Have you traveled abroad at any time since 1935?

Mrs. TIMPSON. No, sir.

Mr. ARENS. Did you travel with a United States passport?

Mrs. TIMPSON. Yes, sir.

Mr. ARENS. Where did you go, please?

Mrs. TIMPSON. Wait just a minute.

(The witness conferred with her counsel.)

Mr. ARENS. Kindly answer the question.

Mr. MOULDER. Will the reporter read the last question.

(The record was read by the reporter.)

Mrs. TIMPSON. Well, I traveled through England, France, Poland, Soviet Union; coming back I went through Denmark and Stockholm.

Mr. ARENS. Was it in the thirties that you went to the Soviet Union?

Mrs. TIMPSON. Yes. That is the only time I went abroad.

Mr. ARENS. Were you a member of the Communist Party at the time you traveled in the Soviet Union?

Mrs. TIMPSON. Now you are entering into the area of political beliefs and associations, and that I am protected by the Constitution of the United States. I am not going to be a party to violating that Constitution, with you or anybody else.

Mr. ARENS. Are you now a member of an organization dedicated to the forcible overthrow of the Government of the United States and the destruction of that Constitution?

Mrs. TIMPSON. I am opposed to force and violence in any form, sir; and I would not belong to an organization that, to my knowledge, advocated force and violence.

Mr. ARENS. Are you a member of the Communist Party today?

Mrs. TIMPSON. That you have no right to ask me under our present Constitution, and you have been so informed by the Supreme Court of the United States.

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

Mr. MOULDER. Does the Communist Party believe in the overthrow of our present form of Government by force and violence?

Mrs. TIMPSON. I have never heard, anywhere in my presence, anyone advocate the overthrow of the United States Government by force and violence. I would oppose any kind of such suggestion.

Mr. MOULDER. Do you know whether or not the Communist Party advocates the change of our Government by force and violence?

Mrs. TIMPSON. I have never heard of any one in my presence at any time advocate force and violence or force and violent overthrow of the United States Government.

Mr. ARENS. Just so we can bring the record to date: Are you now a member of the Communist Party?

Mrs. TIMPSON. That question I will have to decline to answer on the basis of the first amendment of the Constitution, because you are invading my rights, my political rights of beliefs and associations, sir.

Mr. ARENS. Do you have another reason?

Mrs. TIMPSON. That is sufficient. That is what the Constitution says.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question whether or not she is a member of the Communist Party.

Mrs. TIMPSON. Don't threaten me, sir.

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

Mr. HOMANS. I will advise you, Mrs. Timpson, that under the Constitution and the fifth amendment to the Constitution, it is not neces-

sary that you have committed a crime in order for you to legitimately avail yourself of the privilege of the fifth amendment. It need only be that the question may tend to incriminate you, and the courts have held that you need not be guilty of a crime in order to safeguard and avail yourself of the provisions of the fifth amendment.

Mr. MOULDER. I order and direct the witness to answer the question.

Mrs. TIMPSON. On the basis of that, I will decline to answer on the basis of the fifth amendment, which says I do not have to be a witness against myself.

Mr. MOULDER. Very well. Proceed with the next question, Mr. Arens.

Mr. ARENS. Now, I should like to ask you about the finances of the Communist Party.

I hold in my hand a photostatic copy of a will made by Maud D'haze, written by her, dated May 15, 1953, in which you, among others, are named as a beneficiary.

Did you receive property pursuant to the will of Maud D'haze?

Mrs. TIMPSON. Will you explain what that has to do with this hearing, and with the thing you are investigating?

Mr. ARENS. Yes, I will be glad to, in anticipation, that you will answer the question.

This Committee on Un-American Activities is trying to develop factual material which it may use in appraising legislation to safeguard this country against the operations of the Communist conspiracy.

One of the areas of inquiry relates to Communist Party finances. We have information, which is on this record today by a live witness under oath, to the effect that you, among others, received certain property from Maud D'haze who had been a Communist prior to her demise; that you, as a Communist, transmitted some of that property, at least, to the Communist Party.

Now, please answer the question.

(The witness conferred with her counsel.)

Mrs. TIMPSON. Mr. Chairman, I can't for the life of me—

Mr. MOULDER. Just one moment, will you, please? Mr. McIntosh is recognized.

Mr. MCINTOSH. I just wanted to get straight with you, Counsel, that while we have no objection to your advising your client publicly or privately, as you wish, that the previous advice given to your client into the microphone was your choice and not ours. I mean we are not infringing on the privacy of your advice.

Mr. HOMANS. I understand that, Congressman.

Mr. MCINTOSH. We like to get some of these things clear.

Mr. HOMANS. Thank you very much, Mr. Congressman.

Mr. MOULDER. Now, you may give your answer to the question.

Mrs. TIMPSON. I lost the question, I am afraid.

Mr. ARENS. The question is: Did you receive property pursuant to the will of Maud D'haze?

Mrs. TIMPSON. I can't see where receiving property of any kind under a will has anything at all to do with the issue which you are investigating here, Congressman.

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

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

Mrs. TIMPSON. Then I shall have to decline to answer that question on the basis of the first amendment of the Constitution and the fifth amendment.

Mr. ARENS. Yes, I will be glad to, in anticipation that you will say "I shall have to decline." You don't have to decline.

Mrs. TIMPSON. I mean I will decline. I have that privilege, sir.

Mr. KEARNEY. That is right; you have. You can just say "I decline." You don't have to say "I have to decline."

Mrs. TIMPSON. Thank you.

Mr. ARENS. Mr. Chairman, although there are a number of items we could pursue with this witness, they are items which have been the subject of inquiry by our committee, both publicly and in executive session, and in view of the press of time and desire to avoid duplication of effort, I respectfully suggest this will conclude the staff interrogation of this witness.

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

Mr. DOYLE. You stated that you have never heard anyone state in your presence that the Communist Party stood for force and violence. I presume from your statements, and what I heard of you, that you are pretty well read on the objectives and principles of the Communist Party. Is that true?

Mrs. TIMPSON. I read many things, sir.

Mr. DOYLE. There is certainly no reason why a person should not be well read and be as well informed and enlightened as possible.

Mrs. TIMPSON. That is right. A person should read everything. President Eisenhower said we should read everything, including books issued by the Communists.

Mr. DOYLE. This Nation, thank God—its origin is based upon honest differences of opinion. True?

Mrs. TIMPSON. Granted.

Mr. DOYLE. I understand that and fight for that.

Mrs. TIMPSON. Granted.

Mr. DOYLE. And you have a perfect right to read literature if you want to:

Now I am asking you again if it is not a fact that you have read Communist Party literature?

Mrs. TIMPSON. I have read both Communist and non-Communist literature.

Mr. DOYLE. All right. Now, on the subject of force and violence, I refer to a recent book by J. Edgar Hoover, just off the press, and I refer to page 345. He quotes Mr. Lenin, whom I assume you have read:

The replacement of the bourgeois by the proletarian state is impossible without a violent revolution.

And then Mr. J. Edgar Hoover, head of our FBI, on page 7, said: "William Z. Foster"—whom no doubt you have heard about and read about:

William Z. Foster, long-time head of the Communist movement in our country, has boasted that the Communist revolution, after the actual seizure of power, would "develop even more swiftly" than the Russian.

All industry would be nationalized and farms taken away from their owners. A small-business man is just as guilty as a large businessman; both must be liquidated. Rents, profits, and insurance would be abolished. Countless occu-

pations, termed by the Communists as "useless and parasitic," would be ended. Here is a part of their list: wholesalers, jobbers, real-estate men and stock-brokers, advertising specialists, traveling salesmen, lawyers, "whole rafts of government bureaucrats, police, clericals, and sundry capitalist quacks, fakers, and grafters." The Communists have a special disdain for lawyers. Perhaps it is because there will be no need for lawyers when there are no rights to defend. At any rate, Foster has said, "The pest of lawyers will be abolished."

Action would be drastic, immediate, and without appeal. An armed "Red Guard" would enforce the orders of party henchmen. Hotels, country clubs, and swimming pools would be used for the benefit of "workers," meaning, in most cases, party bosses. The workingman in the mines, factories, and mills would be told to work certain hours for certain wages.

Mr. DOYLE. Now I skip and read one thing more——

Mrs. TIMPSON. What is that you are reading, sir?

Mr. DOYLE. I am reading the book of J. Edgar Hoover. I invite you to read it. It is just off the press.

Mrs. TIMPSON. Would you mind giving me a copy?

Mr. DOYLE. It costs \$5.

Mrs. TIMPSON. You don't think I want to invest that much?

Mr. DOYLE. If I thought it would convert you out of communism I would get you one.

Mrs. TIMPSON. You might try.

Mr. DOYLE. Let me read just one more paragraph, and this deals with the subject of force and violence. As I noticed, you quite proudly stated you never heard it mentioned in your presence.

Mrs. TIMPSON. That is right.

Mr. DOYLE. Here is what Mr. Hoover says on page 21:

What about force and violence? Must they be used? Marx emphasized that capitalist society, most naturally, would not voluntarily turn over its factories, banks, and money to the workers. Moreover, it would probably organize a "counter-revolution"—which means, defending itself. Hence, under the leadership of the Communist Party, the workers must, if necessary, be prepared to use force, that is, violent revolution. If the capitalists submit peacefully, good; if they resist, slaughter them.

Mr. DOYLE. Yes, you can laugh. I notice you are, but anything that J. Edgar Hoover says, I think, is taken by the great mass of the American public as pretty near fact, instead of what the Communist Party or any of its members say in this country, thank God.

Mrs. TIMPSON. What is your question, sir?

Mr. DOYLE. I have no question.

Mrs. TIMPSON. Oh, it was just a free lecture.

Mr. DOYLE. I just wanted to read you this, much as I know——

Mrs. TIMPSON. Thank you.

Mr. DOYLE.—it is something you are familiar with, as far as the statements of Marx and Lenin are concerned, although you do not admit it.

That is all.

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

Mr. KEARNEY. I have no questions.

Mr. MOULDER. Mr. McIntosh?

Mr. MCINTOSH. No questions.

Mr. MOULDER. Have you any additional questions, Mr. Arens?

Mr. ARENS. No thank you, sir.

Mr. MOULDER. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman—and may I advise, this will be the last witness called today—is Mr. Joseph Sherman.

Kindly come forward and remain standing while the chairman administers the oath.

Mr. SHERMAN. No pictures—you said “No pictures,” and I want instructions.

That is very nice. Here we are trying to figure out order—I don’t care.

Mr. KEARNEY. According to the rules of this committee, the press has the right to take pictures of a witness before he testifies but not while he is testifying.

Mr. SHERMAN. If I was to ask to destroy these pictures because the committee has asked 20 times not to take these pictures, and these pictures are taken—there you go again, on top of it.

Now, go ahead. That is very nice. The committee is holding out an order. Take more. I haven’t taken pictures in a long time.

Mr. MOULDER. Will you be sworn as a witness?

Mr. ARENS. Kindly stand while the chairman administers the oath to you.

Mr. SHERMAN. I am sorry.

Mr. MOULDER. Do you solemnly swear 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. SHERMAN. I do.

#### TESTIMONY OF JOSEPH SHERMAN, ACCOMPANIED BY COUNSEL, GABRIEL KANTROVITZ

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

Mr. SHERMAN. My name is Joseph Sherman. I live at 38 Walnut Park, Roxbury, Massachusetts. I am a truck driver on a cleaning establishment.

Mr. ARENS. Would it be convenient for you to keep your voice up, please, sir?

Would you kindly give us your occupation again? I don’t believe it was clear to the stenographer.

Mr. SHERMAN. I am a truck driver for a cleaning establishment.

Mr. MOULDER. May I admonish the witness in this respect: He was speaking very loud and clearly one moment ago, and we could hear you, but now we cannot hear you.

Mr. SHERMAN. Unless this thing doesn’t carry—I am trying to speak right next into it.

Mr. MOULDER. That one in front of you is the one you should use.

Mr. SHERMAN. This?

Mr. MOULDER. That is correct.

Mr. SHERMAN. I am a truck driver for a cleaning establishment, that is, servicing the public, cleaning and pressing of garments.

Mr. ARENS. In what city, please?

Mr. SHERMAN. Greater Boston.

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

Mr. SHERMAN. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. SHERMAN. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. KANTROVITZ. Gabriel Kantrovitz, 294 Washington Street, Boston.

Mr. ARENS. Mr. Sherman, where and when were you born?

Mr. SHERMAN. I was born in Poland, 1906.

Mr. MOULDER. I didn't hear you.

Mr. SHERMAN. I was born in Poland, 1906.

Mr. ARENS. When did you come to the United States?

Mr. SHERMAN. I came to the United States on August 21, I believe, 1920.

Mr. ARENS. Are you a citizen of the United States?

Mr. SHERMAN. No, sir.

Mr. ARENS. You are an alien?

Mr. SHERMAN. Yes, sir.

Mr. ARENS. Have you ever applied for naturalization?

Mr. SHERMAN. Well, there is a long story, sir, if I am permitted, and it is necessary in explanation here. It cannot be answered Yes or No. If I am permitted——?

Mr. MOULDER. The committee members cannot hear you.

Mr. ARENS. Use about the same volume on your voice that you did when you were protesting the pictures a few moments ago—we heard you then.

Mr. SHERMAN. Would it help if I stood up?

Mr. ARENS. Just raise your voice, please, sir.

Mr. SHERMAN. I would like to ask the committee for an explanation in answering this question, because this is a question that cannot be answered Yes or No. If I am permitted, I would answer this question because there is a long story——

Mr. ARENS. Just answer the simple question: Have you ever filed an application for naturalization?

Mr. SHERMAN. Again I must say that there is a reason why I did not file. After I had found that——

Mr. MOULDER. Answer the question, and then give your reason.

Mr. ARENS. Did you file?

Mr. SHERMAN. I did not, sir.

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

Mr. SHERMAN. I must decline, sir, to answer that on the ground that it might incriminate me.

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

Mr. SHERMAN. I must decline to answer that, sir, on the ground that it might incriminate me.

Mr. ARENS. Have you ever traveled abroad?

Mr. SHERMAN. I must decline to answer this question on the grounds that it might incriminate me.

Mr. ARENS. Are you now an alien?

Mr. SHERMAN. Yes, sir.

Mr. ARENS. Are you an alien Communist?

Mr. SHERMAN. I decline to answer that, sir, on the ground that it might incriminate me.

Mr. ARENS. Were you a member of the Abraham Lincoln Brigade?

Mr. SHERMAN. I decline to answer that, sir, on the ground it might incriminate me.

Mr. ARENS. When did you last take a trip abroad?

Mr. SHERMAN. I decline to answer that on the ground that it might incriminate me.

Mr. ARENS. Have you ever applied for a United States passport?

Mr. SHERMAN. I decline to answer that, sir, on the ground that it might incriminate me.

Mr. ARENS. Do you honestly apprehend if you told this committee whether or not you applied for a United States passport, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SHERMAN. Would you mind, sir, to repeat the question?

Mr. ARENS. Do you honestly apprehend, sir, if you told this committee truthfully whether or not you ever applied for a United States passport, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SHERMAN. Whatever I answer here is nothing but the truth. The reason—

Mr. KEARNEY. Mr. Chairman, may I make an observation here? It seems to me that in the testimony of this witness, this is a case that should be immediately processed to the Immigration authorities looking toward deportation, and I certainly would recommend and would urge as a vote of this committee, to return it to the full committee, that such proceedings be taken.

Mr. ARENS. Now, sir, there is an outstanding question on this record, namely: Do you honestly apprehend that if you told this committee truthfully while you are under oath whether or not you have ever applied for a United States passport, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SHERMAN. In spite of my innocence, gentlemen, I still decline to answer, that it might incriminate me.

Mr. ARENS. Have you been innocent of any application for a United States passport?

Mr. SHERMAN. I have stated that, despite my innocence, that the truth—

Mr. ARENS. What innocence? Are you innocent of membership in the Communist Party?

Mr. SHERMAN. I am innocent of telling the truth here, nothing but the truth; and the only reason I decline to answer such certain questions is fear that they may incriminate me. This is my only reason. I employ the fifth amendment.

Mr. ARENS. As an alien, have you ever applied for what is technically known as a re-entry permit?

Mr. SHERMAN. I decline to answer that question, sir, on the same reason and same grounds.

Mr. ARENS. Have you ever been back to the country of your birth?

Mr. SHERMAN. I decline to answer that on the same reason, the same grounds.

Mr. ARENS. To what organizations do you belong?

Mr. SHERMAN. I decline to answer on the first amendment, sir.

Mr. ARENS. Now, I am going to ask you this question: What organizations do you now belong to which are not Communist organizations?

Mr. SHERMAN. I decline to answer that, sir, on the same grounds and the same reasons.

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

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

(The witness conferred with his counsel.)

Mr. MOULDER. I will restate that the witness is ordered and directed to answer the question as directed by counsel.

Mr. SHERMAN. I am applying the first amendment that gives me the right to associations and speech, and that is the reason why I decline to answer.

Mr. ARENS. Mr. Chairman, in view of that explanation, I respectfully suggest that the record again reflect an order and direction from this committee for the witness to answer the question—and I will explain the pertinency of it to the witness—so that there will be no question that this record is abundantly clear as to the nature of the information we are endeavoring to elicit from the witness.

We have abundance of information to the effect that Communists have been in a process over this Nation of penetrating non-Communist organizations; that the Communist conspiracy is developing in this country what is known in Communist jargon as a "united front tactic." We have information to the effect that this witness is and has been a member of the Communist conspiracy.

We want to ask this witness not about Communist operations in which he is engaged at the moment, but about non-Communist organizations in which he may be a participant, for the reason that this committee has under consideration a number of suggested provisions of law which would help protect this country against this subversive conspiracy.

With that explanation, Mr. Witness, I respectfully request you to answer the question.

Mr. MOULDER. And you are directed by the committee to answer the question.

(The witness conferred with his counsel.)

Mr. SHERMAN. With the advice of my counsel, I am employing the first amendment.

Mr. MOULDER. I didn't understand.

Mr. SHERMAN. With the advice of my counsel on this question, I am employing the first amendment.

Mr. ARENS. And let the record be absolutely clear. You are not invoking—

Mr. SHERMAN. I am invoking—

Mr. ARENS. —those provisions of the fifth amendment which give you a privilege against self-incrimination?

Mr. SHERMAN. Let me repeat my answer, then.

(The witness conferred with his counsel.)

Mr. SHERMAN. I am relying on the first amendment, with the advice of my counsel, and due process of the fifth amendment.

Mr. ARENS. But you are not relying—Counsel, you may advise him—you are not relying upon those portions of the fifth amendment which endow you with a privilege against self-incrimination; is that correct?

Mr. SHERMAN. I am employing all of the fifth amendment that protects me from being a witness against myself.

Mr. ARENS. Then you are changing your reasons, are you not?

Mr. SHERMAN. That is the reason.

Mr. ARENS. Let's get to the principal question: Do you honestly apprehend, sir, if you told this committee truthfully the non-Communist Party organizations of which you are a member, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SHERMAN. With the advice of my counsel, I decline to answer for the same reasons.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that outstanding principal question, for the reason we are testing the witness' good faith in the invocation of the fifth amendment. The fifth amendment has not been put in the Constitution, the Courts have said repeatedly, for purposes of mockery. If the witness is invoking the fifth amendment in good faith, he can and should answer that question.

Mr. MOULDER. I believe the record reveals what counsel said, to be the truth. Therefore you are directed by the committee to answer the question.

(The witness conferred with his counsel.)

Mr. SHERMAN. My counsel advises me to rely on the first amendment and all of the fifth amendment.

Mr. ARENS. I want the record to be abundantly clear, Mr. Chairman.

Do you understand, Mr. Witness, that I am asking you whether or not if you told this committee truthfully the non-Communist organizations which you are a member of, you would be supplying information which might be used against you in a criminal proceeding? Do you understand the question?

Mr. SHERMAN. (Nods).

Mr. ARENS. Your nod "Yes" is not on the record. Kindly give us a negative or an affirmative response.

Mr. SHERMAN. Yes.

Mr. ARENS. You understand the question?

Then I respectfully implore you to answer the question.

(The witness confers with his counsel.)

Mr. SHERMAN. My counsel advises me to apply the first amendment, that it deals with the association of people and organizations, and the fifth amendment, that it deals with due process of law and not to be a witness against myself.

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

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

Mr. DOYLE. Witness, how many years did you say you had been within the continental United States?

Mr. SHERMAN. I came to this country in 1920.

Mr. DOYLE. From Poland?

Mr. SHERMAN. Poland, sir, right.

Mr. DOYLE. And I think you said you had not applied for citizenship papers after you came here in 1920.

Mr. SHERMAN. I have asked for an explanation, which I was not given the right to explain, and you would readily see the reason why I have not applied. In my explanation, if I was permitted to, you would see why I have not applied.

Mr. DOYLE. Well, tell us why you have not applied.

Mr. SHERMAN. All right.

Mr. DOYLE. Since 1920. That is 38 years.

Mr. SHERMAN. Well—

Mr. DOYLE. How old a man are you?

Mr. SHERMAN. I am 52 at the moment.

Mr. DOYLE. 52?

Mr. SHERMAN. Correct, sir.

Mr. DOYLE. Tell us why you have not applied for citizenship in the country in which you are claiming constitutional privileges.

Mr. SHERMAN. Firstly, I want to state that I would appreciate greatly if I was to be given the opportunity of becoming a citizen of the United States.

Mr. DOYLE. Speak a little louder, please.

Mr. SHERMAN. Yes, sir.

Mr. ARENS. Could you truthfully take an oath as now required in the application for citizenship that you are not now, nor have you ever been, a member of an organization dedicated to the overthrow of the Government by force and violence?

Mr. SHERMAN. I don't know which question to answer first. What I started to speak about—

Mr. ARENS. I beg your pardon?

Mr. SHERMAN. Or this question now.

Mr. DOYLE. You answer the director's question, first, sir.

Mr. SHERMAN. Whatever I say here is absolutely the truth, and the only reason I am employing my right and taking advantage of the Constitution rights is simply not to be incriminated in the future.

Mr. DOYLE. All right. Now answer my question. You answered him the same way you did before. Why haven't you applied for citizenship papers in 38 years?

Mr. SHERMAN. I came to this country in 1914 as a boy and that was the furthest thing in my mind, not knowing anything about citizenship, when you first come to this country.

Mr. DOYLE. You are an adult now. Why haven't you applied for citizenship papers?

Mr. SHERMAN. Due to the fact that all of the children in my family were under the impression they were citizens of my father's citizen's papers, derivative citizens.

Mr. DOYLE. Did you ever go to the Immigration Service of our country to find out whether or not you could apply for citizenship papers?

Mr. SHERMAN. Sir, my personal life was so involved with—

Mr. DOYLE. Never mind your personal life. Answer my question.

Mr. SHERMAN. That was the reason for me not doing. I was involved with a dying wife for many years.

Mr. DOYLE. Your wife has been dead many years. You have had 25 years since that time.

Mr. SHERMAN. My wife is not dead 25 years.

Mr. DOYLE. How many years has she been dead?

Mr. SHERMAN. My wife died in 1951.

Mr. DOYLE. 7 years.

Mr. SHERMAN. And she was sick for many, many years.

Mr. DOYLE. Have you applied since your wife died, for citizenship papers?

Mr. SHERMAN. Pardon, sir?

Mr. DOYLE. Have you applied for citizenship papers in the United States since your wife died 7 years ago?

Mr. SHERMAN. No. Since then I have been running to doctors, and I am a sick man today, sir.

Mr. DOYLE. Yes?

Mr. SHERMAN. Arthritis, ulcerated stomach.

Mr. DOYLE. Do you work every day?

Mr. SHERMAN. Yes, sir.

Mr. DOYLE. You are not too sick to work?

Mr. SHERMAN. I must.

Mr. DOYLE. Why haven't you walked over to the Immigration office and applied for citizenship?

Mr. SHERMAN. Due to the fact when I get through with the day's work, sir, I am tired.

Mr. DOYLE. Why don't you lay off a half day and do your duty to your country?

Mr. SHERMAN. I am not in a position financially to do so, and I am in the future trying to, even under a financial sacrifice.

Mr. DOYLE. You have good clothes, a clean shirt on, your hair is combed, you have good spectacles. You have a good, clean tie on. Why don't you lay off long enough to go to the Immigration Service here in Boston and apply for citizenship papers?

Mr. SHERMAN. For your information, sir, this suit that I am wearing now and which is nice and clean is a suit bought for the last 9 years, and this is the first suit in 9 years. And you know how long it takes to save up for a suit.

Mr. DOYLE. Mr. Chairman, I submit then that this is the most disgusting incomprehensible testimony I have ever heard on this committee from a man who is claiming the protection of our country; and I want to join Mr. Kearney when this meeting is over and vote to recommend that this man be recommended to the Immigration and Naturalization Service to be deported.

You can't make monkeys of the people of the United States of America, like you have been doing, apparently.

Mr. MOULDER. May I first advise and warn those who are attending the hearing that you are permitted here in this public and open hearing and that demonstrations, for or against the witness, will not be tolerated and those, of course, who violate that rule will necessarily have to leave the hearing room.

Do you have any questions, Mr. Kearney?

Mr. KEARNEY. I have no questions, Mr. Chairman, only to reiterate what I said a few minutes ago—that I watched the witness and listened to his attempted answers, and personally, I don't think there is a word of truth in them.

As Mr. Doyle from California has stated, when the full subcommittee meets it is my intention to move to the full committee that this matter be referred to the proper authorities for action.

Mr. MOULDER. Mr. McIntosh?

Mr. McINTOSH. I have no questions.

Mr. MOULDER. Are there any other questions of this witness?

Mr. ARENS. No. Thank you, Mr. Chairman. That will conclude the staff interrogation.

Mr. MOULDER. I likewise wish to concur with my colleagues on the committee, that unanimously, your case be referred to the Immigration authorities.

The committee will stand in recess until 10 a. m., tomorrow.

(Whereupon at 5:23 p. m. Tuesday, March 18, 1958, the subcommittee recessed to reconvene at 10 a. m., Wednesday, March 19, 1958.)

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